



## PLANNING COMMITTEE

**DATE:** Wednesday 3 January 2018  
**TIME:** 6.00 pm  
**VENUE:** Council Chamber, Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

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

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk). Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

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

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

DATE OF PUBLICATION: WEDNESDAY 20 DECEMBER 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 29 November 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 - 17/00658/DETAIL - LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL (Pages 7 - 18)**

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

### **5 A.2 - PLANNING APPLICATION - 17/01318/FUL - LAND AT ROBINSON ROAD, BRIGHTLINGSEA, CO7 0ST (Pages 19 - 42)**

Residential development of 115 No. dwellings together with garages, access roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works.

### **6 A.3 - PLANNING APPLICATION - 17/01527/DETAIL - LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS (Pages 43 - 60)**

Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.

### **7 A.4 - PLANNING APPLICATION - 17/00825/OUT - LAND NORTH OF 782 TO 828 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BS (Pages 61 - 76)**

Residential development of 84 dwellings.

### **8 A.5 - PLANNING APPLICATION - 17/01811/OUT - MICHAELSTOWE FARM, RAMSEY ROAD, RAMSEY, CO12 5EW (Pages 77 - 90)**

Erection of 14 dwellings - resubmission following non-determination of application 17/00872/OUT.

### **9 A.6 - PLANNING APPLICATION - 17/01840/OUT - 98 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB (Pages 91 - 98)**

Proposed 2 no. detached chalet bungalows with detached garages.

10 **A.7 - PLANNING APPLICATION - 17/01790/FUL - THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QX (Pages 99 - 106)**

Replacement of the existing garages, the installation of a new multi-use games area including fencing and floodlights, and general alterations to the external courtyard.

**MEETING OVERRUN DATE**

In the event that all business is not concluded, the meeting will reconvene on Thursday 4 January 2018 at 6.00 p.m. in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ, to consider any remaining agenda items.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 30 January 2018.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY 29 NOVEMBER 2017 AT 6.03 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chairman) (except minute 71), Alexander, Baker, Bennison, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillors Bush (except minute 75), Nicholls (except minutes 72-75) and Scott (except minutes 73-75)
<b>In Attendance:</b>	Ewan Green (Corporate Director (Planning and Regeneration)), Lisa Hastings (Head of Governance and Legal Services), Nigel Brown (Communications and Public Relations Manager) (except minutes 74-75), Susanne Ennos (Planning Team Leader), Alison Newland (Planning Team Leader) and Katie Sullivan (Committee Services Officer)

**68. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor M Brown (with no substitute).

**69. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 31 October 2017, were approved as a correct record and signed by the Chairman.

**70. DECLARATIONS OF INTEREST**

Councillor Heaney declared an interest in relation to Planning Application 17/00927/DETAIL by virtue of the fact that she was a local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Scott, present in the public gallery, declared an interest in relation to Planning Application 17/00658/DETAIL by virtue of the fact that he was the local Ward Member.

Councillor Nicholls, present in the public gallery, declared an interest in relation to Planning Application 17/00927/DETAIL by virtue of the fact that he was a local Ward Member.

Councillor Bush, present in the public gallery, declared an interest in relation to Planning Application 17/01686/FUL by virtue of the fact that he was the local Ward Member.

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

Councillor Heaney had earlier declared an interest in relation to Planning Application 17/00927/DETAIL by virtue of the fact that she was a local Ward Member and by virtue of the fact that she was pre-determined. Councillor Heaney thereupon withdrew from the meeting, whilst the Committee considered the application and reached its decision.

Councillor Nicholls, present in the public gallery, had earlier declared an interest in relation to Planning Application 17/00927/DETAIL by virtue of the fact that he was a local Ward Member.

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

Members recalled that outline planning application 16/00219/OUT had been granted at appeal in April 2017. The Committee's approval was now sought for the access, which had included a footpath along the western side of Tye Road.

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.

Councillor Fairweather, representing Elmstead Market Parish Council, spoke against the application.

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

Jessica Pratt, a Transport Consultant for the applicant's agent, spoke in support of the application.

Following discussion by the Committee on various matters but mainly relating to highway safety, and advice provided by Officers, it was moved by Councillor Baker, seconded by Councillor Everett and **RESOLVED** that consideration of this application be deferred for the following reasons:

1. The Committee did not have enough information before them from the Highways Authority to understand their justification for departing from their standard policy of a 2 meters width footpath and reducing to 1.5 meters in this case and request that a site visit be arranged to enable Councillor White (Chairman), Councillor Baker, Councillor Everett and Planning Officers to meet with a representative from the Highways Authority.
2. The Committee would appreciate a re-measurement of the entire width of the footpath to establish if it is the same width, as it was evident that existing hedgerows would be restrictive.

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

Councillor Scott, present in the public gallery, had earlier declared an interest in relation to Planning Application 17/00658/DETAIL by virtue of the fact that he was the local Ward Member.

Members recalled that outline planning application 15/01277/OUT had been approved at Planning Committee on 19 November 2015 and at which time it had been requested that the reserved matters application be brought back to Committee for determination.

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

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

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

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Everett seconded by Councillor Bennison and **RESOLVED** that consideration of this application be deferred for the following reasons:

1. To enable further discussions to take place with the Developers in order to address the Committee's concerns over the non-compliant size of the amenity space for the properties intended to be gifted to the Council as the garden spaces should be increased to meet policy standards.
2. An informative at outline stage had requested single storey properties along the boundary of the adjacent school and that had not been taken into account in the reserved matters application. The Committee had legitimate concerns of properties overlooking a school and swimming pool and so the Developer is requested to reconsider single storey properties for plots 23, 24 and 25 whilst maintaining and keeping within the character of the street scene.

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

Members recalled that outline planning application 15/00932/OUT had been approved at Planning Committee on 22 September 2015 and at which time it had been requested that the reserved matters application be brought back to Committee for determination.

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

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

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

- (1) An amendment to paragraph 1.5 in the report;
- (2) Clarity in regards to condition 2; and
- (3) Comments received from Natural England.

Jen Carroll, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Baker and unanimously **RESOLVED** that the Head of Planning

(or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. In accordance with approved plans; and
2. Open Space to be provided prior to first occupation.

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

Councillor Bush, present in the public gallery, had earlier declared an interest in relation to Planning Application 17/01686/FUL by virtue of the fact that he was the local Ward Member.

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

Members recalled that planning application 16/01346/FUL had been 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 had sought permission to part demolish the existing semi-detached properties and replace with a new detached dwelling, whilst also extending the residential curtilage.

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 (AN) in respect of the application.

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

Peter Le Grys, 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 Baker, seconded by Councillor McWilliams and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reason:-

1. Contrary to Policy HG12 (i) size and scale out of keeping with locality and (ii) not well related and not in proportion to original dwelling.

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

It was reported that this application had been referred to the Committee as the application site was owned by Tendring District Council (TDC).



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 (AN) in respect of the application.

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

- (1) Comments received from TDC as the Landlord;
- (2) Comments received from TDC as the operator; and
- (3) An update to the recommendation.

Danny Partridge, the applicant, spoke in support of the application.

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

1. 3 Year Time limit;
2. Approved plans;
3. Details of external materials and details of railings; and
4. Only tables and chairs shall be sited in the seating area and no display of goods for sale without prior written approval.

(b) the following informatives be sent to the applicant:

- Landlord consent is required for the works; and
- Advertisement consent will be required for any advertising signage or art work and that it must be sympathetic to the Conservation Area location.

The meeting was declared closed at 9.07 pm

**Chairman**

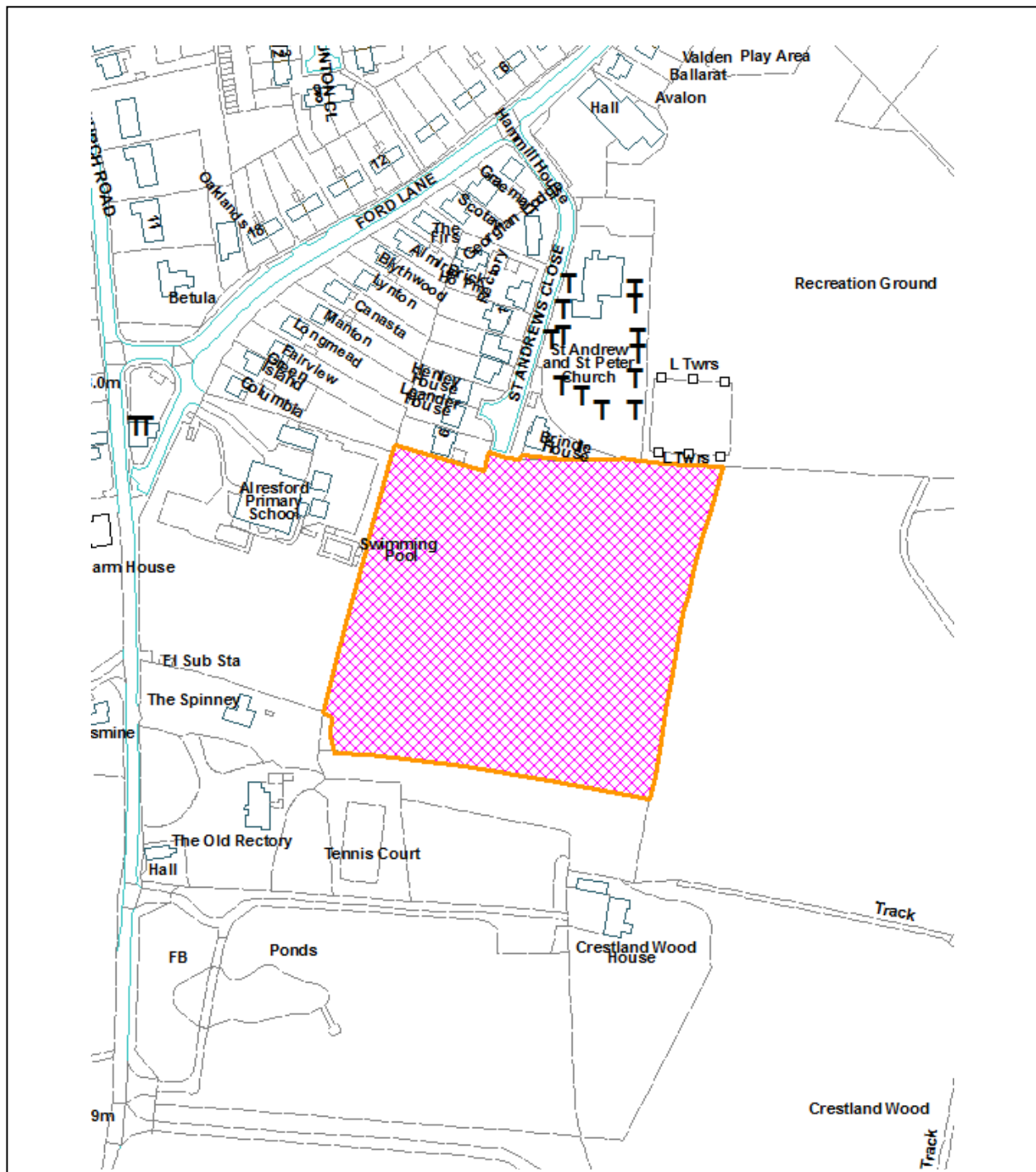
This page is intentionally left blank

## PLANNING COMMITTEE

3 JANUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### A.1 PLANNING APPLICATION - 17/00658/DETAIL - LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/00658/DETAIL	<b>Town / Parish:</b> Alresford Parish Council
<b>Applicant:</b>	Mr A Bell - Bennett Homes	
<b>Address:</b>	Land South of St Andrews Close Alresford CO7 8BL	
<b>Development:</b>	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 **This application was deferred from Planning Committee on 29<sup>th</sup> November 2017 to enable further discussions to take place with the Developers in order to address the Committee's concerns over the non-compliant size of the amenity space for the properties intended to be gifted to the Council and for the Developer to reconsider single storey properties for Plots 23, 24 and 25 to address the Committee's concerns of overlooking of the school and swimming pool.**
- 1.2 **Following the Planning Committee amended plans have been received which have amended the garden sizes. Plots 24 and 25 remain two storey in height but the first floor bedroom window on the rear elevation has been moved to the side elevation, which results in all windows at first floor level being obscure glazed. The garage of Plot 23 have been amended to a gable roof which obscures views towards the school and the window of bedroom 2 has been moved as far to the right as possible to reduce the viewing angle.**
- 1.3 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 19<sup>th</sup> November 2015 at which time it was requested that the reserved matters application be brought back to Committee for determination.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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
- 8 **Windows at first floor on rear elevations of Plots 24 and 25 to be obscure glazed**

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 16<sup>th</sup> 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
--------------	---	----------	------------

### 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 form 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.

6.9.1 **The amended plans propose slight changes to the design of proposal in terms of the window arrangements of Plots 23, 24 and 25 and the design of the garage. The amended design of the proposed garage is in keeping with the proposed development and is of simple design with appropriate proportions, therefore is considered acceptable. The proposed changes due to the re-location of windows on Plots 23, 24 and 25 does result in the rear elevations of the properties appearing unbalanced which dilutes the design of the proposed dwellings. However, given that the rear elevations are not going to be visible from the public realm, it is not considered that this would be a sufficient reason for refusal and is considered an appropriate compromise to address Members concerns regarding overlooking to the school.**

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, **originally** 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.
- 6.18 **Amended plans have been received which address the Committee's previous concerns and all dwellings, apart from one know comply with the requirements of Policy HG9. Plot 16, which is not a unit to be gifted to the Council for affordable housing, still falls short of the standards. However, this Plot is located close to the proposed open space and the garden provided is useable in terms of the shape.**
- 6.19 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.
- 6.20 In conclusion there are no concerns in relation to the layout of the proposed development.

### Scale

- 6.21 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

- 6.22 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.
- 6.23 No objection was raised by Essex County Council to the proposal at outline stage and the number of dwellings proposed remains the same.
- 6.24 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.
- 6.25 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.

- 6.26 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.
- 6.27 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.
- 6.28 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.
- 6.29 The proposal is therefore acceptable in terms of highway safety.

#### Impact on Residential Amenity

- 6.30 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.
- 6.31 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.
- 6.32 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.
- 6.33 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.
- 6.34 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. **Furthermore the proposed changes mean that no overlooking will occur from Plots 24 and 25 because the only window proposed at**

**first floor level serves a bathroom and would therefore be obscure glazed. Some overlooking will occur from Plot 23 but the changes to the garage and window location mean that this would be at an oblique view and very minimal.** 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.

- 6.35 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.
- 6.36 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

- 6.37 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

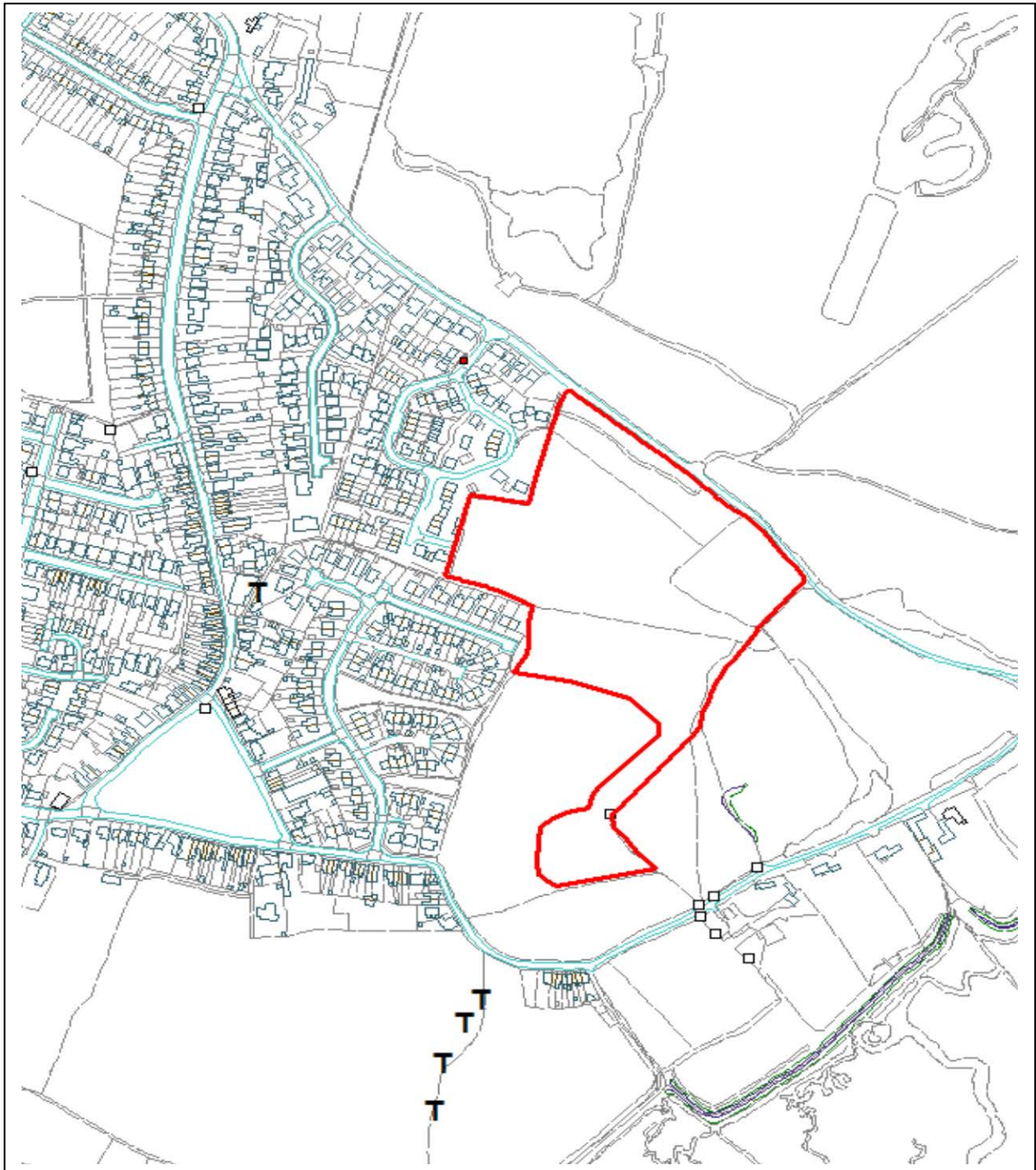
This page is intentionally left blank

## PLANNING COMMITTEE

3 JANUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.2 PLANNING APPLICATION - 17/01318/FUL - LAND AT ROBINSON ROAD, BRIGHTLINGSEA, CO7 0ST**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/01318/FUL	<b>Town / Parish:</b> Brightlingsea Town Council
<b>Applicant:</b>	Hopkins Homes Ltd	
<b>Address:</b>	Land at Robinson Road Brightlingsea CO7 0ST	
<b>Development:</b>	Residential development of 115 No. dwellings together with garages, access roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee as it represents a departure to the Saved Development Plan proposing housing outside the Settlement Development Boundary of the 2007 Adopted Plan.
- 1.2 Within the 2007 Saved Plan the site lies outside but partially abutting the Settlement Development Boundary and within the Coastal Protection Belt. In the Emerging Plan the majority of the site lies within the Settlement Development Boundary and is allocated for residential development. The area of the site which remains outside the Settlement Development Boundary is proposed for open space. It is also located adjacent to land benefiting from planning permission for 77 no. dwellings under application number 13/01470/FUL (referred to as Phase 1).
- 1.3 The proposal seeks permission for 115 no. dwellings: 6 no. 1 bed dwellings; 35 no. 2 bed dwellings; 44 no. 3 bed dwellings; 24 no. 4 bed dwellings; 4 no. 2 bed affordable dwellings and 2 no. 3 bed affordable dwellings. The dwellings proposed throughout the site are predominately two storey in height with some bungalows, 1.5 storey dwellings and 2.5 storey dwellings proposed.
- 1.4 The proposal is considered to represent sustainable development, on the edge of Brightlingsea, and in an area benefiting from planning permission for residential development on the adjacent site for residential development and as a proposed allocation within the Emerging Local Plan.
- 1.5 The design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity, highway safety and designated habitats/landscapes.
- 1.6 The proposal is recommended for approval subject to conditions and the completion of a S106 legal agreement to provide for education, affordable housing, health, open space, play equipment and habitat mitigation (if necessary).

