



PLANNING COMMITTEE

DATE: Wednesday, 30 May 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

Most Council meetings are open to the public and press.

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

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

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255686585.

DATE OF PUBLICATION: Thursday 17 May 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 - 8)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 1 May 2018.

3 Declarations of Interest

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

4 A.1 - Planning Application - 17/01229/OUT - Land Adjacent and to the Rear of 755 and 757 St Johns Road, Clacton-on-Sea, CO16 8BJ (Pages 9 - 48)

Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

5 A.2 - Planning Application - 18/00428/FUL - Land Adjacent 28 Ashlyns Road, Frinton-on-Sea, CO13 9EU (Pages 49 - 58)

Proposed dwelling.

6 A.3 - Planning Application - 18/00418/FUL – Stocksfield, First Avenue, Frinton-on-Sea, CO13 9EZ (Pages 59 - 64)

Proposed wrought iron gates (painted black) to driveway.

7 A.4 - Planning Application - 18/00464/FUL - 138 Colne Way, Point Clear Bay, St Osyth, CO16 8LU (Pages 65 - 74)

Replacement dwelling (following demolition of existing).

8 A.5 - Planning Application - 18/00308/OUT - Marsh Farm Cottage, Stoney Lane, Brightlingsea, CO7 0SR (Pages 75 - 84)

Proposed larger replacement dwelling following demolition of existing dwelling.

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, 6 June 2018.

Information for Visitors

FIRE EVACUATION PROCEDURE

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

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

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

Your calmness and assistance is greatly appreciated.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME May 2017

This Public Speaking Scheme is made pursuant to Council Procedure Rule 38 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Usually any public meeting of the Council's Planning Committee, which are normally held every 4 weeks in the Council Chamber at the Council Offices, Thorpe Road, Weeley CO16 9AJ beginning at 6.00 pm. In some instances, the Planning Committee may be held at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE and the public are encouraged to check the venue on the Council's Website before attending.

WHO CAN SPEAK & TIME PERMITTED? All speakers must be aged 18 or over:

1. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
2. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
3. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes is allowed;
4. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes is allowed;
5. In accordance, with Council Procedure Rule 34.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 34.1;
6. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes is allowed; and

7. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative maybe requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

WHICH MATTERS ARE COVERED BY THIS SCHEME?

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

Telephone the Committee Services Officer ("CSO") (01255 686585) during normal working hours on any weekday after the reports and agenda have been published,

OR

On the day of the Planning Committee meeting, you can arrive in the Council Chamber at least 15 minutes before the beginning of the meeting (meetings normally begin at 6.00pm) and speak to the DSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraph 1 above), the right to speak under that category will be on a “first come, first served” basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is NOT formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading “WHO CAN SPEAK?”
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application
- Committee Members may ask Officers relevant questions and may move, debate and vote

Normally, the Committee then determines the matter, but sometimes the Councillors decide to defer determination, to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report will identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council’s website will confirm this information.

WHAT SHOULD I SAY AT THE MEETING?

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

WHO DO I CONTACT FOR MORE INFORMATION?

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services, Council Offices, Thorpe Road, Weeley,
CLACTON-ON-SEA, Essex CO16 9AJ Tel: 01255 686161 Fax: 01255 686417
Email: planningservices@tendringdc.gov.uk Web: www.tendringdc.gov.uk

It always helps to save time if you can quote the planning application reference number.

**Monitoring Officer
Tendring District Council
in consultation with Head of Planning and
Chairman of the Planning Committee
(Council Procedure Rule 38)
May 2017**

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 1 MAY 2018 AT 6.00 PM,
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman) (except item 6), Heaney (Vice-Chairman), Alexander, Baker, M Brown, Fowler, V E Guglielmi, Hones and McWilliams
Also Present:	Councillors B E Brown, Davis, Everett and Nicholls
In Attendance:	Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Chapman-Ennos (Planning Team Leader) (except item 6), Alison Newland (Planning Team Leader) and Katie Sullivan (Committee Services Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Everett (with Councillor V E Guglielmi substituting) and Councillor Bennison (with no substitute).

Councillor Cawthron was absent.

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 28 March 2018, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Councillor White declared a Personal Interest in Planning Application 15/00578/FUL, insofar as he had relatives who owned an adjacent property to the site. Councillor White also declared that he was pre-determined and that he would vacate the Chair for this item, speak from the gallery and would not take part in the determining of this application.

