



PLANNING COMMITTEE

DATE: Wednesday 29 November 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 M Brown

Councillor Cawthron
Councillor Everett
Councillor Fowler
Councillor Hones
Councillor McWilliams

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

DATE OF PUBLICATION: TUESDAY 21 NOVEMBER 2017

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

2 MINUTES OF THE LAST MEETING (Pages 1 - 6)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 31 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 - 17/00927/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD, CO7 7BB (Pages 7 - 16)

Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.

5 A.2 - PLANNING APPLICATION - 17/00658/DETAIL - LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL (Pages 17 - 26)

Reserved matters application for the development of up to 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure.

6 A.3 - PLANNING APPLICATION - 17/01477/DETAIL - LAND NORTH OF FORMER BETTS FACTORY, IPSWICH ROAD, COLCHESTER, CO4 4HE (Pages 27 - 40)

Reserved matters application for the erection of up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure and site access.

7 A.4 - PLANNING APPLICATION - 17/01686/FUL - 3 SKIGHAUGH, CLACTON ROAD, STONES GREEN, CO12 5BY (Pages 41 - 48)

Replacement dwelling and change of use of agricultural land to residential.

8 A.5 - PLANNING APPLICATION - 17/01478/FUL - THE NEWSPAPER KIOSK, TOP OF THE PIER GARDEN, MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1QX (Pages 49 - 54)

Change of use from storage to kiosk, including seating area and replacement fencing.

MEETING OVERRUN DATE

In the event that all business is not concluded,
the meeting will reconvene on
Thursday 30 November 2017
at 6.00pm in the Council Chamber,
Council Offices, Thorpe Road, Weeley,
to consider any remaining agenda items.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Wednesday, 3 January 2018.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 31 OCTOBER 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), McWilliams (acting Vice-Chairman), Alexander, J A Brown (except minute 63), Cawthron, Everett, Fowler, V E Guglielmi (except minute 64) and Hones
Also Present:	Councillors Baker (except minutes 64 - 67), Bucke (except minutes 63 - 67), Calver (except minutes 63 - 67), Coley, G V Guglielmi, Nicholls and Talbot
In Attendance:	Ewan Green (Corporate Director - Planning and Regeneration), Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor - Property, Planning and Governance), Nigel Brown (Communications and Public Relations Manager), Susanne Ennos (Planning Team Leader) and Katie Sullivan (Committee Services Officer)

59. CHAIRMAN'S OPENING COMMENTS

The Chairman welcomed everyone to the meeting and confirmed that Councillor McWilliams would be acting as Vice-Chairman in the absence of Councillor Heaney.

The Chairman announced that he had decided to defer agenda item A.3 (Planning Application 16/00500/OUT) until a future meeting of the Committee as further evidence had been received that needed to be assessed by Officers.

60. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Fairley (with Councillor V E Guglielmi substituting), Councillor Baker (with no substitute) and Councillor Heaney (with no substitute).

61. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 3 October 2017, were approved as a correct record and signed by the Chairman.

62. DECLARATIONS OF INTEREST

Councillor White declared an interest in relation to Planning Application 16/01770/OUT by virtue of the fact that he was a local Ward Member.

Councillor V E Guglielmi declared an interest in relation to Planning Application 17/01183/FUL by virtue of the fact that she was pre-determined.

Councillor J A Brown declared an interest in relation to Planning Application 17/01338/FUL by virtue of the fact that he had already determined the application at a Harwich Town Council meeting.

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

Councillor J A Brown had earlier declared an interest in relation to Planning Application 17/01338/FUL by virtue of the fact that he had already determined the application at a Harwich Town Council meeting. Councillor Brown thereupon withdrew from the meeting, whilst the Committee considered the application and reached its decision.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Calver, a local Ward Member and also due to the public interest that had been shown in this 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 Head of Planning (CB) in respect of the application.

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

- (1) Photographs which had been submitted by Councillor Calver;
- (2) Title deeds that had been submitted by the agent; and
- (3) A response from ECC Flood and Water Management Team confirming that they had no objections.

Trevor Williams, a local resident, spoke against the application.

Councillor Calver, a local Ward Member, spoke on the application.

Marcus Clarke, the agent on behalf of the applicant, spoke in support of the application.

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

- a) Within 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;
10. Broadband;
11. Accordance with approved plans;
12. Contaminated land;
13. Condition details of Brooklyn Road access, and limit to Refuse and Emergency Vehicles; and
14. Construction Management Plan to prevent/severely limit access from Brooklyn Road.

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

Councillor V E Guglielmi had earlier declared an interest in relation to Planning Application 17/01183/FUL by virtue of the fact that she was pre-determined. Councillor Guglielmi thereupon withdrew from the meeting, whilst the Committee considered the application and reached its decision.

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

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

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

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

- (1) Amended comments received from the Highway Authority; and
- (2) One additional letter of objection received.

Councillor Andy Baker, attending the meeting in a private capacity on behalf of the Trustees of the Manningtree & Mistley Welcome Home Memorial Fund, spoke against the application.

Parish Councillor Frances Fairhall, representing Mistley Parish Council, spoke against the application.

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

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

Tony Collins, the agent on behalf of the applicant, spoke in support of the application.

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

- Impact on character of the area; and
- Harmful to Conservation Area.

65. A.3 - PLANNING APPLICATION - 16/00500/OUT - TAMARISK, 19 THE STREET, KIRBY-LE-SOKEN, FRINTON-ON-SEA, CO13 0EE

This item was deferred for the reasons stated within minute 59 above.

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

It was reported that this application had been referred to the Planning Committee at the request of Councillor G V Guglielmi, a local Ward Member, on the basis of previous planning refusals and in view of the level of objections that had been received from local residents. Councillor Guglielmi had confirmed he neither supported or objected to the proposal.

Members were informed that the application was for the change of use of Hieland House from a domestic dwelling to a venue for functions and beauty spa treatments and that there were no alterations or extensions proposed to the property.

Members recalled that the site had been the subject of two recent planning refusals concerning the use of the property for functions including weddings. Both applications had proposed 14 events per year (predominantly weddings) extending on beyond 7pm and to cease at midnight. The applications had both been refused due to the adverse impact upon local residents.

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

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

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

- (1) Amended plans received; and
- (2) One additional letter of objection received.

Jane Paxton, a local resident, spoke against the application.

Parish Councillor Trevor Edwards, representing Tendring Parish Council, spoke against the application.

Alison Messenger, on behalf of the applicant, spoke in support of the application.

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

- 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; and
- Accordance with approved plans.

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

Councillor White had earlier declared an interest in relation to Planning Application 16/01770/OUT by virtue of the fact that he was a local Ward Member.

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

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

Paige Harris, from Planning Consultants 'Boyer', spoke against the application on behalf of their client Mr Alan Hutley who was a local resident.

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

Mike McGarr, 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 V E Guglielmi and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Against Policy PP11 – holiday park not of the standard expected providing no indoor and outdoor leisure facilities in association with the proposed use and being isolated from amenities on other sites; and
- Against Policy ER22 due to flood risk.

The meeting was declared closed at 8.40 pm

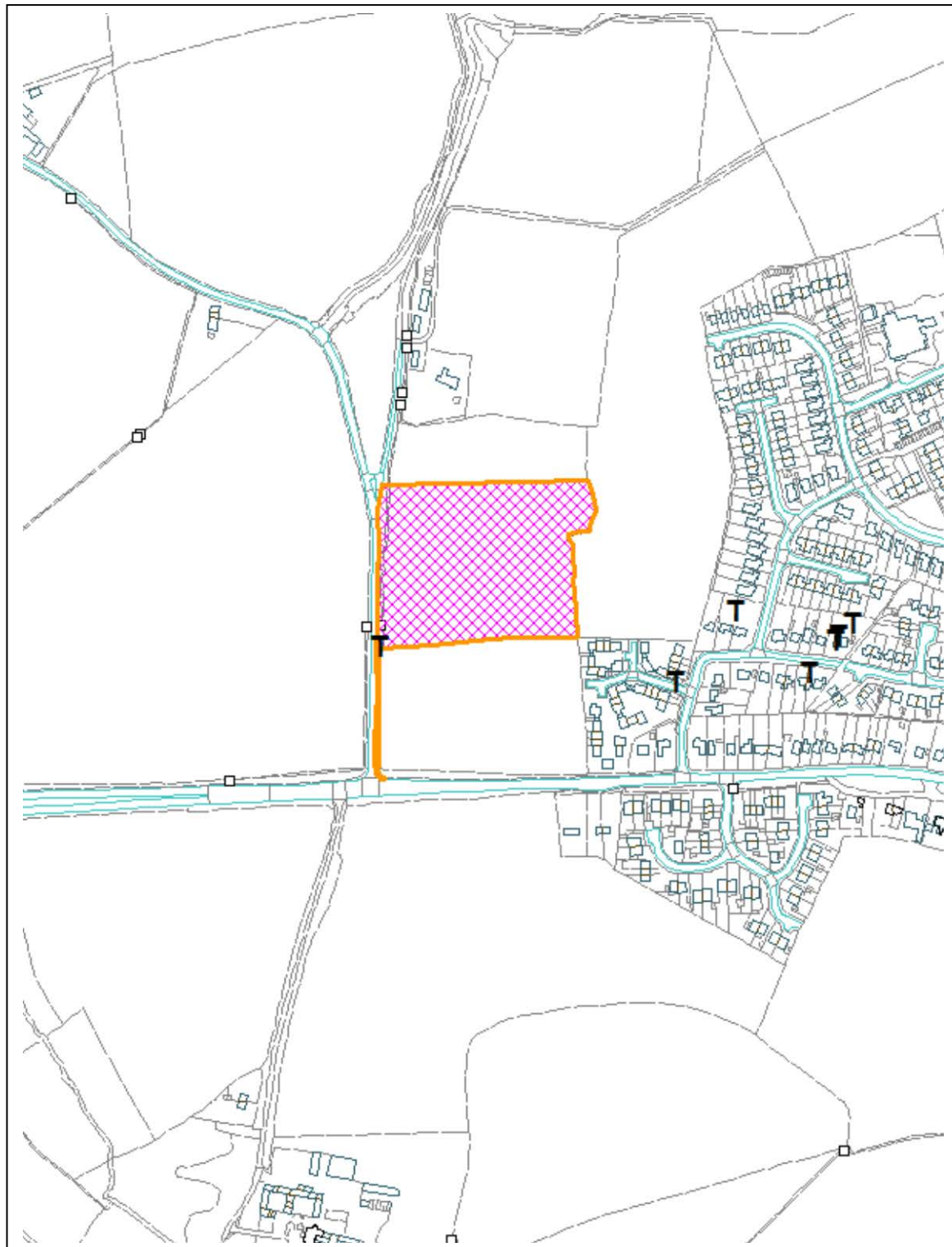
Chairman

PLANNING COMMITTEE

29 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/00927/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD, CO7 7BB



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Application:	17/00927/DETAIL	Town / Parish: Elmstead Market Parish Council
Applicant:	Mr J Hills - Hills Residential Ltd	
Address:	Land to The East of Tye Road Elmstead CO7 7BB	
Development:	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.	

