



## PLANNING COMMITTEE

**DATE:** Tuesday 27 February 2018

**TIME:** 6.00 pm

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

### MEMBERSHIP:

Councillor White (Chairman)  
Councillor Heaney (Vice-Chairman)  
Councillor Alexander  
Councillor Baker  
Councillor Bennison  
Councillor M Brown

Councillor Cawthron  
Councillor Everett  
Councillor Fowler  
Councillor Hones  
Councillor McWilliams

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**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 01255686585**

DATE OF PUBLICATION: FRIDAY 16 FEBRUARY 2018

## **AGENDA**

### **1     Apologies for Absence and Substitutions**

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

### **2     Minutes of the Last Meeting (Pages 1 - 4)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 30 January 2018.

### **3     Declarations of Interest**

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

### **4     A.1 - Planning Application - 17/00927/DETAIL - Land to the East of Tye Road, Elmstead, CO7 7BB (Pages 5 - 14)**

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

### **5     A.2 - Planning Application - 17/01318/FUL - Land at Robinson Road, Brightlingsea, CO7 0ST (Pages 15 - 40)**

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 - 17/01286/FUL - Land to the South of Stone Point, Old Hall Lane, Walton-on-the-Naze, CO14 8LQ (Pages 41 - 48)**

Clay flood wall to protect the sewage treatment works, the John Weston nature reserve and agricultural land.

### **7     A.4 - Planning Application - Land South of the Crematorium, Colchester Road, Weeley, CO16 9JP (Pages 49 - 58)**

Residential development comprising of 9 dwellings.

### **8     A.5 - Planning Application - Rainbow Nurseries, 23 Colchester Road, Weeley, CO16 9JT (Pages 59 - 68)**

Outline planning application with all matters reserved for the construction of 9 detached bungalows.

**9     A.6 - Planning Application - 17/02143/FUL - Wisteria Cottage, Shop Road, Little Bromley, CO11 2PZ (Pages 69 - 76)**

Construction of one single storey dwelling.

**10    A.7 - Planning Application - 18/00111/FUL - Tendring District Council, Northbourne Council Depot, Vista Road, Clacton-on-Sea, CO15 6AY (Pages 77 - 82)**

Proposed change of use from storage facilities, B8 to new office accommodation, B1(a).

**MEETING OVERRUN DATE**

In the event that all business is not concluded, the meeting will reconvene on Wednesday 28 February 2018 at 6.00pm 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 Wednesday, 28 March 2018.*

## **Information for Visitors**

**FIRE EVACUATION PROCEDURE**

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 30 JANUARY 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Baker, Bennison, Cawthron, Everett, Fowler, Hones and McWilliams (except part of minute 91)
<b>Also Present:</b>	Councillors M Brown, Davis, Land and Nicholls
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor (Property, Planning and Governance)), Nigel Brown (Communications and Public Relations Manager), Susanne Ennos (Planning Team Leader), Matthew Lang (Planning Officer) (except minute 91) and Katie Sullivan (Committee Services Officer)

**86. CHAIRMAN'S OPENING COMMENTS - PLANNING APPLICATION - 17/01925/FUL - THRESHERS, COLCHESTER ROAD, ARDLEIGH, CO7 7PQ**

The Chairman announced that Planning Application 17/01925/FUL had been withdrawn.

**87. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were no apologies for absence submitted on this occasion and there were no substitutions.

Councillor M Brown, a member of the Committee, had not attended the site visits held that morning and was therefore ineligible to be able to consider and vote on the planning applications now before the Committee. Councillor Brown therefore sat in the public gallery as an observer.

**88. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 3 January 2018, were approved as a correct record and signed by the Chairman.

**89. DECLARATIONS OF INTEREST**

Councillor McWilliams declared an interest in relation to Planning Application 16/00878/FUL by virtue of the fact that she was the Council's Health and Education Portfolio Holder and that the Community Asset Register was under her portfolio. Councillor McWilliams confirmed that she was not pre-determined on this application.

Councillor McWilliams declared an interest in relation to Planning Application 17/01759/DETAIL by virtue of the fact that she was the local Ward Member.

**90. A.1 - PLANNING APPLICATION - 16/00878/FUL - ARDLEIGH SQUASH AND LEISURE CLUB, DEDHAM ROAD, ARDLEIGH, CO7 7NH**

Councillor McWilliams had earlier declared an interest in relation to Planning Application 16/00878/FUL by virtue of the fact that she was the Council's Health and Education Portfolio Holder and that the Community Asset Register was under her portfolio.

Councillor McWilliams had confirmed that she was not pre-determined on this application.

Members recalled that this application had been considered by the Committee at its meeting held on 30 November 2016 when it had been resolved that consideration of the application be deferred in order to enable a further six months of marketing to take place for all Commercial uses.

Members were informed that the additional marketing period had resulted in the submission of a business plan from a third party. The plan had outlined an intention to utilise the buildings and land for health and fitness, sporting, spa, social and business activities. However, the business plan provided had not suitably demonstrated a viable business model.

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

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

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

- (1) Twenty additional emails of objection received;
- (2) A letter of objection received from Ardleigh Fallouts Group;
- (3) An additional letter of representation received from Vaughan & Blyth (Agent); and
- (4) A representation received from the Tendring Ramblers.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 30 November 2016 were eligible to consider and decide on the application at this meeting.

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

1. Time Limit for commencement – 3 years;
2. Development in accordance with the plans;
3. Permeable surfacing;
4. Materials;
5. Hard and Soft Landscaping;
6. Landscaping Implementation;
7. Tree protection measures;
8. Boundary treatments prior to occupation;
9. Refuse storage areas to be provided prior to occupation;
10. Surface water drainage in accordance with submitted details;
11. As per key recommendations in extended phase 1 habitat survey and updated ecological survey completed in January 2018;
12. No development until an Order securing the diversion of the existing definitive right of way to a route has been agreed;

13. Estate roads to be provided with kerbing and to a width of 5.5m for at least first 10m served by 2m wide footways;
14. Vehicular visibility splays of 43m by 2.4m by 43m afforded to both accesses;
15. Removal/closure of any redundant parts of accesses;
16. Details of a vehicular turning facility for large vans and service and delivery vehicles;
17. No unbound materials within 6m of the highway boundary or proposed highway;
18. Individual accesses constructed to width of 3.7m wide and shared accesses 5.5m wide;
19. Details of estate roads and footways to be provided;
20. Submission of Construction Method Statement; and
21. Provision of 2m wide footway and crossing points.

**91. A.2 - PLANNING APPLICATION - 17/01759/DETAIL - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR**

Councillor McWilliams had earlier declared an interest in relation to Planning Application 17/01759/DETAIL by virtue of the fact that she was the local Ward Member.

Members recalled that outline planning application 15/01820/OUT had been refused by the Committee at its meeting held on 16 April 2016, but had then been allowed at appeal on 23 December 2016. At the time of the decision of the Planning Committee it had been requested that the reserved matters application be brought to the Committee for its 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) Amended plans that had been received; and
- (2) One further letter of objection received.

Councillor McWilliams, in her capacity as the local Ward Member, spoke on the application. She then withdrew from the meeting whilst the Committee considered the application and reached its decision.

Nigel Tedder, the applicant, spoke in support of the application.

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

1. Development to be carried out in accordance with the approved plans;
2. Details of external lighting to be submitted and agreed in writing by the Local Planning Authority;

3. Details of external materials to be submitted and agreed in writing by the Local Planning Authority;
4. Details of means of enclosures to be submitted and agreed in writing by the Local Planning Authority; and
5. Removal of Permitted Development Rights for dormer windows.

The meeting was declared closed at 7.25 pm

**Chairman**

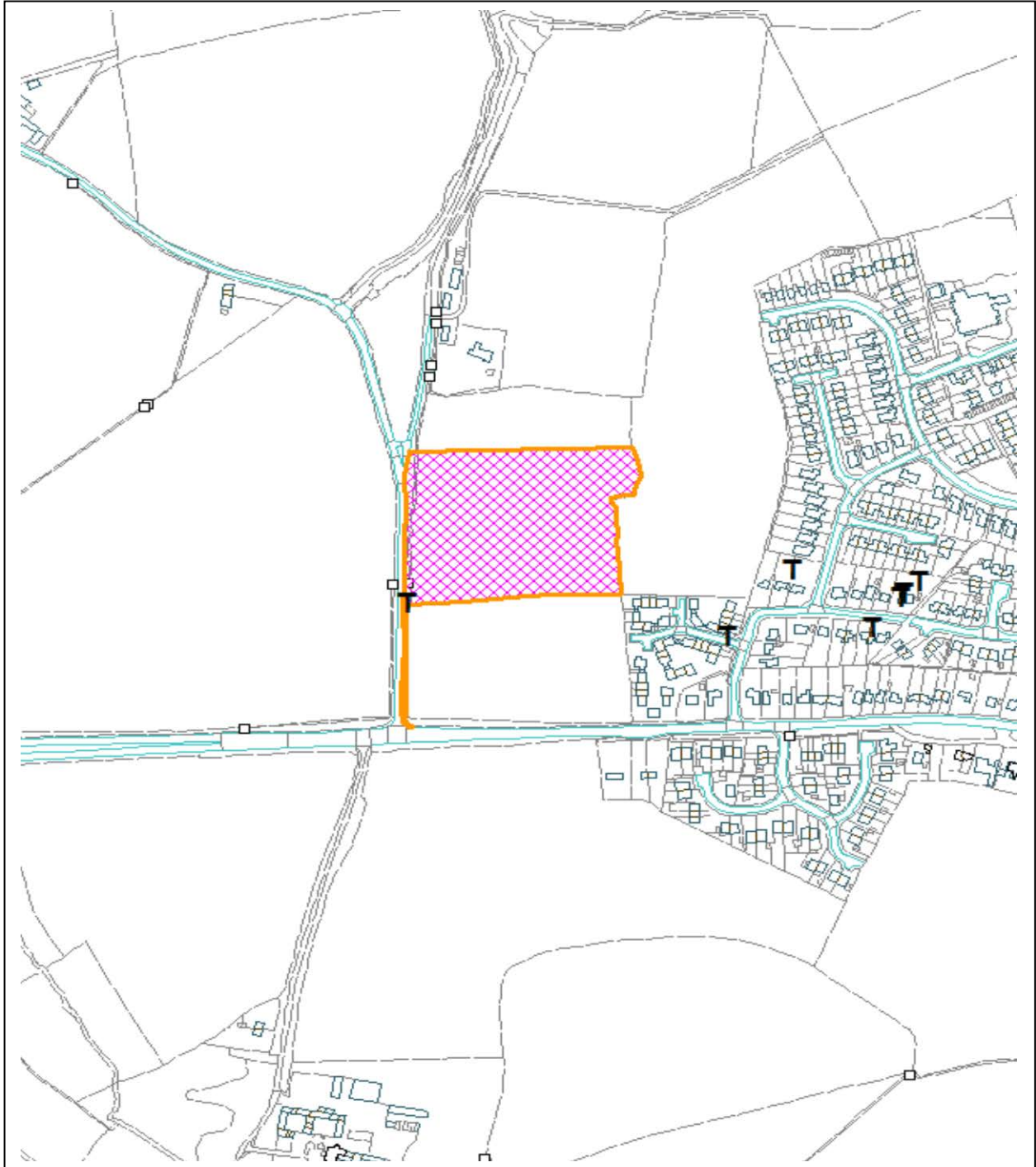


## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

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



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

## 1. Executive Summary

- 1.1 This application was deferred from Planning Committee on 29<sup>th</sup> November 2017 as the Committee considered that they did not have enough information from the Highways Authority to justify departing from their standard policy of a 2 metre wide footpath and reducing to 1.5 metres. It was requested that a site visit be arranged to enable Cllr. White, Cllr. Baker, Cllr. Everett and Planning Officers to meet with a representative from the Highways Authority. Furthermore, Committee requested the 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. The requested meeting took place on 10<sup>th</sup> January 2018.
- 1.2 Following the site visit, further information has been provided by Essex County Council Highways who reaffirm their position of no objection. The application is returned to the Planning Committee with a recommendation of approval. The report from 29<sup>th</sup> November 2017 is replicated below with any updates shown in bold.
- 1.3 This application **was originally** referred to the Planning Committee at the request of Cllr. F. Nicholls on the basis that it is considered the proposed footway is not safe or appropriate given the nature of the HGVs that use Tye Road.
- 1.4 Outline application 16/00219/OUT sought consent for the erection of up to 32 dwellings, land for a community facility and associated parking and infrastructure. This application was granted at appeal in April 2017, with all matters of detail reserved. This application seeks reserved matters approval for access, including a footpath along the western side of Tye Road. All other matters will be dealt with as part of future applications.
- 1.5 The site is situated to the east of Tye Road and the western edge of Elmstead. The application site is roughly rectangular in shape and measures 2.4 hectares. It is currently managed as an arable field and is bounded by a continuous mixed native hedgerow with individual mature trees.
- 1.6 As established through the granting at appeal of outline application 16/00219/OUT, the principle of residential development for up to 32 dwellings, land for a community facility and associated parking and infrastructure on this site is acceptable.
- 1.7 The detailed design of the access and proposed footpath results in no material harm to highway safety; provides adequate links to the existing village and would not materially harm the character of the area. On this basis the application is recommended for approval.