4. A.1 - PLANNING APPLICATION - 16/00500/OUT - TAMARISK, 19 THE STREET, KIRBY-LE-SOKEN, CO13 0EE

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

Members recalled that this application had been included in the 31 October 2017 Planning Committee agenda, however, the item had not been discussed and instead it had been deferred in order to enable further assessment of information by Officers.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of errors within the committee report that required correction.

Councillor Everett, speaking in his capacity as a member of the public, spoke against the application.

John Spencer, the applicant, spoke in support of the application.

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

It was requested that any reserved matters application for this development should come back to Planning Committee for its consideration.

5. **A.2 - PLANNING APPLICATION - 17/01310/DETAIL - LAND SOUTH WEST OF HORSLEY CROSS ROUNDABOUT, CLACTON ROAD, HORSLEY CROSS, CO11 2NZ**

It was reported that outline Planning Application 13/00745/OUT had been approved on 4 August 2014 by the Council.

Members were informed that the application before them sought the approval of reserved matters for appearance, landscaping, layout, and scale, pursuant to condition 1 imposed upon the grant of outline planning consent; together with details pursuant to conditions 3, 4, 5, 6, 7 (in part), 12 (in part), 15, 18 and Schedule 7 (in part) of the Unilateral Undertaking for the development.

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 (SC-E) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of additional comments that had been received from the Council's Tree and Landscape Officer.

Peter Le Grys, the agent on behalf of the applicant, spoke in support of the application.

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

1. Development to be carried out in accordance with the approved plans.

6. **A.3 - PLANNING APPLICATION - 15/00578/FUL - 26 ROSEMARY ROAD, CLACTON-ON-SEA, CO15 1NZ**

Councillor White had earlier declared a Personal Interest in Planning Application 15/00578/FUL, insofar as he had relatives who owned an adjacent property to the site. Councillor White had also declared that he was pre-determined on this item. He therefore vacated the Chair and sat in the public gallery whilst the Committee considered the application and reached its decision. Councillor Heaney Chaired the Item.

Members recalled that this application had originally been considered at Planning Committee on 22 September 2015 when it had been resolved that the application be deferred in order to discuss possible amendments to overcome concerns relating to the retention of the façade of the Villas, parking and the relationship of the rear block to dwellings to the east.

Members also recalled that an amended application had returned to Planning Committee on 5 January 2016 when it had been resolved that planning permission be granted in accordance with the recommendation, which had included provision that the Head of Planning be authorised to refuse planning permission in the event that the legal agreement had not been completed within six months i.e. by 5 July 2016.

It was reported that the buildings had been demolished in February 2016 under a Building Notice as they had posed a serious safety risk. The site was cleared and fenced.

It was further reported that, following the Planning Committee's resolution to approve the application, the applicant had stated that the Section 106 contributions would render the proposal financially unviable and that he had intended to submit a viability assessment to confirm this and to also amend the proposal to add five additional flats.

Members were informed that the applicant had now submitted an alternative proposal which had been subject to full re-consultation prior to returning to the Committee for its determination. Members were further informed that the applicant had confirmed that this was their final proposal and had stated that this level of development was required in order to make the proposal viable. However, no viability assessment had been provided to confirm this statement.

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 split recommendation of approval and refusal.

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

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

- (1) Errors within the committee report that required correction;
- (2) Comments received from ECC SUDs on the amended surface water drainage information;
- (3) An amendment to recommended reason for refusal No. 4;
- (4) A request from the applicant requesting that the application be deferred and details of the Officers' response to his request; and
- (5) An email received from the applicant confirming agreement to an amended description of the proposed development.

Councillor White, speaking in his capacity as a member of the public, spoke against the application.

Royston Simons, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor V E Guglielmi and **RESOLVED** that that the Head of Planning (or equivalent authorised officer) be authorised to approve demolition of all existing buildings subject to the following condition:

1. Details of boundary treatments to be submitted for approval within 2 months, and to be retained and maintained as approved until the site is redeveloped.

Also, following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Alexander and **RESOLVED** that that the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development, for the following reasons:-

1. The National Planning Policy Framework (2012) states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Saved Policy QL9 of the Adopted Tendring District Local Plan (2007) states all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted where new development relates well to its site and surroundings particularly in relation to its height, scale, massing, and design. Saved Policy QL11 seeks to ensure that the scale and nature of development is appropriate to the

locality. These requirements are also included in Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The surrounding area is characterised by a wide variety of architectural styles and construction materials with buildings generally being of two storeys but with numerous examples of 2.5 and three storey properties. The eastern neighbour at No. 28 Rosemary Road is 3.5 storeys and the western neighbour at No. 24 Rosemary Road is two storey. Surrounding development is generally of more traditional design with decorative features such as bay windows, dormer windows, and a combination of brick, render and stonework. The proposed buildings are much plainer with little variation in fenestration and are solely constructed of brick.