### **Recommendation: Approval**

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):



- Open Space – Transfer of land and future maintenance contribution or setting up of management company
- Financial Contribution towards play space (£60,035.63)
- Education contribution toward early years and childcare; primary and secondary education
- 6 no. gifted dwellings for affordable housing
- Financial contribution of £39,905 towards healthcare provision
- Habitat Mitigation – if necessary amount to be confirmed update to be given at the meeting.

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

**Conditions:**

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. No work to take place until a detail surface water drainage scheme has been agreed
4. No work to take place until a scheme to minimise risk of off-site flooding during construction has been agreed.
5. No work to take place until a surface water drainage system maintenance plan has been agreed
6. Maintain yearly logs of the agreed surface water drainage system maintenance plan
7. Development to be carried out in accordance with the mitigation measures set out in the Ecological Assessment and Habitats Regulations Assessment Screening Report.
8. An Ecological Mitigation and Management Plan to be submitted and agreed
9. Submission of an Environmental Construction Management Plan to be agreed
10. Removal of permitted development rights for loft conversions on all plots
11. Landscaping to be carried out
12. Broadband Condition
13. Hours of Construction
14. Vehicular Visibility
15. Vehicular Parking and Turning to be provided in accordance with submitted plans
16. No unbound materials within 6 metres of a highway boundary
17. Details showing the means to prevent discharge of surface water onto the highway
18. Details of Wheel Cleaning Facilities
19. Completion of carriageways and footways
20. Provision of Residential Travel Information Packs
21. Provision of a footway across the whole Robinson Road frontage at the Developer's expense.
22. Recent improvement works associated with Phase 1 and the site access upgraded to current policy standards of no less than 5.5 metres in width.
23. Archaeological Trial Trenching
24. Completion of archaeological fieldwork
25. Post-excavation archaeological assessment

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

## 2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

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

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

COM20 Air Pollution/ Air Quality

COM21 Light Pollution

COM22 Noise Pollution

COM23 General Pollution

COM30 Electricity Supply

COM31 Water Supply

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

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

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR3A Provision for Walking

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

TR8 Public Car Parking

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

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

SAH3 Development Robinson Road, Brightlingsea

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Provision of Recreational Open Space for New Development

### **Status of the Local Plan**

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

### **3. Relevant Planning History**

02/01537/FUL	Use of land for storage of building materials (Renewal of planning permission TEN/99/0356)	Refused	23.10.2002
92/00880/FUL	Change of use from agricultural land to garden	Approved	22.09.1992
99/00356/FUL	Use of land for storage of building materials	Approved	07.07.1999
13/01470/FUL	Erection of 77 no. dwellings together with garages, access roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works.	Approved	20.04.2015
15/01732/DISCON	Discharge of condition 4 (materials), 5 (landscaping), 7 (highway improvement works), 8 - 10 (archaeological works), 11	Approved	02.06.2016

(surface water drainage), 12 (contamination), 14 (broadband), 15 (wheel cleaning facilities) and 16 (reptile habitat scheme) of planning permission 13/01470/FUL.

16/00929/DISCON	Discharge of condition 7 (highway improvement works) and 11 (surface water drainage) of planning permission 13/01470/FUL.	Current	
17/00703/HRAA	Habitat Regulations Assessment screening report - Request to determine whether an Appropriate Assessment is necessary.	Issued	09.06.2017
17/01318/FUL	Residential development of 115 No. dwellings together with garages, access roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works.	Current	

#### 4. Consultations

UU Housing Consultation	<p>Advises that there remains a high demand for housing in the Brightlingsea. Currently there are 22 applicants on the housing register who have selected Brightlingsea as their 1<sup>st</sup> choice/preferred area needing a 2 bedroom property in the town and 16 needing a 3 bedroom home in the town. Therefore the Council's requested 6 properties to be gifted. The Council's preference is to be gifted 4 x 2 bedroom properties and 2 x 3 bedroom properties.</p>
ECC SuDS Consultee	<p>Do not object to the granting of planning permission based on the following:</p> <p>No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:</p> <ul style="list-style-type: none"> <li>• Discharging surface water runoff via infiltration where site conditions allow and limiting all additional runoff to 5l/s for storm events up to and including the 1 in 100 year event plus 40% climate change allowance unless otherwise agreed by the local authority.</li> <li>• Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.</li> <li>• Final modelling and calculations for all areas of the drainage system.</li> </ul>

- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Building Control and  
Access Officer

No comments.

Waste Management

No comments at this stage.

Tree & Landscape Officer

The main body of the application site is rough grassland containing rank and ruderal vegetation. The northern, eastern and western boundaries are demarcated by established hedgerows and a few small trees. There is an internal hedgerow running from east to west; parallel with and set back from the northern boundary by approximately 20m.

In order to show the impact of the development proposal on the trees and hedgerows on the application site the applicant has submitted a tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

The report accurately describes the health and condition of the boundary hedgerows and the trees contained within them.

The existing vegetation on the application site currently makes a positive and pleasant contribution to the character of the area, as it stands, although it does not merit retention and, in the main, would not be in keeping with the proposed development. The landscape

plans show the extent of existing vegetation to be retained.

As only a small percentage of the existing vegetation merits retention it is appropriate to focus on new soft landscaping that will help to replicate and improve upon the existing benefits provided by small trees and hedgerows on the land.

The soft landscape plans show extensive new planting intended to both soften and enhance the appearance of the development. Whilst the proposals are reasonably comprehensive the Landscape and Design section of the Planning Statement highlights the need to maximise new planting to ensure that new planting within the curtilage of new dwelling makes a positive and pleasant contribution to the public realm. It states that; 'Tree planting would play an important role within the space to define focal points, provide shading and soften the built environments'.

With this in mind it appears that there are additional opportunities for more trees to be incorporated into the soft landscape proposals. For example trees planted in the rear gardens of plots 1, 5, 11, 12, 13 and 16 would be clearly visible from the public realm as would trees in the front gardens of plots 18,19, 59,74 and 75. The short list of suggested planting locations is not intended to be an exhaustive list of opportunities but to highlight the scope for additional tree planting within the existing site layout.

Anglian Water Services Ltd

Advises that the foul drainage from this development is in the catchment of Brightlingsea Church Road Water Recycling Centre that will have available capacity for these flows and the sewerage system at present has available capacity for these flows.

The preferred method of surface water disposal would be to a sustainable drainage system with connection to the sewer seen as the last option. Request a condition requiring a surface water management strategy to be agreed.

Essex County Council Archaeology

The EHER records a number of cropmark features in the surrounding area that would indicate a high probability of surviving archaeological remains being present within the development site.

The proposed site lies adjacent to a site where multi-period occupation evidence was uncovered and the DBA submitted with the application indicates a high probability that further evidence related to these sites will continue into the proposed development site and may be impacted upon by the proposed development.

Recommend conditions to secure a programme of archaeological evaluation; the satisfactory completion of archaeological fieldwork and a post-excavation assessment.

ECC Highways Dept

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

All housing developments in Essex which would result in the creation of a new street (more than 5 dwelling units communally served by a

single all-purpose access) will be subject to The Advance Payment Code, Highways Act 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Prior to the occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

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

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Prior to the commencement of the proposed developments details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

The carriageways of the proposed estates roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from the road. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwellings shall be completed with final surfacing within 12 months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

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



Any single garages should have a minimum internal measurement of 7 metres by 3 metres.

Any double garage should have a minimum internal measurement of 7 metres by 6 metres.

Any tandem garages should have minimum internal measurements of 12 metres by 3 metres.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Prior to the occupation a footway measuring no less than 2 metres in width shall be provided entirely at the Developer's expense across the whole Robinson Road frontage.

No works in connection with the proposed development shall commence until such time as Robinson Road between the recent improvements works associated with the Phase 1 development and the site access had been upgraded to current policy standards of no less than 5.5 metres in width. These improvements are to be provided entirely at the Developer's expense.

Natural England

Based on the information provided in support of the application, including the incorporated mitigation measures stated in the Habitats Regulations Assessment (HRA) screening report, it is Natural England's view that the proposal is unlikely to have a significant effect on the Colne Estuary (Mid-Essex Coast Phase 2) Special Protection Area (SPA) and Ramsar Site or the Essex Estuaries Special Area of Conservation (SAC). They also consider that the proposal is unlikely to adversely affect the Colne Estuary Site of Special Scientific Interest (SSSI). Therefore they raise no objection subject to the inclusion of planning conditions to secure all of the mitigation measures.

Arch. Liaison Off, Essex Police

Essex Police are satisfied that on the basis of the information supplied that the relevant considerations of Sections 58 and 69 of the NPPF have been addressed appropriately.

ECC Schools Service

A development of this size can be expected to generate the need for up to 9.1 early years and childcare places, 30.6 primary school and 20.4 secondary school places.

There are 7 childminders and 1 pre-school setting located in this ward, all of whom are showing to be at 80% occupancy or above. For ECC to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. The childcare sufficiency data shows insufficient full day care provision/free entitlement places to meet demand from this proposal. Additional provision will be needed and a project to expand provision within the Brightlingsea ward will be required. Cost per place is £14,519, index linked to April 2017.

At both primary and secondary school level additional school places will be necessary. This development would add to that need and, thereby, the scope of the projects to provide additional school places is directly related to the proposal. The contributions sought are based on the formula established in the Essex County Council Developers' Guide to Infrastructure Contributions, which calculates sums based on the number and type of homes built.

NHS Property Services  
Ltd

NHS England has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution, in this case of £39,905 would form a proportion of the required funding for the provision or capacity to absorb the patient growth generated by this development.

UU - Open Space  
Consultation

A financial contribution requested from the developer would be in line with the calculations set out in the Supplementary Planning Document and will be used for improvements at Western Promenade. There is a deficit in both play and open space within Brightlingsea so a contribution towards both would be required.

## 5. Representations

Brightlingsea Town Council make the following observations on the application:

- No to playground, as per residents comments on the web-site and also the development is very close to a Recreation Ground.
- Feel more social housing is needed. On the 1<sup>st</sup> Phase there are 15 social housing to 75 houses on the 2<sup>nd</sup> phase there are only 6 planned social houses to 115 houses.
- Essex County Council to upgrade; maintain and stress that Mill Street is a Country Lane and access should be for residents only.
- The through road to 2<sup>nd</sup> phase to be removed; residents have been told that phase 1 and 2 would be kept separate.
- The S106 agreement should be maintained.
- Concern that there are changes to the plans which were originally discussed with Officers at Tendring District Council.

Two letters have been received which makes the following observations on the application:

- The roads are both very narrow lanes and are not suitable as a thoroughfare for large volumes of traffic into Brightlingsea.
- These roads are frequently used by walkers, cyclists and horse riders; increased traffic would not only have a detrimental effect on these users, but could also put them in increased danger as there is little room in these lanes to avoid vehicles.
- Would like to see as part of any planning approval, the requirement to include traffic calming measures and restrictions to access to Mill Street.
- Has Brightlingsea already achieved its quota of housing according to the Local Plan?

27 letters of objection have been received which raise the following concern:

- The road signage at Wilfred's Way clearly shows a block end which is what residents have led to believe it would stay.

- Making the road a through road will not only encourage speeding traffic through a small quiet group of houses but also provide an escape route for prospective criminals.
- The road is not adequate for lots of traffic and if Wilfreds Way is made into a through road, it would be used as a rat run for vehicles. The application as it currently stands will provide a facility for unwelcome abuse and disturbance to residents as well as a danger to children playing and crossing the road.
- There is no requirement for this becoming a connected development to the next stage of Hopkins Homes Phase 2.
- The proposed play area will attract undesirable people during hours that are not acceptable with surrounding residents.
- There is no need for the proposed play area; there are adequate play areas within walking distance of this development.
- The additional dwellings will put too much pressure on this quiet part of town.
- Surrounding infrastructure seems unsuitable for the amount of traffic this many houses would generate.
- The surrounding schools lack capacity for the increase in the number of children this development would generate.
- Sewage system will not cope with the additional flows.
- Proposal will result in congestion in and out of the village.
- Lack of parking (particularly for No. 32 and surrounding bungalows)
- Plot 32 (a garage block with studio apartment) does not offer a sympathetic transition between the remaining bungalows in Greenhurst Road and Plot 32. The proposed height is 8.4 metres which is only 511mm lower than a house and therefore will clearly impact unfavourably upon the bungalows of Greenhurst Road.
- Increased pressure on the NHS – already difficult to get an appointment at the local surgery
- Lack of green spaces
- The roads are unsuitable for the increase in traffic that the additional housing would present and would certainly not be able to cater for heavy machinery and lorries passing in the construction process.
- Site access during construction should be through the new access point of Robinson Road and not through the existing development.
- Pedestrian and other road use safety before and during construction on Robinson Road – the road widening of Robinson Road and provision of a new pavement should be undertaken first, to ensure the safety of those who use the road.

- A 20mph speed limit should be imposed prior to construction of these dwellings and should remain in place permanently for reasons both safety for all road users and to deter cars from using this route.
- Hopkins should be asked to fund a tarmac bike path extension to Alresford in order to maximise the opportunity to allow people to cycle safely for a useful distance and to a useful destination, for onward rail travel or as a safer route to Colchester.
- Road access to the site via Mill Street for lorries is not suitable as it is not possible for two cars to pass and there was a number of lorries stuck at the sharp corner of Mill Street in Phase 1.
- The amount of additional homes planned seems excessive.
- Location of LEAP (Local Equipped Area of Play)
- The access via Robinson Road cannot cope with the traffic that would be generated.
- Consideration should be made to go to town via an improved Whitegate Road, which will relieve traffic at the Bell Green junction.

## 6. **Assessment**

The main planning considerations are:

- Site Context
- Proposal
- Principle of Development
- Coastal Protection Belt
- Design, Appearance and Layout
- Impact on Neighbours
- Highway Safety
- Impact on Designated Habitats and Protected Species
- Flood Risk and Drainage
- Landscaping
- Heritage Assets
- Legal Agreement

### Site Context

- 6.1 The site comprises approximately 5.2 hectares of undeveloped agricultural land and consists of the northern section of a large open field and a smaller adjoining field to the north. It is located adjacent to the eastern edge of Hopkins Homes current development of 77 no. dwellings off Wilfreds Way (referred to as Phase 1) and to the north-east of existing residential bungalows at Greenhurst Road. The site fronts Robinson road to the north, beyond which is agricultural land and to the north-east is a former mineral extraction site (Lower Farm). To the east and south-east, the site adjoins agricultural land.
- 6.2 The site features no permanent hard surfaces or structure and the vegetative growth is largely restricted to the boundaries. There is a public right of way crossing the southern part of the site on an east-west alignment.

### Proposal

- 6.3 This application seeks full planning permission for the erection of 115 no. dwellings together with, access, roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works on Land at Robinson Road, Brightlingsea.
- 6.4 The proposal seeks permission for 115 no. dwellings: 6 no. 1 bed dwellings; 35 no. 2 bed dwellings; 44 no. 3 bed dwellings; 24 no. 4 bed dwellings; 4 no. 2 bed affordable dwellings and 2 no. 3 bed affordable dwellings. The density of the proposed development equates to approx. 22 dwelling per hectare. A mixture of apartments, bungalow, semi-detached and detached dwellings are proposed throughout the site. The dwellings proposed throughout the site are predominately two storey in height with some bungalows, 1.5 storey dwellings and 2.5 storey dwellings proposed.
- 6.5 The proposal includes the construction of a new vehicular and pedestrian access into the site from Robinson Road, together with a new frontage footway along the southern side of Robinson Road up to and including the site entrance. A secondary vehicular access is proposed into the site from Hopkins Homes existing development at Wilfreds Way.
- 6.6 Two areas of open space are proposed, one adjacent to the open space for Phase 1 which is currently a semi-circle. It is proposed as part of this development to create a circle of open space surrounding by proposed dwellings. This area of open space was originally proposed to provide a LEAP (Local Equipped Area of Play), but given the number of objections that have been received amended plans have been submitted which remove this from the proposal and instead a financial contribution is proposed. A larger area of open space is proposed to the south of the site.

### Principle of Development

- 6.7 Within the 2007 Saved Plan the site lies outside but partially abutting the Settlement Development Boundary and within the Coastal Protection Belt. In the Emerging Plan the majority of the site lies within the Settlement Development Boundary and is allocated for residential development. The area of the site which remains outside the Settlement Development Boundary is proposed for open space.
- 6.8 The application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of any defined settlement boundary in the 2007 Saved Plan. However, the site forms a housing allocation and lies predominately within the Settlement Development Boundary in the Emerging Local Plan. It is also located adjacent to land benefiting from planning permission for 77 no. dwellings under application number 13/01470/FUL (referred to as Phase 1).
- 6.9 The Council can now identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's presumption in favour of sustainable development.
- 6.10 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused, unless other material considerations indicate otherwise. An important material consideration is the NPPF's presumption in favour of sustainable development. The NPPF defines sustainable development as having three dimensions:

### Economic

- 6.11 The construction and habitation of 115 new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents could bring to the local economy.

### Social

- 6.12 The site is located on the edge of Brightlingsea, which is identified as a Smaller Urban Settlement. A Smaller Urban Settlement is defined with the Emerging Plan as settlements which have large populations relative to rural settlements and benefit from a range of opportunities for the use of public, transport, walking and cycling and because they have established town centres, employment areas and infrastructure, they provide locations where, with the right action, it is possible to create a significant number of additional new jobs and deliver sustainable housing growth on a large scale. Furthermore, the allocation for residential development within the Emerging Plan indicates that the Council considers this site to be a sustainable location for growth on the edge of Brightlingsea. This site is therefore considered to be socially sustainable.