**Recommendation:** Approve

**Conditions:**

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

**2. Planning Policy**

National Policy

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

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

16/00219/OUT	Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and infrastructure.	Refused	27.07.2016
16/01950/OUT	Outline planning application for residential development of up to 32 dwellings and associated open space, car parking and infrastructure.	Withdrawn	26.04.2017
17/00927/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.	Current	

### 4. **Consultations**

Building Control and Access Officer	No comments.
Environmental Protection	Pollution and Environmental Control have no comments to make on this application.
Regeneration	The Regeneration Team have no specific comments to make on this application.
Tree & Landscape Officer	<p>The information provided by the applicant adequately demonstrates that the creation of the new vehicular and pedestrian access and egress points to the application site from Tye Road ' in particular the establishment of sight lines - can be created without causing harm to the trees adjacent to the eastern side of Tye Road currently afforded protection by TPO/16/04.</p> <p>It will result in the removal of part of part of the Blackthorn Hedgerow (G6) although this will not have a significant detrimental impact on the character of Tye Road or surrounding area.</p> <p>The creation of the footway on the western side on Tye Road would result in the removal of Hawthorn hedgerow on the western side of Tye Road (H8) which has been dealt with by the planning inspector dealing with the appeal relating outline application to develop the land. Ownership details will need to be addressed before any works to the hedgerow commence. It is understood that the land on which the hedgerow is situated may be privately owned and form part of a countryside stewardship agreement.</p>

With regard to the proposed access road and pedestrian link to the

adjacent eastern development this will result in the removal of a small part of the group on mixed species (G20). This issue was recognised at the outline planning stage and was not considered to have a detrimental impact on the integrity of the group of trees or the appearance of the area.

Anglian Water Services Ltd

As the reserved matters application related to access and not drainage, Anglian Water have no further comment to make.

ECC Highways Dept  
ORIGINAL COMMENTS

The Highway Authority has previously commented regarding visibility splays, parking and turning facilities, surfacing, transport information marketing packs, and internal road layouts, and a pedestrian/cycle link through to adjacent plots, and does not wish to add anything to this.

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

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

ECC Highways Dept  
AMENDED COMMENTS

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

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

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

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

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

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

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

Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the

Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

## **5. Representations**

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

- The proposed footway along Tye Road on the west side has been reduced from a width of 1.8 metres to 1.5 metres. The current standard width for a new pathway is 2 metres, so this is significantly narrower. It is understood from Essex Highways that this has been agreed on the basis that there will not be much pedestrian use. However, the HGV type of traffic which uses this road should indicate a wider footway, the volume of HGVs is set to increase with the applications listed below and it is already the case that as it is a rural farming area there is a high volume of heavy and wide vehicles using the road.
- Approval has been given for the construction of an irrigation reservoir involving the excavation, processing and removal of sand, gravel and soils, engineering works and ancillary buildings at Elmstead Hall (ESS/24/15/TEN). All vehicles will be accessing and exiting this reservoir site via Tye Road. Planning condition 20 limits HGV movements to 80 per day (Monday to Saturday), although the transport statement for the application estimated that the project would generate around 100 HGV movements per day.
- A planning application was previously submitted for the creation of an agricultural reservoir at the Allen's Farm Site, west of Elmstead Hall, which was completed in 1999. This development took vehicular access from Tye Road at a purpose built large access, designed to accommodate four-axle HGV tipper vehicles to and from the site. The section of Tye Road between this access and the A133 to the south was also widened as a result of the previous development to accommodate HGV two way movements.
- Item 4.4 of the transport statement for ESS/24/15/TEN goes on to say 'as requested by the LHA at the time Allen's Reservoir was approved, the section of Tye Road from the site access to the A133 was locally widened to accommodate the two way movements of HGV traffic to and from the site. This section of Tye Road is therefore adequate to allow HGV traffic to pass between the site access and the A133 without further modification.'
- There is an additional modified application in process for the erection of a second bio-gas plant comprising anaerobic digester, cogeneration unit, grid entry unit and digestate store to replace previous approval 15/01679/FUL at Allen's Farm. The construction of the plant is likely to take 9 months and will generate additional traffic along Tye Road, and on an ongoing basis the application includes the importation of feedstock for the plant with a predicted 6 movements a day. This application also refers to the fact that Tye Road was widened in the past to accommodate two way movement of HGV traffic.
- As Tye Road was previously widened at the request of Essex Highways for the two way movement of HGVs for Allen's reservoir, and as a new reservoir has been approved, Elmstead Parish Council believes that the width of the road must definitely not be reduced, to ensure two large vehicles can pass safely. However, although it is appreciated that the footway has been reduced in width in order to maintain a full width roadway there is extreme concern regarding pedestrians using this narrow footway in view of the amount of heavy traffic using the road and do not feel this is an appropriate or safe solution.

- 5.2 In addition to the objection from the Parish Council, one letter of objection has been received which raises the following concerns:
- Access onto Tye Road will increase potential for accidents, traffic jams; Tye Road is not wide enough for a footway.
  - The proposed development is outside the village envelope; this together with the prospect of a large development on the east side of Colchester will result in Elmstead being merged with Colchester and losing its identity.

## **6. Assessment**

The main planning considerations are:

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

### Site Context

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

### Proposal

- 6.3 The current application seeks approval of the reserved matter of access only, relating to outline planning permission 16/00219/OUT for the erection of 32 dwellings, land for a community facility and associated parking and infrastructure.
- 6.4 This application seeks permission for a single vehicular access point from Tye Road with a 10m radius. Where it meets Tye Road the proposed access measures 25 metres in width but then narrows to 9.5 metres in width 7.5 metres into the site.
- 6.5 A pedestrian access point and an uncontrolled pedestrian crossing are proposed towards the southern boundary of the site, which has a width of 2.5 metres.
- 6.6 A footpath is proposed on the western side of Tye Road from the southern boundary of the site to the junction with Colchester Road. Originally the proposed footpath measured 1.8 metres in width and result in the loss of some hedgerow. Following concerns that this could not be achieved without relying on land outside the control of the applicant or Essex County Council Highways, the width of the footpath has been amended to 1.5 metres in width and the hedgerow is to be retained.
- 6.7 A S106 legal agreement was secured at outline planning permission stage requiring a financial contribution towards primary school education; 25% on site affordable housing providing and the provision of on-site public open space. This legal agreement and all conditions imposed by the Inspector at outline stage will still apply.

### Highway Safety



- 6.8 At the stage of the outline application the indicative plan submitted indicated a footpath along the eastern side of Tye Road. The Council's reason for refusal states that it had not been demonstrated that pedestrian links to local facilities could be provided without harm to the character of the area resulting from the removal of significant trees and hedgerow.
- 6.9 However, as part of the appeal process a plan was submitted showing a footpath to the west of Tye Road. The Inspector considered as the application was submitted in outline with all matters reserved for future consideration, the revised details are indicative only and do not therefore materially alter the proposed development and therefore took this revision into account when determining the appeal.
- 6.10 During this current application the width of the proposed footpath was reduced to 1.5 metres to provide certainty that it could be achieved without relying on land outside the control of the applicant or Essex County Council Highways.
- 6.11 **The 1.5 metre width footpath is below the recommended width of a footpath as set out in The Manual for Streets and The Essex Design Guide. Paragraph 6.3.22 of The Manual for Streets states that: 'there is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2m. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops'. Page 122 of the Essex Design Guides sets out the minimum carriageway width and footway requirements for different types of roads and when referring to footpath it states they should be 2 metres wide. However, these documents are not legislative duty, but guidance only. Paragraph 6.3.23 of The Manual for Streets states that 'footway widths can be varied between different streets to take account of pedestrian volumes and composition' and page 117 of the Essex Design Guide states the width of footways to roads 'will vary according to the type of road, but normally is sufficient to allow two people to pass'. It is clear from these documents that there whilst the recommended width of a footpath is 2 metres that there is some flexibility.**
- 6.12 Essex County Council Highways have also considered the frequency of use of the proposed footpath using the TRICS database, which is the natural system of trip generation analysis. This shows that both morning and evening peak usage will generate an average of 5.5 pedestrians per peak hour. Bearing in mind there are public right of way routes which also lead to the village and therefore some of these pedestrians will not use the footpath, the development is considered unlikely to generate more than 4 pedestrian movements in a peak hour.
- 6.13 Following the site meeting the Highway Officer has re-examined the collision date website and there have been no collisions recorded in Tye Road.
- 6.14 Essex County Council Highways have been consulted on the application and raise no objection to the application. **Following the site visit further information has been provided by Essex County Council and they have confirmed that they retain their position of no objection and consider that the new footway, albeit of a lesser width than normal standards, will not only provide a suitable refuge for the very limited number of new pedestrians, but will also be of benefit to those existing pedestrians who already use Tye Road.** Therefore whilst the concerns of the Parish Council are recognised, it is considered that without an objection from Highways or evidence to support the views of the Parish Council that a reason for refusal on highway grounds could be justified or successfully defended on appeal.

#### Visual Amenity/Appearance

- 6.15 The Inspector considered that the removal of the hedgerow on the west side of Tye Road, which is no longer proposed, as the scheme has been amended and was satisfied that its

loss would not unduly harm the character or appearance of the area. The Inspector was satisfied that it was demonstrated that adequate footpath links to the village could be provided and that such details could be suitably dealt with a part of a future reserved matters application.

- 6.16 The submitted plans show the existing hedgerow to be retained and at the site visits Members measured the width of the carriageway for themselves. Given the location of the hedgerow it will be a constraint on the development. However at outline stage the Inspector was satisfied that its loss would not unduly harm the character or appearance of the area. It is noted that the hedgerow is not within the applicants or Highways ownership but this is not a material planning consideration, as Essex County Council Highways would have rights to carry out any works on highway land to whatever depth is required.**
- 6.17 When considering the principle of development on the site the Inspector found that whilst the development would result in limited harm to the character of the area, this harm would not significantly and demonstrably outweigh the benefits of the scheme. Given that consent has been given for development of the site and that the character of area will change to become more urbanised and it is therefore considered that the proposed footpath would not result in any greater harm.