When viewed from the west the front building would be clearly visible above the roofs of the neighbouring buildings which are all two storey and of domestic scale with hipped or pitched roofs. In contrast, the third floor element comprising part of flat numbers 16 and 17 would appear as a bulky, incongruous feature in the street scene out of character with the height, scale and detailed design of surrounding development to the serious detriment of visual amenity.

The proposed rear building at up to seven storeys high and with a substantial bulk at fourth and fifth storey height would be an incongruous feature in the area clearly visible through gaps and above surrounding rooflines from Rosemary Road, Orwell Road, Beach Road, High Street, and Colne Road resulting in material harm to visual amenity and out of keeping with the scale and character of surrounding development. This harm is exacerbated by both proposed buildings being of excessive height and bulk, and at the western side being separated by only 10.5 metres thereby increasing their prominence in the street scene. The proposed development therefore fails to make a positive contribution to the quality of the local environment and protect or enhance local character.

2. The National Planning Policy Framework (2012) states Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Saved Policy EN17 of the Adopted Tendring District Local Plan (2007) states development within a conservation area must preserve or enhance the character or appearance of the conservation area including the relationship between buildings, and the height, siting, form, massing, proportions, elevation, design, and materials. Development outside a conservation area should be refused where it would prejudice the settings and surroundings of the conservation area or harm the inward or outward views.

Draft Policy PPL8 (Conservation Areas) of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states proposals will only be permitted where they have regard to the desirability of preserving or enhancing the special character and appearance of the area especially in terms of a. scale and design, particularly in relation to neighbouring buildings and spaces; b. materials

and finishes; and e. any important views into, out of, or within the Conservation Area.

The Conservation Area Character Appraisal (2006) for this area considers, amongst other things, that: "The special character of Clacton Seafront Conservation Area is derived from its seaside architecture and formal planned street pattern. The Area is the heart of the coastal resort and includes Victorian and Edwardian seaside buildings that were part of the early planned development of the resort ..." The Appraisal also says that Orwell Road "is of great interest. This character is enhanced by views northwards to Sandles Inn, of strong period character with an attractive mid-Victorian campanile".

The demolished building on the site was previously a positive feature within the Clacton Seafront Conservation Area and represented an undesignated heritage asset. Any redevelopment of this important site should also enhance, or at least preserve, the character and appearance of the conservation area. However, as detailed above the height, bulk and detailed design of the proposed redevelopment would result in material harm to visual amenity, out of keeping with the scale and character of surrounding development failing to preserve or enhance the character and appearance of the Clacton Seafront Conservation Area.

In this case the proposed development would result in less than substantial harm to the heritage asset Clacton Seafront Conservation Area. The public benefits of the proposal are the provision of employment and tourist accommodation which would not outweigh the significant harm to the character and appearance of the Clacton Seafront Conservation Area.

3. Paragraph 17 of the National Planning Policy Framework (NPPF) states that planning should always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy QL11 of the Adopted Tendring District Local Plan (2007) and Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states development will only be permitted if it would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

The eastern side of the proposed rear building is two storeys high with balconies on the roof and is sited a minimum 3 metres from the rear garden boundaries of No.s 47, 49, 51 and 53 Beach Road which are two storey semi-detached houses. The building then rises to four storeys with the glazed winter garden on the roof, and then six stories with balconies. This results in a very tall, bulky building to the serious detriment of the outlook of the residents at 47, 49, 51 and 53 Beach Road. The proposed balconies at second floor level are only 4.5m from the rear boundary of the gardens of these properties resulting in serious loss of privacy. The communal winter garden at fourth floor level would also overlook these dwellings, and to a lesser extent the two balconies on the sixth floor.

The proposal is situated approx. 3.2 metres from the boundary with properties in the High Street (Nos. 18-20 and 24), which comprises of commercial units with flats above. Due to the height of the proposal and the orientation the proposal

results in an increase in overlooking, loss of sunlight/daylight and results in an overbearing impact which would be significantly detrimental to residential amenity.

The proposal is therefore contrary to the above policies.