1. **Executive Summary**

- 1.1 This application has been referred to the Planning Committee at the request of Cllr. F. Nicholls on the basis that it is considered the proposed footway is not safe or appropriate given the nature of the HGV's that use Tye Road.
- 1.2 Outline application 16/00219/OUT sought consent for the erection of up to 32 dwellings, land for a community facility and associated parking and infrastructure. This application was granted at appeal in April 2017, with all matters of detail reserved. This application seeks reserved matters approval for access, including a footpath along the western side of Tye Road. All other matters will be dealt with as part of future applications.
- 1.3 The site is situated to the east of Tye Road and the western edge of Elmstead. The application site is roughly rectangular in shape and measures 2.4 hectares. It is currently managed as an arable field and is bounded by a continuous mixed native hedgerow with individual mature trees.
- 1.4 As established through the granting at appeal of outline application 16/00219/OUT, the principle of residential development for up to 32 dwellings, land for a community facility and associated parking and infrastructure on this site is acceptable.
- 1.5 The detailed design of the access and proposed footpath results in no material harm to highway safety; provides adequate links to the existing village and would not materially harm the character of the area. On this basis the application is recommended for approval.

Recommendation: Approve

Conditions:

1. In accordance with approved plans
2. Prior to occupation the highway improvement works shall be provided entirely at the Developer's expense.

2. **Planning Policy**

National Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Status of the Local Plan

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

3. Relevant Planning History

16/00219/OUT	Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and infrastructure.	Refused	27.07.2016
		Appeal Allowed	06.04.2017

16/01950/OUT	Outline planning application for residential development of up to 32 dwellings and associated open space, car parking and infrastructure.	Withdrawn	26.04.2017
17/00927/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.	Current	

4. Consultations

Building Control and Access Officer	No comments.
Environmental Protection	Pollution and Environmental Control have no comments to make on this application.
Regeneration	The Regeneration Team have no specific comments to make on this application.
Tree & Landscape Officer	<p>The information provided by the applicant adequately demonstrates that the creation of the new vehicular and pedestrian access and egress points to the application site from Tye Road ' in particular the establishment of sight lines - can be created without causing harm to the trees adjacent to the eastern side of Tye Road currently afforded protection by TPO/16/04.</p> <p>It will result in the removal of part of part of the Blackthorn Hedgerow (G6) although this will not have a significant detrimental impact on the character of Tye Road or surrounding area.</p> <p>The creation of the footway on the western side on Tye Road would result in the removal of Hawthorn hedgerow on the western side of Tye Road (H8) which has been dealt with by the planning inspector dealing with the appeal relating outline application to develop the land. Ownership details will need to be addressed before any works to the hedgerow commence. It is understood that the land on which the hedgerow is situated may be privately owned and form part of a countryside stewardship agreement.</p> <p>With regard to the proposed access road and pedestrian link to the adjacent eastern development this will result in the removal of a small part of the group on mixed species (G20). This issue was recognised at the outline planning stage and was not considered to have a detrimental impact on the integrity of the group of trees or the appearance of the area.</p>
Anglian Water Services Ltd	As the reserved matters application related to access and not drainage, Anglian Water have no further comment to make.
ECC Highways Dept ORIGINAL COMMENTS	The Highway Authority has previously commented regarding visibility splays, parking and turning facilities, surfacing, transport information marketing packs, and internal road layouts, and a pedestrian/cycle link through to adjacent plots, and does not wish to add anything to this.

In principle the proposed access is acceptable but the final arrangement will be agreed during the detailed design stage of an appropriate legal agreement.

During the outline application concerns were raised regarding the deliverability of the footway from the site to Colchester Road as it appears to encroach onto land to which the applicant has no control. In this event, the applicant may find any permission grant cannot be implemented.

ECC Highways Dept
AMENDED COMMENTS

Further to recent correspondence additional discussions have been undertaken regarding the highway boundary and the ability to provide the footway and highway infrastructure improvements. This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:

Prior to occupation the highway improvement works as shown on in-principle drawing number S161/216 Rev. C shall be provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the additional pedestrian and vehicular traffic generated within the highway as a result of the proposed development.

Note: This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

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:

SMO1 ' Essex Highways, Colchester Highways Depot, 653, The Crescent, Colchester Business Park, Colchester CO49YQ

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.

5. Representations

5.1 Elmstead Parish Council object to the application for the following reasons:

- The proposed footway along Tye Road on the west side has been reduced from a width of 1.8 metres to 1.5 metres. The current standard width for a new pathway is 2 metres, so this is significantly narrower. It is understood from Essex Highways that this has been agreed on the basis that there will not be much

pedestrian use, However, the HGV type of traffic which uses this road should indicate a wider footway, the volume of HGVs is set to increase with the applications listed below and it is already the case that as it is a rural farming area there is a high volume of heavy and wide vehicles using the road.

- Approval has been given for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings at Elmstead Hall (ESS/24/15/TEN). All vehicles will be accessing and exiting this reservoir site via Tye Road. Planning condition 20 limits HGV movements to 80 per day (Monday to Saturday), although the transport statement for the application estimated that the project would generate around 100 HGV movements per day.
- A planning application was previously submitted for the creation of an agricultural reservoir at the Allen's Farm Site, west of Elmstead Hall, which was completed in 1999. This development took vehicular access from Tye Road at a purpose built large access, designed to accommodate four-axle HGV tipper vehicles to and from the site. The section of Tye Road between this access and the A133 to the south was also widened as a result of the previous development to accommodate HGV two way movements.
- Item 4.4 of the transport statement for ESS/24/15/TEN goes onto say 'as requested by the LHA at the time Allen's Reservoir was approved, the section of Tye Road from the site access to the A133 was locally widened to accommodate the two way movements of HGV traffic to and from the site. This section of Tye Road is therefore adequate to allow HGV traffic to pass between the site access and the A133 without further modification.'
- There is an additional modified application in process for the erection of a second bio-gas plant comprising anaerobic digester, cogeneration unit, grid entry unit and digestate store to replace previous approval 15/01679/FUL at Allen's Farm. The construction of the plant is likely to take 9 months and will generate additional traffic along Tye Road, and on an ongoing basis the application includes the importation of feedstock for the plant with a predicted 6 movements a day. This application also refers to the fact that Tye Road was widened in the past to accommodate two way movement of HGV traffic.
- As Tye Road was previously widened at the request of Essex Highways for the two way movement of HGVs for Allen's reservoir, and as a new reservoir has been approved, Elmstead Parish Council believes that the width of the road must definitely not be reduced, to ensure two large vehicles can pass safely. However, although it is appreciated that the footway has been reduced in width in order to maintain a full width roadway there is extreme concern regarding pedestrians using this narrow footway in view of the amount of heavy traffic using the road and do not feel this is an appropriate or safe solution.

5.2 In addition to the objection from the Parish Council, one letter of objection has been received which raises the following concerns:

- Access onto Tye Road will increase potential for accidents, traffic jams; Tye Road is not wide enough for a footway.
- The proposed development is outside the village envelope; this together with the prospect of a large development on the east side of Colchester will result in Elmstead being merged with Colchester and losing its identity.

6. **Assessment**

6.1 The main planning considerations are:

- Site Context
- Proposal
- Highway Safety
- Appearance/Visual Amenity

Site Context

- 6.2 The site is situated to the east of Tye Road and the western edge of Elmstead. The application site is roughly rectangular in shape and measures 2.4 hectares. It is currently managed as an arable field and is bounded by a continuous mixed native hedgerow with individual mature trees.
- 6.3 To the north of the site is a detached residential property; to the east of the site is a development site to the north of Meadow Close which was subject to an outline planning permission (14/01238/OUT) for 20 dwellings which was granted. To the south of the site lies an agricultural field beyond which is Colchester Road. Tye Road forms the western boundary of the site.

Proposal

- 6.4 The current application seeks approval of the reserved matter of access only, relating to outline planning permission 16/00219/OUT for the erection of 32 dwellings, land for a community facility and associated parking and infrastructure.
- 6.5 This application seeks permission for a single vehicular access point from Tye Road with a 10m radius. Where the access meets Tye Road the proposed junction measures 25 metres in width and the road narrows to 5.5m and a footpath either side.
- 6.6 A pedestrian access point and an uncontrolled pedestrian crossing are proposed towards the southern boundary of the site, which has a width of 2.5 metres.
- 6.7 A footpath is proposed on the western side of Tye Road from the southern boundary of the site to the junction with Colchester Road. Originally the proposed footpath measured 1.8 metres in width and resulted in the loss of some hedgerow. Following concerns that this could not be achieved without relying on land outside the control of the applicant or Essex County Council Highways, the width of the footpath has been amended to 1.5 metres in width and the hedgerow is to be retained.
- 6.8 A S106 legal agreement was secured at outline planning permission stage requiring a financial contribution towards primary school education; 25% on site affordable housing providing and the provision of on-site public open space. This legal agreement and all conditions imposed by the Inspector at outline stage will still apply.

Highway Safety

- 6.9 At the stage of the outline application the indicative plan submitted indicated a footpath along the eastern side of Tye Road. The Council's reason for refusal states that it had not been demonstrated that pedestrian links to local facilities could be provided without harm to the character of the area resulting from the removal of significant trees and hedgerow.
- 6.10 However, as part of the appeal process a plan was submitted showing a footpath to the west of Tye Road. The Inspector considered as the application was submitted in outline with all matters reserved for future consideration, the revised details were indicative only and does not therefore materially alter the proposed development and therefore took this revision into account when determining the appeal.

- 6.11 During this current application the width of the proposed footpath was reduced to 1.5 metres to provide certainty that it could be achieved without relying on land outside the control of the applicant or Essex County Council Highways.
- 6.12 Essex County Council Highways have been consulted on the application and raise no objection to the application. Therefore whilst the concerns of the Parish Council are recognised, it is considered that without an objection from Highways or evidence to support the views of the Parish Council that a reason for refusal on highway grounds could be justified or successfully defended on appeal.