Background Papers

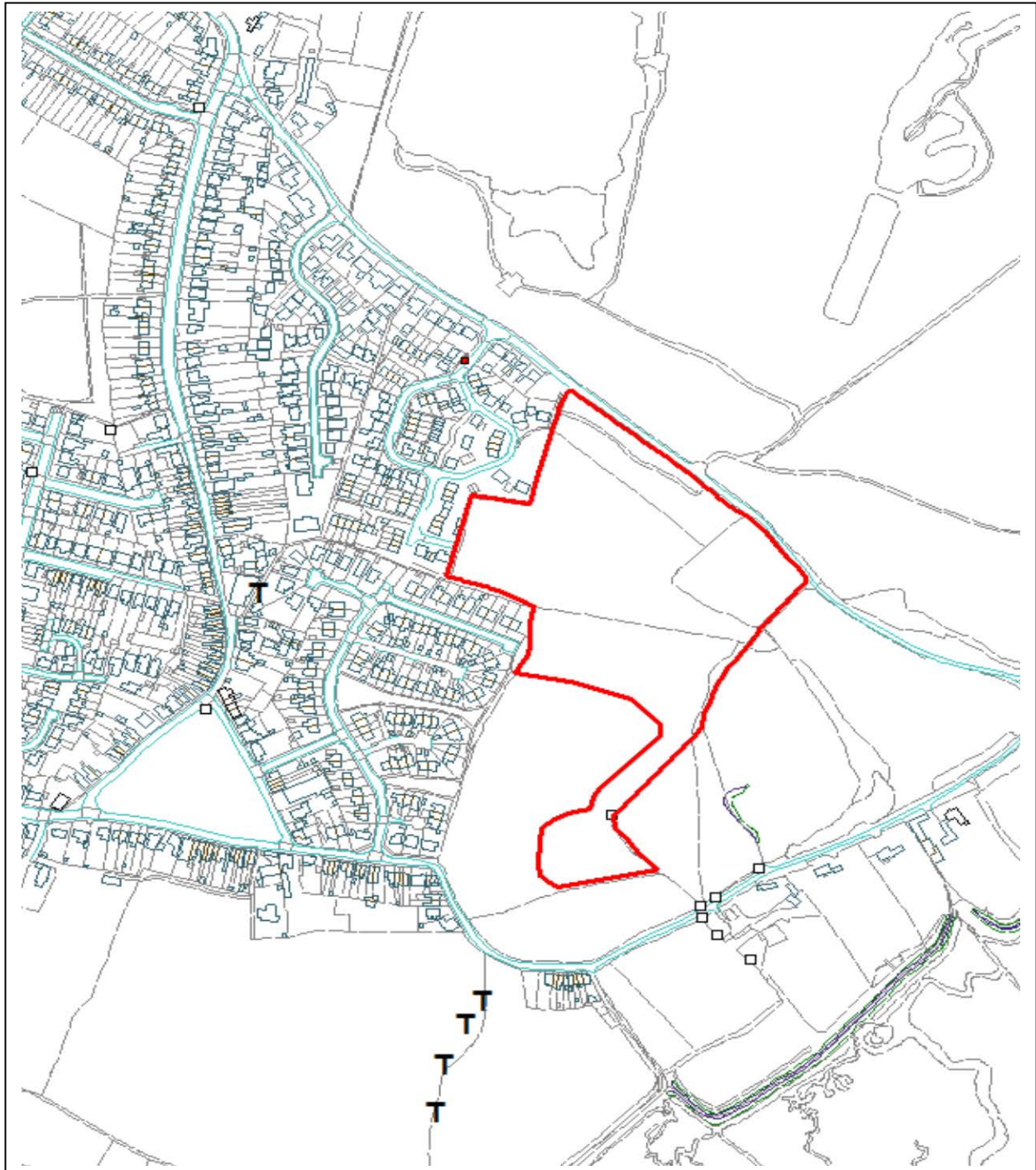
None

## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

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



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<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 The application was deferred from Planning Committee on 3<sup>rd</sup> January 2018 to enable further discussions and investigations to take place between the Officers and the applicant with regards to the following:
- The need for an emergence survey for any potential bat roosts on the application site;
  - The need for a Phase 2 Survey for the potential hibernation of Great Crested Newts on the application site;
  - The potential removal of vehicular access from the application site onto Wilfreds Way;
  - The proposed removal of the hedgerow along the Robinson Road frontage and the width of that road; and
  - The undersized gardens in relation to certain plots within the application site.
- The report from 3<sup>rd</sup> January 2018 is replicated below with any updates shown in bold.
- 1.2 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.
- 1.3 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).
- 1.4 The proposal seeks permission for 115 no. dwellings: **the original proposal was for 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. However, the amendments made following the Planning Committee now results in a proposal for 9 no. 1 bed dwellings; 34 no. 2 bed dwellings; 41 no. 3 bed dwellings; 25 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.
- 1.5 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.

- 1.6 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.
- 1.7 **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
- 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. **Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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	Approved	20.04.2015



roads, parking, fencing, walling, public open space, landscaping, drainage, highways infrastructure and other ancillary works.

15/01732/DISCON	Discharge of condition 4 (materials), 5 (landscaping), 7 (highway improvement works), 8 - 10 (archaeological works), 11 (surface water drainage), 12 (contamination), 14 (broadband), 15 (wheel cleaning facilities) and 16 (reptile habitat scheme) of planning permission 13/01470/FUL.	Approved	02.06.2016
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	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.
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</li> </ul>

40% climate change allowance unless otherwise agreed by the local authority.

- 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.
- Final modelling and calculations for all areas of the drainage system.
- 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.

**Tree and Landscape  
Officer  
(comments on amended  
proposal)**

**The proposed changes to the design and layout of the development proposal will not alter the impact of the development on the character or appearance of the local landscape.**

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

- 5.1 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.
  - **Would like to highlight that the Town Councils requirement is to have a S106 contribution towards open space, as in Phase 1.**
- 5.2 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?

5.3 **38** 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.
- **Loss of habitat – for all species but in particular for increasingly endangered birds like the cuckoo.**
- **Barn owls and kestrels hunt over the site and muntjac deer can be seen occasionally and badgers are nearby along with foxes.**
- **The species which use the site should be protected from development and the hedgerow and trees retained.**

## 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: **the original proposal was for 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. However, the amendments made following the Planning Committee now results in a proposal for 9 no. 1 bed dwellings; 34 no. 2 bed dwellings; 41 no. 3 bed dwellings; 25 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 **original** 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. **Although to address concerns of the Planning Committee the secondary vehicular access is now proposed as a cycle path and footpath only with bollards to prevent all but emergency vehicular access.**
- 6.6 The main access into the site proposes to widen Robinson Road to 5.5 metres up to the site entrance. The site access has been amended so that Robinson Road continues into the site and vehicles exiting the site are prevented from turning right out of the site onto the narrow part of Robinson Road.
- 6.7 The proposal has also been amended to allow for a greater amount of hedge retention along Robinson Road and along the boundary with Phase 1. Some of the hedgerow will be lost to allow for widening of Robinson Road but replacement planting is now proposed. The changes made to the proposal include moving the proposed dwellings further from the boundary with Robinson Road, a reduction in the number of access points and a revised layout for Plots 5-8. The layout of Plots 64 -69 has also been amended to increase garden sizes.
- 6.8 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

- 6.9 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.
- 6.10 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).
- 6.11 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.
- 6.12 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

- 6.13 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

- 6.14 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

- 6.15 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.
- 6.16 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 on 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

- 6.17 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

- 6.18 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.
- 6.19 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.
- 6.20 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.

- 6.21 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.
- 6.22 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.
- 6.23 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.
- 6.24 In the original proposal** 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. **The scheme has been amended to address the concerns raised by Members and there are now only 4 dwellings which do not meet the required standard. These Plots are 3 and 4 bedroom private dwellings and have garden sizes of between 84 and 93 sq. metres.** 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.
- 6.25 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

- 6.26 Immediate residential neighbours to the site are those to the west in the new development (Phase 1), Wilfreds Way and properties in Greenhurst Road.
- 6.27 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.
- 6.28 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.
- 6.29 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. Any impact will be reduced by the amended proposal which removed the vehicular access between**

**Phase 1 and Phase 2. A cycle path and footpath is now proposed with bollards to prevent all but emergency vehicular access.**

- 6.30 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.
- 6.31 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

- 6.32 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.
- 6.33 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.
- 6.34 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.
- 6.35 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.

- 6.36 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

- 6.37 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.
- 6.38 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.
- 6.39 Natural England have advised that they have no objection to the proposal subject to the above mitigation measures.
- 6.40 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.

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

**6.42 The previous application was deferred for, amongst other things, for further discussions and investigations to take place between the Officers and the applicant with regards to the need for an emergence survey for any potential bat roosts on the application site and the need for a Phase 2 Survey for the potential hibernation of Great Crested Newts on the application site. To address these issues an Ecological Update Assessment prepared by SES Southern Ecological Solutions has been submitted. This report provides clarification regarding the results of the bat surveys undertaken, the need for further bat surveys and presents detailed mitigation proposals that will ensure a neutral impact on bats from the development of the site irrespective of the results of further surveys that are required prior to the commencement of development to inform the need for an required Natural England European Protected Species licence(s). In summary the report demonstrates that:**

- **Three different survey methodologies (Bat Activity Surveys, Automated Bat Surveys and Aerial Tree Scoping Survey) were carried out on the site between April and October 2017. These surveys found relatively low numbers of bats for a site of this size and while there are trees on the site with moderate to high roosting potential, no evidence of bats was found during aerial inspections of these trees.**
- **Combining the results of the surveys above, it is possible to confidently conclude that no significant roosts are present on site and as such, any roosts that are present would support only low numbers of bats (i.e. transitory or day roosts) for which the proposed mitigation would effectively neutralise any impact.**
- **The original Ecological Assessment submitted with the application recommends further emergence/re-entry surveys to confirm the presence of any transitory or day roosts on trees affected by the development. The reason for this recommendation is to inform the subsequent need for a Natural England licence to remove any active roosts. In this context, it is considered that grant of a licence is highly likely given the mitigation proposed and the low conservation value of any roosts likely to be found.**
- **Further surveys are not required ahead of the determination of the application as existing surveys have shown that any roosts present on site would only support low numbers of bats and sufficient mitigation is proposed that can be**

conditioned. The proposals therefore comply with Natural England standing advice in that the ecology surveys carried out prior to determination are sufficient to inform appropriate mitigation for the site and confirm the acceptability of the proposed development.

- 6.43 With regard to Great Crested Newts the report demonstrates that it is highly unlikely that they are present on the site for the following reasons:
- During the winter it is most common to encounter Great Crested Newts with 63 metres of a suitable breeding pond. There are no such ponds within 63 metres of the site, with the closest being 150 metres to the north.
  - There are few linear features between suitable ponds in the surrounding area and the site making it highly unlikely that Great Crested Newts would migrate to the site.
  - There is a large quantity of suitable terrestrial habitat near to these ponds, reducing the likely dispersing distance of Great Crested Newts into the surrounding landscape; and
  - During an 80 day reptile translocation for Hopkins Homes neighbouring development, only 3 smooth newts and no Great Crested Newts were found.
- 6.44 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 **in the NPPF i.e. it needs** 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 the time this application was previously referred to Committee, it was not certain if these tests were met and further advice was sought from Natural England. Following this advice it is clear that Natural England are not at a stage where specific projects and amounts can be identified. Therefore it is considered that the request for a financial contribution does not meet the required tests and therefore it would be against national policy to request such a contribution.**

#### Flood Risk and Drainage

- 6.45 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.
- 6.46 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.
- 6.47 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.
- 6.48 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

- 6.49 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.
- 6.50 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 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.
- 6.51 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.
- 6.52 Following the amended plans submitted updated comments have been provided from the Council's Landscape Officer which states that the proposed changes to the design and layout of the development proposal will not alter the impact of the development on the character or appearance of the local landscape. It is considered that the changes made to the landscaping, in particular greater retention of the hedgerow and additional planting are an improvement to the scheme.**

### Heritage Assets

- 6.53 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

- 6.54 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.
- 6.55 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.

- 6.56 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.
- 6.57 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.
- 6.58 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.
- 6.59 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 **in the NPPF**. 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. It **was** not certain if these tests are met and further advice has been sought from Natural England, especially on the amount of the financial contribution. **Following this advice it is clear that Natural England are not at a stage where specific projects and amounts can be identified. Therefore it is considered that the request for a financial contribution does not meet the required tests and therefore it would be against national policy to request such a contribution.**

#### Conclusion

- 6.60 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.
- 6.61 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

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## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.3 PLANNING APPLICATION - 17/01286/FUL - LAND TO THE SOUTH OF STONE POINT, OLD HALL LANE, WALTON-ON-THE-NAZE, CO14 8LQ**



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<b>Application:</b>	17/01286/FUL	<b>Town / Parish:</b> Frinton & Walton Town Council
<b>Applicant:</b>	Mr James Ennos - Tendring District Council	
<b>Address:</b>	Land to The South of Stone Point Old Hall Lane Walton On The Naze CO14 8LQ	
<b>Development:</b>	Clay flood wall to protect the sewage treatment works, the John Weston nature reserve and agricultural land.	

## 1. **Executive Summary**

- 1.1 This application is reported to Planning Committee because Tendring District Council is the applicant.
- 1.2 The application proposes erection of a 260 metre long clay flood wall to provide protection to sewage treatment works, nature reserve and agricultural land due to risk of flooding and rapid coastal erosion of the existing clay cliffs. The wall will be constructed of clay which is sourced from the adjacent field, with unsuitable material deposited back into that field, with the land form within the field remaining unaltered upon completion.
- 1.3 The construction of the embankment will provide protection against a 1 in 100 year event plus allow for climate change. It is the same height as the existing sea wall to which it joins providing the same level of protection to this land and important assets. The proposal does not impact on any existing flood plain storage or impede flows in watercourses. The top of the proposed clay wall will also provide a footpath connecting the existing sea wall to the adjacent amenity area of the Naze.
- 1.4 The site lies within flood zone 3 (high risk), within the Coastal Protection Belt and the Naze Country Park. The site is also very ecologically sensitive being designated as Ramsar site, Site of Special Scientific Interest, Special Protection Area and adjacent to Hamford Water National Nature Reserve.
- 1.5 The proposal is considered acceptable in relation to impact upon landscape quality, flood risk, ecology and highway safety, subject to the recommended conditions.

**Recommendation:** Approve

**Conditions:**

1. Standard 3 year time limit for commencement
2. Accordance with approved plans
3. Reptile and water vole surveys and any required mitigation to be undertaken prior to commencement of any development/site clearance.
4. Precautionary approach adopted for all vegetation clearance and soil stripping and to exclude breeding bird season (March to August inclusive) unless prior survey of all vegetation to be removed does not identify any active nests.

## **2. Planning Policy**

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

94. Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

109. The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils.

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

114. Local planning authorities should: maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and enjoyment of the coast.