4. Paragraph 103 of The National Planning Policy Framework (2012) requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Paragraph 109 requires that new development does not contribute to water pollution.

Draft Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states that all development proposals should include appropriate measures to respond to the risk of flooding on and/or off site. Furthermore Draft Policy PPL5 states that all new development must make adequate provision for drainage and sewerage and should include Sustainable Drainage Systems as a means of reducing flood risk, improving water quality, enhancing the Green Infrastructure network and providing amenity and biodiversity benefits.

An inadequate surface water drainage strategy has been provided which does not provide a suitable basis for assessment to be made of the flood or water pollution risks arising from the proposed development. The proposal does not therefore demonstrate that flood risk or water pollution will not be increased as a result of the proposal contrary to the provisions of the National Planning Policy Framework.

The meeting was declared closed at 7.30 pm

Chairman

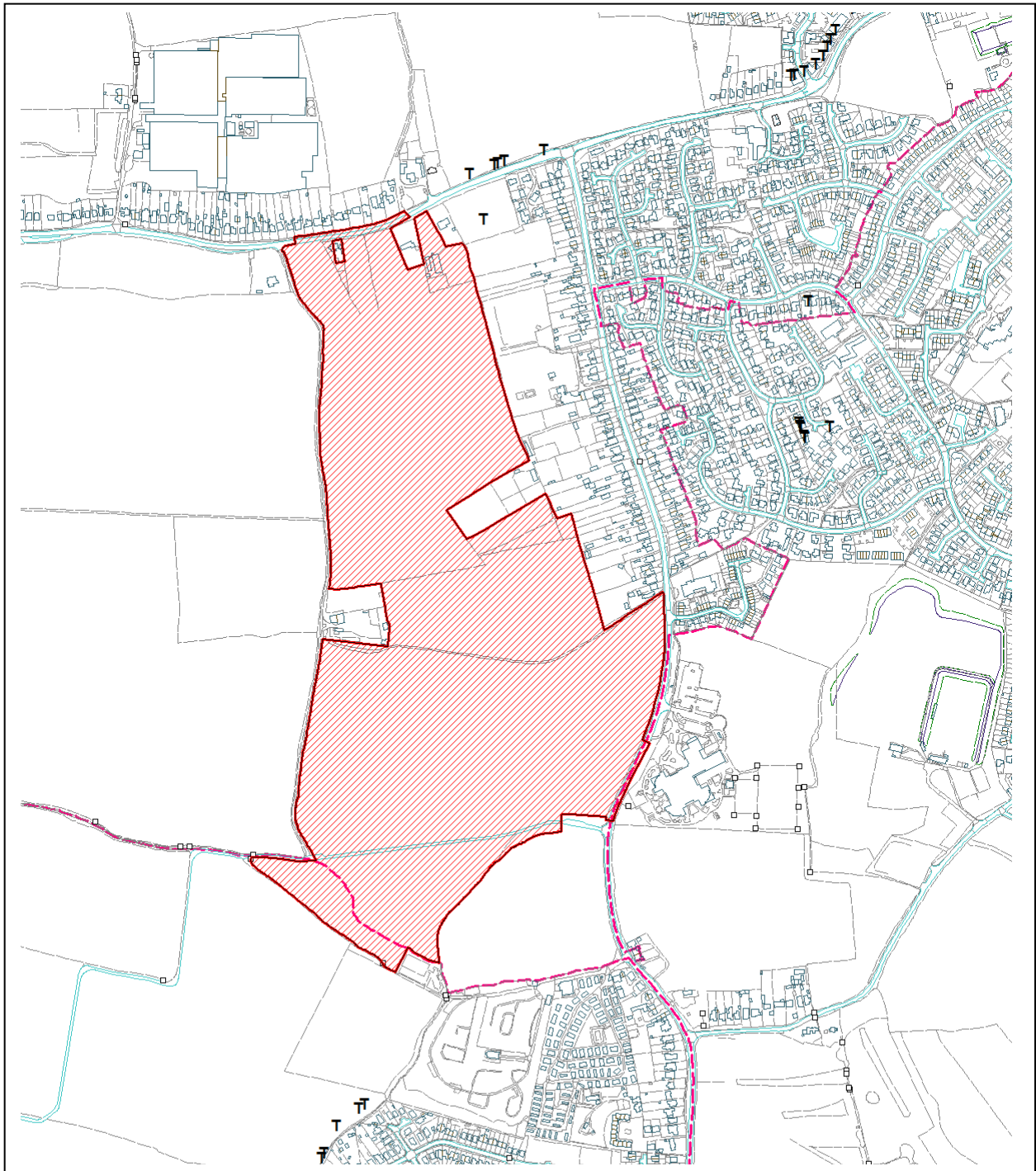
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PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATIONS - 17/01229/OUT - LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BJ