### Environmental

- 6.13 Environmental sustainability is about contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. The environmental impact on the proposal is discussed below in various other headings.
- 6.14 Policy SAH3 of the Emerging Plan deals specifically with this site; however, as it is an emerging plan this can only be given limited weight. Policy SAH3 states that Robinson Road, Brightlingsea, as shown the Map SAH3, is allocated for housing development as follows:
- a. At least 115 new homes of a mixed size and type to include affordable housing as per the Council's requirements;
  - b. Minimum of 0.56 hectares of public open space including a Local Equipped Area for Play (LEAP);
- Proposal must accord with the following;
- c. The principal point of vehicular access will be off Robinson Road;
  - d. Capacity and/or safety enhancements to the local highway network where necessary;
  - e. Where necessary enhancements to public transport, cycle, pedestrian and bridleway infrastructure;
  - f. The design and layout of the development must have regard to the setting and significance of any historic features and buildings in the locality;
  - g. The design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impact through the inclusion of mitigation measures, in particular, the nationally designated sites;
  - h. Delivery of opportunities for the protection and enhancement of the historic environment including the built and archaeological environment;
  - i. The design and layout of the development incorporates or enhances important existing site features of ecological or amenity value. Where these features are identified, the applicant must avoid, then mitigate and, as a last resort compensate for adverse impacts upon these;
  - j. A financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority through S106 Planning Obligations;
  - k. Early engagement within Anglian Water to secure any necessary upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development.
  - l. Necessary financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or S106 Planning Obligations.

### Coastal Protection Belt

- 6.15 The site is allocated within the Saved Plan as Coastal Protection Belt. Policy EN3 of the Saved Plan states that new development which does not have a compelling functional need to be located in the Coastal Protection Belt, will not be permitted. The introduction to this policy states that the purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development. Although, this allocation is not carried forward in Emerging Plan and therefore it is considered that the Coastal Protection Belt allocation can only be given limited weight.

### Design, Appearance and Layout

- 6.16 The proposed dwellings are predominately two storey, with some 2 ½ storey dwellings proposed within the centre of the site and some bungalows. It is considered that this mixture is in keeping with the surrounding area and given the location of the 2 ½ storey dwellings these would not be unduly prominent.
- 6.17 The detailed design of the dwellings is varied with different roof forms; and 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.
- 6.18 Parking is generally provided to the side of the proposed dwellings so would not be prominent in the street scene. There are some clusters of parking areas, but these are not considered to be in prominent locations that would be harmful to the appearance of the area.
- 6.19 In terms of materials, the plans show a mixture of brick and rendered properties with tiled or slate roofs. The mix shown will ensure variety and visual interest across the development.
- 6.20 The materials proposed are a mixture of red multi and buff bricks; render; pantiles and eternit slate. The type and mixture of materials proposed is considered to be acceptable, the mix will ensure variety and visual interest across the development.
- 6.21 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. For flats it sets out a requirement of a minimum of 25 sq.m per flat provided communally.
- 6.22 Out of the 115 dwellings proposed, 107 (93%) meet the required standards set by Saved Policy HG9 and only 8 (7%) are below the standards. Furthermore many of the dwellings provide in excess of the minimum requirement and overall the total provision is in excess of the standards for the site as a whole. Each of the houses have their own private amenity space consisting of a usable shaped garden area and the each of the flats benefits from amenity space in either communal gardens or private gardens for some of single flats above garages. All of the proposed properties to be gifted to the Council for affordable housing meet the required standard and in some cases are far above area required for the size of dwelling.
- 6.23 It is considered that given the level of provision of on site open space (1.4ha of open space, comprising 0.57ha of formal Public Open Space and a further 0.83ha of additional open space against a requirement of 0.56 hectares in Emerging Policy SAH3) that the proposed

provision of private amenity space is acceptable and the deficit is not sufficient to warrant a reason for refusal.

#### Impact on Neighbours Amenities

- 6.24 Immediate residential neighbours to the site are those to the west in the new development (Phase 1), Wilfreds Way and properties in Greenhurst Road.
- 6.25 The properties adjacent to the site in Greenhurst Road are single storey in height and those proposed along the boundary facing these properties (Plots 29 -31) are also single storey in height. There is also a back to back distance of approx. 25 metres which is in accordance with standards set out in the Essex Design Guide. Plot 32 is also situated adjacent to the boundary with properties in Greenhurst Road, this is a one and half storey property with a ridge height of 8.3 metres, however it is orientated so the side elevation faces directly onto the properties in Greenhurst Road and the element of the building is closest to the boundary is single storey garages, this means that there will be no overbearing impact and no direct overlooking. Any overlooking that occurs will be at an oblique angle and therefore not sufficient to warrant a reason for refusal.
- 6.26 With regard to the impact on properties in Phase 1 it is considered that there is sufficient separation and that the orientation of the proposed dwellings and the location of windows means that no direct overlooking will occur.
- 6.27 Concern has been raised with regard to the impact on the proposed access connecting Phase 1 and Phase 2. It is considered that this will not result in a significant impact on the residents of Phase 1 as it is not the only point of access and the direct route for the majority of residents for the new dwellings will be directly onto Robinson Road.
- 6.28 For the above reasons 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. However, a condition is recommended to remove permitted development rights for loft conversions as these could result in overlooking issues if not controlled.
- 6.29 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.

#### Highway Safety

- 6.30 In support of the application a Transport Assessment was submitted this concluded that:
- Existing traffic levels on Robinson Road are reasonably low, with a seven-day average of 435
  - vehicles per day observed in April 2017. The 85th percentile speeds are 28.8 mph, and 28.1 mph for vehicles heading north- and south-bound respectively.
  - A road safety assessment was undertaken for the highway network surrounding the site, which demonstrated that there are no road safety issues inherent in the highway network that would be exacerbated by the proposed development.
  - A trip generation assessment undertaken using TRICS 7.4.1 indicated that the development is anticipated to generate 71 two-way vehicle trips (14 in and 57 out) in the morning peak hour and 62 two-way vehicle trips (40 in and 22 out) in the evening peak hour.
  - A robust distribution was assumed, and junction capacity assessments were undertaken on the site access, the Chapel Road / Robinson Road priority junction and the Church Road / Bateman Road priority junction. The capacity assessments indicated that all junctions operate well within theoretical capacity at peak times for all scenarios, including



the cumulative scenario which includes background traffic growth to 2022 and the operation of the proposed development and the adjacent committed development.

- 6.31 Essex County Council Highways have been consulted on the application and raise no objection subject to the conditions as detailed above, whilst concerns have been raised regarding highway safety, there is no evidence to suggest that the proposal would cause highway safety issues. All conditions recommended, with the exception of those that specify parking space sizes and garage sizes are reasonable and necessary in the interests of highway safety. The plans show compliance in term of parking space sizes and garage sizes and are therefore unnecessary.
- 6.32 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 plans show that each parking space and garage is of a sufficient size to meet the standards.
- 6.33 In terms of the number of spaces provided the total provision required for parking spaces is 252, including visitor spaces; however, the proposed provision is for 290 spaces, which is excess of that required. Although this is due to a number of the dwellings with 2 or more bedrooms being provided with more parking spaces than required by the standards, as the visitor parking space requirement is less than the requirement. However, this is considered acceptable as if the individual dwellings are provided with parking in excess of the required standards then the need for visitor parking is reduced. Overall, the parking provision is considered to be acceptable.
- 6.34 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.

#### Impact on Designated Habitats and Protected Species

- 6.35 The Colne Estuary SPA/Ramsar/SSSI/SAC is located 190 metres in a direct line from the site. There are three other international designated sites within 10km of the proposed development site (all over 8km away), and no other ecological SSSI's within 2km. The site is located within the impact risk zone of the Colne Estuary SSSI as defined by Natural England, but not for any other SSSIs. The site is located adjacent to East End Green Local Wildlife Site, which is designated for its neutral grasslands.
- 6.36 Prior to the submission of the application a Habitat Regulations Assessment Screening Report was carried out. This concluded that to mitigate the potential negative impacts of the proposed development and result in no Likely Significant Effect on the N2K site, the following combination of mitigation is recommended:
- Approximately 1.16ha of on-site SANGS provision, including a 1.7km circular dog walking route;
  - Information signage at the eastern pedestrian access point of the development site, to inform recreational users of the sensitive wildlife, their key attributes, and suggested mechanisms for ameliorating potential impacts (e.g. keeping dogs on leads along the sea wall; collecting and disposing of dog waste; avoiding walking along the along the sea wall to the east). This should also suggest alternative walking routes;
  - An aspiration to erect signage at the SPA footpath access point, to reiterate that the eastern sea wall is private property and is not a PRoW, and to discourage use of the PRoW onto the saltmarsh due to bird disturbance sensitivity. The current sign provided

by Essex County Council is not explicit and we recommend a new sign be agreed with the Council and funds be made available;

- Explore the possibility of stopping up the eastern non-PRoW route at the access point by ditching or fencing;
- Provision of the above information to new residents through appropriate media, such as leaflets and a website, and include information on responsible watersport practice;
- Payment of a one-off contribution per household to the emerging LPA mitigation strategy to provide for other off-site measures, such as new public open greenspace and appropriate monitoring and management of the Colne Estuary N2K site;
- Provision of dog waste bins at appropriate locations both on-site and along connecting PRoW, within 2km, where possible;
- Frequent washing, capture (settlement and filtration) and removal of dust deposited on the construction site.

6.37 Natural England have advised that they have no objection to the proposal subject to the above mitigation measures.

6.38 The application is supported by an extended Phase 1 Habitat Survey and an Ecological Assessment, detailing the surveys that have been carried out. They conclude that through implementing the above mitigation recommendations, with the exception of habitats and small/medium sized mammals, it is considered that all significant adverse impacts from the proposed development upon specific habitats, designated sites and protected species would be mitigated. The proposed mitigation measures includes the following:

- Financial contributions, circular walk, provision of dog bins and signage.
- Fencing, safe chemical storage, buffer eastern boundary vegetation with native thorny species planting, wildlife friendly lighting, public information boards, public open space on site to prevent negative impacts to adjacent LWS (East End Green).
- Low level lighting scheme, buffer and protect retained habitats and trees, pollution prevention measures via CEMP (Environmental Construction Management Plan) and long-term management plan for retained habitats via EMMP (Ecological Mitigation and Management Plan)
- Creation of suitable habitat via EMMP within open space in south for Pyramidal Orchid found in neighbouring LWS
- Bat friendly planting scheme and an ecological management plan implemented to ensure the long-term perpetuity of the bat assemblage. Sensitive lighting scheme employed throughout site
- Retention of roosting features on site, licences applied for as necessary and provision of additional roosting opportunities
- Management plan to recreate short grazed areas as well as long sward height meadow habitats
- Creation of new and replacement nesting opportunities / features including nest boxes
- Creation of reptile hibernacula on site and management of open space in south of site for retained off-site reptile populations to recolonise.

6.39 The above mitigation is considered to provide an overall neutral residual impact on assessed ecological features.

6.40 Within the proposed mitigation measures, reference has been made to financial contributions, for this to be considered reasonable it needs to meet the relevant tests. All requests need to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. At this time, it is not certain if these tests are met and further advice has been sought from Natural England, especially on the amount of the financial contribution. An update on this matter will be provided at Committee.

### Flood Risk and Drainage

- 6.41 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.42 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere.
- 6.43 Additional information has been submitted during the application process to overcome the original objection from Essex County Council Flood Water Management Team, who now raise no objection to the proposal subject to conditions set out above.
- 6.44 Anglian Water in their consultation response confirms the original surface water drainage strategy was unacceptable and requested a condition to require approval of this. This matter has now been resolved to the satisfaction of the ECC Flood Water Management Team, as Lead Local Flood Authority, so no condition is required (apart from those recommended by ECC). Anglian Water have also confirmed that with regard to wastewater treatment Church Road Water Recycling Centre will have available capacity and that the sewerage system at present has available capacity for the proposed flows.

### Landscaping

- 6.45 As part of the application an Arboricultural report has been submitted this states that the Arboricultural related implications of the proposal are as follows:
- In addition to trees which require felling irrespective of development, it is necessary to fell one individual tree, 15 low quality/poor longevity landscape features and a section of two further landscape features in order to achieve the proposed layout.
  - The alignment of structures or installation of new hard surfaces does not encroach with the Root Protection Areas of any trees to be retained.
- 6.46 The Council's Landscape Officer has been consulted on the application and considers that the report accurately describes the health and condition of the boundary hedgerows and the trees contained within them. They also considered that the although the existing vegetation on site makes a positive and pleasant contribution to the character of the area, does not merit retention and as such it is appropriate to focus on new soft landscaping that will help to replicate and improve upon the existing benefits provided by small trees and hedgerows on the land.
- 6.47 The soft landscape plans show extensive new planting intended to both soften and enhance the appearance of the development and the Council's Landscape Officer has considered that this is acceptable. However could be improved by utilising the additional opportunities for more trees. For example trees planted in the rear gardens of plots 1, 5, 11, 12, 13 and 16 would be clearly visible from the public realm as would trees in the front gardens of plots 18,19, 59,74 and 75. This has been raised with the applicant's agent and an update will be provided at the Planning Committee.

### Heritage Assets

- 6.48 There are 3 no. Grade II listed buildings located approx. 200-300 metres southwest of the site on Hurst Green, which also lies within the designated Conservation Area and the Grade II listed East End Green Farmhouse is located approx. 250 metres south-east. All these heritage assets are substantially visually separated from the site. It is therefore considered that the proposal would not affect either the designated Conservation Area or nearby Listed Buildings.

### Legal Agreement

- 6.49 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.50 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. The advice of Essex County Council, in its role as the local education authority, is that additional provision will be needed and a project to expand provision will be required to meet the demand for full day care provision and free entitlement places for early years and childcare generated by this proposal, therefore a financial contribution of £133,284 is required. At both primary and secondary school level additional school places will be necessary. This development would add to that need and, thereby, the scope of the projects to provide additional school places is directly related to the proposal. The contributions sought are based on the formula established in the Essex County Council Developers' Guide to Infrastructure Contributions, which calculates sums based on the number and type of homes built. Using this formula a contribution of £389,660 is required toward Primary Education and £394,638 is required towards Secondary Education. These contributions are considered to be compliant with Regulations 122 and 123 of the Community Infrastructure Levy as they are fairly and reasonably related in scale and kind to the development and five obligations naming the projects alluded to have not been entered into.
- 6.51 The NHS have confirmed that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution, in this case of £39,905 would form a proportion of the required funding for the provision or capacity to absorb the patient growth generated by this development.
- 6.52 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The housing team have confirmed that there remains a high demand in Brightlingsea, with the highest demand being for 2 and 3 bedroom homes. The applicant has offered 4 no. two bed dwellings and 2 no. three bed dwellings on site to be gifted to the Council for affordable housing. It has been confirmed by the Council's Housing Department that this is satisfactory. This is less than what was required by Phase 1 because one Phase 1 was for on-site provision where they would be a payment for the dwellings, whereas on this Phase it is proposed that the dwellings be gifted.
- 6.53 Policy COM6 in the adopted Local Plan and Policy HP5 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. Furthermore, Policy SAH3 of the Emerging Plan states that 'a minimum of 0.56 hectares of public open space including a local Equipped area for Play (LEAP)' shall be provided. As part of the original plans a

LEAP was included in the proposal but this was removed due to the number of objections received from local residents and the Parish Council and given the close proximity of existing facilities. It has therefore been agreed that a financial contribution towards improvement of existing provision should be sought. This has been agreed by the Council's Open Space Team and the contribution would be sought in line with the Supplementary Planning Document which equates to £60,035.63). It has been identified that there is also a lack of open space in Brightlingsea, but given that there is on-site provision of open space a financial contribution towards further provision is not necessary. If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a S106 legal agreement.

- 6.54 A request has been made by Natural England that a financial contribution is made for this to be considered reasonable it needs to meet the relevant tests. All requests need to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. At this time, it is not certain if these tests are met and further advice has been sought from Natural England, especially on the amount of the financial contribution. An update on this matter will be provided at Committee.

#### Conclusion

- 6.55 The proposal for 115 dwellings is considered to represent sustainable development, on the edge of Brightlingsea, and in an area benefiting from planning permission for residential development on the adjacent site for residential development and as a proposed allocation within the Emerging Local Plan.
- 6.56 The design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity, highway safety and designated habitats/landscapes. Subject to completion of the S106 legal agreement and the conditions set out above the application is recommended for approval.