### **Local Plan**

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

QL3: Minimising and Managing Flood Risk

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

COM35: Managed Re-Alignment

EN1: Landscape Character

EN3: Coastal Protection Belt

EN6: Biodiversity

EN6a: Protected Species

EN11a: Protection of International Sites: European Sites and RAMSAR sites

EN11b: Protection of National Sites: Sites of Special Scientific Interest, National Nature Reserves, Nature Conservation Review Sites, Geological/Geomorphologic sites

TR1a: Development Affecting Highways

TR3a: Provision for Walking

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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**

95/01181/FUL	(The Naze, Walton on the Naze) Construction of rock armour groynes to reduce erosion of cliffs (renewal of permission TEN/0418/90)	Approved	21.11.1995
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### **4. Consultations**

Anglian Water Services Ltd	No comments.
Environment Agency	No objection offer advice in relation to the likely need for an environmental permit.
Building Control and Access Officer	No comments.
Natural England	Insufficient information to rule out adverse effects on Hamford Water SPA, Ramsar site and SSSI.

### **5. Representations**

- 5.1 Frinton and Walton Town Council recommend approval.
- 5.2 No other comments have been received.



## **6. Assessment**

- 6.1 The main planning considerations are: Principle of development; design and visual impact, impact on natural environment, highway safety, and flood risk.

### Site location

- 6.2 The application site is isolated from any settlement, located to the North of Walton-on-the-Naze on low-lying land adjacent to the coast. To the immediate west lies an agricultural field with the Anglian Water sewage treatment works on the other side of Old Hall Lane. To the north west is the John Weston Nature Reserve, with the Hamford Water National Nature Reserve beyond.
- 6.3 The site lies within flood zone 3 (high risk), within the Coastal Protection Belt and the Naze Country Park. The site is also very ecologically sensitive being designated as Ramsar site, Site of Special Scientific Interest, Special Protection Area and adjacent to Hamford Water National Nature Reserve.

### Principle of development

- 6.4 The application proposes the erection of a 260 metre long clay flood wall to provide protection to sewage treatment works, nature reserve and agricultural land due to risk of flooding and rapid coastal erosion of the existing clay cliffs. The height reduces (maximum 2.9 metres) as the ground level rises to the south. The wall will be constructed of clay which is sourced from the adjacent field, with unsuitable material deposited back into that field, with the land form within the field remaining unaltered upon completion. There is therefore no imported material and vehicle movements associated with the earthworks will be confined to the site and adjacent field. Delivery of other materials will comprise around 20 tonnes of sheet piles, land drainage pipes, and around 100 tonnes of small stones.
- 6.5 Policy COM35 (Managed Re-alignment) in the adopted Local Plan is generally supportive of proposals for alternative soft or natural engineering methods of sea defence, including managed realignment where appropriate to ensure sustainable flood management. It states schemes should be designed so as to maximise nature conservation benefits with respect to local landscape impact considerations.
- 6.6 The principle of development is therefore accepted subject to the detail of the proposal as assessed below.

### Design and visual impact

- 6.7 Policies QL9, QL10 and QL11 in the adopted Local Plan and Policy SPL3 in the emerging Local Plan set out the criteria against which all development proposals are judged, including requirements for development to be well designed, appropriate to their surroundings and undertaken with minimal adverse impacts.
- 6.8 Policy EN3 in the adopted Local Plan and Policy PPL2 in the emerging Local Plan state that development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted. Even where a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.
- 6.9 The proposed clay embankment will adjoin the existing seawall embankment to the north, reducing in height as the ground level rises to the south. The top of the proposed clay wall will also provide a footpath connecting the existing sea wall to the adjacent amenity area of the Naze. Upon completion the embankment crest and sides will be grassed and maintained by Tendring District Council.

- 6.10 The proposed clay wall will therefore reflect the existing flood defences in the area and will enhance pedestrian access. The proposal will therefore preserve the landscape quality of the surrounding countryside.

Impact on natural environment

- 6.11 The most relevant policies to the proposal relate to the need to protect the nature conservation interests of Hamford Water which is a Special Protection Area (SPA), Ramsar Site, Site of Special Scientific Interest (SSSI) and National Nature Reserve. Policies EN11a and EN11b in the adopted Local Plan and Policy PPL4 in the emerging local Plan require careful consideration of the impacts of development on such designated areas.
- 6.12 Saved Policy EN11a states proposals will be subject to rigorous examination and development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site will not be permitted unless (i) there is no alternative solution; (ii) there are imperative reasons of overriding public interest for the development; and (iii) and in the event that (i) and (ii) above are met, an appropriate compensatory habitat is provided.
- 6.13 The proposed works are not necessary to the management of the site for nature conservation, they are for flood mitigation purposes. However, part of the reason for the flood protection is to prevent inundation of the John Weston Nature Reserve, which is a local site close to the Hamford Water National Nature Reserve. The submitted Habitat Regulations Assessment concludes that the proposal would have no likely significant effects on any of the European sites, compliant with saved Policy EN11a and emerging Policy PPL4.
- 6.14 Natural England's initial comments on the proposal confirmed that there was insufficient information to rule out adverse effects on Hamford Water SPA, Ramsar site and SSSI. The construction of the flood embankment itself will result in a loss of around 0.5 hectares of designated habitat. A Habitat Regulations Assessment was therefore undertaken by the applicant, in consultation with Natural England, and Natural England's formal comments on this are awaited. Members will be updated at the meeting.
- 6.15 Natural England add that they are aware that the management of the coastline in this location is of concern to local interests and requires careful planning to ensure a sustainable long-term solution can be identified and secured efficiently through the planning system, as a partnership project. They have already consented a short-term measure to install gabion baskets, noting that this was a temporary measure to control erosion whilst a longer-term counter-wall was being agreed that will allow natural coastal processes to operate (and allow the gabion baskets to be removed).
- 6.16 Works are estimated to take 2 months and are planned for spring to be of minimum disruption to overwintering birds.
- 6.17 A phase 1 habitat assessment has also been submitted to assess the impact upon protected species. It confirms the high likelihood of reptiles being present and the need to undertake species specific surveys to determine their presence, spread and population, and methods to relocate them from the site. Water vole surveys are also required for each section of the borrowdyke which is to be removed, with mitigation ditches designed to accommodate them.
- 6.18 A precautionary approach should be adopted for all vegetation clearance and soil stripping. All vegetation clearance should exclude the breeding bird season (March to August inclusive). If this is not feasible, then a survey of all vegetation to be disturbed should be performed within a 48 hour period prior to works, to identify any nests present. Should any active nests be found, then all work in these areas will have to wait until all young have fully fledged.

- 6.19 The applicant states it is very unlikely that there are reptiles or water voles in the area of the proposed works but they will carry out further surveys before the works start.
- 6.20 As acceptable mitigation measures can be provided for both species (reptiles and water voles) in the immediate area the Case Officer considers that the application can be approved subject to conditions requiring the surveys and mitigation measures to be approved prior to commencement of any works; and a precautionary approach adopted for all vegetation clearance and soil stripping, excluding the breeding bird season unless prior survey of all vegetation to be removed does not identify any active nests. Natural England's further comments on this matter will be updated.

#### Highway safety

- 6.21 The wall will be constructed of clay which is sourced from the adjacent field, with unsuitable material deposited back into that field. There is therefore no imported material and vehicle movements associated with the earthworks will be confined to the site and adjacent field. Delivery of other materials will comprise around 20 tonnes of sheet piles, land drainage pipes, and around 100 tonnes of small stones. The existing farm and sewage works access along Old Hall Lane will be used for deliveries and raises no highway safety concerns.

#### Flood risk

- 6.22 The Naze is a low-lying area of land, and as such is naturally at risk from tidal flooding. The site lies within Flood Zone 3 (high risk) and a Flood Risk Assessment has been provided with the application. The construction of the embankment will provide protection against a 1 in 100 year event plus allow for climate change. It is the same height as the existing sea wall to which it joins providing the same level of protection to this land and important assets. The proposal does not impact on any existing flood plain storage or impede flows in watercourses.
- 6.23 The Environment Agency have no objection to the proposal and offer advice in relation to the likely need for an environmental permit for flood risk activities on a flood plain.
- 6.24 The works are therefore acceptable in flood risk terms, improving the level of protection for important assets in this location.

#### Background Papers

None

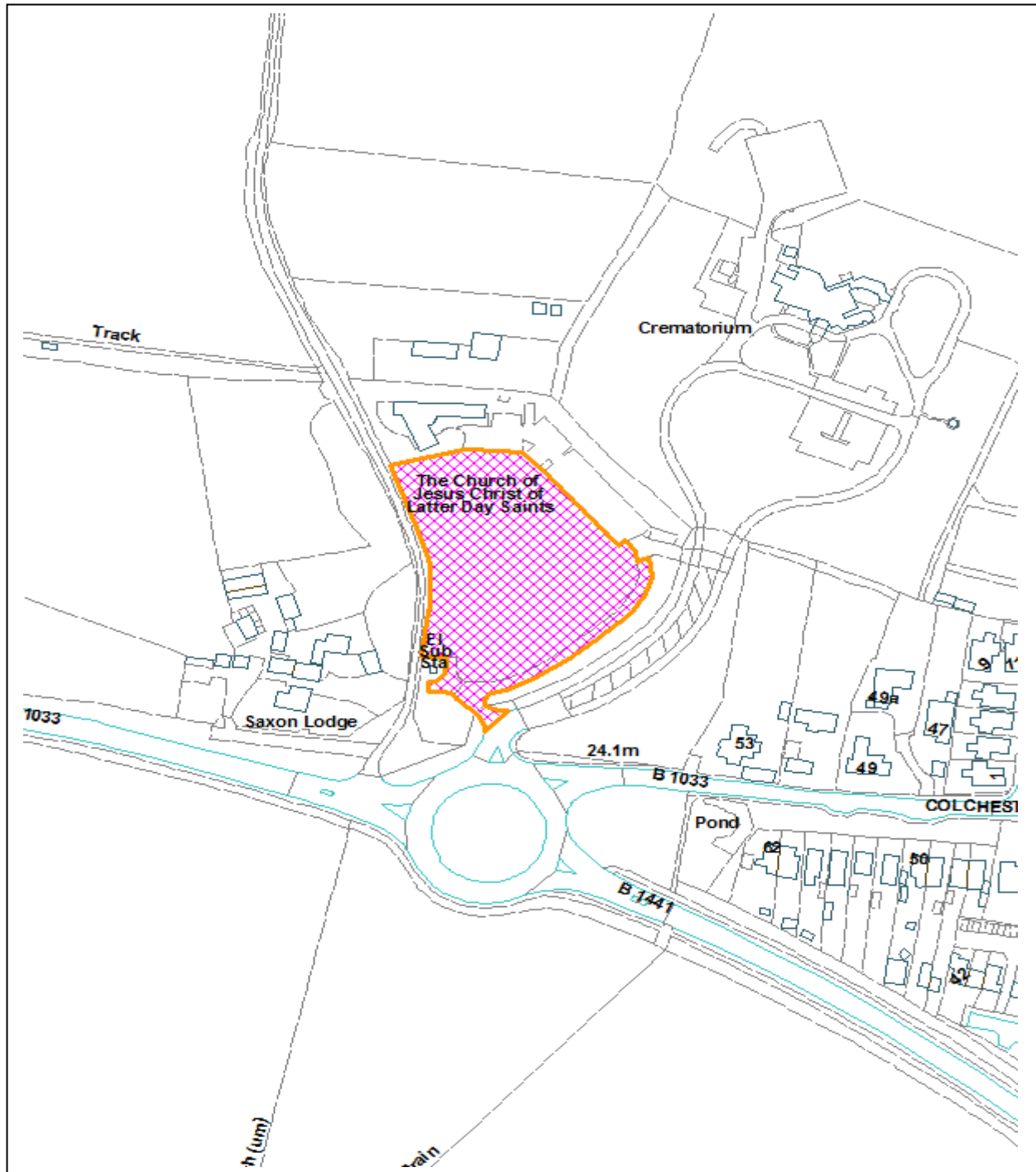
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## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.4 PLANNING APPLICATION - 17/02080/DETAIL - LAND SOUTH OF THE CREMATORIUM, COLCHESTER ROAD, WEELEY, CO16 9JP**



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<b>Application:</b>	17/02080/DETAIL	<b>Town / Parish:</b> Weeley Parish Council
<b>Applicant:</b>	St Osyth Beach Estate Ltd	
<b>Address:</b>	Land South of The Crematorium Colchester Road Weeley CO16 9JP	
<b>Development:</b>	Residential development comprising of 9 dwellings.	