Visual Amenity/Appearance

- 6.13 The Inspector considered that the removal of the hedgerow on the west side of Tye Road, which is no longer proposed, as the scheme has been amended and was satisfied that its loss would not unduly harm the character or appearance of the area. The Inspector was satisfied that it was demonstrated that adequate footpath links to the village could be provided and that such details could be suitably dealt with as part of a future reserved matters application.
- 6.14 When considering the principle of development on the site the Inspector found that whilst the development would result in limited harm to the character of the area, this harm would not significantly and demonstrably outweigh the benefits of the scheme. Consent has been given for development of the site and that will change the character of the area to become more urbanised. It is considered that the proposed footpath would not result in any greater harm.

Background Papers

None

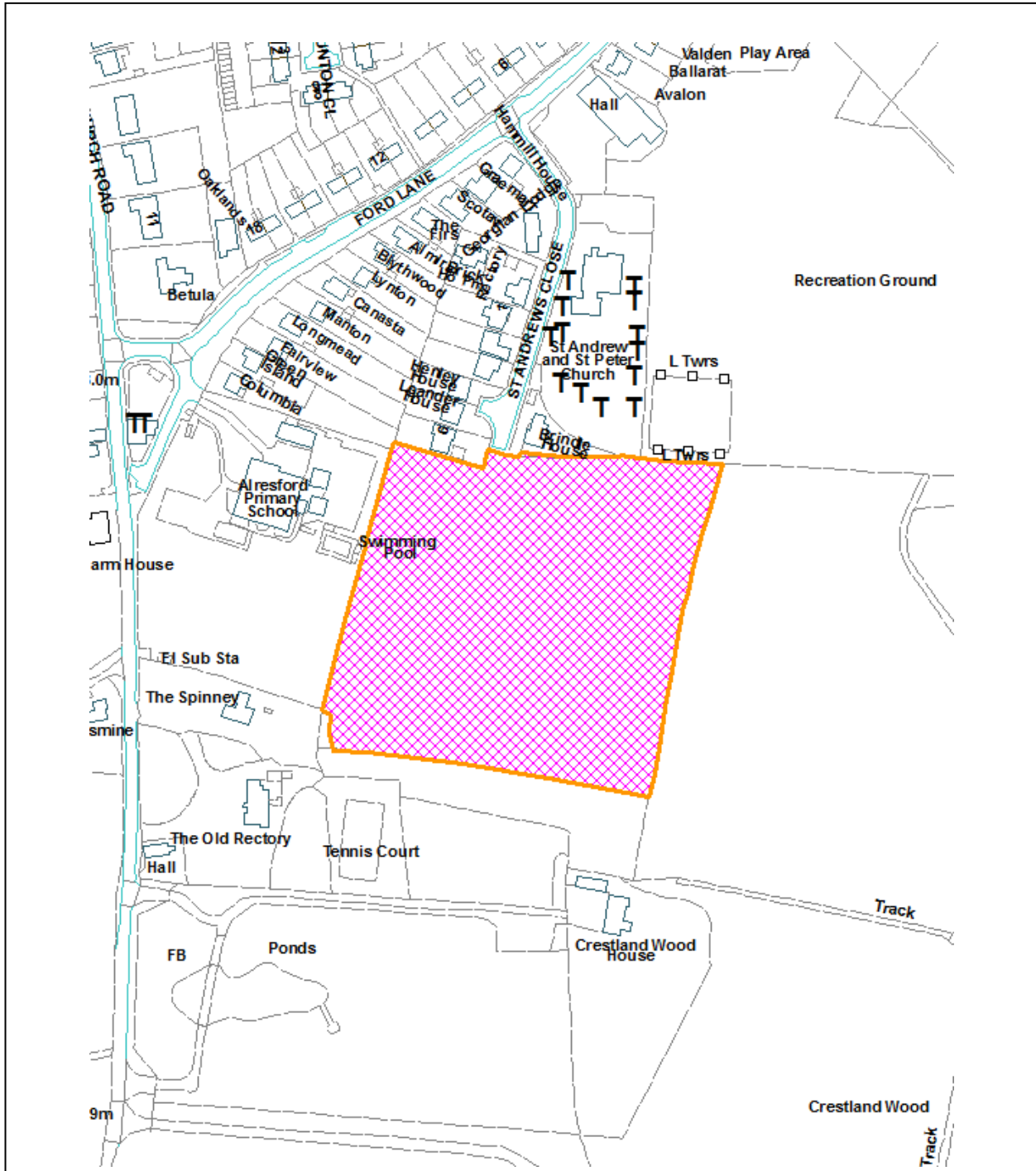
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PLANNING COMMITTEE

29 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/00658/DETAIL - LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL



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Application:	17/00658/DETAIL	Town / Parish: Alresford Parish Council
Applicant:	Mr A Bell - Bennett Homes	
Address:	Land South of St Andrews Close Alresford CO7 8BL	
Development:	Reserved matters application for the development of up to 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure.	

1. Executive Summary

- 1.1 Outline application 15/01277/OUT for up to 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure on this site was approved at Planning Committee on 19th November 2015 at which time it was requested that the reserved matters application be brought back to Committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection of up to 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure. It includes details of access, appearance, landscaping, layout and scale which were not included as part of the outline application.
- 1.3 The application site is situated to the south of St Andrews Close on the southern edge of the village of Alresford. It covers an area of approximately 2.3 hectares and comprises of a square, flat field. Access to the field is gained via St Andrews Close; all other boundaries of the site are defined by mature trees and vegetation.
- 1.4 As established through the granting of outline application 15/01277/OUT, the principle of residential development for up to 45 dwellings on this site is acceptable.
- 1.5 The detailed design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

Recommendation: Approve

Conditions:

- 1 In accordance with approved plans
- 2 Samples of materials to be submitted and agreed
- 3 Details of soft landscaping – including access arrangements
- 4 Landscape to be carried out in first planting and seeding season following commencement of development
- 5 Any landscaping lost within 5 years to be replaced
- 6 Details of boundary treatments/enclosures to be submitted and agreed
- 7 Hours of Construction

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Local Planning 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

15/01277/OUT	Outline planning application with all matters reserved for the development of up to 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure.	Approved	16.05.2016
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4. Consultations

Building Control and Access Officer	No comments at this time.
Tree & Landscape Officer	In terms of the impact of the development on the trees situated on or close to the boundaries of the application site the information submitted, or previously submitted with the outline application

15/01277/OUT, is sufficient to demonstrate that the development can be implemented without causing harm to those trees.

The main method of protection for the trees is the creation of a buffer zone that covers the area occupied by the Root Protection Areas (RPA's) of the trees, It is not clear from the information provided what the extent of public access to the perimeter buffer zone will be. If it is intended to be public open space then details of access points will need to be provided.

With regard to the soft landscaping it would appear that this information has not been provided. Therefore prior to the determination of this application the applicant will need to provide a detailed soft landscaping scheme to show the extent of new planting to soften and enhance the appearance of the public green, village square and the wider public realm.

ECC Highways Dept The Highway Authority does not wish to make comment further to those submitted under application 15/01277/OUT.

Natural England Based on the information provided, advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.

ECC SuDS Consultee The layout plan does not significantly differ from that previously proposed and therefore will not be providing any comment at this time.

Essex County Council
Archaeology The outline application has an archaeological condition attached to it which has not been discharged, the implementation of a programme of archaeological work is required prior to the submission of a reserved matters. A brief for the work has not been requested and no archaeological contractor has been appointed to carry out the work. The results of the fieldwork would have been used to inform opinion on this application, therefore the application cannot be considered until the archaeological fieldwork has been undertaken and received.

5. **Representations**

5.1 Alresford Parish Council object to the application for the following reasons:

- Further clarification is needed of the public green and village square as there is none.
- How will the open space be accessed/who will be responsible for maintain it?
- The layout plan is lacking detail e.g. there is no indication as to where the public green/play area is.
- The dwellings back onto the school/swimming pool site should be single storey (as agreed in respect of the Cockaynes Lane development) to avoid overlooking for the school and visual intrusion when viewed from the school.
- The traffic calming humps in the estate road will cause noise and disturbance to residents, in addition and increase in emissions from vehicles slowing and speeding up when passing them. It is suggested that the road be severed at a half way point (forming a cul de sac) to prevent speeding.
- There is no indication form the application details as supplied of the numbers, types and location of social/affordable house types.

5.2 In addition to the objection form the Parish Council as above, 6 letters of objection have been received which raise the following concerns:

- Who will look after the designated green areas?

- No housing for the elderly, such as sheltered housing.
- Lack of affordable/social housing
- No single storey bungalows onto the boundary of the primary school and swimming pool.
- Bungalows would enhance the development – give it a light and airy look rather than an over developed cramped in look like some other developments.
- The dwellings proposed will result in overlooking towards the school grounds and swimming pool.
- The design of the roadway at the end of the Close will be used a ‘race-track’.
- A S106 is required for the proposed development
- Loss of Local Wildlife Site
- Increase in vehicular activity/traffic to an area which is a hub of pedestrian activity.
- Lack of parking provision
- This application cannot be considered until the archaeological fieldwork required has been undertaken.
- Impact on protected species has not been assessed.
- What provisions are to be taken to protect existing and new resident from noise pollution from the new land drainage pumping station?
- The indicative site plan submitted with the outline application showed plots 16 & 17 (now 17&18) as one and half storey bungalows with no rear elevation first floor windows. This has been amended so that these properties, plus No. 19 result in direct overlooking and a loss of privacy.
- Impact of noise and pollution from building work on the children’s education.

6. Assessment

The main planning considerations are:

- Site Context
- Proposal
- Appearance
- Landscaping/Biodiversity
- Layout
- Scale
- Highway Safety
- Impact on Residential Amenity
- Archaeology

Site Context

- 6.1 The application site is situated to the south of St Andrews Close on the southern edge of the village of Alresford. It covers an area of approximately 2.3 hectares and comprises of a square, flat field. Access to the field is gained via St Andrews Close; all other boundaries of the site are defined by mature trees and vegetation.
- 6.2 To the north of the site are the existing dwellings and community facilities in St Andrews Close, the dwellings are two storey in height and detached. The community facilities comprise of a Village Hall situated on the corner of St Andrews Close and Ford Lane and St Andrew and St Peter Church in St Andrews Close, to the rear of the Church is the Playing Field.
- 6.3 To the east of the site is Crestland Wood which is designated as a Local Wildlife Site and ancient woodland. To the south of the site are The Old Rectory, The Spinney and Crestland Wood House which are large detached houses set in extensive grounds. The primary school lies to the west of the site.