#### Background papers

None

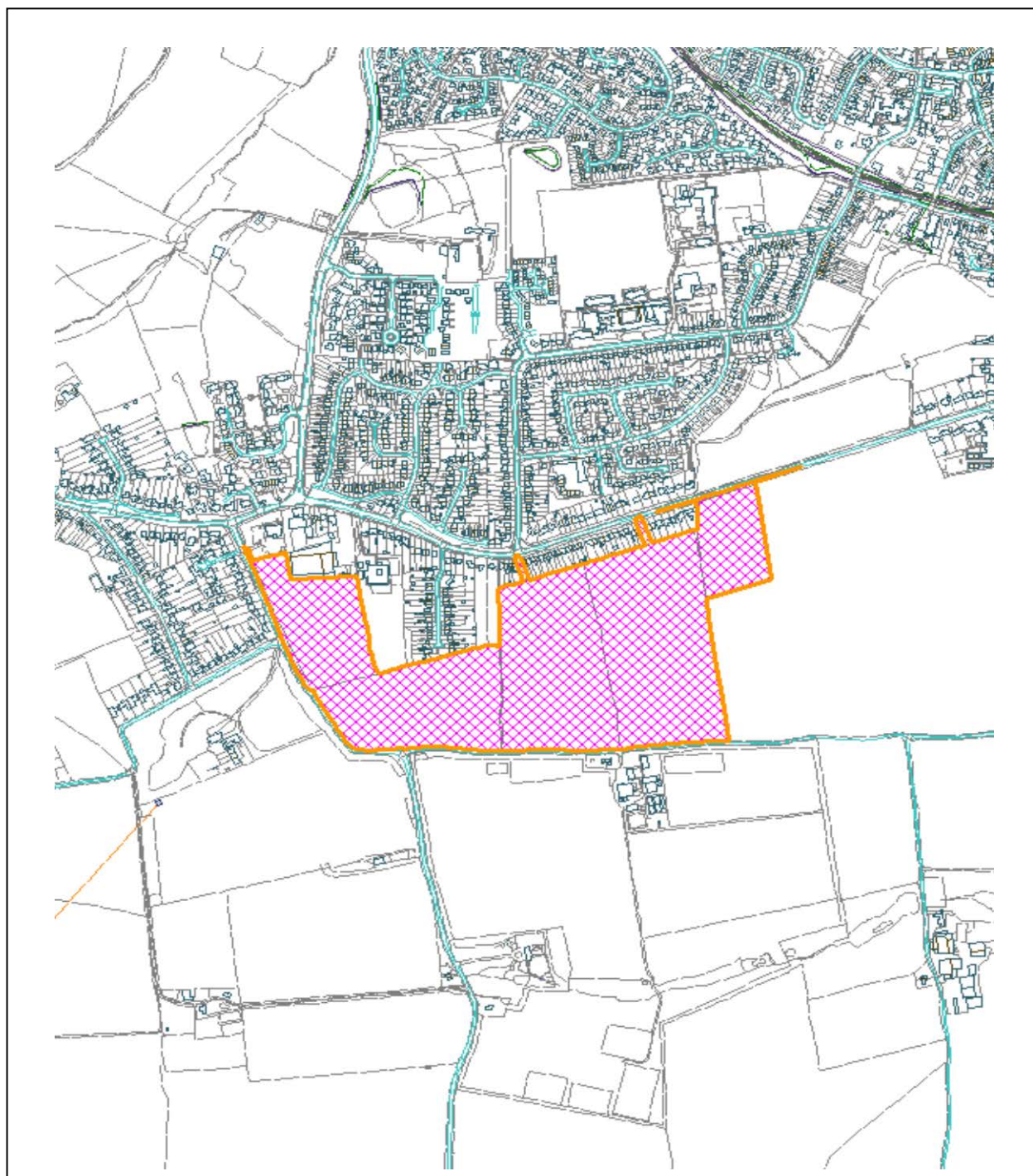
This page is intentionally left blank

## PLANNING COMMITTEE

3 JANUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### A.3 PLANNING APPLICATION - 17/01527/DETAIL - LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/01527/DETAIL	<b>Town / Parish:</b> Lawford Parish Council
<b>Applicant:</b>	Mr Steven Rose - Rose Builders (Properties) Ltd	
<b>Address:</b>	Land East of Bromley Road Lawford CO11 2HS	
<b>Development:</b>	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	

## 1. **Executive Summary**

- 1.1 Outline planning permission (all matters apart from access - reserved) was granted on 13<sup>th</sup> April 2017 for a mixed development of 360 houses and community facilities/open space on 22.76ha of land to the south of Lawford, under 15/00876/OUT. The current submission relates to phase 1 of the development, and is for the outstanding reserved matters.
- 1.2 In accordance with Members' request, the current submission has been brought to Planning Committee seeking consent with regard to the reserved matters of scale, layout, appearance and landscaping.
- 1.3 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development has been accepted by the granting of outline planning permission, which also established the position of the access.
- 1.4 The site – being the western third of the outline permission - is accessed from Bromley Road with the community building, car-park and open space to the north of the estate road, and the 120 dwellings to the south. The scheme retains the substantial hedge to the Bromley Road and Dead Lane boundaries, and the mature tree on the eastern boundary.
- 1.5 The detailed plans comply with the outline requirements, and the usual design parameters (garden sizes, distance between dwellings and level of parking) and the reserved matters are considered acceptable with no material harm to visual or residential amenity, or highway safety. The submission is therefore recommended for approval.

**Recommendation: Approve**

**Conditions:**

- 1 Dev in accordance with approved plans
- 2 Implementation of landscaping
- 3-5 Archaeology Conditions re programme of archaeological evaluation
- 6 Anglian Water condition re drainage strategy
- 7 Any conditions as advised by the Highway Authority



## 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

HG14 Side Isolation

HG14 Side Isolation

COM2 Community Safety

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

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

EN2 Local Green Gaps

EN4 Protection of the Best and Most Versatile Agricultural Land

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

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

SP2 Spatial Strategy for North Essex

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

- HP3 Green Infrastructure
- HP4 Safeguarded Local Greenspace
- 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
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL6 Strategic Green Gaps
- PPL7 Archaeology
- PPL9 Listed Buildings
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications 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 16<sup>th</sup> 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

15/30021/PREAPP	Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings).		06.02.2015
15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.	Approved	13.04.2017
17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Current	

### 4. Consultations

Cadent Gas Limited	Cadent Gas do not object to this proposal.
Anglian Water Services Ltd	<p>Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Manningtree Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.</p> <p>A drainage strategy to serve the wider development has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will request a condition requiring compliance with the agreed drainage strategy.</p>

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, are unable to provide comments on the suitability of the surface water management.

The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

#### CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

#### REASON

To prevent environmental and amenity problems arising from flooding.

Building Control and  
Access Officer

No comments at this time. We would advise that the agents work with us from an early stage to ensure compliance with the Building Regulations.

Environmental Protection

No response received.

Regeneration

The Regeneration Team have no specific comments to make on this application.

Tree & Landscape Officer

The main body of the application site is currently in agricultural use. The most significant trees and hedgerows are situated on the perimeter of the land. There is a 'gappy' hedgerow running north to south adjacent to the existing Public Right of Way.

In order to show the extent of the constraint that the trees are on the development of the land and to identify the works that will be necessary in order to implement the consent the applicant has provided a Tree Survey and Report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

Information contained in the report shows that the development proposal could be implemented without causing harm to retained trees. None of the small trees or sections of hedgerow identified for removal will have a significant adverse impact on the local landscape character.

The creation of a new access from Bromley Road will necessitate works to and felling of trees and a section of hedgerow. The removal of hedgerow and trees contained in (A4i) is not desirable however the harm caused can be relatively easily mitigated against and compensated for by new planting that will, within a reasonable period of time replicate and improve on the existing level of screening and benefits to wildlife.

In terms of soft landscaping the applicant has submitted a comprehensive and top quality landscape scheme that includes a wide range of plant species and tree planting throughout the development.

Babergh District Council	No objection to the proposal. The application site is some distance from the district boundary, with a large housing development between the site and the boundary. Planning issues such as traffic movements and highway safety will be covered through your own consultation process. Visually, the site will not impact on Babergh's landscape because of existing development in Lawford.
Department For Environment Food and Rural Affairs	No response received.
Essex Bridleways Association	No response received.
Essex County Council Archaeology	In response to the original planning application 15/00876/OUT an updated and appropriate archaeological desk based assessment was requested in order to meet the requirements of para 128 of the NPPF in order to assess the potential of the site prior to making recommendations. A Written Scheme of Investigation has been submitted with this application which proposes trial trenching for each phase of the development. The WSI has been approved and the archaeological investigations will need to take place prior to the commencement of development for each phase of work.

**RECOMMENDATION: A Programme of Archaeological evaluation**

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.
2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

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

ECC Highways Dept

The Highway Authority has assessed this application and would request additional information prior to making a final recommendation.

' 6m wide shared surface roads have now been indicated for the minor roads with side drainage to a swale as per our request. However, we will need to agree suitable construction details if long term damage to the carriageway is to be prevented by the ingress of surface water at sub-base level.

' The Layout drawing suggests the drainage for the spine road remains unchanged with a swale between the carriageway and footway. There is no cross section through these features and no supporting comments. We are unable to agree to this as we do not consider it to be a suitable solution from a highway point of view.

On receipt of this additional information further assessment can be made

ECC Highways Dept  
Additional comments

Comment as follows on the highway drainage aspect of this application:

- The highway soakaway detail is acceptable
- The long term maintenance of the grass swales could be a problem as they are unlikely to receive the necessary number of cuts per year to keep them looking tidy if we are to maintain them. Including the grass cutting of these areas within a maintenance company contract would solve this issue
- Concern about the long term stability of swales adjacent to the shared use roads as previously stated. Vehicles should be prevented from driving / parking on the swale or a system of verge reinforcement considered
- The road sub base layer should be protected from the effects of surface water by wrapping the geotextile material up at the end of sub base where it is adjacent to the swale.

Essex County Fire Officer

No response received.

Network Planner - UK  
Power Networks

The Design and Access Statement has the following short comment with regard to the 11,000 volt overhead line crossing the site.

"The site is traversed by a line of telegraph poles which form part of the local electricity network. This power line will need to be replaced with underground cabling."

This overhead line also supports a pole mounted transformer supplying the residents of Milton Road. The proposed site layout offers no means of maintaining the electricity supplies to these

residents as there is no route for an underground cable apart from across 10 back gardens. Access to replace or repair the cable would, in the future, be extremely difficult. This also assumes that the proposed substation could be used to provide the supplies when it's ownership may not allow this to happen.

Consideration needs to be given to this infrastructure alteration within the proposed site layout.

Environment Agency

No response received.

Essex Wildlife Trust

No response received.

Natural England

Natural England have no objection subject to the development providing the appropriate mitigation for green infrastructure is provided.

We suggest that circular walks within the application site and links to public rights of way are considered to provide the required facilities for dog walkers and the conclusions of the The Habitats Regulations (HRA) screening report (May 2016) submitted with the Outline Planning Application (ref: 15/00876/OUT) be included.

We acknowledge the provision of public open space in the north west corner of the proposed development, but clarification surrounding the design of the recreational space is needed to show how it will accommodate dog walking, such as circular walks and dog bins, along with the other mitigation highlighted in the HRA screening report. Natural England advises the implementation of mitigation highlighted in the HRA screening report.

Natural England have no objections to the development if the recommended advice is sort and the listed mitigation implemented.

Arch. Liaison Off, Essex  
Police

No response received.

ECC Schools Service

No response received.

ECC SuDS Consultee

If the drainage system has not been significantly changed from that previously proposed and approved under the full application - 15/00876/OUT – we would reserve our comment for the discharge of condition stage. If the drainage strategy has been changed, this should be detailed in this application.

Are happy with the principle of the drainage strategy and have no further comments to make regarding this application and will provide additional bespoke comments when discharge of condition 12 is sought.

Suffolk Coastal Heaths  
Project

No response received.



## 5. Representations

5.1 Lawford Parish Council - Having clarified with the developer that the "Foul water will need to connect to existing systems on Bromley Road and Long Road" is a mistake as the connection will only be made to Long Road, as shown on the submitted drawings. The new connection will be near the top of Colchester Road on Long Road. Lawford Parish Council has no objection to this application.

5.2 Mistley Parish Council - Mistley Parish Council does not oppose the planning application, but makes the following comments:  
(1) minimum environmental and green wedge impact; and  
(2) visual impact mitigated by existing development along Long Road.

Mistley Parish Council also has concerns about the following:

- (1) increase in traffic for Cox's Hill, Wignall Street, Bromley Road and the railway roundabout;
- (2) increase in traffic to the High Street in Manningtree; and
- (3) provision must be made to ameliorate the impact on local health services and schools

5.3 20 letters of representation state:-

- The transport assessment was undertaken in 2015 and makes no mention of the rail maintenance depot to the north of Manningtree Station that will add to traffic congestion
- The report was flawed in its assumptions and a roundabout is needed
- Traffic will double, and on the basis of highway safety, permission should be refused
- This makes no attempt to improve the road infrastructure and the junction on Bromley Road near to the lay-by is dangerous and there should be a mini-roundabout at Grange Road
- There already long queues at the railway station and up Cox's Hill which will worsen
- Safety concerns for commuters travelling by car to the A120
- This will cause extra road-side parking in Manningtree where the co-op is the only car-park
- Any development on this scale is environmentally and socially unsustainable
- Whilst it is accepted that new dwellings are required, the ones proposed are not the sort that local people can afford, being luxury and as a consequence, a high cost – this is a wasted opportunity to meet the needs of local people and provide more affordable homes
- There is already a good selection of larger homes in the area
- Whilst a third village hall is being provided, there's been no thought to increasing G.P cover and extra school places
- Local needs and opinions are not being considered
- The local infrastructure cannot support extra housing – the schools are full and doctors surgeries at capacity
- The community building, camping ground and parking are a concern and are vulnerable to misuse by individuals and vehicles – how will it be policed – CCTV and height barriers?
- How will the public toilets within the community building be controlled when the building is closed – across Essex, toilets are being closed to stop undesirable activities?
- The new hall is un-necessary - Ogilvie Hall is adequate and needs funding – will the upkeep for the new hall come out of Lawford Council Tax?
- There are numerous and under-used halls within the area – the community rooms will be an expensive white elephant
- Is access from other areas to be stopped in the interest of the safety of residents and children
- We paid a premium to live in this part of Lawford and we end up living in the middle of an estate
- If all the residential permissions go ahead, this will result in urban suffocation of this rural community
- There are no local jobs – householders will just be commuters

- Public views are not considered seriously or relevant – few people objected initially as they feel it's not worthwhile – these houses are to meet a perceived need from Central government
- Local needs for starter-homes and retirement homes are not catered for – these are just executive homes for commuters – there too much going on too quickly in this area
- High pressure gas main goes through the site and should have a green lane above it with no construction within 10m
- I object to any road construction going over the public footpath
- There is no provision for pedestrians on Wignall Street or Long Road
- The car-park should be accessed from the community centre who could control the pedestrian gate to the school
- The parking spaces are too narrow and should be parent-and-toddler spaces
- The play area should be central on the estate and less garages should be built
- The house sizes are too small – children need space in their lives and bedrooms
- Development should be blocked until the roads are repaired
- This development should pioneer erectible factory-built homes as other countries do
- There is not enough affordable housing
- Homes will be for car-based commuters who will go to out-of-town shopping centres and the local economy will not benefit
- Creating a village atmosphere with a green and playground is fine, but who will upkeep it, remove litter and sort out the vandalism?
- You are turning villages in to towns
- This greenfield will be a blot on the landscape rather than blending in
- Will cause extra traffic congestion and therefore extra pollution
- The car-park will attract anti-social behaviour as there is no police presence in Lawford/Manningtree
- We cannot get out of our property on to Bromley Road at peak-times now, so this will only get worse
- Frangulus Alnus – food plant of the Brimstone butterfly – should be used in the landscaping
- The community field and parking will become a magnet for traveller invasion, free commuter parking and overspill from commercial uses nearby

5.4 A considerable number of the above comments relate to matters of principle, such as the impact of traffic, that the development would be for commuters, that the development is not needed, there are no local jobs, and that doctors and schools services cannot cope.

5.5 Few of the comments relate to the issues being considered within this reserved matters submission – the design, scale, layout and landscaping.

## 6. **Assessment**

The main planning considerations are:

Principle of Development  
 Design and Landscape Impact  
 Impact on Protected Species/Wildlife  
 Highway Safety  
 Impact on Amenity of Neighbours

### Site Description

6.1 The application site is an 'L' shaped parcel of land fronting on to Bromley Road and Dead Lane at the southern side of Lawford. The site forms the first phase (around a third) of a larger site, which gained outline planning permission on 13/04/2017 (Ref 15/00876/OUT), being a site of 22.76ha.

- 6.2 The site is currently a range of grazing paddocks and arable land and runs from the current built up limits in the north (where the school is situated), and runs south along the eastern side of Bromley Road until it curves around and meets Dead Lane before turning south towards Bromley.
- 6.3 The site continues along the north side of Dead Lane – a rural road serving a farm and a pair of cottages.
- 6.4 The site “wraps around” a residential cul-de-sac - Milton Road - which lies to the north of the larger part of the ‘L’ shaped site.
- 6.5 Both roads are dominated by substantial road-side hedges/trees set on top of a raised bank, which effectively screens the site from the highways.
- 6.6 The eastern boundary of the site is defined by a field hedge containing a substantial mature tree alongside an un-made footpath.

### Proposal

- 6.7 This is a reserved matters submission for the first phase of the approved outline consent, and consists of the first 120 dwellings and the community facilities. It includes the outstanding matters of the design, scale, layout and landscaping for this phase I site as the access points were determined at the outline stage.
- 6.8 The outline permission was a mix of residential and community/open space uses, providing the following:-
- 360 houses and associated garages
  - A detailed design of two vehicular access points (one from Bromley Road and one from Long Road)
  - a new primary school access with off-road pick-up and drop-off parking
  - a community building with publicly accessible toilets
  - a junior camping field
  - a village green
  - public open space
  - structural landscaping; and
  - a playground.
- 6.9 The development on this current phase shows the new access road (the detailed design already having been approved at Outline stage) leading in to the northern end of the site from Bromley Road and it is to the north of Grange Road.
- 6.10 To the north of this new estate road is the new village green, a LEAP play area, parking/drop-off point for the school and the new school entrance, the community office building and the camping field.
- 6.11 The school entrance and car-park has a feature wall and landscaping to the new village green, and the new hall is a timber-clad, metal roof structure, rectangular in plan and containing 3 Parish offices, a meeting room, kitchen and w.c's.
- 6.12 The main estate road curves around the northern side of the site, and is dominated by the cycleway to one side and the footpath and surface water drainage swales to the other as it serves the other phases of the approved outline consent. This significant access road will have rows of dwellings to both sides and 5 cul-de-sacs running west and south each with groups of dwellings around them.

- 6.13 The key feature of the site is the retention of the trees/hedgerows, especially to Bromley Road, which act both as a landscaped buffer and a green corridor.
- 6.14 The dwellings are a mix of detached and semi-detached houses, 2 small terraces and detached and semi-detached bungalows and chalet/dormer bungalows and are constructed from a mix of brick, render and timber cladding.
- 6.15 Within the centre of the site is a modest courtyard of bungalows and a linked row of dwellings.
- 6.16 The proposed 120 dwellings are of 2 to 5 bedrooms consisting of:-  
 2 Bed Houses – 15 no  
 3 Bed Houses – 54 no (inc. 8 chalet bungalows)  
 3 Bed Bungalow – 5 no  
 4 Bed Houses – 41 no  
 5 Bed Houses – 5 no
- 6.17 The dwellings are either double-fronted or orientated with the end gable wall facing the road and have a garage, car-port or parking spaces.
- 6.18 There was an initial concern that plot 63 was too close to its neighbouring plot and the window-to-window distance was inadequate, and the 'landmark building' on plot 103 - which is situated on the main bend in the spine road and projects further forward than the surrounding dwellings – would have blank gables on show. The applicant has resolved these concerns by re-arranging the layout of the bungalows around the courtyard at the eastern end of the site (plot 63) and amending the design of the dwelling on plot 103 to include a raised parapet wall to the front elevation, feature chimney stacks to both side gables and introduced gable-end windows and a door to provide interest. Amended plans are awaited and any update will be given at Committee.
- 6.19 The submission also includes details required by conditions imposed on the outline permission.
- Principle of Development
- 6.20 The principle of development was established by the granting of the outline permission.
- 6.21 The outline permission included a detailed position for the 2 access-points with a significantly detailed master-plan and the submitted details comply with that outline consent.
- 6.22 Issues such as the impact on the village character, potential contamination, highway safety (with off-site improvement works to the roundabout) and ecology have already been assessed via the appeal, with the principle of development of the site being well established, and the current proposal reflects the outline scheme, and is an efficient use of the site that will assist in achieving/maintaining the 5-year Housing Land Supply, and the N.P.P.F requirement to significantly boost the provision of housing land and meets the social arm of sustainable development.
- 6.23 The affordable housing element (14 dwellings) required by the Section 106 agreement at the outline stage is to be provided on Phase II.
- 6.24 The proposal retains the well-established boundary hedges situated along the western and southern boundaries, along with a green corridor on the eastern boundary of Phase I which

maintains the simple rural nature of the surroundings and the areas retained for wildlife purposes.