## 1. **Executive Summary**

- 1.1 Outline application 16/00182/OUT for residential development of up to 9 dwellings on this site was approved at Planning Committee on 18<sup>th</sup> May 2016. This application is referred to committee as the original outline application was approved along with three other housing developments in the Weeley area at the 18<sup>th</sup> May 2016 committee. All applications were submitted by the same applicant. At reserved matters stage the other three applications were referred back to committee at member's request. Therefore to be consistent the Head of Planning has requested that this application is referred back to the Planning Committee for determination.
- 1.2 This application seeks approval of the reserved matters application for the erection of 7 x 5 bedroom dwellings and 2 x 4 bedroom dwellings. Each property would be detached and served by garaging and driveway parking with access to the development being taken from the existing access point.
- 1.3 The application site is situated on the northern side of Colchester Road to the west of the village of the Weeley, outside of, but opposite to, the defined settlement development boundary of Weeley Heath as set out in the Tendring District Local Plan (2007) but fully within the defined settlement development boundary of the draft Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 As established through the granting of outline application 16/00182/OUT, the principle of residential development for 9 dwellings on this site is accepted.
- 1.5 This reserved matters application satisfies design and highways, trees and landscaping, biodiversity and residential amenity considerations and is recommended for approval.

**Recommendation:** Approve

**Conditions:**

- 1). All parking areas and garages to be provided prior to first occupation of the dwellings and retained as approved for parking purposes only.
- 2). Provision of acoustic fencing prior to occupation and retention.
- 3). Submission of construction method statement.
- 4). Accordance with approved plans

## 2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN6 Biodiversity

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

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

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

policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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**

16/00182/OUT	Residential development comprising of up to 9 dwellings.	Approved	20.05.2016
17/02080/DETAIL	Residential development comprising of up to 9 dwellings.	Current	

### 4. **Consultations**

ECC Highways Dept	No objections to the development.
Tree & Landscape Officer	The development of the land will not adversely affect existing vegetation and shows an adequate level of soft landscaping that will both partially screen and enhance appearance of the development.
Waste Management	No comments received.
Essex Wildlife Trust	No comments received.
Natural England	No comments to make upon the application.
Asset Management Team	No comments received.
Public Realm Dept	<p>As the operators of the Weeley crematorium we would like to oppose the proposed development. There is considerable evidence to support concerns about noise, mess, negative impact on communities during development.</p> <ul style="list-style-type: none"> <li>- This development will alter permanently the immediate area which is currently a quiet space set aside for the use of the public of Tendring to remember their departed loved ones.</li> <li>- The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on the amenities of the property immediately adjacent to the site (the crematorium) and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.</li> <li>- We are concerned about summer barbecues, parties, noise, smells and traffic all impacting on this important local amenity and service.</li> <li>- The site access proposals are not in accordance with acceptable standards and would lead to potential safety hazards. This includes safety issues around vehicles visiting the crematorium as well as potential hold ups and interference with the crematorium business by means of access adjacent to the road into the crematorium. It also appears as if there will be a requirement for 2 way vehicle movement at the entrance which will cut across the line of vehicles entering and leaving the crematorium. This is both dangerous and an unacceptable burden on the operation of the crematorium.</li> </ul>



We do not consider this development to be appropriate to or sympathetic with the current use of the area.

## **5. Representations**

5.1 Weeley Parish Council provides the following comments;

- Weeley Parish Council notes with concern that there is limited visitor parking and that the development consists of large houses on small plots.

5.2 4 letters of objection has been received covering the following points;

- Development would be insensitive to attendees of funerals at the Crematorium;
- Traffic will increase onto an already congested roundabout;
- Saxon Lodge Kennels will be affected by the development;
- Local doctor's surgeries, hospitals and schools are full;
- Over-development of Weeley;
- Trains are hourly and not sufficient to cater for new residents;
- Objections received from Crematorium operators;
- Need for a transport statement has been overruled by ECC-Highways;
- 2.5m acoustic fence will not reduce impact of barking to an acceptable level and the construction of a fence would be an unattractive addition;
- Narrow roads and cramped development;
- Concerns in respect of the chosen privately managed foul water pumping station and maintenance required for the sustainable urban drainage system.

## **6. Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Layout/Design;
- Residential Amenity;
- Highway Considerations;
- Landscaping/Biodiversity;
- Crematorium Operations; and
- Drainage Issues.

### Site Context

- 6.1 The application site is located on the northern side of Colchester Road to the west of the village of the Weeley. The site measure 0.68 hectares in size and takes access from the south of a four exit roundabout. The site is currently laid to grass.
- 6.2 The site is bordered to the west by a cluster of buildings used as boarding kennels and a cattery along with an associated residential property. Hawk Lane is located directly to the west and gives access to Hawk Farm Shop. This narrow track runs along the length of the western boundary of the site. To the north of the site is a church which was constructed in 2011 and is run by the Church of Jesus Christ of Latter Day Saints. The church is accessed via a separate access that runs along the eastern boundary of the site. To the north-east of the site is Weeley Crematorium which is served by a separate access off the same roundabout exit.
- 6.3 The site is largely devoid of any vegetation apart from a small area of trees adjacent to the site access and some newly planted trees along the site perimeter.

- 6.4 The application site lies outside of the defined settlement development boundary of Weeley as set out in the Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The settlement boundary as established in the Tendring District Local Plan (2007) commences at the entrance of the village approximately 80m to the east of the site access.

#### Proposal

- 6.5 This application seeks approval of the reserved matters relating to outline permission 16/00182/OUT and the erection of 9 detached properties (2 x 4 bedroom and 7 x 5 bedroom).
- 6.6 The layout plan shows the 9 dwellings arranged off 3 internal estate roads. Four properties would face southwards addressing the roundabout and Colchester Road, whilst the remaining dwellings would address the access roads on which they are sited.
- 6.7 All 9 properties will be served by a private garden area in excess of the minimum 100 square metres required by Saved Policy HG9 of the adopted Tendring District Local Plan (2007).
- 6.8 All 9 properties will be served by 3 or 4 parking spaces in the form of a double garaging with parking in front. This provision comfortably accords with the current parking standards. A further 3 no. visitors parking spaces are also proposed.
- 6.9 The submitted landscape strategy plan shows a landscape buffer along the south-eastern boundary with shrub planting added between the site boundary and proposed secondary road. The existing hedge along the western boundary has been retained together with a 2.5m high acoustic fence and additional hedge and trees create a visual and noise barrier from the kennels at Saxons Lodge located to the east.

#### Layout/Design

- 6.10 The proposed development would be accessed via the existing entrance through the current brick piers. Four of the proposed dwellings would address the frontage of the site along the existing drive connected to The Church of Jesus Christ of Latter-Day Saints, which is parallel to the access way leading to the Crematorium. The remainder of the properties would be served by a proposed access along the western section of the site and a small private drive to the northern element. The western access road would be served by a turning head at its northern end to provide access for refuse and fire fighting vehicles. The dwellings are orientated so as to provide observation over the public streets creating a secure built environment and to avoid unsympathetic prominent boundary treatments. Along the western boundary with Saxon Lodge to the west a landscape buffer is to be introduced in conjunction with a 2.5m high acoustic fence to create a visual and noise barrier from the commercial kennels located at Saxon Lodge.
- 6.11 The properties will be of two-storey scale with single storey garages situated in-between. The dwellings are set on ample sized plots and would retain appropriate side isolation to the boundaries to ensure the development would not appear cramped or out of character in this location. In addition each dwelling would retain sufficient space to its frontage to incorporate soft landscaping to soften and enhance street scene views. Each property would be served by private amenity space in excess of that required by saved policy HG9 of saved local plan.
- 6.12 In respect of the design of the dwellings, the submitted plans show full height two-storey properties comprising of a mixture of house types within each street scene to provide variety. The properties would consist of traditional proportions and materials to respond to the local vernacular. The main external wall material will be red brick with secondary materials including white render and hanging tiles mainly to the facing gables. The roofs of

the dwellings will comprise of red clay tiles and the introduction of brick plinths, horizontal brick banding, chimneys and bay windows give the dwellings added interest.

- 6.13 Overall therefore the development would relate acceptably to the character of the area in terms of its layout, spacing and design and with the introduction of soft landscaping to supplement the existing perimeter planting, the development would represent an appropriate response to its surroundings.

#### Residential Amenities

- 6.14 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.
- 6.15 The layout plan submitted demonstrates sufficient separation distances between properties and nearby dwellings to ensure that existing and future resident's amenity would not be harmed by the development. The back to back distances between properties accords with the guidance provided in the Essex Design Guide thereby preserving future resident's privacy levels.
- 6.16 At outline stage concerns were raised in respect of the impact of the development upon Saxons Lodge to the west of the site, which operates a commercial cattery and kennels business. Concerns were raised in regard to the potential for noise complaints from the future residents of the development. The nearest proposed dwellings to the kennels buildings at Saxons Lodge would be sited approximately 40m away with Hawk Lane and dense vegetation sited in-between. Notwithstanding this point an acoustic assessment has been provided to assess the impacts of dogs barking upon future residents and the likelihood of complaints. The assessment concludes the following;

*'Whilst audible the existing noise levels are dominated by noise from road traffic on the A133. This noise from the kennels made no measurable difference to either the ambient or peak noise climate. Notwithstanding the above to reduce the likelihood of complaints from future residents it is recommended that a 2.5 metre high acoustic fence is erected along the western boundary and rooms facing directly towards the kennels are fitted with alternative means of ventilation so that windows can be closed, if desired, to reduce the impact of noise on future residents. Following the mitigation measures external peak noise levels will be below the existing background noise levels and inaudible within the properties'.*

- 6.17 Consequently, the submitted plans show the provision of a 2.5m high acoustic fence along the western boundary to replace the existing earth bund and the planting of an additional hedgerow to soften its appearance. A condition is recommended to secure details of the acoustic fence prior to commencement of the development.
- 6.18 With the mitigation measures recommended above in place the potential for complaints from future residents would be minimal.

#### Highway Considerations

- 6.19 Essex County Council as the Highway Authority has been consulted on the application. They raise no objection to the development and vehicular access from the existing access into the site. At outline stage a transportation review of the site was provided which concluded that the site is served by good off-road links to the village of Weeley to the east and the area has highway street lighting that provides a safer highway environment. The survey also confirmed that the development traffic and pedestrian flows would be low.

- 6.20 A further highway technical note has been provided which shows that potential vehicle trip generation is expected to produce a total of 4 two-way vehicle movements in the morning peak and 5 two-way vehicles in the evening peak. The technical note concludes that this increase would have an immaterial impact on the local highway network. Furthermore, the note includes correspondence from ECC-Highways confirming that proposed scheme for 9 dwellings is below the threshold for a full Transport Statement and capacity assessment on local junctions.
- 6.21 The current parking standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is 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. In this instance the properties will all be served by a minimum of 3 off-street parking spaces in accordance with the sizes noted above. In addition to this 3 visitor's spaces are to be provided within the development. This provision comfortably accords with the requirements of the standards.

#### Landscaping/Biodiversity

- 6.22 The landscaping scheme has been designed to respond to the need for sensitive treatment of the site boundaries. To the south-east frontage a landscape buffer is proposed with scrub planting added between the site boundary and the proposed secondary road. This helps to provide a natural soft edge to the development which supplements the existing tree planting along the Crematorium access. The existing hedge to the western boundary will be retained and additional hedging planted to soften the appearance of the recommended acoustic fencing. The existing trees and hedges along the northern and eastern boundaries will be retained. Extra low level hedge planting to the front gardens of dwellings has also been proposed. The Council's Tree and Landscaping Officer has confirmed that the development of the land will not adversely affect existing vegetation and an adequate level of soft landscaping is shown that will both partially screen and enhance appearance of the development.
- 6.23 At outline stage a phase 1 habitat survey was submitted which confirmed that the site is devoid of any species rich habitat due to it being predominantly grassland. As such at outline stage conditions relating to the timing of vegetation clearance and the use of sensitive lighting were included. The survey also stated that there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes. Consequently, an ecological enhancement/mitigation plan has been agreed which includes the provision of bat roosts within garages, bird boxes to buildings and garden areas and any clearance works to take place outside bird nesting season.

#### Impact upon Crematorium Operations

- 6.24 An objection has been received from the Public Realm Department who operate the Crematorium. The objection relates to a number of matters largely concerning the principle of developing the site which was established at outline stage. It must be noted that no objection from the Crematorium was received during the consideration of the outline application.
- 6.25 Notwithstanding this point, the Crematorium is located approximately 130m to the north-east of the nearest proposed dwelling with a dense area of trees located within the intervening land. Consequently, any noise or disturbance associated with the occupation and construction of the dwellings upon the operation of the Crematorium would be minimal.
- 6.26 A detailed construction method statement will be secured via condition to control the areas of parking for construction vehicles, material storage areas and delivery zones along with the proposed construction hours.

### Drainage Considerations

- 6.27 Although the development is not classed as a major development, as it consists of fewer than 10 dwellings, a drainage strategy has been submitted. The strategy identifies several methods for dealing with surface water including the use of Geocellular Systems, filter trenches and rainwater harvesting systems. The detailed design will however be agreed at Building Regulations stage.
- 6.28 In terms of foul water drainage it is proposed to connect to the existing foul water sewer in Colchester Road. Anglian Water has confirmed that their system has capacity to deal with the foul water from the proposed development.