Proposal

- 6.3.1 The current application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01277/OUT and the erection of 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure.
- 6.4 The development will be served by a single access point from St Andrews Close, providing access to all the dwellings by a circular link road.
- 6.5 The proposal seeks permission for 45 dwellings, predominately detached with, some semi-detached dwellings. The proposed development comprises of 17 no. 4 bed houses; 23 no. 3 bed houses; 3 no. 2 bed houses and 2 no. 1 bed flats.
- 6.6 All proposed dwellings are two storey in height and are proposed to be a mixture of brick and render with slate and tiled roofs.
- 6.7 An ecological buffer is provided on 3 sides of the site, measuring between 6 metres and 18 metres, which was a requirement of the outline consent. Two areas of open space are included as part of the proposed development a larger area to the north of the site and a smaller area towards the south-west of the site.
- 6.8 A S106 legal agreement was secured at outline planning permission stage requiring 3 dwellings to be gifted to the Council for affordable housing; the maintenance of the on-site open space or transfer to the Council with a sum of £86,400 for future maintenance; a financial contribution towards play space; a financial contribution towards education (early years and childcare) and financial contribution towards secondary school transport costs. This legal agreement and all conditions on the outline consent will still apply.

Appearance

- 6.9 The detailed design of the dwellings is varied with different roof forms; use of chimneys, porches, brick plinths, bay windows and detailing above windows which add a traditional element to the design and provides visual interest. All of the proposed dwellings address the street, to create an active street frontage. There are some dwellings which also have side elevations that face onto the street or are in prominent locations; these elevations have been designed to create some interest with a window, chimney or both.
- 6.10 Parking is generally provided to the side of the proposed dwellings so would not be prominent in the street scene. There are two areas of parking to the front of the properties; both of which have 5 spaces, however, due to the layout these would not be situated in prominent locations and are preferable to rear parking courts, as they are more usable.
- 6.11 In terms of materials, the plans show a mixture of brick and rendered properties with tiled or slate roofs. No specific details of these materials have been provided at this stage; however, the use of acceptable materials can be secured by condition. The mix shown will ensure variety and visual interest across the development.
- 6.12 It is therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.

Landscaping/Biodiversity

- 6.13 The site is surrounded on three sides by mature trees situated either on or close to the boundary. The information submitted, or previously submitted with the outline application 15/01277/OUT, is sufficient to demonstrate that the development can be implemented without causing harm to those trees.

- 6.14 The Landscape Officer has raised the issues regarding lack of information regarding access to the buffer zone and detailed soft landscaping. The layout plan shows that there is adequate space for soft landscaping both along the boundaries of the site and within the site itself. It is therefore considered that these issues can be dealt with by conditions. Issues have been raised by the Parish Council and objectors regarding the maintenance of the green space. This issue was dealt with at time of the outline application. The S106 Agreement requires that an Open Space Specification and Open Space Management Plan to be submitted and agreed by the Local Authority and then either a Management Company set up to maintain the land in accordance with the agreed details or the land transferred to the Council for maintenance together with a financial contribution towards future maintenance.
- 6.15 The impact of the proposal on protected species and biodiversity was dealt with at outline stage. The outline application was accompanied by the relevant habitat surveys and an Ecological Management Plan (EMP). The outline application is subject to a condition to ensure the development is carried out in accordance with EMP, which sets out a number of ways in which, the site will be managed to enhance the biodiversity of the site. This includes maintenance arrangements of the buffer zones around the site so they provide suitable grassland habitats for glow worms, bat, bird and dormice boxes.

Layout

- 6.16 The site is situated at the end of St Andrews Close, which is a cul-de-sac therefore the circular layout is appropriate for this enclosed site. The plot sizes are similar to those of the existing dwellings in St Andrews Close and therefore would appear in keeping with the existing development.
- 6.17 Each of the proposed dwellings, have their own private amenity space which measures between 60 sq.m and 300 sq.m. Policy HG9 of the Saved Plan requires 50sq.m for 1 bed dwellings, 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. Out of the 45 dwellings proposed, 8 do not meet the minimum private amenity space provision as set out in Policy HG9. The deficit is between 2 sq.m and 15 sq.m, with 2 of the dwellings have a deficit of approx. 15 sq.m. However, they are all provided with a useable area in terms of the shape of the garden. Furthermore many of the remaining dwellings provide in excess of the minimum requirement. It is considered that given the scale of development proposed and the level of provision of on site public open space, that the proposed provision of private amenity space is acceptable.
- 6.18 In conclusion there are no concerns in relation to the layout of the proposed development.

Scale

- 6.19 Given the different designs of the dwellings proposed heights vary slightly, but all dwellings are two storey in height, which is in keeping with the scale of dwellings in the immediate vicinity. It is therefore considered that the scale of development proposed is acceptable, subject to the impact on residential amenity, discussed below.

Highway Safety

- 6.20 A single point of access is proposed from St Andrews Close. Essex County Council Highways have no further comments on the proposal than those raised at outline stage, which were imposed as conditions. These conditions still apply to the development and the submitted plans show the development being carried out in accordance with the relevant conditions.
- 6.21 No objection was raised by Essex County Council to the proposal at outline stage and the number of dwellings proposed remains the same.

- 6.22 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally.
- 6.23 39 of the 45 dwellings proposed are provided with garages which meet the required standards and therefore can be counted towards the parking provision. The remaining 6 dwellings, are not provided with garages, but have sufficient space for off-street parking either within the curtilage of the dwelling or in close proximity.
- 6.24 There is limited visitor parking provided around the development, however, many of the proposed dwellings have off-street parking provision in excess of that required by the standards. All have the required 2 off-street parking spaces but especially the large houses have spaces for up to 3 or 4 cars. It is therefore considered that the level of parking provision is acceptable.
- 6.25 No details of any cycle storage has been provided at this stage, however, this is a condition of the outline consent so will be dealt with at a later stage. However, the garages are of a sufficient size to provide cycle parking and all dwellings have space within the garden area for a shed. Therefore it is considered that adequate cycle parking can be provided.
- 6.26 Concerns have been raised regarding the use of the road as a 'race-track' and the use of traffic calming measures such as speed bumps. However, with no objection from Essex County Council Highways and no evidence to suggest that the proposal will result in highway safety issues, it is not possible to justify refusal of the application on such grounds.
- 6.27 The proposal is therefore acceptable in terms of highway safety.

Impact on Residential Amenity

- 6.28 Immediate residential neighbours to the site are those to north in St Andrews Close and properties in Ford Lane and Church Road, in particular The Spinney; The Old Rectory, Crestland Wood House and Alresford Primary School.
- 6.29 At outline stage the indicative plan showed that the plots in the south west corner of the site, nearest to The Spinney and The Old Rectory would be 1 ½ storey in height. Furthermore, at the Planning Committee Meeting a preference was stated for single storey buildings along the boundary with the Primary School and this was attached as an informative. The plan submitted at outline stage was indicative only and there is not a requirement for the development to be in accordance with that and therefore what has been submitted as part of the detailed application needs to be assessed.
- 6.30 All dwellings proposed are two storey in height. The proposed dwellings along the western boundary follow the line of the adjacent properties in St Andrews Road, therefore there is not considered to be any adverse impact on these properties. Adjacent to Brindle House, situated to adjacent to the north boundary of the site, is the area of open space, which provides adequate separation between the proposed dwellings for there not to be any adverse impact.
- 6.31 The plots in the south west corner of the site are no longer as indicated on the indicative drawing as they are two storey in height. This increase in height would result in an increase in overlooking to the neighbouring properties, The Spinney and The Old Rectory. However, the proposed dwellings are situated approx. 20 metres from the boundary of the site, resulting in a distance which is in excess of the 15 metres back to back distance recommended by the Essex Design Guide. Therefore whilst there will be some increase in

overlooking this would not be sufficient to warrant a reason for refusal, given the proposed distance from the boundary. This same view would apply to any potential impact on Crestland Wood House.

- 6.32 With regards to the impact on the Primary School, the proposal has potential to result in some overlooking as two storey properties are proposed approx. 19 metres from the boundary. In response to the comments from the Planning Committee at outline stage screen planting is proposed along this boundary. It is accepted that this will not reduce overlooking from first floor windows, however, it would provide a screen at ground floor level, which will be of benefit. There are many situations where residential properties are situated adjacent to schools and have views into play areas. Whilst the protection of children is important, it is considered that the relationship between the school and proposed dwellings is acceptable.
- 6.33 It is therefore considered that the proposal would result in no material harm to residential amenity of existing occupiers. The relationship between the proposed dwellings is also considered acceptable with adequate separation to provide good standards of privacy and light.
- 6.34 During the construction period there will be some adverse impact to the nearby residents in terms of noise and disturbance. However, this will be for a limited time only and the hours of construction can be controlled by condition.

Archaeology

- 6.35 Essex County Council Archaeology have commented that the application cannot be considered until the archaeological fieldwork required by condition at outline stage has been undertaken, as this should inform the application. Whilst these comments are noted it cannot be insisted that this work is carried out prior to the determination of this application. This is because the condition only becomes relevant when development or preliminary ground work commence and this has not occurred. When development commences the condition will still need to be complied with and if any issues arise that cannot be overcome the scheme would need to be amended through the submission of another application.

7. Conclusion

- 7.1 Overall the details submitted with this application are considered to be acceptable and their approval is recommended.