- 6.25 The community facilities are located near to the site entrance as intended by the outline consent.

#### Design and Landscape Impact

- 6.26 The majority of the dwellings are 2-storey in nature apart from 13 bungalows and chalet bungalows which are concentrated at the eastern edge of the site. None of the houses include accommodation within the roof.
- 6.27 The dwellings are an attractive design, and are of 2 – 5 bedroomed proportions being terraced, semi-detached and detached houses and detached and semi-detached bungalows representing a suitable 'mix'.
- 6.28 The dwellings as proposed meet the adopted standards for parking, garden-size and 'gaps' between dwellings.
- 6.29 The dwellings are served from a long spine road, and apart from a 'landmark' building at the main bend in the road, comprises a rather uninteresting and regimented layout, to a higher density than the remainder of the site, with the road being the dominant feature, which is heavily engineered with a remote 3m wide cycleway to the north side and a remote 2m wide footway to the south side, separated from the road by the surface water swales and substantial planting.
- 6.30 The 5 cul-de-sacs running west and south from the spine road are far more interesting, having a lower density, and a less regular layout and it incorporates a courtyard of bungalows to one cul-de-sac with the most eastern drive skirting the mature tree which forms a central feature of the green corridor/public footpath.
- 6.31 The cul-de-sacs run through to the wildlife buffer strips to the highway boundary, and the end dwellings are served from private drives from the end of the adopted cul-de-sacs and have an undulating layout and face out towards the buffer strips and the countryside with a more open and rural character.
- 6.32 The community facilities provide the camping field, village green and playground, which will soften the appearance of the village offices/w.c, car-park and school entrance, and the layout closely follows that envisaged by the outline consent.
- 6.33 The substantial spine road with the regimented rows of dwellings to each side is the dominant feature of the estate, as was envisaged by the master-plan (entitled Land-Use Audit) approved at the outline stage and which was quite detailed in relation to how the various blocks of dwellings would be situated around the site. Conditions 3 and 5 of the outline permission required the completion of a master plan and that plan and the development had to be in general conformity with the Land-Use Audit. The applicant has carried out extensive consultation with the Parish Council in producing a master-plan, which retains the central spine road as a key element of the design and the main community facilities.
- 6.34 Whilst this element has a quite urban-form, it is central within the development and well landscaped which mitigates its impact, and it would have only a very localised impact. This layout does however allow for the very rural nature of Bromley Road and Dead Lane (which are country lanes with no footways) to be retained as new footpaths to the highways around the perimeter of the site are not required as all cycle ways and footpaths are provided internally within the development.

6.35 There are informal routes between the dwellings and the open countryside to the south and the retention of the banked tree-lined hedgerows, the proposed planting and the spacious layout of the development on the perimeter of the site maintains a rural character and assimilates the development in to its settlement-edge location.

6.36 The design and landscape of the scheme closely follows the master-plan and the appearance is considered to be acceptable.

#### Impact on Protected Species/Wildlife

6.37 The important raised bank with its tree/hedge cover on the site boundaries - excluded from the built-form of the development at outline stage - will remain a wildlife haven and undisturbed by the proposal, and as such the development would have no adversely impact upon the wildlife of the area.

6.38 A wildlife mitigation strategy was submitted at the outline stage, and condition 16 was imposed which requires (for each phase) a further Ecology Mitigation and Management/Enhancement Plan to be submitted prior to the commencement of each phase.

6.39 English Countryside raise no objections to the proposal, but raise issues that need to be addressed and subject to agreement of the new plan.

#### Highway Safety

6.40 Whilst many of the objections raise concerns that the highway network cannot cope with the scale of the development, the site already has outline approval which formally agreed the 2 main access-points and diversion of the footpath.

6.41 The outline scheme agreed the various off-site works to improve the roundabout and junctions and the proposed details follow closely the outline master-plan.

6.42 Essex County Council Highways do not object to the development, but raise detailed issues that would need to be addressed via their adoption agreement.

6.43 The layout plan shows that each dwelling would be served by at least two parking spaces and turning each commensurate with the current parking standards, and there are casual visitor parking possible on the access drives.

6.44 No highway safety issues would arise that would justify refusal of the application.

#### Residential Amenities

6.45 The proposed development would retain sufficient spacing to surrounding dwellings so as to not cause any adverse impacts in respect of loss of light/outlook/privacy for the surrounding neighbours.

6.46 The only existing dwellings directly adjoining this Phase I site is Milton Road, and the 2 end properties most affected - no.s 30 and 37 – are orientated looking east and west. The new dwellings look directly north and south, although their distance from the boundary is a minimum of 13m and as such, they would have no appreciable impact on the amenity enjoyed by the residents of properties on Milton Road.

6.47 The layout plan indicates the retention of the existing wall/fencing and provides good screening to surrounding properties.

6.48 To the south of Dead Lane is a small group of dwellings grouped around Adhams Farm, although those properties are a considerable distance from the highway and are separated

from the new dwellings by the lane and the landscape buffer and they would be unaffected by the dwellings on phase I.

6.49 It is considered that the new proposal would not cause any harm to amenity, due to the separation distances involved.

6.50 The scheme meets the policy requirements for garden size, distance to boundaries and other amenity/design matters.

#### Other Issues

#### **Archaeology**

6.51 Three conditions have been requested by the ECC Archaeologist although these were imposed on the outline permission and do not need to be re-issued in relation to the reserved matters. Some preliminary work has been carried out, and an agreed scheme for archaeological investigation has been agreed.

6.52 Further work is required prior to commencement of the development

#### **Overhead Power Cable**

6.53 An overhead cable crosses the site, which will need to be placed underground and a suitable route agreed between the developer and the power supplier.

6.54 The eastern end of the site includes a provision for services – including a new sub-station and pumping station and it is envisaged that this could be utilised for the new supply.

#### **BACKGROUND PAPERS**

None

This page is intentionally left blank

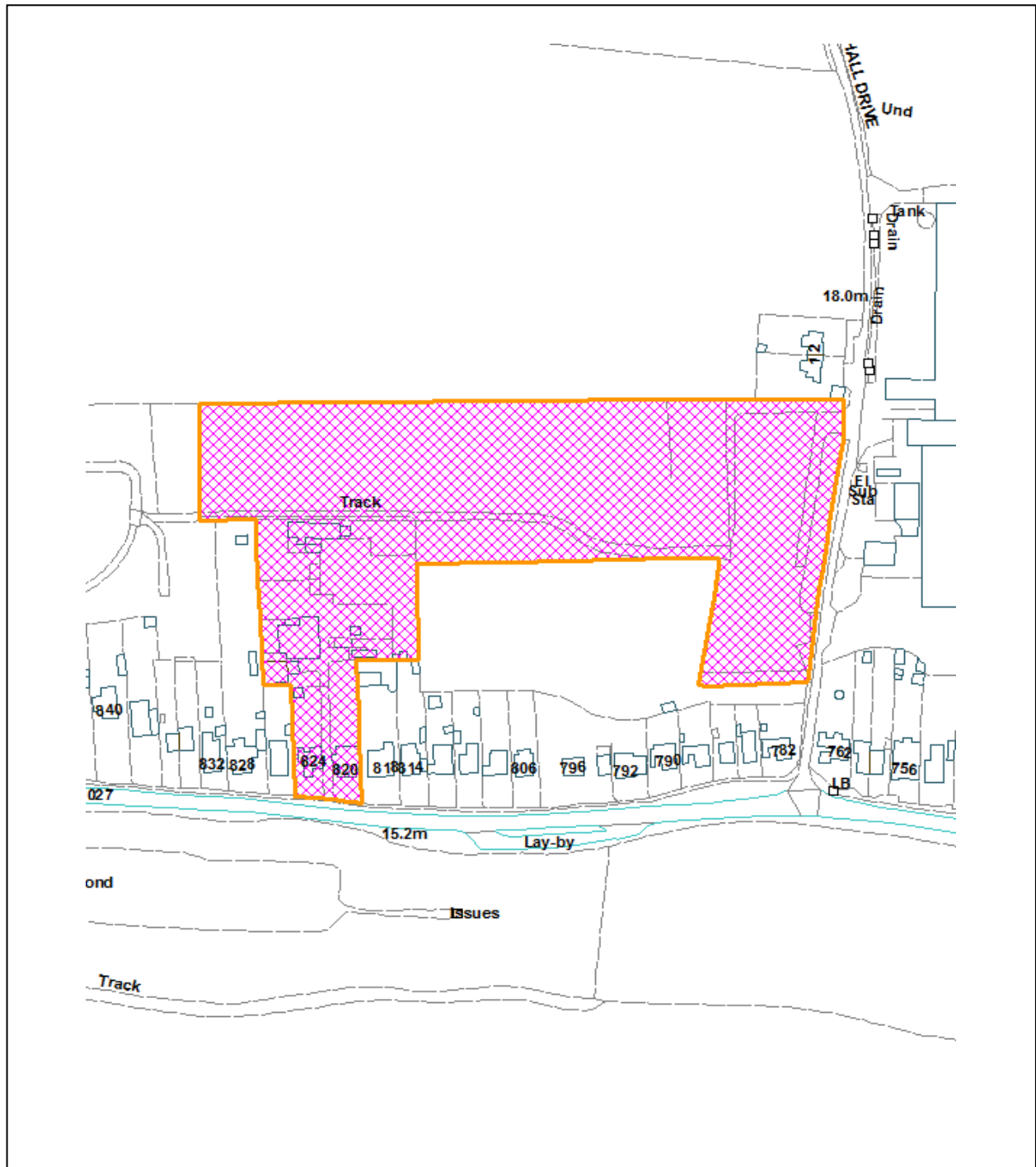


## PLANNING COMMITTEE

3 JANUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### A.4 PLANNING APPLICATION - 17/00825/OUT - LAND NORTH OF 782 TO 828 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BS



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/00825/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Leisure Fame Ltd	
<b>Address:</b>	Land North of 782 to 828 St Johns Road Clacton On Sea CO16 8BS	
<b>Development:</b>	Residential development of 84 dwellings.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee at the request of Councillor Whitmore. His concerns relate to the backland nature of the development; road safety issues regarding the entrance/exit road; and being completely out of character with the surrounding area. The application is also contrary to the Development Plan proposing housing outside of the settlement development boundary of the 2007 adopted plan.
- 1.2 The application site lies outside the settlement development boundary of the adopted local plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 1.3 The proposal seeks outline planning permission, with access included for consideration, for 84 dwellings accessed from St Johns Road following demolition of number 820 and 824 St Johns Road.
- 1.4 Planning permission has been granted on appeal (14/00929/FUL) for 14 two storey dwellings on land accessed following demolition of number 824 and that permission is extant until 8<sup>th</sup> July 2018.
- 1.5 The proposal is considered to represent sustainable development with no material harm to landscape character, ecology, residential amenity or highway safety.
- 1.6 The proposal is recommended for approval subject to conditions and completion of a S106 legal agreement to provide for education, affordable housing, health and open space.

### **Recommendation: Approval**

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - Education contribution of £318,402 for primary school transport, plus primary and secondary school place contributions in accordance with the formula set out in the ECC Developers Guide to Infrastructure Contributions
  - 30% on-site affordable housing
  - NHS financial contribution of £29,187
  - Provision of on-site open space and (if they wish to transfer to the Council) commuted sum for maintenance of public open space for twenty years.

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

**(i) Conditions:**

1. Reserved matters standard conditions
2. Accordance with approved plans
3. Construction method statement
4. Vehicular visibility splays of 2.4m x 120m
5. No unbound materials within 6 metres of the highway boundary
6. Residential Travel Information Packs
7. Provision of bus stop improvements to the two closest bus stops
8. Access road and 2 x 2 metre wide footways to be provided prior to occupation
9. No vehicular access from the application site onto Earls Hall Drive
10. Archaeological trial trenching
11. Completion of archaeological fieldwork
12. Post-excavation archaeological assessment
13. Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination.
14. Detailed surface water drainage scheme
15. scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution
16. Maintenance Plan for surface water drainage system
17. Yearly logs of maintenance
18. Recommendations of Preliminary Ecological Assessment
19. Approval of any street lighting

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

## **2. Planning Policy**

### **National Planning Policy Framework (NPPF)**

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

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

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

### **Local Plan**

#### **Tendring District Local Plan (2007)**

QL1: Spatial Strategy

QL2: Promoting Transport Choice

QL3: Minimising and Managing Flood Risk

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

QL12: Planning Obligations

HG1: Housing Provision

HG3a: Mixed Communities

HG4: Affordable Housing in New Developments

HG6: Dwellings Size and Type

HG7: Residential Densities

HG9: Private Amenity Space

COM6: Provision of Recreational Open Space for New Residential Developments

COM26: Contributions to Education Provision

COM31a: Sewerage and Sewage Disposal

EN1: Landscape Character

EN6: Biodiversity

EN6a: Protected Species

EN13: Sustainable Drainage Systems

TR1a: Development Affecting Highways

TR3a: Provision for Walking

TR5: Provision for Cycling

TR7: Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP4 Infrastructure and Connectivity

SP5 Place Shaping Principles

SP6 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

### **Status of the Local Plan**

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

### **3. Relevant Planning History**

14/00929/FUL	Demolition of existing bungalow and other buildings and the creation of 14 houses plus associated roads, drives, car parking and garages.	Refused 18.11.2014 Appeal 08.07.2015 allowed
17/00826/OUT	Hybrid application consisting of: outline planning application for residential development of 34 dwellings and full planning application for the creation of new access road.	Refused 16.08.2017

### **4. Consultations**

TDC Housing	25 on site affordable dwellings should be provided (30%) preferably managed by another registered provider.
TDC Open Space	Bockings Elm is the closest play area. Due to the deficit in play within the area on-site provision is required. Should the developer wish to transfer the open space and play facilities to the Council upon completion a commuted sum will be required for a period of 20 years.
ECC Archaeology	A number of cropmark complexes in the surrounding area attest to the archaeological potential of the area of the proposal. The recorded cropmarks are immediately adjacent to the site and can be expected to continue into the development area. Any surviving below ground heritage assets would be damaged or destroyed by the proposed development. Recommend three conditions to secure a programme of trial trenching followed by open area excavation.
TDC Building Control and Access Officer	Agent should ensure that adequately sized turning heads are provided for firefighting appliances to comply with Approved Document B.
TDC Tree & Landscape Officer	The application site comprises the residential curtilage of 820 and 824 St John's Road and land to the north. There are no trees of significance within the curtilage of 824 St John's Road but the rear garden of 820 contains three trees of reasonable stature. The trees are a single conifer (Chamaecyparis species) a Sycamore and a Hawthorn. Although the trees are reasonable

specimens they are set back in the rear garden and make only a moderate contribution to the amenities of the locality. Also, it would appear from the concept plan that these trees are not threatened by the development proposal. For these reasons it is not considered expedient to protect them by means of a means of a Tree Preservation Order.

The bulk of the application site is land situated to the north and does not contain many trees or other significant vegetation. The northern boundary is planted with a row of conifers (*Leylandii*) that are a dominating feature in the landscape. These trees do not merit retention and, regardless of the development proposal, their removal would have a positive impact on the local landscape character.

At the western end of the main body of the application site the land appears to have been set out as an overflow car park. In this area there is an early mature Weeping Willow which is an attractive tree. The amenity value of this tree could be relatively easily replicated by new planting.

On the western boundary of the car park there is an old hedgerow behind a bank of soil that contains a few trees, the most important of which is an established Oak. On the indicative site layout the tree is shown as retained as it is on or next to an area of land allocated as public open space.

Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping to enhance the appearance of the development. Special attention should be given to the treatment of site boundaries to ensure that the development sits comfortably in its setting and to help assimilate the built form into its urban fringe location.

Anglian Water

The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity fed connection.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and subject to the final access and internal layout for any adoptable roads being agreed with this Authority at the detailed design stage, does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Prior to occupation of the development all vehicular parking and turning facilities shall be constructed, and surfaced in accordance with current policy standards, and maintained free from obstruction within the site at all times for that sole purpose.

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

Prior to the first occupation of the development, the proposed roads shall be constructed to a width of 5.5 metres with 2x 2m footways to the satisfaction of

the Local Planning Authority.

Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing, proximity of buildings to the highway boundary and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

No works in connection with the proposed development shall commence until such time as appropriate improvement works to the two closest bus stops (Bocking Elms) has been agreed with the Local Planning Authority. These works shall then be constructed prior to first occupation and be provided entirely at the Developer's expense.

Environment  
Agency

Land Contamination: No objection but state given the geology and the nearby pond and stream this is an area of moderate environmental sensitivity and potentially overlies a historic landfill site. Under application 14/00929/FUL for 14 houses investigations were undertaken which recommended a Phase 2 Intrusive Investigation is completed. That recommendation is endorsed. Should significant levels of contamination be identified within the soils or identified beneath the site, an assessment of the risk to groundwater quality should be completed. This should include the installation of groundwater monitoring wells within the source areas and along the boundaries with the landfill site. An assessment of the risk from landfill gas should be undertaken. Conditions should therefore be imposed requiring a Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination.

Sustainable Drainage Systems (SuDS): Given the potential presence of historic waste materials the use of SuDS could exacerbate the risk to controlled waters. Detail their four general requirements for SuDS e.g. infiltration only acceptable where no significant contamination is proven; surface water from hardsurfacing needs to be treated; maximum depths for infiltration; deep bore/deep soakaway not suitable where groundwater is a significant resource.



Natural England	No comments to make on this application refer to standing advice.
ECC Schools	Proposal can be expected to generate the need for up to 7.5 early years and childcare (EY&C), 25.2 primary school, and 16.8 secondary school places. There is capacity for EY&C. Additional school places will be required at both primary and secondary level based on the formula in the ECC Developers Guide to infrastructure contributions. There is not a safe walking route to St Osyths Primary so £318,402 is required for primary school transport.
ECC SuDS	Do not object to the granting of planning permission subject to the following conditions: 1) detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. 2) scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution 3) Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. 4) The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan.
NHS Property Services	The 2 local GP branch surgeries (Nayland Drive and Clacton Road) do not have capacity for the additional growth resulting from this and cumulative development in the area. A developer contribution will be required to mitigate the impacts of this proposal calculated to be £29,187.