### Background Papers

None

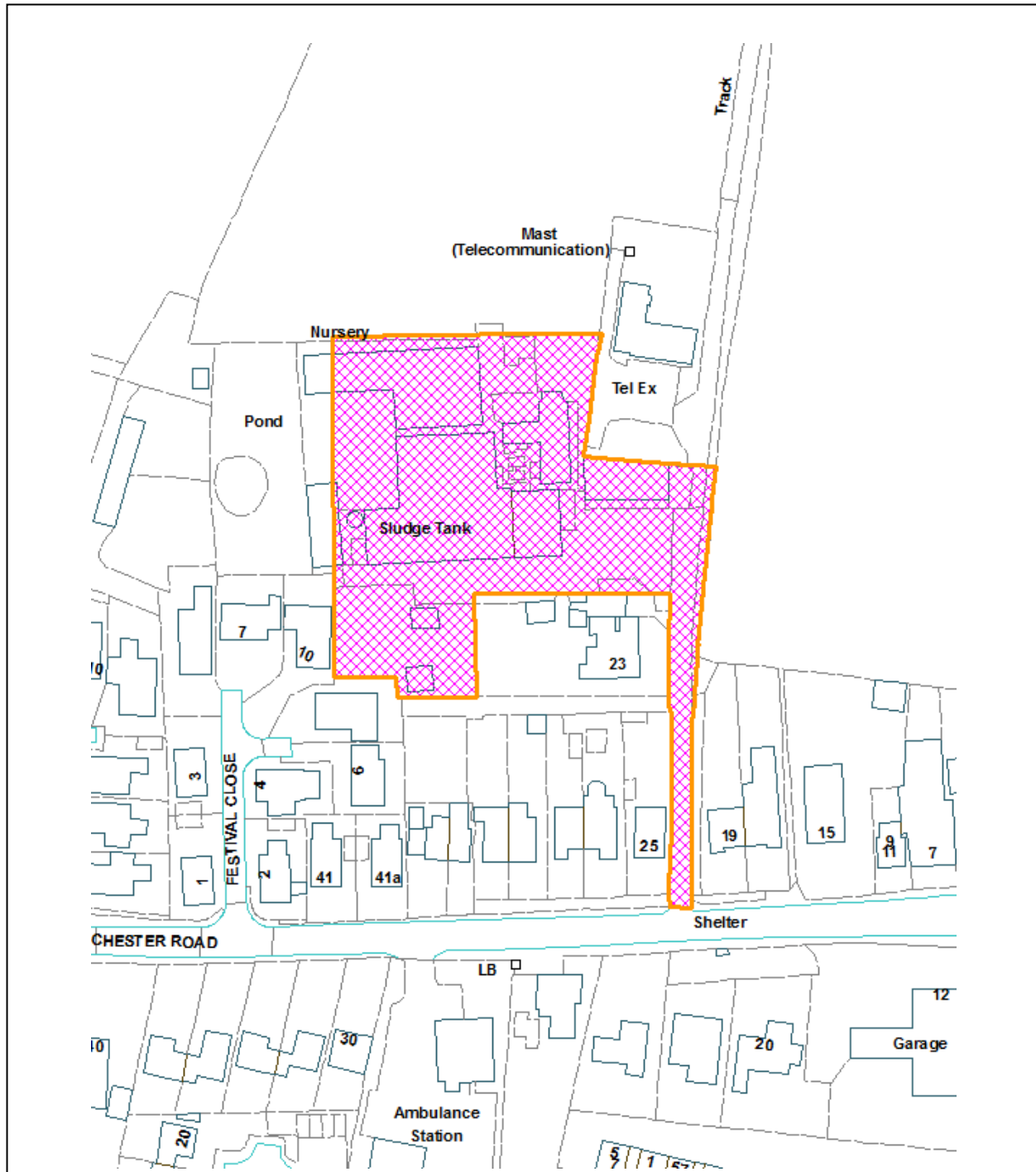
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## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.5 PLANNING APPLICATION - 17/01955/OUT - RAINBOW NURSERIES, 23 COLCHESTER ROAD, WEELEY, CO16 9JT**



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<b>Application:</b>	17/01955/OUT	<b>Town / Parish:</b> Weeley Parish Council
<b>Applicant:</b>	Mr & Mrs Norris	
<b>Address:</b>	Rainbow Nurseries 23 Colchester Road Weeley	
<b>Development:</b>	Outline planning application with all matters reserved for the construction of 9 detached bungalows.	

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee by Councillor Bray due to the proposal representing backland development, being sited outside of the Settlement Development Boundary of Weeley, the harm to neighbouring amenities and the Public Right of Way from the use of the existing access.
- 1.2 The application seeks outline planning permission with all matters reserved for the erection of 9 detached bungalows on the existing Rainbow Nurseries site adjacent to number 23 Colchester Road, Weeley. The site is accessed between numbers 19 and 25 and lies to the rear of the properties fronting Colchester Road and partly adjacent to properties within Festival Close.
- 1.3 The site is located outside of the Settlement Development Boundary of the adopted Tendring District Local Plan 2007 and partly included within the extended boundary as defined by the emerging Tendring District Local Plan Publication Draft 2017.
- 1.4 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 Rural Service Centres as defined within emerging Policy SPL1 will be assessed on a case by case basis.
- 1.5 Having regard to the existing built form on the site and beyond, together with the single storey scale of the proposed dwellings the development will not result in any environmental harm or wider landscape impact. The development will not increase the level of vehicle trips already associated with the site and will remove the majority of heavy vehicles using the access improving the impact on neighbours and pedestrian safety of the public right of way users. The indicative layout shows that the site can accommodate 9 dwellings with associated garages and parking. The single storey nature of the proposal will ensure the impact on residential amenities is minimal.
- 1.6 The horticultural use is a family run trade only business, failing to compete with larger operators and nearby nurseries that are open to public with retail elements. On this basis, current employment is likely to be lost and future employment opportunities are limited. Any expansion would increase general traffic movements and the number of HGVs using the unsuitably narrow access being more harmful to residential amenities, highway and pedestrian safety. This further demonstrates the unsuitability of a commercial use of this nature and scale in this location.
- 1.6 It is considered that the site forms a logical re-development of a brownfield site in commercial use to a more appropriate and environmentally compatible use abutting existing residential dwellings on the edge of the settlement boundary of a Rural Service Centre, one of the district's more sustainable settlements.



**Recommendation:** Approve

**Conditions:**

- 1 – 3. Submission of Details in relation to access, layout, scale, appearance and landscaping and Time Limit
4. Single storey only
5. Details of boundary treatments
6. Construction Method Statement considering Public Right of Way impact

**2. Planning Policy**

**Tendring District Local Plan (Adopted November 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
- HG1 Housing Provision
- HG6 Dwellings Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG13 Backland Residential Development
- EN1 Landscape Character
- TR1a Development Affecting Highways
- TR7 Vehicle Parking at New Development

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

- SP1 Presumption in Favour of Sustainable Development
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP8 Backland Residential Development
- PPL3 The Rural Landscape
- CP1 Sustainable Transport and Accessibility

**Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

**Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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**

00/00504/FUL	Proposed two storey side extension to form ground floor study and first floor additional bedroom	Approved	24.05.2000
01/01603/FUL	Change of use of outbuilding to be used for storage, workshop and office purposes	Approved	08.11.2001
98/00574/FUL	(Tall Pines, 23 Colchester Road, Weeley) Single storey rear extension	Approved	10.06.1998
06/00602/FUL	Proposed ground floor extension to form family room and internal alterations.	Approved	25.05.2006
15/00559/FUL	New dwelling to rear of existing property.	Approved	12.06.2015

### 4. **Consultations**

Building Control and Access Officer	No adverse comments at this time.
Regeneration	The Regeneration Team do not support this application but is unable to make a full comment due to the lack of information provided in the documentation that should refer to the employment on site, including the number of people that are currently employed, who would all lose their jobs as a result of this development. There is also no supporting evidence of the site having even being marketed to gauge if any alternative horticultural business would be interested in taking it on.
Waste Management	No comments at this stage.
Anglian Water Services Ltd	No comments received.
Essex Bridleways Association	No comments received.
ECC Highways Dept	<p>This Authority has assessed the highway and transportation impact of the proposal and having regard to the fact that i) It will not increase the level of vehicle trips already associated with the site, and ii) Will remove the majority of heavy vehicles using the access, does not wish to raise an objection subject to the following:</p> <p>All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6</p>

weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

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

' Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

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

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

NOTE: - Public Rights of Way - The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no2 (Weeley) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

NOTE - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

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

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

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

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

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

INF10 - Construction Traffic Routes - Prior to the commencement of any work on the site, a joint inspection of the access between the development site and the junction of Colchester Road to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority.

The Ramblers Association

No comments received.

## 5. **Representations**

5.1 Weeley Parish Council raise concerns with the application due to the proposal representing backland development, being sited outside of the Settlement Development Boundary of Weeley and the harm to neighbouring amenities and the Public Right of Way from the access.

5.2 4 individual letters of objection/representation have been received raising the following concerns;

- Will exacerbate existing traffic movements.
- Will exacerbate noise and disturbance to residential properties.
- Visual harm to public right of way and landscape.
- Lead to more vehicles using the dangerous access onto Colchester Road.
- Driveway not wide enough for 2-way traffic.
- Sewerage is at capacity and often has to be unblocked.
- Set a harmful precedent leading to loss of adjacent farmland to housing.
- Weeley has enough houses already.
- Weeley is a village not a town.
- Lack of infrastructure and amenities to support more housing.
- Restrict access during development.

5.3 1 objection raises many questions regarding the detailed layout, design and landscaping of the development which is not being considered at this outline stage.

## 6. **Assessment**

6.1 The main planning considerations are:

- Site context;
- Application Proposal and Planning History;
- Principle of development;
- Scale, Layout and Landscape Impact;
- Residential Amenities;
- Highways and Parking.

#### Site Context

- 6.2 The application site comprises part of a long established wholesale horticultural nursery Rainbow Nurseries adjacent to number 23 Colchester Road, Weeley. The site is accessed between numbers 19 and 25 and lies to the rear of the properties fronting Colchester Road and partly adjacent to properties within Festival Close. The site measures approximately 0.53 hectares in size. The business does not operate any retail element but propagates and grows on plants for the landscaping and wholesale market. The owners live in the associated dwelling house, No.23 Thorpe Road, which fronts on to a private access road.
- 6.3 Beyond, to the north, are open fields and outdoor planting areas. This open land is also a certificated caravan site available to accommodate 5 touring caravans with a British Telecom telephone exchange adjacent also to the north of the application site.
- 6.4 The existing access serves the nursery site and number 23 Colchester Road; the caravan site; the telephone exchange building and is also a designate Public Right of Way.

#### Application Proposal and Planning History

- 6.4 This application seeks outline consent with all matters reserved for the erection of 9 detached bungalows incorporating part of the nursery site and the part of the rear garden of number 23 Colchester Road.
- 6.5 The part garden area to the rear of number 23 Colchester Road is subject of planning permission approved under 15/00559/FUL for the erection of a detached bungalow.

#### 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 The site is located outside of the Settlement Development Boundary of the adopted Tendring District Local Plan 2007 and partly included within the extended boundary as defined by the emerging Tendring District Local Plan Publication Draft 2017 and is therefore located immediately adjacent to the built up area of Weeley. The extended settlement boundary in this location includes 2 fairly recent residential developments at Waylands Drive, Festival Close and number 23 Colchester Road.
- 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 Rural Service Centres as defined within emerging Policy SPL1 will be assessed on a case by case basis. It is accepted that these settlements can achieve smaller-scale growth with accommodating a modest increase in housing stock, where appropriate, within the plan period. These will make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District. Weeley is served by a good bus and rail service and the site is within walking distance of these facilities and other local amenities such as convenience store and post office, public house, community hall and park and primary school. Whilst the site lies outside of the development boundary, the social sustainability credentials of the site and position within the settlement hierarchy are recognised and the development will not compromise the Council's ability to manage growth through the plan-led approach.
- 6.11 The horticultural use is a family run trade only business, failing to compete with larger operators and nearby nurseries that are open to public with retail elements. On this basis, current employment is likely to be lost and future employment opportunities are limited given the constraints of the site and access. Any expansion would increase general traffic movements and the number of HGVs using the unsuitably narrow access being more harmful to residential amenities, highway and pedestrian safety. This further demonstrates the unsuitability of a commercial use of this nature and scale in this location in such close proximity to existing dwellings. The requirements of a sustained marketing campaign as set out within Policy ER3 and Appendix 3a of the adopted Tendring District Local Plan (2007) are not triggered in this instance given that the site is within horticultural use and not a use specified within the appendix and justification for its loss has been provided.
- 6.12 Within the accompanying Planning Statement the agent sets out the opportunity of converting 3 existing store buildings under the prior notification process allowed under Part Q of the General Permitted Development Order together with the approval for a single dwelling to the rear of number 23 equating to 4 dwellings being possible on the site.
- 6.12 The site forms a logical re-development of a brownfield site in commercial use to a more appropriate and environmentally compatible use abutting existing residential dwellings on the edge of the settlement boundary of a Rural Service Centre, one of the district's more sustainable settlements.