Background Papers

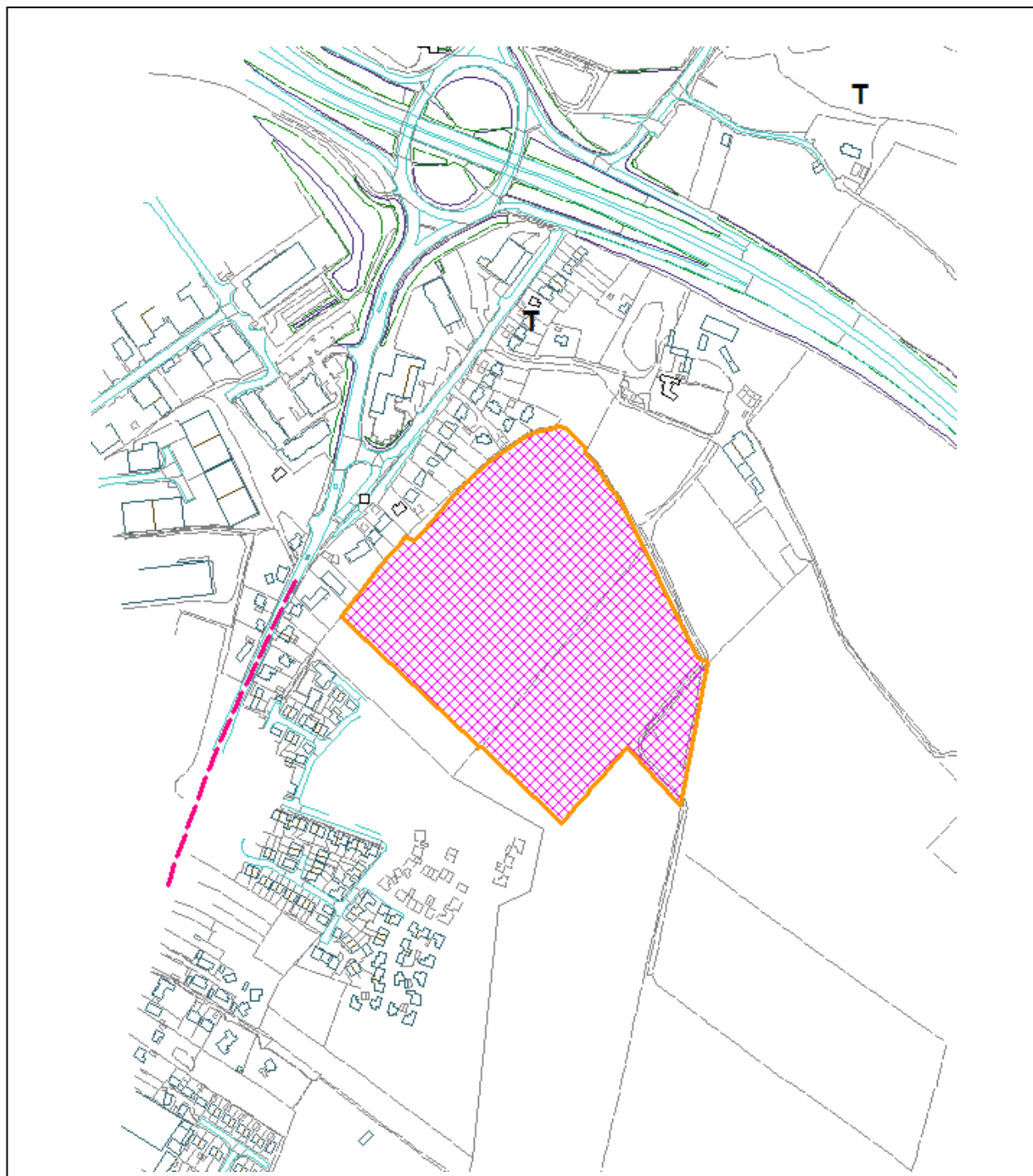
None

PLANNING COMMITTEE

29 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/01477/DETAIL - LAND NORTH OF FORMER BETTS FACTORY, IPSWICH ROAD, COLCHESTER, CO4 4HE



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Application:	17/01477/DETAIL	Town / Parish: Ardleigh Parish Council
Applicant:	Bellway Homes Ltd	
Address:	Land North of Former Betts Factory Ipswich Road Colchester CO4 4HE	
Development:	Reserved matters application for the erection of up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure and site access.	

1. Executive Summary

- 1.1 Outline application 15/00932/OUT for up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure on this site was approved at Planning Committee on 22nd September 2015 at which time it was requested that the reserved matters application be brought back to Committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection of up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access were approved as part of the outline application.
- 1.3 The site comprises approx. 6.98 hectares of grassland that was formerly a commercial orchard, east of Ipswich Road on the north eastern edge of Colchester; around 2.5 miles from the town centre. This site lies adjacent to the former Betts Factory now known as Avellana Place, which is currently being development by Bellway Homes.
- 1.4 The site is broadly rectangular in shape and the local topography is generally flat. It is enclosed by Avellana Place to the south west and by existing properties on Ipswich Road to the north-west. The south eastern side of the site is defined by the edge of Bullock Wood, whilst the land to the north east is in agricultural use, with the existing field boundary marking the new edge to the built-up area of Colchester. Along Ipswich Road there is established residential development. On the opposite side of Ipswich Road is the edge of a significant area of commercial and industrial development characterised by storage buildings, car showrooms and repair facilities.
- 1.5 As established through the granting of outline application 15/00932/OUT, the principle of residential development for up to 45 dwellings on this site is acceptable.
- 1.6 The detailed design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

Recommendation: Approve

Conditions:

In accordance with approved plans
Open Space to be provided prior to first occupation

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP13 The Rural Economy

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

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

The following planning history relates to the neighbouring Betts Factory site and is provided for context with the neighbouring schemes:

74/00653/FUL	Warehouse for storage of finished work	Approved	16.10.1974
75/00036/FUL	Erection of a sprinkler system pump house	Approved	17.02.1975
77/01217/FUL	The erection of a new warehouse structure	Approved	06.12.1977
78/01732/FUL	Industrial building (18000 sq ft) cooling	Approved	23.01.1979
79/00859/FUL	Extn of existing warehouse building	Approved	31.07.1979
79/00940/FUL	Erection of building to house air compressors to produce compressed air for production use	Approved	01.08.1979
79/00097/FUL	Erect a multi span single storey storage building etc	Approved	17.04.1979
80/00741/FUL	Engineers workshop and stores	Approved	07.05.1980
80/00440/FUL	Extns to warehousing	Approved	17.06.1980
81/00906/FUL	Erection of toilet and rest room	Approved	16.06.1981
82/01186/FUL	Warehouse extn (part revision of TEN/440/80)	Approved	29.12.1982

82/01187/FUL	Warehouse extn 18000 sq ft	Approved	29.12.1982
83/00283/FUL	Switch room addition (part variation of TEN/906/81)	Approved	18.03.1983
83/01384/FUL	Pumphouse enclosure	Approved	16.12.1983
84/01283/FUL	Extn to works office	Approved	04.12.1984
85/00202/FUL	Single storey building and offices for the manufacture of packaging	Approved	26.02.1985
85/00389/FUL	Additional warehouse (part submission of details under TEN/1187/82)	Approved	21.05.1985
86/01563/FUL	Proposed storage building	Approved	24.11.1986
88/01069/FUL	Construction of a covered loading area adj to warehouse in addition provision of road way around the extn	Approved	27.06.1988
89/00580/FUL	Relocation of factory water services for cooling water	Approved	17.10.1989
90/01032/FUL	Relocation of factory water services including erection of new chiller plant room (revision of TEN/580/89)	Approved	16.10.1990
91/00981/FUL	Extension to compressor house.	Approved	07.10.1991
97/01574/FUL	(Courtaulds Packaging Ltd, Ipswich Road, Ardleigh) Construction of additional production hall, service roads and associated landscaping.	Withdrawn	15.02.1999
01/01964/FUL	Provision of four plastic silos	Approved	18.12.2001
01/01965/FUL	Infill between buildings to create increased production space	Approved	18.12.2001
12/00885/OUT	Full planning permission is sought for the demolition of existing buildings, remediation, earthworks, tree protection and tree removal works and the spinal road. Outline planning permission is being sought for the erection of up to 73	Approved	23.08.2013

residential units (C3 use), hard and soft landscaping, secondary access roads, perimeter enclosure, car parking, open spaces, play areas and lighting.

13/00994/DISCON	Discharge of conditions on previously approved planning application 12/00885/OUT (Full Planning Permission Element) - 03 - Tree removal and retention details, 06 - Scheme of supervision of the arboricultural protection, 07 - Details of wheel washing facilities, 08 - Construction/ works method statement, 12 - Risk assessment to assess the extent and nature of contamination, 13 - Remediation scheme, 16 - Validation Report, 17 - Monitoring and maintenance plan in respect of contamination.	Approved	27.11.2013
13/01482/DISCON	Discharge of condition 16 (Remediation Validation Report) of planning permission 12/00885/OUT (Full Planning Permission Element).	Approved	11.02.2014
14/00778/DISCON	Discharge of condition 7 (Code for Sustainable Homes), 11 (Details of Earthworks), 12 (Details of Tree Protection Fencing), 15 (Arboricultural Implications Assessment, Method Statement and Tree Protection Plan), 16 (Scheme of Supervision for Arboricultural Protection Measures), 17 (Noise Mitigation Measures), 18 (Lighting), 19 (Refuse and Recycling Scheme), 22 (Noise from Plant, Equipment and Machinery) and 26 (Surface Water Drainage Scheme) of planning permission 12/00885/OUT (Outline Planning Permission Element).	Approved	25.09.2014
14/00807/DETAIL	Erection of 70 dwellings, with associated hard and soft landscaping, access roads, perimeter enclosure, car parking, open space, play areas and lighting.	Approved	11.09.2014
14/01726/DISCON	Discharge of conditions 23 (parking) and 29 (trees) of planning permission 12/00885/OUT.	Approved	23.12.2014

14/01727/DISCON	Discharge of conditions 02 (external facing and roofing materials) and 03 (surfacing materials) of planning permission 14/00807/DETAIL.	Approved	23.12.2014
15/01235/DISCON	Discharge of conditions 9 (landscaping), 10 (landscape management plan) and 21 (details of management company) of outline planning permission approved under 12/00885/OUT.	Approved	06.04.2017
17/00560/DISCON	Discharge of condition 8 (Final Code Certificates - Plots 55 to 89) of the approved planning application 12/00885/OUT (Outline planning permission element).	Approved	26.05.2017

The planning history which follows relates to the current application site:

15/00932/OUT	Outline planning permission for the erection of up to 120 dwellings (C3) including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure with all matters reserved apart from access at Land North of the Former Betts Factory, Colchester.	Approved	22.03.2016
16/01874/DISCON	Discharge of Condition 12 (Fencing of Bullock Wood) and 16 (Reptile Method Statement) of Planning Permission 15/00932/OUT.	Approved	18.01.2017
17/01477/DETAIL	Reserved matters application for the erection of up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure and site access.	Current	
17/01538/DISCON	Discharge of conditions 5 (Construction Method Statement), 6 (Construction and Environment Management Plan), 8 (Wheel Cleaning facility details), 11 (Parking Strategy), 13 (Landscape Work Details), 14 (Details of Earthworks), 18 (Surface Water Drainage Details) and 20 (Maintenance Plan) of approved	Current	

planning application
15/00932/OUT.

17/01685/DISCON Discharge of conditions 12 (Fencing Detail) and 15 (Arboricultural Method Statement) of planning permission 15/00932/OUT. Current

17/01825/DISCON Discharge of Condition 19 (Surface Water Drainage) of Planning Permission 15/00932/OUT. Current

4. Consultations

Building Control and Access Officer Have had an initial notice for this site so cannot give any comments.

Food Health and Safety Have no comments or objections at make at this stage

Waste Management No comments.