## 5. **Representations**

- 5.1 Councillor Whitmore has called in the application for determination at Planning Committee. His concerns relate to the backland nature of the development; road safety issues regarding the entrance/exit road; and being completely out of character with the surrounding area. (These points are addressed within the assessment below).
- 5.2 Clacton is non-parished but St Osyth Parish Council objects to the proposal: Whilst the Parish Council appreciate that the proposed site for development is a brownfield site, there are objections on the basis that the development will intensify traffic problems, which already exist at the entrance to the plant centre. Additionally, there are serious concerns that the development will have an effect on both medical and educational provision within the area. (In response highway safety is discussed in the report below. Traffic associated with unauthorised development at the plant centre is unrelated to this proposal and no vehicular access is proposed onto Earls Hall Drive. Comments in relation to the impact upon health and education provision in the area are included within the report and within the S106 requirements).
- 5.3 One letter of objection has been received summarised as follows: (with response in brackets where not addressed in the report)
- The two applications (17/00825/OUT and 17/00826/OUT) should be considered together and in addition to a potential phase 3 (to the rear of numbers 788-812 St Johns Road) providing approximately 138 homes in total (there is no planning application for development of the stated 'phase 3'. The 34 homes under 17/00826/OUT have already been refused under delegated powers. The Highway Authority was aware of 17/00826/OUT for 34 dwellings when assessing the capacity of the junction to serve both developments).
  - Unacceptable backland development (addressed in the report).

- What happens to 14/00929/FUL approved for 14 dwellings on part of the site (this permission still stands until 8th July 2018, however this shares part of the application site with the current proposal so they cannot both be implemented).
- Road design is unsafe and traffic survey not taken during summer peak periods (the Highway Authority have assessed the proposal and have no objection subject to conditions as detailed in the report).
- Increased vehicle noise and street light pollution (it is not considered that 84 dwellings off this busy road, with the landscape buffer, would result in any material harm in terms of noise pollution as detailed within the report. There are no dwellings opposite the vehicular access and street lighting within the site can be controlled by condition).
- Loss of privacy (No detailed design has been submitted however given the size of the site it is considered that a development of 84 dwellings could be designed with no harm in terms of overlooking).
- A brick wall of seven feet high along my boundary is requested to provide security and privacy (a wide landscaped buffer strip is provided, however the detail of boundary treatments will be considered at reserved matters stage).
- A two storey house is shown at my rear boundary this should have privacy glass or be designed to prevent overlooking (detailed design will be considered at reserved matters stage and neighbouring amenity will be assessed and preserved at that stage).

5.3 Two letters of support have been received summarised as follows:

- As neighbouring landowner welcome a balanced development that compliments the surrounding houses and countryside.
- Site has been an eyesore for many years – fly tipping, car parking.
- Would be nice to see building on such a site instead of some open green space.

## 6. **Assessment**

The main planning considerations are: Principle of development, highway safety, design and visual impact, impact on residential amenity, surface water, legal agreement and contamination.

### Site location

- 6.1 The application site lies outside the settlement development boundary of the adopted local plan. The emerging local plan includes all the dwellings on the northern side of St Johns Road within the settlement development boundary of Clacton-on-Sea, plus the application site and neighbouring St Johns Plant Centre which both lie to the rear of existing dwellings fronting St Johns Road.
- 6.2 The application site gains access from St Johns Road by demolishing existing dwelling numbers 824 and 820. The site extends northwards, then westwards around a large area of mature garden, before extending southwards again close to the rear boundary of numbers 782-788 St Johns Road. To the immediate western boundary is a holiday park, and to the immediate eastern boundary is Earls Hall Drive which provides access to St Johns Plant Centre and dwellings further north. Outside the full northern boundary is open agricultural land.
- 6.3 The eastern section of the site, currently accessed from Earls Hall Drive, comprises hardstanding previously used as overspill car parking for St Johns Plant Centre and unauthorised vehicle storage. This land is now vacant.

- 6.4 The western section of the site has a mixture of residential and storage uses with a number of barns and large sheds. Planning permission has been granted on appeal (14/00929/FUL) for 14 houses on land accessed following demolition of number 824 and that permission is extant until 8<sup>th</sup> July 2018.

#### Principle of development

- 6.5 The application site lies outside of any defined settlement development boundary in the 2007 adopted plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 6.6 The Council can identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's 'presumption in favour of sustainable development'.
- 6.7 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

#### Economic

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

#### Social

- 6.9 The site is located on the edge of the town of Clacton-on-Sea which is the most sustainable settlement type in the District providing a wide range of employment opportunities, public transport links, services and facilities. There is an existing lit footway connecting the site to Clacton and Jaywick and bus stops are only a short walk away. The site is therefore considered to be socially sustainable.

#### Environmental

- 6.10 The site is not subject to any landscape designations or in close proximity to any heritage assets. ECC Archaeology confirm a number of cropmark complexes in the surrounding area attest to the archaeological potential of the area and recommend three conditions to secure a programme of trial trenching followed by open area excavation. These conditions are included within the recommendation.
- 6.11 The majority of the site does not contain any trees or significant vegetation. There are a small number of reasonable trees within the site but none that make such a contribution that they would merit protection by means of a Tree Preservation Order. There is an established Oak which is indicated as retained within the proposed area of open space. The northern boundary comprises a row of Leylandii that are a dominating feature in the landscape, it is considered that their removal would have a positive impact on the local landscape character. Soft landscaping and appropriate boundary treatments will be required to ensure the development sits comfortably within its setting and particularly along

the northern boundary with open countryside. Landscaping is a reserved matter so details of acceptable soft landscaping will be required within any reserved matters application.

- 6.12 A Preliminary Ecological Assessment has been undertaken which confirms that the site mainly comprises of overgrown wasteland with frequent piles of waste soil, rubble and general debris. One juvenile common lizard was recorded on site and recommendations include timing and method of site clearance in order to protect any lizards present on site and to allow them to migrate towards the large gardens to the south. With the exception of nesting birds, the site is unlikely to support any other protected species and no further surveys are recommended. Due to the bird nesting season conflicting with the active reptile season it is recommended that immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest. Conditions are recommended to ensure these species protection measures are undertaken.
- 6.13 The proposal is for outline planning permission with only access included so the housing layout shown is purely indicative at this stage. However the site is surrounded by built development to the eastern, southern, and western boundaries and forms a logical extension of the existing settlement as shown within the emerging local plan. Beyond the northern boundary the landscape character changes dramatically with open countryside. This significant landscape difference resulted in the proposal 17/00826/OUT for 34 dwellings to the immediate north being refused under delegated powers on the grounds of significant landscape harm and failing the environmental strand of sustainability.
- 6.14 Application 14/00929/FUL was refused but allowed at appeal for 14 dwellings on part of the application site and that permission is extant until 8<sup>th</sup> July 2018. That permission involved demolition of the existing bungalow at 824 St Johns Road and creation of a long access serving 14 two storey dwellings in a backland location. The principle for backland development in this location has therefore already been accepted.
- 6.15 Saved Policy HG13 and Draft Policy LP8 relate to backland development and this development does lie behind the line of existing frontage development on St Johns Road; has no frontage to an existing public highway; and it does constitute piecemeal development in that it does not form part of a large area allocated for development. Although the site does meet the definition of backland development this does not automatically make it unacceptable. HG13(i) requires backland sites to be within a settlement development boundary which this is not within the saved plan, however it is within the settlement development boundary of the emerging local plan. HG13(iii) and LP8(b) relate to provision of a safe and convenient means of access not likely to cause undue disturbance or loss of privacy and these matters are addressed in the report below under Highway Safety and Residential Amenity and considered acceptable. HG13(ii) and LP8(a) loss of existing garden land and HG13(iv) and LP8(c) tandem development are not relevant in this case.
- 6.16 HG13(v) and LP8(d) require that the site is not awkwardly shaped or fragmented, or difficult to develop in isolation/prejudice a more appropriate comprehensive development solution. Although the shape of the site is irregular it represents a comprehensive development of this mainly vacant land within the emerging settlement development boundary. The northern boundary is wholly consistent with the rear boundary of the neighbouring holiday park which represents a strong physical boundary in the landscape with open agricultural land beyond to the north. There is therefore no conflict with HG13(v) and LP8(d).
- 6.17 HG13(vi) and LP8(e) require the site to not be on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular

setting and saved HG13(vii) and LP8e require the proposal to not be out of character with the area or set a harmful precedent for other similar forms of development. As stated above the proposal would represent a logical expansion of the existing settlement up to the northern site boundary which forms a strong physical boundary in the landscape. The proposed backland development is therefore considered to comply with saved Policy HG13 and Draft Policy LP8.

- 6.18 The proposal is therefore considered to represent sustainable development and the principle of residential development is therefore accepted subject to the detailed considerations below.

#### Highway Safety

- 6.19 The application seeks outline planning permission with only access included for consideration. Numbers 820 and 824 St Johns Road are to be demolished to create a vehicular access serving up to 84 dwellings. Detailed plans confirm an access drive of 6 metres wide with 2 metre wide footpaths to both sides. There is a landscaping strip of maximum 7 metres wide along the boundary with the neighbour at 826 St Johns Road. The internal layout shown is purely indicative at this stage.
- 6.20 The indicative plans show Plot 1 as a bungalow fronting St Johns Road and sited in line with existing dwellings, which represents an acceptable proposal in visual amenity terms. That property is shown to have independent vehicular access, parking and turning.
- 6.21 The proposal for 84 dwellings on this site represents a density of around 28 dwellings per hectare so sufficient space will be available to provide off street parking and turning in accordance with the adopted parking standards.
- 6.22 The Highway Authority has no objection to the proposal subject to eight conditions as detailed in full above. Conditions relating to 1) vehicular visibility splays; 3) no unbound materials within 6 metres of the highway boundary; 7) Residential Travel Information Packs; and 8) provision of bus stop improvements are all included as recommended conditions.
- 6.23 Condition 4) requires the road to be 5.5 metres wide with 2 x 2 metre wide footways. The footways are shown as specified however the submitted plans show a 6 metre wide road. This is considered acceptable to serve 84 dwellings and a reworded condition will be imposed to secure provision of the road and footways as shown on the submitted plan prior to first occupation of the development.
- 6.24 Condition 2) relates to parking and turning; condition 5) relates to estate road layout; and condition 6) relates to road construction levels, all of which require formal approval under layout as a reserved matter.
- 6.25 It is also recommended that an additional condition is imposed preventing any vehicular access from the application site onto Earls Hall Drive as this is not suitable to accommodate the level of traffic likely to be generated from the proposed 84 dwellings.

#### Design and visual impact

- 6.26 Appearance and layout are reserved matters so are not for consideration at this stage. The vehicular access which is under consideration incorporates an up to 7 metre wide landscaping strip to the left side with the existing neighbour and indicates a bungalow (Plot 1) on the right side of the access drive. Plot 1 has independent vehicular access and is sited in line with its neighbour and reflects the strong building line along St Johns Road.

- 6.27 The indicative layout is unacceptable in a number of respects. It shows two bungalows (plots 2 and 3) cramped to plot 1 and the access drive, and it shows Plots 47 and 48 cramped to the northern boundary with open countryside. It also shows vehicular access serving the proposal for 34 dwellings which has been refused. An informative will be added to confirm that the indicative layout is unacceptable and an improved layout will be expected at reserved matters stage.

#### Impact on residential amenity

- 6.28 There is ample space within the site to create a layout and detailed design that preserves the amenity of neighbouring residents, and provides adequate private amenity space in accordance with saved Policy HG9.
- 6.29 The access drive provides an up to 7 metre wide landscaping strip for the full length of the neighbouring garden at number 826 St Johns Road. As the access road serves 83 of the 84 dwellings there will be potential for substantial noise and disturbance from vehicles and, to a lesser extent, pedestrians using the footpath. It is considered that given the significant background noise level along the busy St Johns Road, and the substantial landscaped buffer strip provided, that the impact upon the residential amenities of occupiers of 826 St Johns Road would not be so significant as to justify refusing planning permission on these grounds. The extant planning permission (14/00929/FUL) for 14 houses also approved an access drive in this location with around 4 metres landscaped buffer.

#### Surface water

- 6.30 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, which might arise as a result of development.
- 6.31 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere.
- 6.32 The Environment Agency have confirmed that given the potential presence of historic waste materials the use of SuDS could exacerbate the risk to controlled waters.
- 6.33 Essex County Council as Lead Local Flood Authority initially issued a holding objection on the grounds of an inadequate surface water drainage strategy. Additional information has been submitted and formal comments from ECC Suds Team have now been received confirming no objection subject to 4 conditions which are included within the recommendation. The detailed text of the conditions addresses the Environment Agency's concerns in relation to the need for further site contamination investigations to demonstrate that if surface water from the site is to infiltrate, this surface water will not be contaminated.

#### Legal agreement

- 6.34 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.35 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes

education provision. The advice of Essex County Council, in its role as the local education authority, is that there is sufficient capacity for early years and childcare. However, the existing primary and secondary schools do not have capacity and a financial contribution, calculated in accordance with their formula once the size of properties are confirmed in the reserved matters, is required. A contribution of £318,402 for primary school transport is also required.

- 6.36 NHS Property Services have confirmed that the 2 local GP branch surgeries (Nayland Drive and Clacton Road) do not have capacity for the additional growth resulting from this and cumulative development in the area. A financial contribution is therefore required to mitigate the impacts of this proposal calculated to be £29,187.
- 6.37 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The Housing team have confirmed that Clacton is the area of highest demand for affordable housing. 25 of the 84 dwellings (30%) are therefore required to be provided as on-site affordable housing.
- 6.38 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in the area. Due to the size of the site at least 10% should be laid out as open space to a LAP standard. This will be a requirement in the S106 and if the applicant wishes the Council to take on maintenance of the open space a commuted sum will be required to cover a period of twenty years.

#### Contamination

- 6.39 Part of the site was previously used as a refuse tip. The Environment Agency has no objection but state given the geology and the nearby pond and stream this is an area of moderate environmental sensitivity and potentially overlies a historic landfill site. Under application 14/00929/FUL for 14 houses investigations were undertaken which recommended a Phase 2 Intrusive Investigation is completed. That recommendation is endorsed. Should significant levels of contamination be identified within the soils or identified beneath the site, an assessment of the risk to groundwater quality should be completed. This should include the installation of groundwater monitoring wells within the source areas and along the boundaries with the landfill site. An assessment of the risk from landfill gas should be undertaken. Conditions have therefore been recommended requiring a Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination as requested by The Environment Agency.

#### Conclusion

- 6.40 The proposal seeks outline planning permission with access included for 84 dwellings and is considered to represent sustainable development, within the settlement development boundary of the town of Clacton-on-Sea in the emerging Local Plan.
- 6.41 Subject to the recommended conditions and completion of a S106 agreement, the application is recommended for approval.

#### Background Papers

None

This page is intentionally left blank

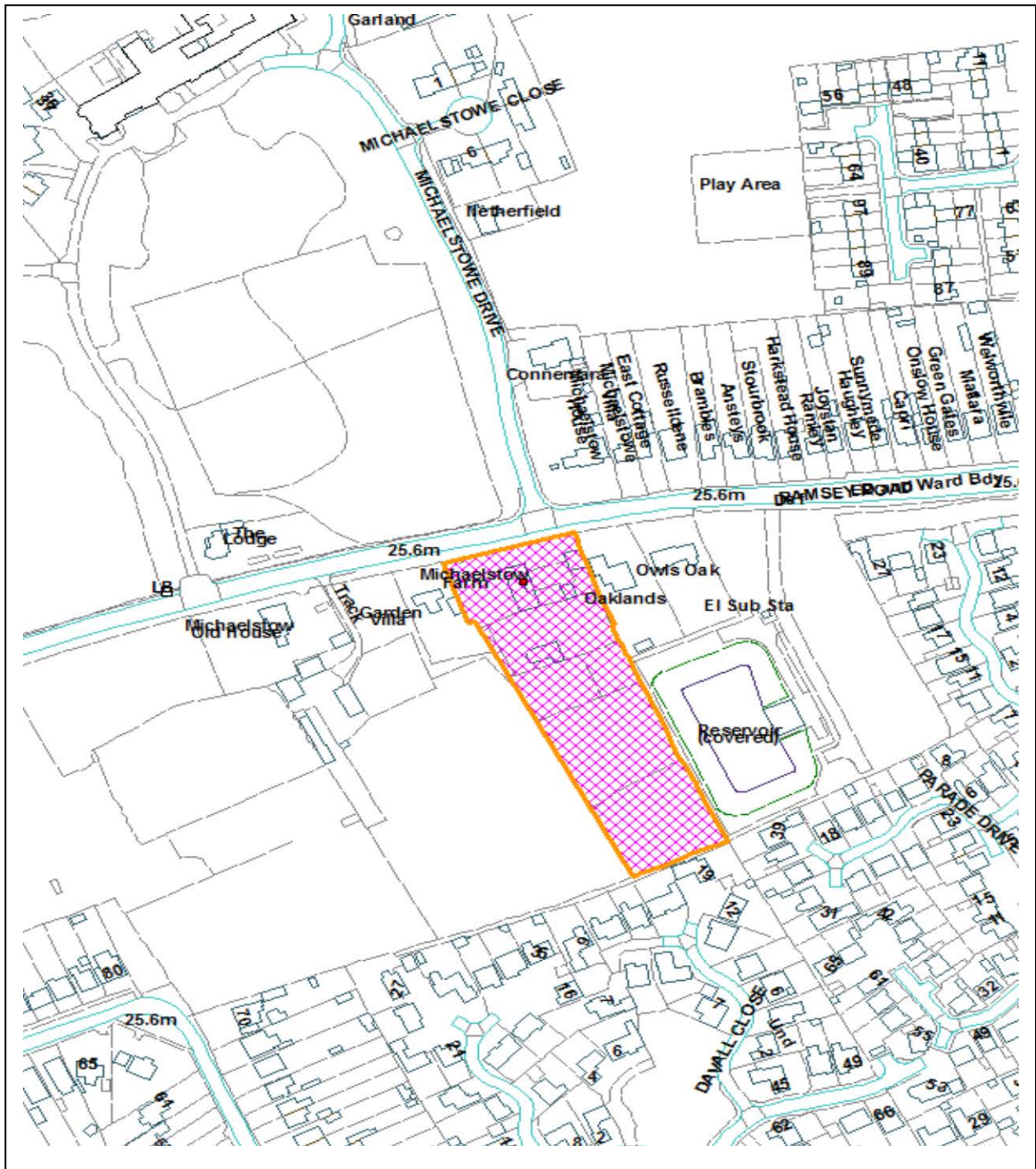


## PLANNING COMMITTEE

3 JANUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### A.5 PLANNING APPLICATION - 17/01811/OUT - MICHAELSTOWE FARM, RAMSEY ROAD, RAMSEY, CO12 5EW



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/01811/OUT	<b>Parish:</b> Ramsey & Parkeston Parish Council
<b>Applicant:</b>	Stanfords	
<b>Address:</b>	Michaelstowe Farm Ramsey Road Ramsey CO12 5EW	
<b>Development:</b>	Erection of 14 dwellings - resubmission following non-determination of application 17/00872/OUT	

## 1. Executive Summary

- 1.1 This application is referred to the Planning Committee on the basis that it represents a departure from the saved and emerging local plans due to the site being located outside of any defined settlement boundary.
- 1.2 At present the Council is able to demonstrate a 5 year housing supply. However, to maintain the Council's strong housing supply position going forward and prior to the adoption of the emerging local plan it is acknowledged that sustainable sites on the edge of Strategic Urban Settlements will be assessed on a case by case basis. In this instance the site forms a logical small development site on the edge of one of the principal urban areas.
- 1.3 It is confirmed that safe highway access and egress to and from the site is achievable and that safe access can be provided to facilities within the Dovercourt Urban Area to the east. The indicative layout provided shows that the site can be developed with 14 properties whilst not adversely impacting on adjoining dwellings and is a relatively low density development on the edge of the settlement. Protection of ecological interests and the requirement for a detailed landscaping scheme to soften views of the development will be secured by condition.
- 1.4 In conclusion officers consider that the proposed scheme meets all technical and policy requirements and the application is therefore recommended for approval subject to a unilateral undertaking concerning the securement of a public open space contribution and a range of planning conditions.