#### Scale, Layout and Landscape Impact

- 6.13 The site currently comprises of part of the rear garden of number 23 Colchester Road and the part of the site associated with Rainbow Nurseries which currently comprises a range of glasshouses, barns and storage buildings all associated with the business. To the north is the caravan site and the telephone exchange building with open fields beyond. To the east are open fields which meet the rear of the properties fronting Crow Lane. Colchester Road and Thorpe Road generally comprises a linear arrangement of dwellings which vary in scale, height, bulk, design and appearance. However, in the immediate area of the site the developments at Waylands Drive and Festival Close have introduced new roads of cul-de-sac bungalow developments, the latter of which extends up to the boundary with the application site to the rear of number 23.

- 6.14 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. Furthermore, Policy HG13 of the adopted Local Plan and Policy LP8 in the emerging Local Plan address backland residential development.
- 6.15 As stated above the site is located on the edge of the Weeley Settlement Development Boundary and contains several horticultural buildings and the associated dwelling. The location and existing use of the site means that it is associated with existing residential properties to the south and contains large buildings. Beyond is the telephone exchange building. The proposed single storey dwellings would be viewed in this context and the development would not introduce built form of a backland or isolated nature. Views of the housing from the north and from the Public Right of Way would be mostly seen against the backdrop of existing residential development or in association with the adjacent to the telephone exchange building.
- 6.16 The single storey scale of the proposed development is considered the most appropriate response to the character of the area and mimics the scale of the existing buildings on the site minimising the visual impact. The dwellings would be sited behind the existing properties fronting Colchester Road and number 23 Colchester road resulting in no noticeable visual impact on the street scene.
- 6.17 The proposal is for 9 dwellings on a site of approximately 0.53 hectares is size which equates to just less than 17 dwellings per hectare. Both Waylands Drive and Festival Close equate to approximately 33 dwellings per hectare. The proposed development is therefore considered an acceptable density level and is more appropriate than the most recent nearby residential developments.
- 6.18 Having regard to the existing built form on the site and beyond, together with the single storey scale of the proposed dwellings, the development will not result in any environmental harm or wider landscape impact. The development is of a number and scale that responds appropriately to the existing pattern of development and will not be harmful to the character of the area.

#### Residential Amenities

- 6.19 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 ensures that development is located where the proposal will be compatible with surrounding uses. It should be of a scale appropriate to its setting and protect the privacy, daylight and amenity of surrounding occupiers. Policy HG9 requires specified levels of amenity space for different house types. In addition, the development should not have a materially damaging impact on road traffic safety or cause pollution or a nuisance to nearby residents.
- 6.20 The application is in outline form with all matters reserved and Officers consider that single storey development in the manner suggested, 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.
- 6.21 The indicative layout does raise some concern over the close proximity of one of the plots to the existing dwelling at number 10 Festival Close. However, the site density as set out above will allow for the position of the dwellings and their associated garaging and parking to be amended to overcome these concerns and retain sufficient spacing to the residential property adjacent to the site as to not cause loss of light, outlook or privacy.

- 6.22 Additional information has been provided by the Agent via email received 22nd January 2018 in regard to the existing traffic movements and types of vehicles using the existing access. There are at least 4 vans (up to 7.5 tonne) visiting the site everyday including suppliers, customers, contractors, cleaning and maintenance staff. In total, the business can expect 14 car movements and 32 commercial vehicle movements per day. The car traffic associated with 9 dwellings is considered to attract considerably less number of movements than the existing use while also removing the 7.5 and 40 tonne vehicles that have to negotiate the driveway. Therefore, the proposed development will represent an improvement to the impact on neighbouring amenities and pedestrian safety of the users of the Public Right of Way.

#### Highways and Parking

- 6.23 Policy TR1a seeks to ensure that development affecting public highway reduces/prevents hazards and inconvenience to traffic. Policy TR7 states that the adopted parking standards will be applied to all new development. Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether safe and suitable access to the site can be achieved for all people stating that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.24 As set out above, the additional information provided by the Agent via email received 22nd January 2018 establishes that the business can expect 14 car movements and 32 commercial vehicle movements per day. The car traffic associated with 9 dwellings is considered to attract considerably less number of movements than the existing use while also removing the 7.5 and 40 tonne vehicles that have to negotiate the driveway.
- 6.25 While the access road may not meet the desirable adopted standards at 5.9m in width, it would meet the requirements for a shared access way Type 5 minor access road. Given the considerable reduction in the nature and scale of vehicles using this road, the proposed scheme is viewed as only being of positive benefit for users of the footpath and safety along Colchester Road. In respect of the latter, by virtue of a highway verge to the front of neighbouring properties, there are visibility splays of 2.4m x 90m each direction, although this is partly impeded to the west by the awkward position of a telegraph pole. It may be desirable to relocate this pole. Colchester Road is the subject of a 30mph speed limit in the vicinity of the site. The hedgerow to the eastern side of the access road is in separate ownership, and therefore would be retained and continue to act as a buffer from the vehicular use of the roadway.
- 6.26 The Highway Authority raise no objection subject to conditions on the basis that the proposed development would constitute an improvement to highway and pedestrian safety in comparison to the existing use and the associated traffic movements. However, as this is an outline application with all matters reserved, details of the access will be dealt with by a future reserved matters application and it is not necessary to impose the recommended conditions.
- 6.27 In terms of vehicular parking, the indicative plan shows that each property can be served by a garage and further parking space to accord with the adopted minimum parking standards.

#### Background Papers

None

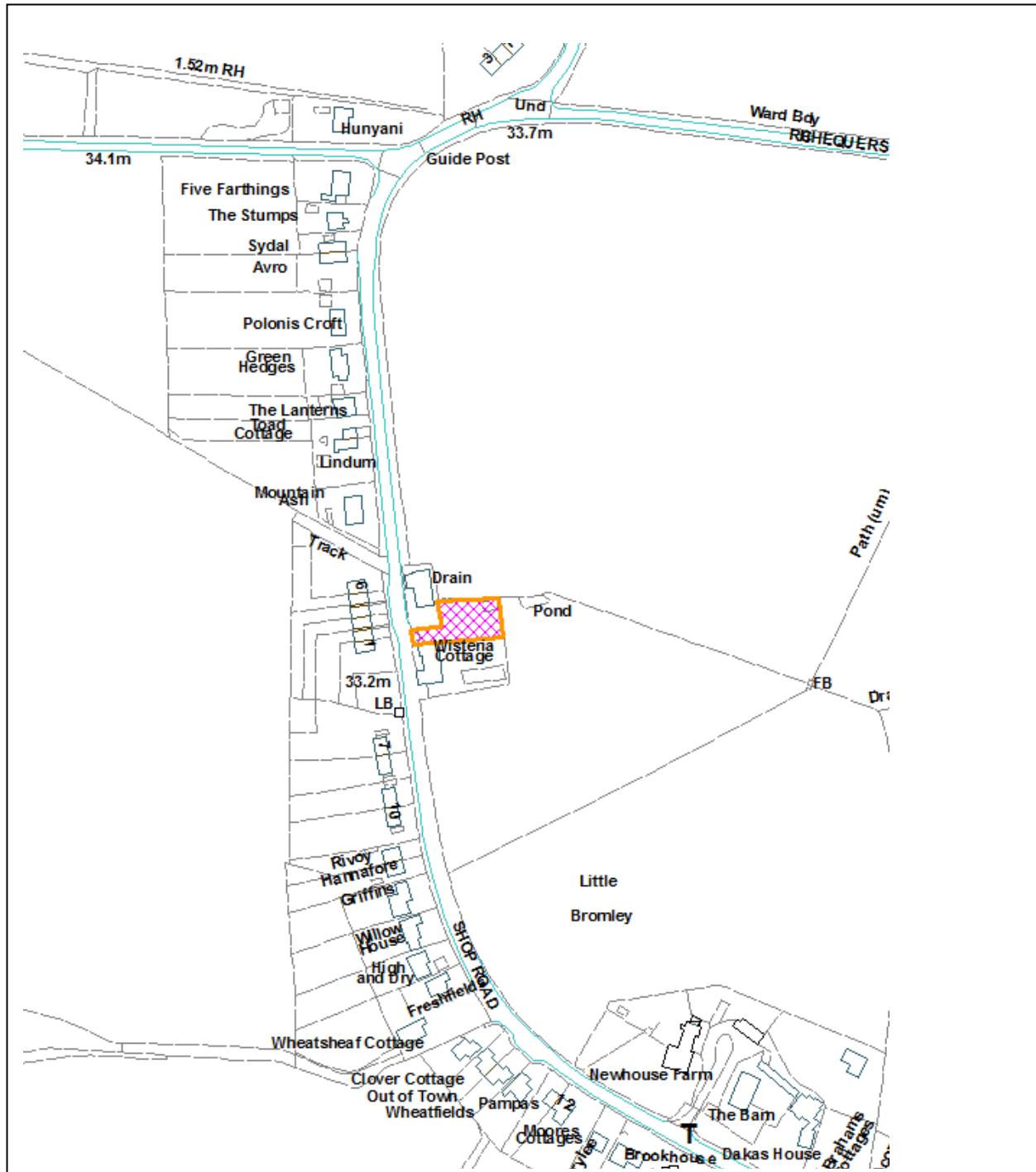


## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

#### A.6 PLANNING APPLICATION - 17/02143/FUL – WISTERIA COTTAGE, SHOP ROAD, LITTLE BROMLEY, CO11 2PZ



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<b>Application:</b>	17/02143/FUL	<b>Town / Parish:</b> Little Bromley Parish Council
<b>Applicant:</b>	Mr N Stock	
<b>Address:</b>	Wisteria Cottage, Shop Road, Little Bromley CO11 2PZ	
<b>Development:</b>	Construction of one single storey dwelling	

## 1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee because the applicant is an active elected member of Tendring District Council.
- 1.2 There is no Settlement Development Boundary (SDB) for Little Bromley within the adopted local plan, and therefore the application site falls outside of a recognised SDB, however the site is located within the SDB for Little Bromley, as established within the emerging local plan.
- 1.3 Little Bromley is categorised, along with seventeen other villages, as a Smaller Rural Settlement within Policy SPL1 of the emerging local plan. Paragraph 3.2.1.4.3 of the emerging local plan states that these smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. The inclusion of a SDB around Little Bromley indicates that the Council considers that the area is suitable for some development.
- 1.4 Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.
- 1.5 The proposed dwelling is visually acceptable, will result in no significant harm to neighbouring properties and represents no highway safety risk.

**Recommendation:** Approve

**Conditions:**

1. 3 Year Time limit
2. Approved plans
3. Vehicular turning facility
4. No unbound materials in first 6m of access
5. Any gates at the vehicular access shall be inward opening and set back 6m from the highway
6. Any gates at the vehicular access shall be inward opening set back 6m from the highway
7. Details of proposed boundary treatments
8. Removal of Permitted Development rights for extensions and dormers

## **2. Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

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

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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**

01/00925/FUL	Change of use from shop (Post Office) and dwelling to dwelling only, including single storey extension and first floor rear dormers	Approved	31.05.2001
02/01275/FUL	Erection of detached garage with adjoining car port and store.	Approved	30.08.2002
07/01590/FUL	Retention of outbuilding and continuation of its use for production of bespoke haberdashery (B1) and uses ancillary and incidental to the enjoyment of Wisteria Cottage as a dwelling house.	Approved	05.03.2008
14/01443/FUL	Proposed porch/WC and first floor rear extension, including re-alignment of roof	Approved	13.11.2014

### **4. Consultations**

ECC Highways Dept	<p>This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection subject to the following:</p> <ol style="list-style-type: none"><li>1. Prior to occupation of the development the vehicular 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.</li><li>2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.</li><li>3. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.</li></ol>
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4. Two parking spaces shall be provided and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

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

## **5. Representations**

5.1 Little Bromley Parish Council have made no comments on the application.

5.2 Four letters of objection and one letter of observation have been received. The points raised have been summarised below:

- The application represents overdevelopment;
- The site is not within a sustainable location;
- Applications for other dwellings in the village have previously been refused;
- Could set a precedent for future development; and
- The area does not have sufficient infrastructure.

## **6. Assessment**

### Site Context

- 6.1 The application site is to the eastern side of Shop Road, Little Bromley and is land adjacent to the north-east of Wisteria Cottage, which is a detached two storey residential dwelling following its previous conversion from a post office and dwelling, and currently forms part of the garden area. The surrounding area is typically semi-rural in character, with large areas of agricultural land to the east and west, however there are a number of residential properties in a ribbon form to the north-west and south-west, and 'Harlequin', a single storey building with residential use on the first floor and a B1 (Business) use on ground floor adjacent to the north.
- 6.2 The site falls outside of a recognised Settlement Development Boundary within the Adopted Tendring Local Plan 2007, however is sited within the Settlement Development Boundary for Little Bromley within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### Proposal

- 6.3 The application seeks permission for the construction of one single storey dwelling, measuring 6.7 metres in height, 11.5 metres in width and 14.9 metres in depth, with an associated single storey detached garage to the southern boundary.
- 6.4 The proposed dwelling will be accessed via an existing access point to the south-west of the site from Shop Road, will be detached, single storey in height and will be served by three bedrooms.