Tree & Landscape Officer Combined with details submitted under concurrent discharge of condition applications 17/01538/DISCON and 17/01685/DISCON the information provided is sufficient in terms of soft landscaping and tree protection measures.

Colchester Borough Council

Raise the following points:

- Consider that the layout plan submitted does propose significant landscaped areas. However, it is not evident that much of this space would be useable public space, as opposed to landscaped amenity land.
- There does not appear to be any play areas in this phase of the development; the scheme appears to rely on the provision made during the initial phase.
- It appears the amenity space to serve units 223-230 is undersized.
- It appears that a potential loss of amenity could be caused by first floor level windows in units 223-230 facing towards the rear of dwellings fronting Ipswich Road.
- It is noted that the road access consists of a series of cul-de-sacs leading off the main spine. This would significantly limit the vehicular permeability of the scheme.
- It is noted that several house types incorporate illogical use of materials, such as 'panels' of boarding that end at a random position on the flack wall. This approach was avoided on adjacent site and its inclusion on this phase should be avoided in order to ensure that this phase is visually compatible with the first.
- The fenestration of some dwellings also creates a poor asymmetry, particularly in relation to key front elevations.
- The area of land allocated as a central play area (identified in the first phase of development) is currently being utilised as a site compound. It is considered that the use of the identified land for this purpose should cease in order that the land can fulfil its intended role as an amenity for residents.
- Additionally the enhanced broadband facilities that are to be

installed as part of the proposed phase of development should be enabled to serve the existing properties provided in Phase One.

ECC Highways Dept

Consider that the full detailed design can be agreed during the s38 process. On this basis, the Highway Authority does not wish to comment further and raises no objection.

Natural England

Based on the information provided in support of the application, Natural England's view is that there is insufficient information to rule out adverse effects to Bullock Wood Site of Special Scientific Interest (SSSI). Therefore make the following comments:

- Advise that chestnut post and wire fencing of the given specification is not sufficient for the purpose of safeguarding Bullock Wood SSSI from new dwellings, whilst at the same time ideally being porous enough to allow the movement of wildlife between the development site and SSSI.
- Request clarity on whether the section of fencing between Area A and Area C of Drawing No. 220-A-1403-A which separates 'Phase 1' of the residential development and Bullock Wood forms part of the current consultations.
- Phasing details and long-term inspection and maintenance details must be provided and approved before relevant conditions are discharged.

A number of consultees such as Essex County Council SUDs and Anglian Water have no provided comment on this application as the matters that they are concerned with are subject to conditions on the outline consent and therefore being dealt with by the current discharge of condition applications.

5. Representations

5.1 Ardleigh Parish Council support the application; they have seen the proposed plans and landscaping detail and support the low density and open space plan of this application.

5.2 9 letters of objection have been received which raise the following concerns:

- It is appalling that Phase 2 will be getting fibre broadband when Phase 1 hasn't.
- Lack of amenity space for existing residents the promised play area has not been built. The date of completion keeps being pushed back.
- On-street parking makes it difficult for emergency vehicles to access the site.
- Already issues with getting out of the estate onto Ipswich Road, which will be exacerbated by further houses.
- Would prefer to see the land remains as an Orchard
- Loss of wildlife that inhabits the site
- The schools, doctors and hospitals are already stretched.
- The proposal will set a precedent for future development.

6. Assessment

The main planning considerations are:

- Site Context
- Proposal
- Appearance
- Landscaping/Biodiversity
- Layout
- Scale
- Highway Safety
- Impact on Residential Amenity
- Impact on Bullock Wood SSSI

Site Context

- 6.1 The site comprises approx. 6.98 hectares of grassland that was formerly a commercial orchard, east of Ipswich Road on the north eastern edge of Colchester; around 2.5 miles from the town centre. This site lies adjacent to the former Betts Factory now known as Avellana Place, which is currently being developed by Bellway Homes.
- 6.2 The site is broadly rectangular in shape and the local topography is generally flat. It is enclosed by Avellana Place to the south west and by existing properties on Ipswich Road to the north-west. The south eastern side of the site is defined by the edge of Bullock Wood, whilst the land to the north east is in agricultural use, with the existing field boundary marking the new edge to the built-up area of Colchester. Along Ipswich Road there is established residential development. On the opposite side of Ipswich Road is the edge of a significant area of commercial and industrial development characterised by storage buildings, car showrooms and repair facilities.

Proposal

- 6.3 This application seeks approval of the reserved matters (appearance, landscaping, layout and scale) relating to outline planning permission 15/01277/OUT and the erection of up to 120 dwellings including hard and soft landscaping, public open space, play areas, vehicle parking and supporting site infrastructure. It includes details of appearance, landscape, layout and scale which were not included as part of the outline application. Details of access were approved as part of the outline application.
- 6.4 The proposal seeks permission for 120 dwellings; 20 no. 2 bed houses; 31 no. 3 bed houses; 41 no. 4 bed houses; 6 no. 5 bed houses; 7 no. 2 bed affordable houses and 15 no. 1 bed affordable apartments. Across a net site area of 4 hectares, the proposed development equates to a density of 30 dwellings per hectare. The gross density of the development, including the open space and landscape buffers is 17.4 dwellings per hectare.
- 6.5 All the proposed dwellings are two storey in height and are proposed to be a mixture of brick, render and weatherboarding throughout the site.
- 6.6 Public open space will be provided in various locations across the site, the main area being to the west of the site that is shared with Phase 1. Other areas of open space are provided through the site, central to the tree lined avenue and also in the eastern part of the site.
- 6.7 Vehicular access to the site will remain as previously approved. This will be through an extension of the main estate road that runs through Phase 1. The location and specification of the access was established at outline stage.

- 6.8 A S106 legal agreement was secured at outline planning permission stage requiring: a financial contribution towards primary and secondary education; financial contribution towards and provision of on-site open space; provision of affordable housing in accordance with an agreed scheme; a financial contribution towards health care; transfer of Bullock Wood to the Council with a financial contribution. This legal agreement and all conditions on the outline consent will still apply.

Appearance

- 6.9 The design of the proposed dwellings is traditional in form, but the detailed design is varied with different roof forms; and use of chimneys, porches, brick plinths, bay windows and detailing above windows provides visual interest and are appropriate details.
- 6.10 The materials proposed are a mixture of red multi and buff stock and handmade bricks; natural red and mosborough red plain tiles; slate; black and cream weatherboarding and light pink and cream render. The type and mixture of materials proposed is considered to be acceptable, the mix will ensure variety and visual interest across the development.
- 6.11 Comments received from Colchester Borough Council raise issues of illogical use of materials, such as 'panels' of boarding that end at a random position on the flack wall. It is stated that this approach was avoided on Phase 1 and its inclusion should be avoided in order to ensure this phase is visually compatible with the first. The points are noted and understood; however, whilst it could result in an improvement to the scheme, it is considered that the design and the dwellings, proposed will result in the development being visually compatible with Phase 1 and that the use of materials in they way proposed would not be sufficient to warrant a reason for refusal. The same view applies to the comments raised regarding the fenestration of the some of the dwellings.
- 6.12 For the above reasons it is considered that the detailed design and appearance of the proposed dwellings is acceptable.

Landscaping/Biodiversity

- 6.13 The impact of the proposal on protected species and biodiversity was dealt with at outline stage.
- 6.14 New tree planting has been included in the buffer zones to the north-eastern and north-western side boundaries and a detailed Landscaping Scheme has been submitted. The Council's Landscape Officer considers the landscaping and planting scheme to be acceptable. This issue is also covered by condition on the outline consent, together with the timing of planting.
- 6.15 It is considered that the proposed landscaping is acceptable.
- 6.16 It is noted that the opens space in relation to Phase 1 has not been delivered within the originally agreed timetable; this is not an issue directly relating to this application and can be dealt with separately. However, as it is proposed that the area of open space to that relates to Phase I is also being relied on for residents in Phase 2, therefore to ensure its provision is not delayed any further than a condition will be imposed to ensure that the open space is provided prior to the occupation of the any dwelling on Phase 2.

Layout

- 6.17 The site is situated immediately adjacent to Phase 1 of the development; the proposed layout of the development is of a similar layout and has similar size plots, although it has more open space surrounding the development.

- 6.18 Each of the proposed dwellings, have their own private amenity space with the exception of the proposed flats which are provided with a communal area. Policy HG9 of the Saved Plan requires 50sq.m for 1 bed dwellings, 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. Out of the 120 dwellings proposed 13 (not including the flats) do not meet the minimum standards. However, they are all provided with a useable area in terms of the shape of the garden and there is access to nearby areas of open space within the proposed development. It is considered that given the scale of development proposed and the level of provision of on site public open space, that the proposed provision of public open spaces is acceptable.
- 6.19 With regards to the proposed flats, in the south-west corner of the site; these are provided with 150 sq. m of private amenity space, whereas the requirement in line with the standards would be 200 sq.m. However, they are located immediately adjacent to the public open space and on this basis, the deficit is not considered sufficient to warrant a reason for refusal.
- 6.20 In conclusion there are no concerns in relation to the layout of the proposed development.

Scale

- 6.21 All dwellings proposed are two storey in height, but to create variation throughout the site properties that are all the same height have been avoided. A mix of gables facing the street and ridges that run parallel to the street are proposed together with different roof pitches to add interest to the proposed roofscape. It is therefore considered that the scale of development proposed is acceptable, subject to the impact on residential amenity, discussed below.

Highway Safety

- 6.22 The proposed access was agreed at outline stage and therefore is not under consideration as part of this application. Furthermore, Essex County Council raise no objection to the proposal.
- 6.23 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The parking strategy shows that the proposal provides parking in accordance with the adopted standards.
- 6.24 Provision for cycle storage has been provided for the proposed flats, but not for the dwellings. However, the garages are of a sufficient size to provide cycle parking and all dwellings have space within the garden area for a shed. Therefore it is considered that adequate cycle parking can be provided.
- 6.25 Concerns have been raised regarding the impact of increase traffic; however, this was an issue which was considered at outline stage when it was concluded that the impact of the proposed was acceptable from a highway perspective.
- 6.26 The proposal is therefore acceptable in terms of highway safety.

Impact on Residential Amenity

- 6.27 The proposed site is fairly well contained. The immediate residential neighbours to the site are those in Phase 1 of the development and those along Ipswich Road and Plains Farm Close.

- 6.28 The proposed development is separated from Phase 1 by the area of proposed open space and Bullock Wood; it is therefore considered that there would no adverse impact on the occupiers of Phase 1.
- 6.29 With regard to the impact on properties along Ipswich Road and Plains Farm Close, it is considered that there will potentially be some increase in overlooking. However, given that the distance of separation is excess of the 25 metres back to back distance recommended by the Essex Design Guide that any impact would not be significant.
- 6.30 It is considered that the proposal would result in no material harm to residential amenity of existing occupiers. The relationship between the proposed dwellings is also considered acceptable with adequate separation to provide good standards of privacy and light.