### **Recommendation: Approve**

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a Unilateral Undertaking under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - On site or off-site open space/play equipment.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

**(i) Conditions:**

1. Standard conditions for submission of reserved matters and time limit for commencement.
  2. Visibility Splays (2.4m x 90m in both directions).
  3. Parking/turning areas provided prior to first occupation of dwellings.
  4. No unbound materials in first 6m of access.
  5. Carriageway/Estate Road/Footways construction timings.
  6. 500mm overhang strip provided adjacent to carriageway.
  7. Parking/Garage dimensions in accord with parking standards.
  8. Residential Travel Information Packs.
  9. Ecological mitigation/enhancement plan.
  10. Surface water drainage/foul drainage scheme.
  11. Hard and soft landscaping plan/implementation.
  12. Details of refuse storage/collection points.
  13. Archaeology – Historic Building Recording & Field Evaluation.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

**2. Planning Policy**

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

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy categorises Great Bromley as a village.

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

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

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

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

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

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

HG1: Housing Provision

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

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

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

HG9: Private Amenity Space

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

HG14: Side Isolation

Requires a minimum distance between detached properties.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution

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

COM23: General Pollution

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

COM29: Utilities

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

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

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

EN6: Biodiversity

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

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

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

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

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

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SPL1: Managing Growth

Identifies Great Bromley as a smaller rural settlement where smaller scale development is envisaged as part of a sustainable strategy for growth. However larger sites are exceptionally permitted for affordable housing exception sites where there is identified need for affordable housing or Parish Council support.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

HP5: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs over the next 15-20 years and in which parts of the district.

LP2: Housing Choice

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

LP3: Housing Density and Standards

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

LP4: Housing Layout

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

#### PPL1: Development and Flood Risk

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

#### PPL3: The Rural Landscape

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

#### PPL4: Biodiversity and Geo-Diversity

Gives protection to internal, European and nationally important wildlife sites and requires existing biodiversity and geodiversity on any site to be protected and enhanced with compensation measures put in place where development will cause harm.

#### PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

#### PPL7: Archaeology

Requires that where development that might affect archaeological remains, studies and works are undertaken to identify, recover and record such remains.

#### CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

#### CP3: Improving the Telecommunications Network

Requires that new developments be served by superfast or ultrafast broadband.

#### **Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

#### **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 16<sup>th</sup> 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

17/00872/OUT      Erection of 14 dwellings.      Current

### 4. Consultations

Essex County Council Archaeology	Recommendation - A Programme of Historic building recording and Archaeological evaluation
Building Control and Access Officer	The proposal does not appear to comply with the requirements of B5. Access and facilities for the fire service. - Poor turning facilities for the fire appliances.
Waste Management	No comments.
Tree & Landscape Officer	<p>The site is set to grass and contains several young trees that are situated primarily on the perimeter of the land.</p> <p>The boundary with the highway (Ramsey Road) is demarcated by a scrubby ivy covered hedgerow that has little amenity or other value. The boundary feature contains two trees: a small Elder and a multi-stemmed Sycamore. The Elder makes little contribution to the character or appearance of the area but the Sycamore is a positive feature in the public realm.</p> <p>The indicative site layout shows that the tree is retained and whilst this may be desirable the amenity of the locality may well be best served by the removal of the tree and new soft landscaping incorporating tree planting on the boundary with Ramsey Road.</p> <p>It is not considered necessary or expedient to make a Tree Preservation Order in respect of the Sycamore.</p> <p>Should planning permission be likely to be granted then a condition should be attached to secure details of soft landscaping to soften and enhance the appearance of the development.</p>
Anglian Water Services Ltd	<p>The foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows.</p> <p>From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.</p>
ECC Highways Dept	<p>This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:</p> <p>- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as</p>

measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

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

- Prior to the first occupation of the development, the proposed access shall be constructed to a width of 6 metres to the satisfaction of the Local Planning Authority.

- The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

- Prior to the first occupation of the development, a 500mm wide overhang strip shall be provided adjacent to the carriageway.

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

- Any single garages should have a minimum internal measurement of 7m x 3m. All garages shall be retained for the purposes of vehicle parking in perpetuity.

- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Essex Wildlife Trust

I can confirm that we have no comments to make in relation to this proposal.

Natural England

Natural England has no comments to make on this application.

ECC SuDS Consultee

In the absence of a surface water drainage strategy, we object to this application.



UU - Open Space  
Consultation

Due to the lack of facilities in Ramsey & Parkeston it is felt that a contribution towards play and formal open space is justified and relevant to the planning application, in line with Supplementary Planning Guidance, Provision of Recreational Open Space for New Developments, dated May 2008.

## 5. Representations

5.1 The view of the Ramsey & Parkeston Parish Council is no objection.

5.2 1 letter of observation outlining the following matters;

- No objection to the proposed development as our privacy has been maintained by the design of the development.
- The development would bring security to our property as currently it is very secluded.
- Like to see the bin store positioned in a more secluded position as I am concerned about rodents/smell so close to our boundary.

## 6. Assessment

6.1 The main planning considerations are:

- Site context;
- Proposal;
- The principle of development;
- Landscape, visual impact and trees;
- Layout and Amenity;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Ecology;
- Open space contribution;
- Heritage.

### Site Context

6.2 The application site is located on the southern side of Ramsey Road within the parish of Ramsey & Parkeston but directly abutting the settlement development boundary of the Dovercourt Urban Area in both the saved and emerging local plans. The site is rectangular in shape, extending to 0.73 hectares and with a frontage of 54m direct onto Ramsey Road. It is located opposite the junction with Michaelstowe Drive, between existing houses known as 'Oaklands' and 'Garden Villa' to the east and west respectively. The land is currently used for the cropping of hay. It includes a series of farm buildings in varying states of repair, including a small traditional barn, cart lodge, store and byre. These are located at the front of the site and immediately adjacent to Oaklands.

6.3 The land immediately to the east is used as an underground reservoir, while further beyond a development of 9 dwellings has recently been approved. To the south is an 80's housing estate constructed on a former holiday park. The surrounding area comprises of a mix of dwelling types, age, scale and design.

### Proposal

6.4 This application proposes the erection of 14 properties on the site with a breakdown of 11 dwellings and 3 bungalows. The application is in outline form with all matters reserved.

- 6.5 An existing identical outline application was submitted in May 2017. The Council has been advised that the planning application is the subject of a non-determination appeal, however at the time of writing no such appeal has been received.

#### Principle of development

- 6.6 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.7 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.8 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.9 Whilst the site falls within the Ramsey & Parkeston Parish it is located immediately adjacent to the built up area of Dovercourt. Within emerging policy SPL1 the Harwich/Dovercourt urban area (which also includes Parkeston and part of Ramsey) is classified as a 'Strategic Urban Settlement'. These urban areas have larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. For this reason these areas are to accommodate the largest proportion of the District's increase in housing stock.
- 6.10 At present the Council is able to demonstrate a 5 year housing supply. However, to maintain the Council's strong housing supply position going forward and prior to the adoption of the emerging local plan it is acknowledged that sustainable sites on the edge of Strategic Urban Settlements will be assessed on a case by case basis. In this instance the site forms a logical small development site on the edge of one of the principal urban areas. The site will help to contribute towards the housing supply in the area and due to the character of the site and its surroundings would have a minimal impact upon the landscape character of the locality.

#### Landscape, visual impact and trees

- 6.11 The site is currently used for the cropping of hay and includes a series of farm buildings in varying states of repair, including a small traditional barn, cart lodge, store and byre. The site also contains a number of fruit trees and some minor trees that have self-seeded. Present to the frontage of the site is a mature hedgerow, which will be trimmed back to afford appropriate vehicular visibility splays to the intended access point. To the east, west and south of the site are residential properties of varying size and style.
- 6.12 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape

conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.

- 6.13 As stated above the site is located on the edge of the Dovercourt Urban Area and contains several agricultural buildings. The location of the site means that it is surrounded by residential properties and therefore the proposed housing would be viewed in this context. To the west along Ramsey Road glimpses of the development would be afforded to the rear of Garden Villa, the curtilage of which is quite open in character. However views of the housing would be seen against the backdrop of existing residential development to the east and the south and with the implementation of soft landscaping to the perimeters of the site views of the development would be further softened. Views of the development from the east would be screened by existing built form and mature vegetation present on the side boundary of Oaklands directly to the east of the site. The retention of the majority of the frontage hedgerow will assist in screening views of the development from the north along Michaelstowe Drive.
- 6.14 The Council's Tree and Landscaping Officer has confirmed that whilst a Sycamore Tree present on the boundary represents a positive feature it is not of sufficient merit to warrant formal protection. Notwithstanding this point the indicative site layout shows that the tree is retained and whilst this may be desirable the amenity of the locality may well be best served by the removal of the tree and new soft landscaping incorporating tree planting on the boundary with Ramsey Road.
- 6.15 It is therefore recommended that planning conditions are imposed which will require the provision and implementation of a detailed landscape scheme which shows the planting of hedges/trees to the western boundary to soften views of the development in views from the west.
- 6.16 Overall it is considered that the site can be developed as proposed without adversely harming the character and appearance of the locality.

#### Layout and Amenity

- 6.17 Although all matters are reserved, the indicative layout provided shows a single point of access from Ramsey Road running along the western boundary of the site. Immediately off the access road would be a private drive serving three detached dwellings directly addressing Ramsey Road. This suitably continues the ribbon development along Ramsey Road and allows for the retention of the majority of the frontage hedge due to the absence of individual access points on Ramsey Road. To the rear of these dwellings would be a mews style arrangement of bungalows served via another private drive. The presence of single storey properties in this location is proposed to avoid the loss of privacy to the residents of Oaklands to the north. Towards the rear of the site are 8 detached dwellings which will address the access road and turning head. These have been positioned to meet the back to back distances outlined in the Essex Design Guide, aside from a property located to the south in Davall Close which is set close to the rear boundary of the plot but contains no facing windows.
- 6.18 The indicative plan also shows that each property would be served by at least 2 no. parking spaces with further visitor parking provided adjacent to the access road. The properties would also be set within good sized plots which allows for private rear gardens measuring between 101sqm and 250sqm in size. This is in excess of the requirements of saved policy HG9.

- 6.19 Overall the indicative plan provided shows a spacious development laid out in manner which would provide each property with sufficient amenity space and parking whilst maintaining existing resident's amenity.

#### Highways, transport and accessibility

- 6.20 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.21 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although the site is located in one of the district's smaller rural settlements that have limited access to jobs, shops, services and facilities, the location benefits from having easy access to the A120, the village is served by an existing bus service and there are existing footpaths which link the site to the centre of the village. The village primary school and church are just a few hundred metres from the site.
- 6.22 As noted the site is served by a single access from Ramsey Road with two private drives located off the main access road. The Highway Authority have not raised objection subject to the imposition of a number of detailed planning conditions which include the provision of visibility splays to the access, the dimensions of parking bays and garages, the construction of the access/footways prior to occupation and the implementation of a residential travel pack for sustainable transport. These conditions are included as part of the recommendation.
- 6.23 As mentioned above, the indicative plan shows that each property would be served by a minimum of 2 no. parking spaces either through open bays or garaging. 3 additional spaces for visitors would be made available adjacent to the access road. This provision accords with the requirements of the current parking standards.

#### Flood Risk & Drainage

- 6.24 In accordance with paragraph 103 of the NPPF, as the site is less than 1 hectare, no flood risk assessment is required. Therefore whilst the absence of a surface water strategy has attracted an objection from Essex County Council Suds Team, the size of the site is below the site size threshold to be classed as a major development, so the provision of a suitable SUDs strategy can be conditioned for later consideration.
- 6.25 Anglian Water has confirmed that the foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre and that it has available capacity for these flows.

## Ecology

- 6.26 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.27 An ecological appraisal of the site has been submitted which concludes the following;
- With the exception of nesting birds and foraging bats, which are addressed by appropriate timing and methodology of works, the site is unlikely to support any protected species, and no further surveys are recommended.
  - There are opportunities to enhance the site and the immediate surroundings for local wildlife, and a number of ecological enhancement measures.
  - To avoid any cumulative significant adverse impact upon the Stour and Orwell Estuaries SPA / Ramsar and Hamford Water SPA / Ramsar, the site developer must make an agreed proportional financial contribution to the local and regional mitigation strategy for this internationally designated site.
- 6.28 In terms of nesting birds and foraging bats the survey recommends a scheme of mitigation which includes;
- all weatherboarding being removed by hand;
  - all crevices in the underside of beams being checked for bats immediately prior to removal;
  - in the event of bats being discovered all works ceasing and an ecologist contacted for further advice;
  - use of sensitive lighting wherever possible; and
  - clearance works being undertaken during October to February to avoid bird nesting season.
- 6.29 A full ecological mitigation/enhancement plan, which shall include the recommendations outlined above and the provision of bird and bat boxes within the development, will be secured through condition. In addition, Essex Wildlife Trust has reviewed the application and has no objections.

## Open space contribution

- 6.30 Policy COM6 in the adopted Local Plan and Policy HP5 of the emerging Local Plan require residential developments of over 1.5 hectares to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. In this case the site is less than 1.5 hectares and it is more appropriate to seek an off-site financial contribution.
- 6.31 The Council's open spaces team has requested that due to a shortfall in open space provision a financial contribution is to be secured by unilateral undertaking and this money would be spent at the closest play area securing the enhancement of the play area managed by the Ramsey Memorial Trust.

- 6.32 A unilateral undertaking is yet to be agreed, however the recommendation makes provision for an extended time period to secure this contribution or in the failure of securing the contribution the refusal of the planning permission. An update in this respect will be provided at the Planning Committee.
- 6.33 There is no requirement to provide affordable housing as the proposal falls below the threshold of 15 dwellings given its location on the edge of the urban settlement of Dovercourt.

#### Heritage

- 6.34 The site is not located within a conservation area or in close proximity to any listed buildings and is therefore not considered to adversely affect the setting of any heritage assets.
- 6.35 However, Essex County Council Archaeology Advice notes that the site may have been associated with the medieval manorial site of Dovercourt known as Michaelstow. The site is likely to have been the farmstead associated with the Hall and may be medieval in origin. As such they have recommended a programme of historic building recording and an archaeological evaluation is carried out prior to commencement/demolition works take place. These programmes of work will be secured through condition.

#### Background Papers

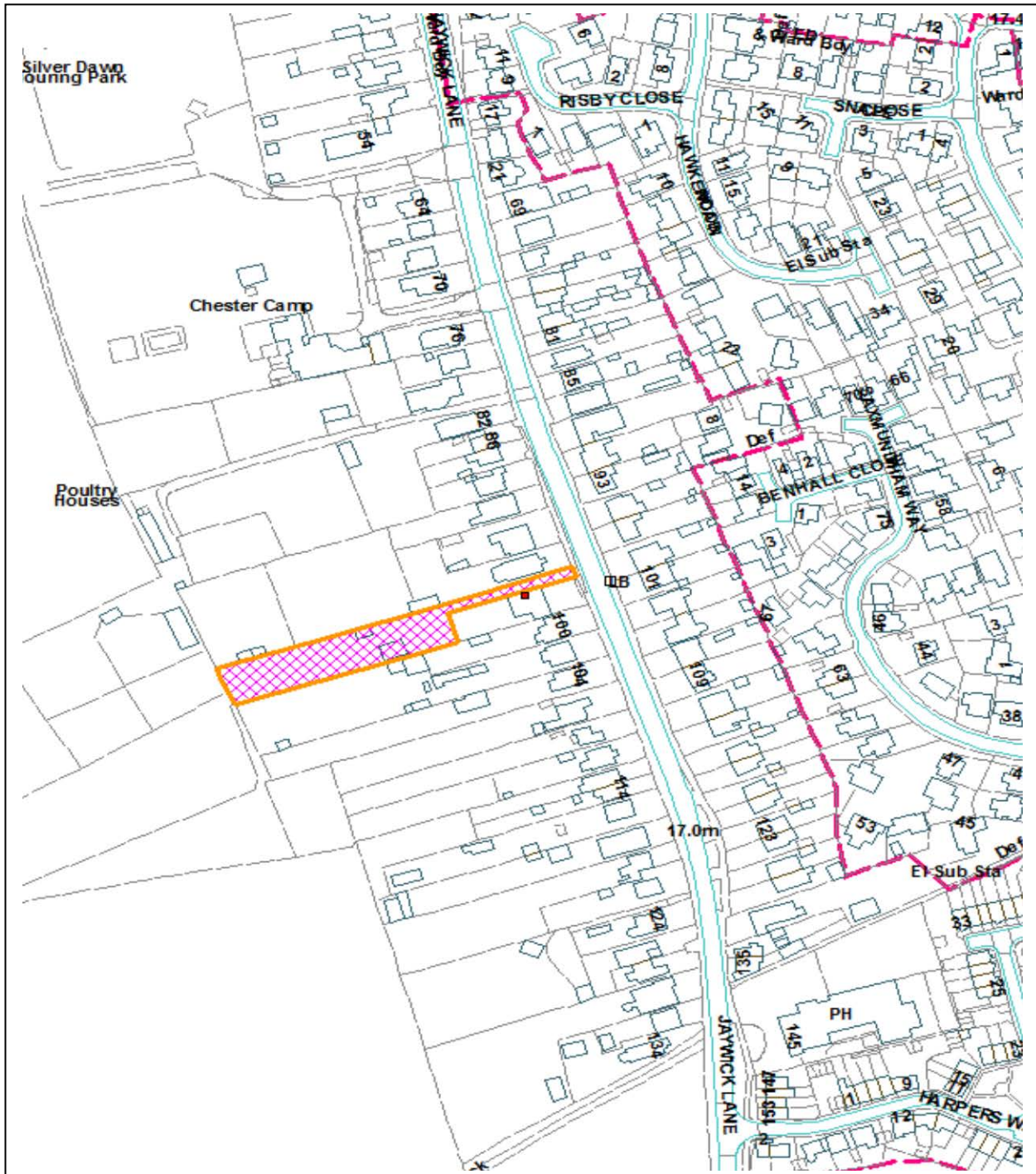
None

## PLANNING COMMITTEE

3 JANUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### A.6 PLANNING APPLICATION - 17/01840/OUT - 98 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/01840/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mr David Batcher-Clark	
<b>Address:</b>	98 Jaywick Lane Clacton On Sea CO16 8BB	
<b>Development:</b>	Proposed 2 no. detached chalet bungalows with detached garages.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee by Councillors Pemberton and Whitmore on the grounds that the proposal is backland development, out of character, has an unacceptable access and will result in significant increases to the nearby traffic.
- 1.2 The application seeks outline planning permission with all matters reserved for the construction of two detached chalet bungalows, with associated garages and parking.
- 1.3 The application site is located on Jaywick Lane, and falls within the defined Settlement Development Boundary for Clacton-on-Sea, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 Land to the north already has planning permission under reference numbers 16/01520/FUL (for 21 bungalows and 48 supported living apartments) and 17/01081/OUT (for 5 bungalows).
- 1.5 The site would be surrounded by the above developments and other residential developments to the south, and therefore the immediate character of the surrounding area has already significantly changed and is a logical development within an already approved housing area, and complies with the requirements within the NPPF to significantly boost housing supply.
- 1.6 Whilst in backland form, the precedent for such development has previously been established with development to the north, and therefore the proposal will not be out of character. Furthermore, the site is not an awkwardly shaped or fragmented parcel of land, the development of which would not prejudice a more comprehensive development solution.
- 1.7 The proposed development creates a simple built-form, surrounded by other development, and therefore raises no policy concerns, and it is therefore recommended that permission be granted subject to conditions.