### Principle of Development

- 6.5 There is no Settlement Development Boundary (SDB) for Little Bromley within the adopted local plan, and therefore the application site falls outside of a recognised Settlement Development Boundary, the site is located within the SDB for Little Bromley as established within the emerging local plan.

- 6.6 Little Bromley is categorised, along with seventeen other villages, as a Smaller Rural Settlement within Policy SPL1 of the emerging local plan. Paragraph 3.2.1.4.3 of the emerging local plan states that these smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village. The inclusion of a SDB around Little Bromley indicates that the Council considers that the area is suitable for some development.
- 6.7 Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.

#### Layout, Design and Appearance

- 6.8 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).
- 6.9 The proposed dwelling will be sited to the north-east of Wisteria Cottage, and will be accessed via one of the two existing accesses to the west, off Shop Road.
- 6.10 In terms of the layout, whilst the proposed dwelling will be sited approximately 8 metres further back than both Wisteria Cottage and Harlequin, the large existing outbuilding to the rear of Wisteria Cottage to the south has a similar siting. Furthermore, as there is little built form to the eastern side of Shop Road, there is not a strong or linear pattern of development that needs to be adhered to and therefore the proposed dwelling would not appear harmful to the character and appearance of the surrounding area, subject to a condition to ensure appropriate boundary treatments.
- 6.11 The proposed dwelling is to be single storey, and given that the immediate adjacent properties are single storey and two storeys, there is no set character that would need to be adhered to. However, that notwithstanding the dwelling will be of a similar height to Harlequin to the north and slightly smaller than Wisteria Cottage to the south, and is therefore considered to be acceptable.
- 6.12 The dwelling is of a good traditional design, with key design features to break up the bulk, including a front gable, bay window and chimney.
- 6.13 Policy HG9 of the Saved Tendring Local Plan 2007 states that the private amenity space for dwellings of three bedrooms or more should be a minimum of 100 square metres. The plans demonstrate that this level of private amenity space can be accommodated for both the proposed dwelling and also the existing property, 'Wisteria Cottage'.

#### Impact on Neighbouring Amenities

- 6.14 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).

- 6.15 Whilst the neighbouring properties to both the north and south are also owned by the applicant, consideration must also be given to future occupiers of the properties and therefore the impact to their existing amenities is a key consideration.
- 6.16 The proposal will be visible to the neighbouring properties; however given its single storey nature and an approximate separation distance of 10 metres, there will not be a significant impact to existing amenities in terms of overlooking, loss of light or the dwelling appearing imposing.
- 6.17 Furthermore, the additional comings and goings of vehicles relating to one dwelling are not considered to result in detrimental harm to amenities in terms of noise disturbance.
- 6.18 In respect of the amenities of the occupiers of the proposed dwelling, there is sufficient separation distance to the adjacent properties to ensure no significant loss of light. Whilst Wisteria Cottage is two storeys in height and therefore has the potential to overlook the private amenity area of the proposed dwelling, there is an approximate separation distance of 25 metres and the proposed garage will screen any views. Therefore, there is not considered to be detrimental harm to the amenities of any future occupiers.

#### Highway Safety

- 6.19 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the vehicular turning facilities, the use of no unbound materials and that any gates provided shall be inward opening only and set back a minimum of 6 metres from the back edge of the highway.
- 6.20 Furthermore, 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.
- 6.21 The proposed garage meets the above requirements, whilst there is sufficient provision for the additional parking space required to the front and side of the dwelling. With respect to parking arrangements at the existing property Wisteria Cottage, there is sufficient space to meet the above requirements to the side of the dwelling.

#### Conclusion

- 6.22 Overall, the principle of a residential dwelling in this location is acceptable, and the proposal represents no visual harm, detrimental impacts to neighbouring amenities or any highway concerns.

#### Background Papers

None

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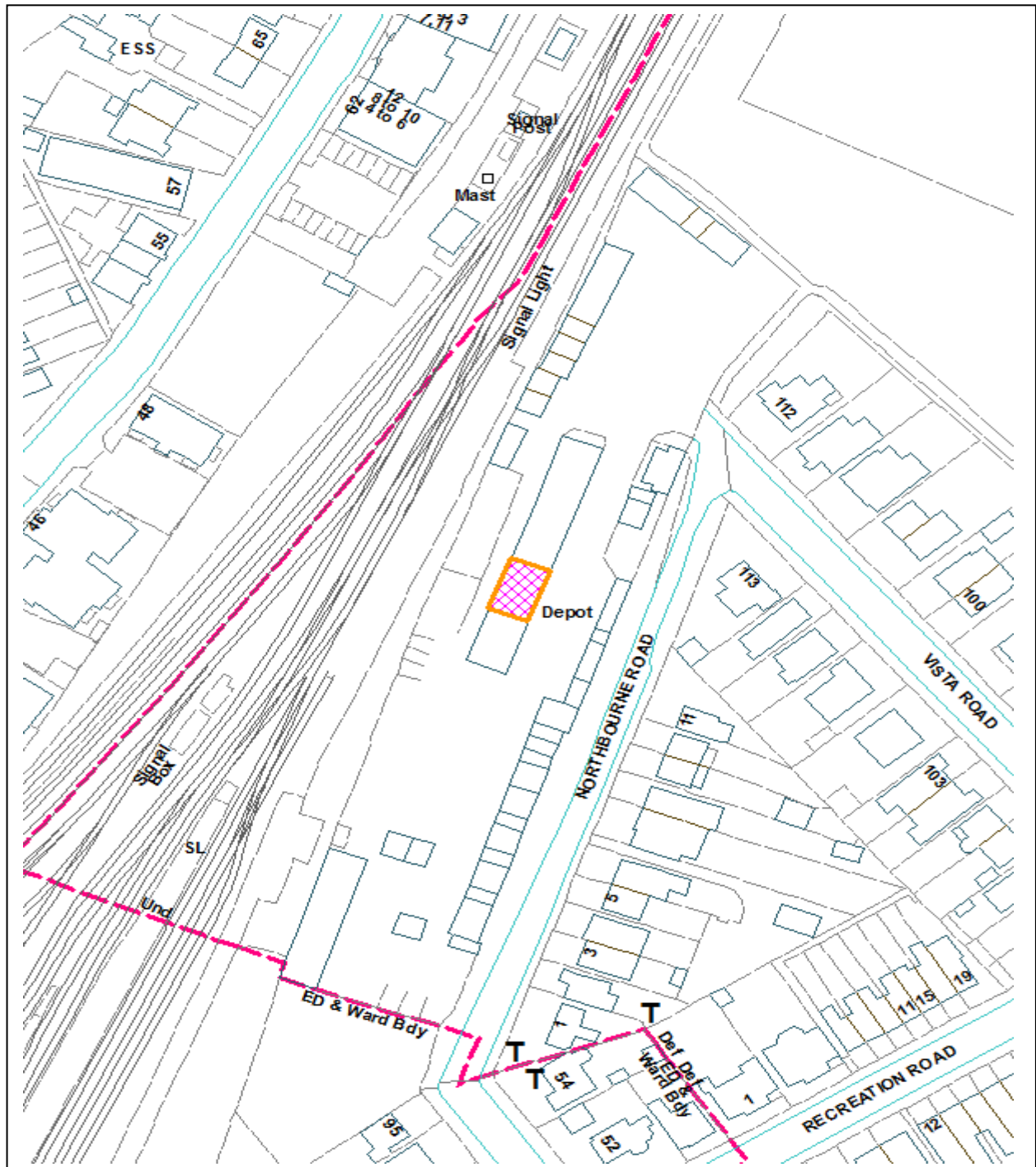


## PLANNING COMMITTEE

27 FEBRUARY 2018

### REPORT OF THE HEAD OF PLANNING

**A.7 PLANNING APPLICATION - 18/00111/FUL - TENDRING DISTRICT COUNCIL,**  
**NORTHBOURNE COUNCIL DEPOT, VISTA ROAD, CLACTON-ON-SEA,**  
**CO15 6AY**



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<b>Application:</b>	18/00111/FUL	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Emma Picking & Daniel Mills	
<b>Address:</b>	Tendring District Council Northbourne Council Depot Vista Road Clacton CO15 6AY	
<b>Development:</b>	Proposed change of use from storage facilities, B8 to new office accommodation, B1(a).	

## 1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The application involves the change of use of existing storage facilities to new office accommodation including external changes.
- 1.3 The site is not allocated as Employment Land nor safeguarded for employment use in the Employment Land Review. Policy ER3 of the Tendring District Local Plan (2007) seeks to ensure that land in or allocated for employment use will normally be retained for that purpose. The use of the site will be retained for employment purpose and the change of use from storage to office accommodation as proposed will intensify the use of the site. The principle of development is acceptable subject to the detailed consideration below.
- 1.4 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. 3 year time limit
2. Approved plans condition

## 2. **Planning Policy**

**National Policy:**

National Planning Policy Framework

National Planning Practice Guidance

**Local Plan Policy:**

Tendring Local Plan 2007

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

PP6 Employment Sites

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

SP3 Providing for Employment

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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they 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**

96/00223/FUL	(Northbourne Depot, Northbourne Road, Clacton on Sea) Proposed single storey flat roof structure for office use	Approved	29.03.1996
13/60186/HOUEN Q	Site 5000 litre red diesel tank.		07.02.2013
18/00111/FUL	Proposed change of use from storage facilities, B8 to new office accommodation, B1(a).	Current	

**4. Consultations**

ECC Highways Dept	The Highways Authority has assessed the details of this proposal and having regard to the fact that 5 additional parking spaces are being provided, does not wish to raise any objections.
Environmental Protection	EP have no adverse comments to make on this application

**5. Representations**

5.1 No letters of representation have been received.

## **6. Assessment**

- 6.1 The main planning considerations are: Principle of development, Visual Amenity, Impact on neighbouring amenities, Parking and Highways.

### Site Context

- 6.1 The application site is located to the west of Northbourne Road, Clacton. Having regard to both the Saved Tendring District Local Plan (2007) and Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), the site lies within the defined Settlement Development Boundary of Clacton on Sea.
- 6.2 The site comprises of a number of office, storage buildings aswell as parking facilities with access to the north eastern end of the site used by Tendring District Council. To the east of the site are residential properties in Northbourne Road and Vista Road and to the west of the site is the railway line. To the north lies Clacton Leisure centre.

### Proposal

- 6.3 The application seeks planning permission for the change of use from storage facilities (use class B8) to new office accommodation (use class B1A).
- 6.4 As part of the application, the following external changes are proposed, including replacing the garage door to bi-fold doors on the south east elevation; the insertion of two windows to the south east elevation; the insertion of two windows to the North West elevation and replacement of roof finish of part of the building. All materials will match the existing building.

### Principle of development

- 6.5 The site is not allocated as Employment Land nor safeguarded for employment use in the Employment Land Review. Policy ER3 of the Tendring District Local Plan (2007) seeks to ensure that land in or allocated for employment use will normally be retained for that purpose. The use of the site will be retained for employment purpose and the change of use from storage to office accommodation as proposed will intensify the use of the site.

The principle of development is acceptable subject to the detailed consideration below.

### Visual Impact

- 6.6 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of suitable scale, mass and form.
- 6.7 The proposal will not be visually prominent from Northbourne Road or Vista Road due to the building being situated behind existing office and storage units and therefore will not adversely impact upon the street scene. The proposed changes will be in keeping with the existing building and will result in a small visual improvement to the existing building.

### Impact to Neighbouring Amenities

- 6.8 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).

- 6.9 The application site is adjacent to Northbourne Road and due to there being sufficient separation distance to neighbouring amenities along Northbourne Road, there will not be any impact upon residential amenities.

#### Parking and Highways

- 6.10 Essex County Council Highways have been consulted on this application and raise no objection.
- 6.11 The application proposes five additional parking spaces for Tendring District Council employees. Based on the floor area of the proposed office space 4 spaces would be required. Given the existing use this equates to an additional 2 spaces. The proposal complies with Essex Parking Standards.
- 6.12 The application site is in a sustainable location with good transport links. Although there will be some increase in traffic, given the existing use, it is not considered significant.

#### Conclusion

- 6.13 The proposal for a change of use of the existing storage facilities from B8 to offices use class B1A) and external changes are considered to be acceptable in principle. The proposal and does not result in any material harm to visual amenity, impact upon neighbouring amenities or any adverse impact on highway safety.

#### Background Papers

None

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