Impact on Bullock Wood SSSI

- 6.31 Following the receipt of comments from Natural England (outlined above) the applicant's have submitted additional information which appears to have overcome the concerns raised, however, an update on this will be provided at the meeting.

Other Issues

- 6.32 A number of concerns have been raised regarding the lack of fibre optic broadband service provided for Phase 1. There is no planning obligation for either phase to provide this and therefore this is a matter which cannot be controlled by planning.

Background Papers

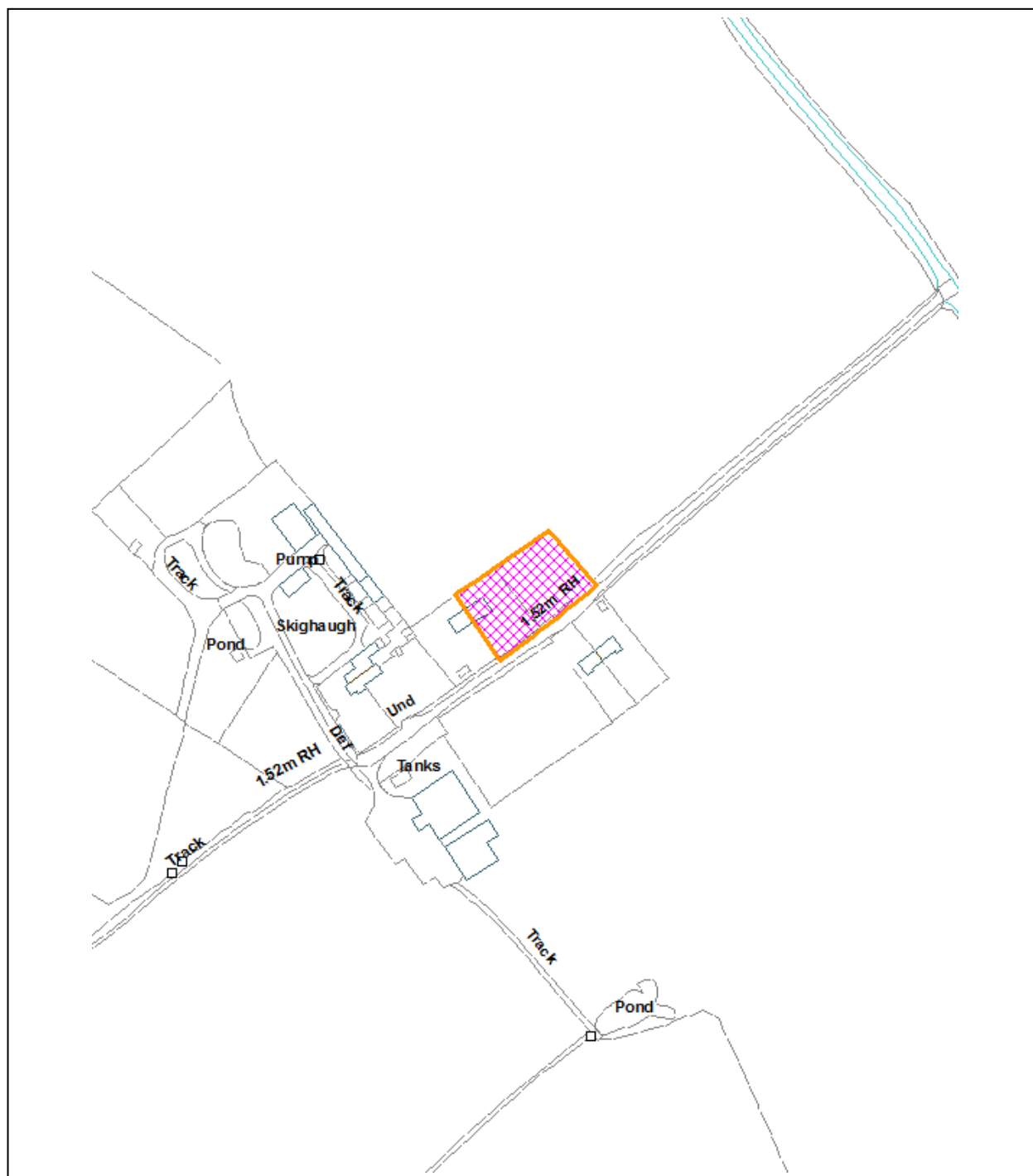
None

PLANNING COMMITTEE

29 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/01686/FUL – 3 SKIGHAUGH, CLACTON ROAD, STONES GREEN, CO12 5BY



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Application:	17/01686/FUL	Town / Parish: Great Oakley Parish Council
Applicant:	Mr and Mrs B Woods	
Address:	3 Skighaugh, Clacton Road, Stones Green CO12 5BY	
Development:	Replacement dwelling and change of use of agricultural land to residential.	

1. Executive Summary

- 1.1 Councillor Bush has requested that the application be determined by Planning Committee as the proposal is situated outside of a recognised Settlement Development Boundary, as agreed in both the adopted and emerging local plans. Furthermore, concerns have been raised regarding the negative impact to the existing street scene and surrounding character.
- 1.2 Under planning reference 16/01346/FUL, planning permission was previously refused for the demolition of the existing semi-detached property and the erection of a replacement detached dwelling, with an extended residential curtilage, due to the significant detrimental visual impact upon the rural character of the surrounding area. The current application seeks permission to part demolish the existing semi-detached properties and replace with a new detached dwelling, whilst also extending the residential curtilage.
- 1.3 With regards to the change of use of the land, there is not considered to be any visual harm or harm to existing neighbouring amenities.
- 1.4 The proposed replacement dwelling, following the submission of an improved design to that previously refused, has addressed the Council's previous concerns, namely with a lowered eaves height and the inclusion of cat slide dormers, and as such will not result in significant visual harm to the areas surrounding character or any harm to neighbouring amenities, and therefore adheres to the criterion as indicated within Policy HG12 of the Adopted Local Plan 2007.

Recommendation: Approve

Conditions:

1. 3 Year Time limit
2. Approved plans
3. Removal of Permitted Development rights for outbuildings
4. Sample of materials

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

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

16/01346/FUL	Replacement dwelling, creation of garage, workshop and storage space and extension to curtilage.	Refused
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4. Consultations

ECC Highways Dept	The Highway Authority does not object to the proposal as submitted.
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5. Representations

5.1 Great Oakley Parish Council object to the application in the strongest terms, for the reasons highlighted below:

- Concern over the potential impact on the health and welfare of the adjoining neighbour;
- Concern over the impact the proposed partial demolition of half the semi detached period cottage will have on the structural integrity of the adjoining property;
- Believe the proposed dwelling is inappropriate in design and scale for this rural location;
- Significant detrimental impact on the existing street scene;

- Site in Green Belt and not within any part, current or future proposed development boundary in the village; and
- If the applicant needs additional space, should consider sympathised renovation and extension of existing property.

5.2 Four letters of objection have been received. The points raised have been summarised below:

- Negative impact to the character of the surrounding area;
- Size of replacement dwelling not in-keeping with other nearby properties;
- Will be a blot on the landscape;
- Potential future applications to raise the eaves level;
- Concerns storage area could result in significant disturbances;
- Rear extension in particular will appear overpowering;
- Would create an unbalanced setting to the street scene; and
- Decrease value of adjacent property.

6. **Assessment**

The assessment will be divided into two sections; one will assess the impact of the change of use of land from agricultural to residential, whilst the other will assess the impacts of the proposed replacement dwelling.

Site Context

- 6.1 The application site is located to the south-west of Clacton Road, and falls within the Parish of Great Oakley. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies outside of any defined Settlement Development Boundary.
- 6.2 The site has an area of 0.10 hectares and forms the right side of a pair of semi-detached chalet style properties, constructed of black weatherboarding and pantile clay tile, whilst each property benefits from a front elevation cat slide style dormer. The site is well set back, with the character of the surrounding area being predominantly rural, although there are examples of some semi-detached residential properties nearby. Approximately 25 metres to the south is a Public Right of Way.

History

- 6.3 Under planning reference 16/01346/FUL, planning permission was previously refused for the demolition of the existing semi-detached property and the erection of a replacement detached dwelling, with an extended residential curtilage. The reason for this refusal was that the resulting detached property would consist of a higher eaves height and three pitched roof dormers to the front elevation, resulting in the proposal appearing at odds with the traditional cottage style proportions of the existing semi-detached dwellings. The inclusion of such unsympathetic elements was considered to appear incongruous in this location and would provide an unbalanced setting to the street scene to the significant detriment of the rural character of the surrounding area.

Proposal

- 6.4 The application seeks permission for the partial demolition of the existing semi-detached property and the erection of a replacement detached dwelling, which will measure 6.6 metres in height, 9.8 metres in width and 12.9 metres in depth, and will provide three bedrooms.

- 6.5 Part of the existing semi-detached property shall remain in situ, and is proposed to be used as a cycle store at ground floor level and a storage area at first floor level.
- 6.6 The application will also see an extension of the residential curtilage of the property, to include land which is currently classified as agricultural.

Change of Use of Land

- 6.7 The application involves the change of use of existing agricultural land to the east of the application site, and converting it to residential. The area proposed to be converted measures 34 metres in depth and 31 metres in width, and whilst this is a large curtilage extension, it will ensure that the residential curtilage will be level with that to the properties to the south-east.
- 6.8 Part of the existing site is currently laid to grass, and the proposal will therefore not result in a significant visual change, thereby ensuring a neutral impact. Furthermore, there will be no impacts to existing neighbouring amenities, whilst a condition to ensure permitted development rights for new buildings on this land are removed can be added as a condition, which will ensure existing neighbouring amenities are protected. Therefore the changes will result in a neutral impact.

Replacement Dwelling

- 6.9 The proposal involves the one for one replacement of a dwelling outside of any defined settlement boundary and is therefore acceptable in principle subject to detailed consideration against saved policy HG12. Saved policy HG12 states replacement dwellings will be permitted provided it:
- 6.10 (i) is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;

The character of the surrounding area is typically rural, with the only residential dwellings being characterised as semi-detached, notably to the south-east as well as the application site itself. The properties, with their simple cottage style proportions incorporating modest cat-slide dormer windows and a low eaves level, are well balanced and form a symmetrical pair of cottage style dwellings that sit well within their rural surroundings.