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Application:	17/01229/OUT	Town / Parish: Clacton (un-parished)
Applicant:	Persimmon Homes Essex and Messrs M & I Low, K Francis and S & A Duncan	
Address:	Land adjacent and to the rear of 755 and 757 St Johns Road Clacton On Sea CO16 8BJ	
Development:	Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.	

1. **Executive Summary**

- 1.1 The application site known as 'Rouses Farm' comprises 42 hectares of predominantly agricultural land on the western side of Clacton on Sea and north of Jaywick. This land is allocated for a major residential and mixed-use development in the Council's emerging Local Plan and outline planning permission is now being sought for up to 950 residential units; a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre; a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 1.2 The site lies outside of the settlement development boundary for Clacton within the adopted Local Plan but in the emerging Local Plan it is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. The emerging plan has now reached an advanced stage of the plan-making process, the Rouses Farm development is the subject of very few unresolved objections and the Council relies on this site to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. It is therefore considered that the allocation of this land for residential and mixed use development in the emerging Local Plan should carry considerable weight in the decision making process. Officers have therefore worked positively with the applicants to resolve all technical planning issues with a view to bringing the application to the Planning Committee with a recommendation of approval.
- 1.3 This is an application for outline planning permission with all matters reserved with the exception of access. Other matters including appearance, landscaping, layout and scale are reserved for approval at a later date and therefore this application seeks only to establish the principle of residential and mixed-use development of the site and the arrangements for access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane and the Highway Authority, having modelled the impacts of this development on the highway network as part of the Local Plan process, has no objections in principle to the proposed arrangements, subject to conditions requiring the approval of further details and certain off-site highway improvements.
- 1.4 Due to the large scale and potential impacts of the development, planning regulations require the preparation of an Environmental Statement. The applicant's Environmental Statement contains a thorough assessment of the following matters: landscape & visual; ecology and nature conservation; archaeology and cultural heritage; transport & access; air quality; noise

& vibration; soils and agriculture; hydrology, flood risk & drainage; ground conditions and contamination; and socio-economics. All in all the Environmental Statement concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development. Natural England, Historic England and the Environment Agency are the key consultees for development requiring an Environmental Statement and their comments have all been taken into account and addressed as appropriate through the determination of this application.

- 1.5 The application is the subject of just four local objections raising general concerns about the impact of the development in this location. They have all been considered in this report and are addressed accordingly.
- 1.6 Officers are content that subject to the imposition of reasonable planning conditions and s106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.
- 1.7 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions. The applicant is keen to progress with the development and has already drafted a s106 legal agreement to secure all of the relevant requirements and this is being scrutinised by the Council's lawyers. The applicant has also prepared a viability assessment for the development which is being tested by independent valuers to determine the level of s106 contributions the development can afford.

Recommendation: That the Head of Planning is authorised to grant outline 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 and subject to the completion of viability testing):
- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
 - Provision of land on-site for a new healthcare facility together with a financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
 - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
 - Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
 - Financial contributions to create additional secondary school places;
 - New neighbourhood centre; and
 - Financial contributions towards off-site ecological mitigation.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

1. Standard 3 year time limit for submission of first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
 2. Standard 2 year limit for commencement of development following approval of reserved matters.
 3. Details of appearance, layout, scale and landscaping (the reserved matters).
 4. Layout and phasing plan/programme.
 5. Compliance with approved access plans.
 6. Development to be in accordance with the approved parameters plans.
 7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
 8. Highways conditions (as recommended by the Highway Authority) relating to:
 - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
 - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
 - bus services to be routed through the development;
 - residential travel plans;
 - improvements at existing St. John's Rd/Jaywick Lane junction;
 - signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
 - improvements to St. Johns Rd/Peter Bruff Avenue junction;
 - improvements at St. John's roundabout;
 - road safety assessments to be completed for all the above measures;
 - no discharge of surface water onto the highway;
 - wheel cleaning facilities; and
 - car parking spaces and garages.
 9. Construction methods statement.
 10. Surface water drainage scheme and management arrangements.
 11. Foul water drainage strategy.
 12. Archaeological assessment/trial trenching.
 13. Contaminated land investigation and remediation.
 14. Piling restrictions.
 15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.
 16. Hard and soft landscaping plan/implementation.
 17. Tree protection measures.
 18. Construction Environmental Management Plan.
 19. Landscape and ecology mitigation/management plan.
 20. Details of dog walking routes (part of ecological mitigation).
 21. Broadband connection.
 22. Local employment arrangements.
 23. Details of water, energy and resource efficiency measures.
- 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, or further period as agreed, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