### **Recommendation: Approve**

#### **Conditions:**

- 1) Submission of reserved matters
- 2) Timescale for submission of reserved matters
- 3) Timescale for commencement of development
- 4) Visibility splays of 2.4m x the site maximum as measured from and along the nearside edge of the carriageway
- 5) Vehicular turning facility to be constructed, surfaced and maintained free from obstruction



- |  |
|--|
| within the site<br>6) No unbound materials<br>7) Width of private drive to be 5.5 metres for the first 6 metres within the site<br>8) Archaeological trial trenching |
|--|

## 2. **Planning Policy**

### National Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

### Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

**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 16<sup>th</sup> 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**

16/01520/FUL	Erection of 21 bungalows and 48 supported living apartments, together with associated access, surface water drainage and other associated development.	Approved	11.05.2017
17/01081/OUT	Proposed erection of 5 no. bungalows following demolition of existing bungalow.	Approved	10.08.2017

**4. Consultations**

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

Prior to occupation of the development a vehicular turning facility shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

Prior to the first occupation of the development, a private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres within the site, tapering one-sided over the next 6 metres to any lesser width and provided with an appropriate dropped kerb crossing of the footway to the satisfaction of the Local Planning Authority.

Each new property shall be provided with 2 vehicular parking spaces with minimum dimensions of 2.9 metres x 5.5 metres each.

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

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

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

## **5. Representations**

5.1 There have been no letters of representation received.

## **6. Assessment**

- The main planning considerations are:
- Site Context
- Proposal
- Principle of Development
- Design and Layout
- Impact to Neighbours
- Highway Considerations
- Archaeology

### Site Context

6.1 The application site is located on Jaywick Lane. The site falls within the recognised Settlement Development Boundary for Clacton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

6.2 The site has an area of 0.14 hectares and forms part of the residential curtilage of 98 Jaywick Lane. The character of the surrounding area is linear development along Jaywick Lane, with long rear gardens to this western side, and examples of in-depth development.

### Proposal

6.3 The application seeks outline planning permission with all matters reserved for the construction of two chalet bungalows with associated garages and parking.

### Principle of Development

6.4 The site is located within the Settlement Development Boundary (SDB) for Clacton, as established in the saved and draft local plans. Policy HG3 of the Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages,

residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area.

- 6.5 Planning permissions 16/01520/FUL and 17/01081/OUT have established the principle of backland development for the land to the west of the frontage dwellings along Jaywick Lane, and this location is no longer one of solely frontage development, as the approved developments have fundamentally changed the character of the area.
- 6.6 The proposal relates to the erection of two chalet bungalows to be sited at the rear of 98 Jaywick Lane, accessed via a narrow drive which would run along the northern side of Number 98 Jaywick Lanes boundary. The layout shown represents backland development. Policy HG13 of the Tendring District Local Plan 2007 states that proposals for the residential development of 'backland' sites will be permitted where; amongst other things the following criteria are met:
- The proposal does not involve 'tandem' development using a shared access;
  - The site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
  - The site is not on the edge of the defined settlement and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
  - The proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.
- 6.7 The site is not an awkwardly shaped or fragmented parcel of land. A more comprehensive development solution combining the site with five bungalows approved under 17/01081/OUT would be preferable. However, each application must be considered on its own merits. The site is not located on the edge of the defined settlement.
- 6.8 Although the character of this section of Jaywick Lane is largely linear in pattern, the precedent for backland development in this location has previously been agreed, for example adjacent to the north under planning permissions 16/01520/FUL and 17/01081/OUT, therefore resulting in the proposal not appearing out of character with the surrounding area or setting a harmful precedent.
- 6.9 The site therefore represents an appropriate form of backland development that is not in conflict with the backland policies.

#### Design and Layout

- 6.10 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).
- 6.11 The application is in outline form with all matters reserved and as such no layout or elevational drawings have been submitted with the application. However, the plans submitted do show that the two dwellings will be accessed via a new access point from Jaywick Lane to the east.
- 6.12 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms

or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms; although there is sufficient space within the site to ensure there will be enough private amenity space for the proposed dwellings.

#### Impact to Neighbours

- 6.13 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).
- 6.14 Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.15 Whilst previous planning permissions to the north have been single storey bungalows, the proposed chalet bungalows will not result in significant harm to neighbouring amenities as the orientation of the plots will mean that the windows to the first floor facing southwards will likely have only minimal views to the furthest rear elements of the neighbouring properties, an area less likely to be occupied, and will therefore likely be acceptable.

#### Highway Considerations

- 6.16 Whilst Essex County Council as the Highways Authority initially raised concerns regarding the plans not demonstrating how the proposal would access the highway, the applicant confirmed that the intention is to use the driveway to the northern boundary of the site as the access point.
- 6.17 Following the submission of this additional information, the Highways Authority confirmed they raise no objections to the proposal.
- 6.18 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.19 Whilst the application is in outline form and no layout or elevational drawings have been supplied, there is sufficient room to accommodate the required parking.

#### Archaeology

- 6.20 The site lies directly adjacent to another housing site on which is known to have considerable potential for archaeological remains, and that permission was subject to an Investigation – including trial trenching – and the proximity of the current site would have equal potential for finds.
- 6.21 As a result, it will be necessary to impose a similar archaeological condition to ensure that any heritage assets are safeguarded.

### Overall planning balance

- 6.22 The site lies within the Settlement Development Boundary for Clacton, where the principle of residential development is accepted, subject to the detail of the proposal being acceptable.
- 6.23 Whilst the proposal is a form of backland development, it would not appear out of character, and meets the terms of the Backland Policies, and it would not form a precedent, as other land to the rear of individual properties on Jaywick Lane has been granted planning permission, particularly adjacent to the north.
- 6.24 The creation of a modest access drive at this location, serving two chalet bungalows, and with good visibility on to a straight road, would not cause any significant highway safety concerns.
- 6.24 On balance, the development would not cause any demonstrable harm, and is considered to be a sustainable one, where the benefits of the scheme are not out-weighed by any harmful impacts.
- 6.25 The development is therefore an appropriate one and is recommended for approval.

### Background Papers

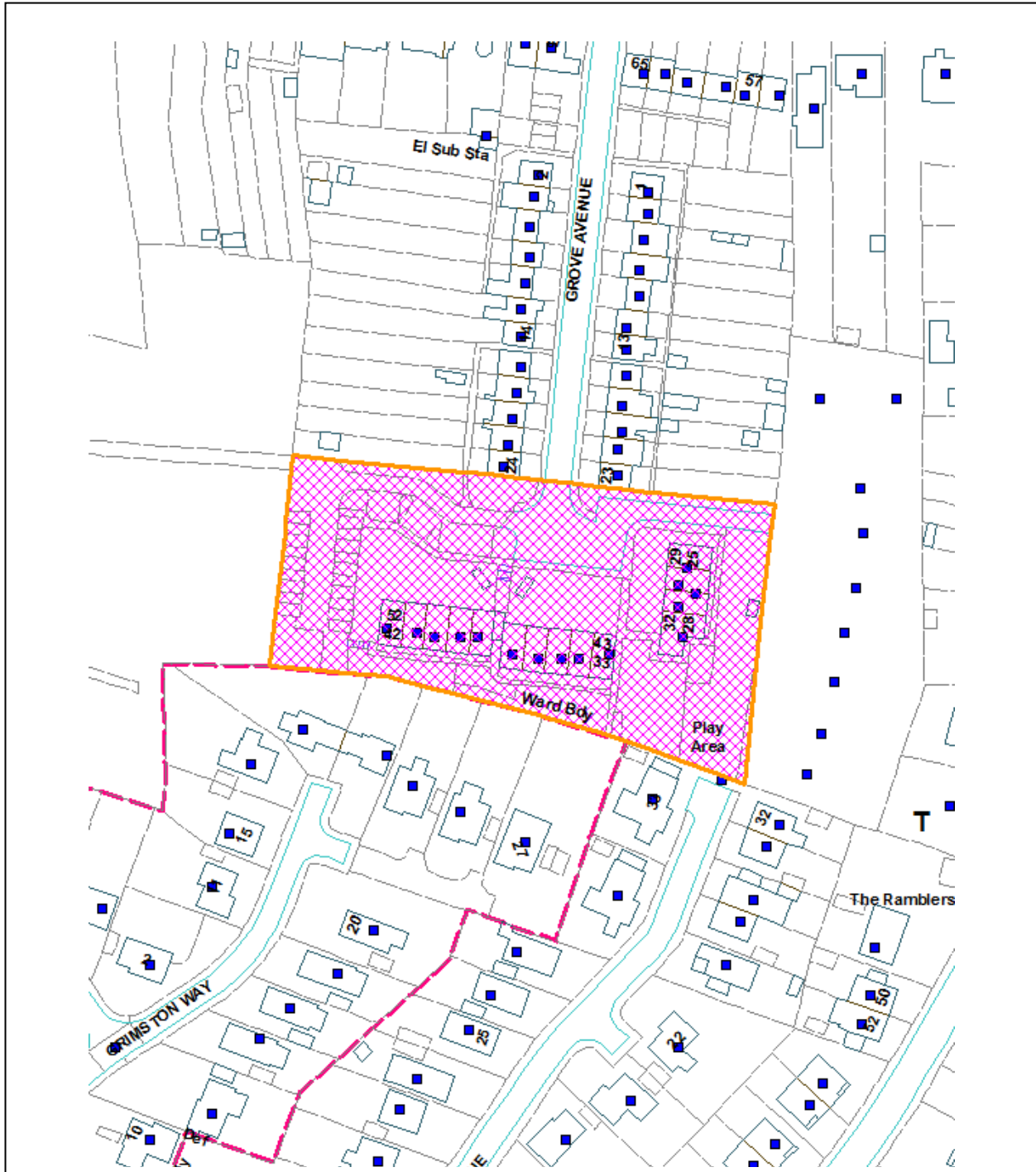
None

PLANNING COMMITTEE

3 JANUARY 2018

REPORT OF THE HEAD OF PLANNING

**A.7 PLANNING APPLICATION – 17/01790/FUL – THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QX**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

<b>Application:</b>	17/01790/FUL	<b>Town / Parish:</b> Frinton and Walton Town Council
<b>Applicant:</b>	Mr Barry Eldridge - Tendring District Council	
<b>Address:</b>	The Grove Flats, Grove Avenue, Walton-on-the-Naze CO14 8QX	
<b>Development:</b>	Replacement of the existing garages, the installation of a new multi-use games area including fencing and floodlights, and general alterations to the external courtyard.	

## 1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application is to replace the existing garages, to install a new multi-use games area including fencing and floodlights, and a number of general alterations throughout the site including a communal garden storage area, a communal waste disposal area, new parking area, raised planters and the planting of new specimen trees.
- 1.3 The proposal will not result in any material harm to residential amenity or highway safety and will result in a slight visual improvement.

### **Recommendation: Approve**

#### **Conditions:**

1. Time Limit
2. Approved plans
3. Lighting scheme details
4. Positioning and shielding of light source from floodlighting
5. Surfacing of vehicle parking area
6. Multi-use games area not to be used for any pre-arranged competitive matches
7. Construction method statement
8. Floodlights shall not be used during the hours of 9pm and 8am the following day.

## 2. Planning Policy

### National Policy:

National Planning Policy Framework

National Planning Practice Guidance

### Local Plan Policy:

#### **Tendring Local Plan 2007**

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM21 Light Pollution



- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- TR7 Vehicle Parking at New Development

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

- HP5 Open Space, Sports and Recreation Facilities
- 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 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

**3. Relevant Planning History**

00/02110/FUL	Proposed improvements to the existing environment by the introduction of new tenant stores, refuse collection points, new designated car parking areas, childrens play area etc.	Approved	15.02.2001
99/00014/FUL	Erection of 3.0m high security fence adjacent garages	Approved	09.02.1999
99/01747/FUL	Refurbishment of elevations to building by the application of epsicon system of externally applied thermal insulation with rendered and textured finish	Approved	27.01.2000
17/00294/FUL	Replace failing existing external balustrades for stainless steel balustrades with glazing panels and replace existing communal entrance with new aluminium doors	Approved	21.04.2017

and windows.

#### 4. Consultations

Tree & Landscape Officer  
(Dated 17<sup>th</sup> November  
2017)

No trees or other significant vegetation will be affected by the development proposal.

There appears to be an opportunity to secure new soft landscaping as part of the proposed improvements to the application site that would both soften and enhance the appearance of the development.

The appearance of the site would be considerably improved by new tree and hedge planting close to the new brick wall with bow-top fencing. The potential benefit of this can be visualized when viewing the plan showing the front elevation highlighting the position and appearance of the new wall.

If a new hedge comprising Portugal Laurel (*Prunus lusitanica*) was to be planted directly adjacent to the wall then it would have a pleasing and softening effect when it reached a height to be seen above the brickwork.

Similarly if approximately 10 specimen trees such as White Barked Himalayan Birch (*Betula utilis 'jaquemontii'*) were to be planted in the grassed area to the front of the flats then this would help to 'break up' views of the blocks of flats

If the plans were amended to show new planting along the lines described above then, in terms of soft landscaping, the development proposal would be acceptable

Tree & Landscape Officer  
(Dated 1<sup>st</sup> December 2017  
following the submission  
of amended plans)

I am satisfied with the changes to the proposed soft landscaping.

Environmental Protection

Environmental Protection ask that conditions/informatives be added for details relating to the noise control, dust emissions and lighting controls within the scheme.

ECC Highways Dept

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 the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been

hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

- Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- Any single garages should have a minimum internal measurement of 7m x 3m
- The Multi-Use Games Area shall only be available for use by residents of the Grove Flats and shall not be part of any local league sports facilities.

## **5. Representations**

5.1 Frinton and Walton Town Council support the application.

5.2 There has been no other letters of representation received.

## **6. Assessment**

The main planning considerations are:

- Visual impact
- Residential amenities
- Highways
- Tree and Landscapes

### Proposal

6.1 The application seeks planning permission for the demolition of the existing 18 garages to the west of the site, with the installation of new multi-use games area in its place. Five new garages will also be built to the north-west of the site, whilst there will be a number of general alterations within the site, namely;

- Two stepped accesses to the courtyard area;
- Communal garden storage area;
- Additional parking area for up to two parking spaces that will also create turning for refuse collection;
- Additional trees and hedging to the south-east of the site amongst the existing play area;
- Communal waste disposal store, enclosed with brickwork wall and bow top fencing;
- Four raised planters;
- Communal planting wall; and
- The planting of five specimen trees.

### Visual Impact

6.2 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).

- 6.3 The proposed works are situated across the site and, due to the sites open nature, will be publically visible, thus having the potential to impact upon the existing street scene. However, the works aim to visually enhance the area; for example the existing garages are in a poor state, whilst the proposed communal planting walls, specimen trees and additional landscaping to the south-east of the site will improve the areas character.
- 6.4 With respect to the proposed multi-use games area, fencing and floodlights, whilst it will be visible and not necessarily in-keeping with the existing areas character, it is well set back within the site, with the fencing being a maximum of 5 metres in height to the southern and northern elevations, and the six floodlights being a maximum height of 6 metres, which will reduce the visual impact.

#### Impact to Neighbouring Amenities

- 6.5 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).
- 6.6 To the north of the proposal are various residential dwellings, namely Numbers 23 and 24 Grove Avenue, who have the potential to be impacted upon as a result of development, whilst the existing residents of Grove Flats could also be impacted upon. However, the majority of the proposals are relatively minor and will bear no impact to their existing amenities, whilst the residents of Grove Flats will see a small improvement to their existing amenities.
- 6.7 With respect to potential noise concerns from the Multi-Use Games Area, due to sufficient separation distances and that there will be a communal garden storage area in between, this will ensure any noise impacts are reduced.
- 6.8 With regards to the floodlights, the Councils Environmental Protection team have stated they have no objection so long as the selection and installation of the lighting scheme is in accordance with the recommendations as detailed within the submitted Design and Access Statement. However, a condition can be included to ensure full details of the proposed lighting scheme are to be submitted, whilst a condition can be attached to ensure the hours of operation for the floodlights is no later than 21:00 hours.

#### Highways

- 6.9 Essex County Council as the Highway Authority has raised no objection to the proposal, however suggest conditions relating to the positioning and shielding of the light source from the floodlighting, the surfacing of the vehicle parking area and that the multi-use games area shall only be used for residents of Grove Flats.
- 6.10 The Highways Authority also state that the Multi-Use Games Area should only be available for use by residents of the Grove Flats and shall not be part of any local league sports facilities as there is insufficient parking provision. However, a condition to reflect this would not be enforceable and it is therefore recommended that a condition is attached to ensure there will be no pre-arranged competitive matches instead.

- 6.11 The Council's Adopted Parking Standards state that if being used as a parking space, garages should measure 7 metres by 3 metres internally. The proposed garages meet the above standards.

Impacts on Trees and Landscaping

- 6.12 The proposal includes additional tree and hedge planting to the south-east of the site in order to screen the proposed new development from the existing play area, whilst there will be five specimen trees incorporated. Furthermore, a planting wall and four raised planters have been included within the scheme.
- 6.13 The Council's Principal Tree and Landscapes Officer has stated that following the inclusion of specimen trees within the site, it has resulted in a softening effect of view towards Grove Flats and accordingly raises no objection.

Background Papers

None

This page is intentionally left blank