The application demonstrates significant material changes to that previously refused under planning reference 16/01346/FUL, with the inclusion of cat slide dormers as opposed to the previously unacceptable pitched roof dormers and the lowering of the eaves height to be in-keeping with the adjacent property. Furthermore, part of the existing building is to remain attached to the party wall and the design will include a hipped roof to match the existing design, further ensuring the proposal maintains the properties existing character.

Overall, despite the principle loss of the existing semi-detached properties, the proposal has addressed the Council's previous concerns and as such is of a more sympathetic design that is in-keeping with the character of the surrounding area, whilst exact materials to be used can be secured by condition.

- 6.11 (ii) is well related and in proportion to the original dwelling;

The replacement dwelling is of a slightly larger scale than the existing property on the plot. Due to the size of the plot being of a sufficient size to accommodate a larger dwelling, the proposal would not however appear cramped.

- 6.12 (iii) it is not visually intrusive on a skyline or in the open character of the surrounding countryside;

Whilst it is considered that due to the depth of the proposed replacement dwelling, there will be some loss of views to the open character of the surrounding countryside, particularly from views via the east, the proposal is not sited within a protected area and is not a significant departure from the existing dwelling and will not result in a significantly detrimental impact or intrusion to the surrounding area.

- 6.13 (iv) it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;

The dwelling would retain good side isolation to its boundaries, thereby preserving the rural character of the locality.

- 6.14 (v) would not represent over-development of the site;

The site provides parking and amenity space significantly in excess of the local plan requirements. The dwelling would therefore not represent over-development of the plot.

- 6.15 (vi) would not be detrimental to highway safety;

As a result of the proposal, access arrangements to the site will remain unchanged, whilst there is significant area to the front of the property to accommodate the parking of two vehicles by measurements of 5.5 metres x 2.9 metres, as per Adopted Essex Highway requirements.

- 6.16 (vii) would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;

The proposed replacement dwelling is most closely related to the adjacent property to the south-west. However, the proposal ensures a significant distance of 7 metres separating the two properties, thereby ensuring that the outlook and light received by the neighbouring property would not be adversely affected. The only side elevation first floor window will serve a bathroom and will be opaque glazed, whilst the only first floor rear elevation window will have minor views to the neighbouring property, a slight improvement on the existing circumstances. Furthermore, whilst concerns have been raised regarding potential noise concerns from the section of the existing building to remain in situ, the submitted plans demonstrate that the area will be used for storage and a cycle store, which will not result in any significant noise.

- 6.17 (viii) would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;

The building is not in a poor state of repair and is therefore capable of reasonable improvement or extension; and the existing semi-detached properties do positively contribute to the character of the area. The proposal has been designed in such a way as to ensure the positive contribution the dwellings make is maintained. The existing dwelling is reduced to a store and the design respects the adjoining dwelling. The new dwelling reflects the altered design of the existing building.

- 6.18 (ix) would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and

This criterion is not applicable to this application.

- 6.19 (x) would not exacerbate any existing access, drainage or other problems associated with the site.

The proposal is not believed to exacerbate any of the above issues and is therefore acceptable against this criterion.

Background Papers

None

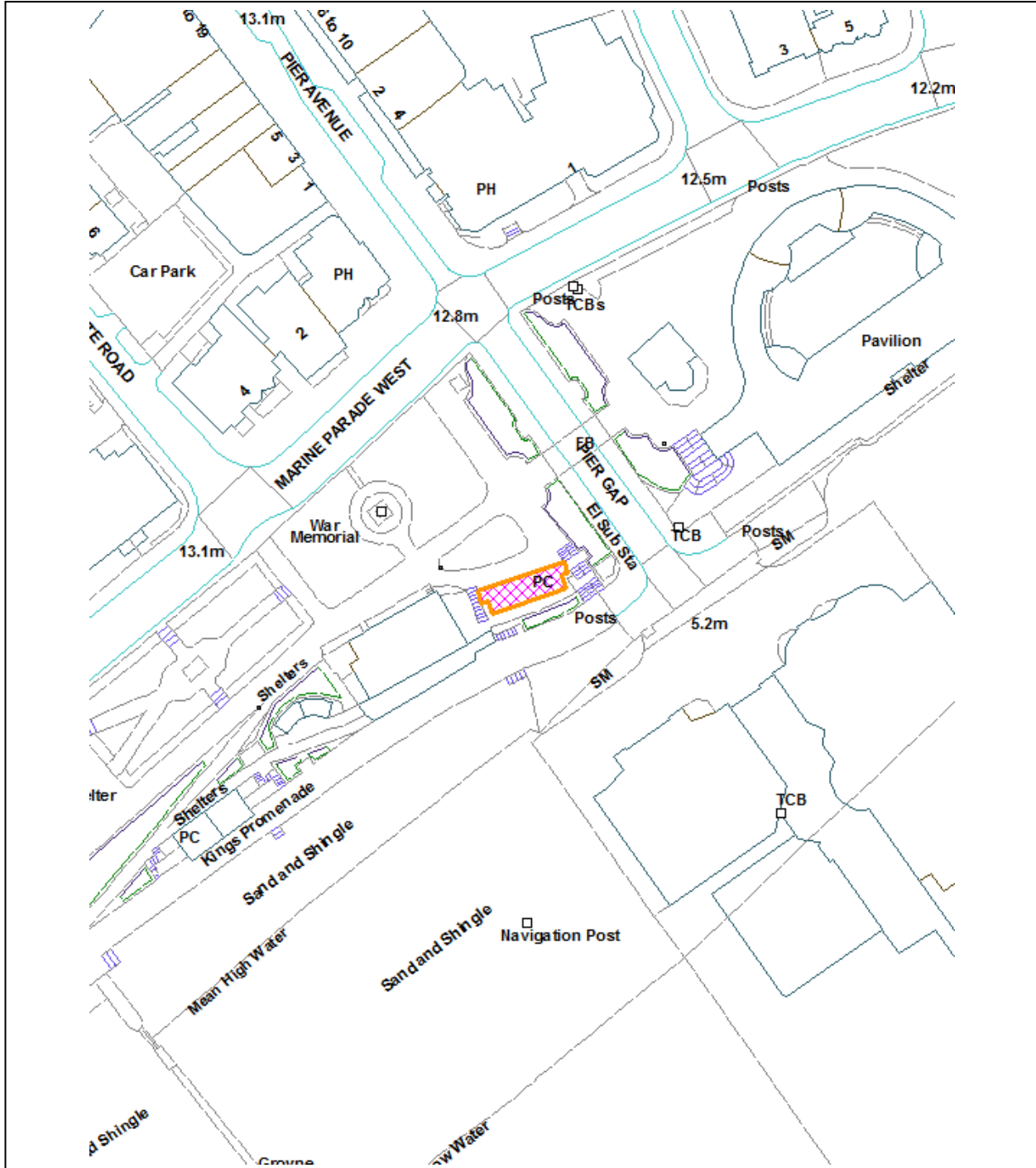
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PLANNING COMMITTEE

29 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 17/01478/FUL – THE NEWSPAPER KIOSK, TOP OF THE PIER GARDEN, MARINE PARADE EAST, CLACTON-ON-SEA, CO15 1QX



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Application:	17/01478/FUL	Town / Parish: Clacton Non-Parished
Applicant:	Mr Danny Partridge	
Address:	The Newspaper Kiosk, Top of the Pier Garden, Marine Parade East, Clacton-on-Sea CO15 1QX	
Development:	Change of use from storage to kiosk, including seating area and replacement fencing.	

1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the application site is owned by Tendring District Council.
- 1.2 The application is to change the use of the existing storage unit (Use Class B8) into a kiosk (Use Class A1), which will also involve some external amendments including proposed signage, replacement fencing measuring 1.1 metres in height and the creation of an outside seating area for 13 picnic benches.
- 1.3 The proposal will result in a slight visual improvement, will not harm the character of the Clacton-on-Sea Conservation Area and will result in a neutral impact to existing neighbouring amenities.

Recommendation: Approve

Conditions:

1. 3 Year Time limit
2. Approved plans
3. Details of external materials

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN17 Conservation Areas

ER16 Tourism and Leisure Uses

QL9 Design of New Development

QL11 Environmental Impacts and Compatibility of Uses

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

SPL3 Sustainable Design

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

90/00262/DEEME D	Construction of new public conveniences	Determinati on	04.06.1990
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4. Consultations

N/A

5 Representations

5.1 There have been no letters of representation received.

6. Assessment

The main planning considerations are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenities
- Impact to Conservation Area

Site Context

6.1 The application site is located to the west of Pier Gap, Clacton-on-Sea. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies within the defined Settlement Development Boundary for Clacton-on-Sea.

6.2 The site falls within the Clacton-on-Sea Conservation Area, whilst to the south of the site is a Public Right of Way. The character of the surrounding area is urbanised, with large areas of commercial and residential properties to the north in particular, whilst to the south is the Clacton Pier.

Proposal

- 6.3 This application seeks planning permission for a change of use from a storage unit (use class B8) into a kiosk (use class A1).
- 6.4 As part of the application, some external changes are proposed, including proposed replacement fencing measuring 1.1 metres in height, the replacement of one set of steps with fencing, and to create an outside seating area for 13 picnic benches.

Principle of Development

- 6.5 The proposal will result in a small improvement to the tourism on offer in Clacton-on-Sea and an additional A1 unit in a town centre location. Therefore the principle of development is acceptable subject to the detailed consideration below.

Visual Impact

- 6.6 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.7 The applicant has made reference to differing external materials, potentially either soft render or cladding, however exact details have not been provided. Whilst either will be acceptable in this location, exact details would need to be confirmed prior to the start of works, and can be added as a condition.
- 6.8 The proposal will result in some external changes, including the provision of an external seating area and replacement fencing. These changes are minor in nature, will be relatively in-keeping with the existing design and will result in a small visual improvement to the existing locale.

Impact to Neighbouring Amenities

- 6.9 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.10 The application site is within an open public area with no neighbouring properties. The development will not therefore impact on residential amenities and will have a small positive impact on the enjoyment of this space.

Impact to Conservation Area

- 6.11 Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting.
- 6.12 The application site falls within the Clacton-on-Sea Conservation Area and as such the applicant has submitted a Heritage Statement in order to justify that the proposal will either preserve or enhance the character of the area. The proposed changes are relatively minor

and will result in slight visual improvement, thereby meeting the requirements of Policy EN17.

Conclusion

- 6.13 Overall, the proposal will see a slight increase to tourism opportunities available within the local area, and will also result in a small visual improvement to the character of the Clacton-on-Sea Conservation Area, whilst ensuring no loss of existing neighbouring amenities.

Background Papers

None

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