National Policy

National Planning Policy Framework (NPPF)

- 2.1 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
 - an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *"Local planning authorities should look for solution rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

National Planning Practice Guidance (PPG)

- 2.6 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.

Local Plan Policy

- 2.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. 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.

- 2.8 As of 16th June 2017, the emerging Local Plan is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is currently in the process of being examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached an advanced stage in the plan making process its policies can carry more weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given 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.

Tendring District Local Plan (2007) – as ‘saved’ through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards urban areas and seeks to concentrate development within settlement development boundaries. Also defines Clacton as a larger urban area where most new development is to be concentrated.

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

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

QL6: Urban Regeneration Areas: Defines West Clacton as an urban regeneration area and the focus for investment in social, economic and transportation infrastructure along with initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

QL8: Mixed-Uses: Encourages a mix of complementary and compatible uses within town, district and local centres and urban regeneration areas.

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

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

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

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

ER31: Town Centre Hierarchy and Uses: Seeks to direct 'town centre uses' including retail, leisure, offices and tourism to defined town, district and local centres within the district to support their vitality, viability and regeneration objectives.

ER32: Town Centre Uses Outside Existing Town Centres: Sets the criteria against which proposals for town centre uses outside of defined town centres will be judged. It requires that new development is of an appropriate scale, does not harm the vitality and viability of existing centres and is accessible by a choice of transport modes.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

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

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

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

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

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

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

COM1: Access for All: Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

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

COM4: New Community Facilities (including Built Sports and Recreation Facilities): Supports the creation of new community facilities where they are acceptable in terms of accessibility to local people, impact on local character, parking and traffic and other planning considerations.

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

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

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

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

COM24: Health Care Provision: Supports developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking.

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

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

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

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

EN2: Local Green Gaps: Seeks to keep areas designated as Local Green Gaps open and essentially free of development in order to prevent the coalescence of settlements and to protect their rural setting.

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

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

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

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

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

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

EN23: Development within the Proximity of a Listed Building: Guards against developments that would have an adverse impact on the setting of Listed Buildings.

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

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

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

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

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network. Requires developments affecting an existing public right of way to accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

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

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

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

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

Relevant policies include:

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

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Clacton as a 'Strategic Urban Settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations. Strategic Urban Settlements are expected to accommodate the largest proportion of the district's housing stock over the plan period to 2033.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Clacton extends to include the application site.

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

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

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the 'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new housing.

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

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

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

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

PP3: Village and Neighbourhood Centres: Identifies that a new neighbourhood centre is proposed for the development at Rouses Farm and that any retail units created will receive future protection against the loss to other uses.

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

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

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

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

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

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

PPL9: Listed Buildings: Says that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

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

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

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

SAMU4: Development at Rouses Farm, Jaywick Lane, Clacton: Specifically allocates the application site for a mix of residential development, community facilities and public open

space. The policy contains specific requirements in relation to housing numbers, educational facilities, the neighbourhood centre, healthcare provision, highways and open space.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

3. Relevant Planning History

None.

4. Consultations

TDC Building Control Access for fire fighting appliances should be in accordance with regulation B5.

TDC Environmental Health Satisfied with the content of the acoustic report and the Construction Methods Statement and will require no further information or have no adverse comments at this time.

TDC Principal Tree & Landscape Officer The main body of the land is in agricultural use and is not well populated with trees with most of the vegetation, comprising hedgerows and hedgerow trees situated on the boundary of the land. The largest specimen trees are situated on the northernmost part of the land. The applicant has submitted a tree report and survey in accordance with British standards.

The Oak trees to the north of the site have high visual amenity value and are, generally, in good condition. The report identifies the retention of T13 and T14 close to the proposed position of the new access road from St Johns Road. The other important trees, in terms of their visual amenity value, are the trees within G14 of the tree report. It is considered that the inclusion of these trees within a loosely connected group does not accurately reflect their true value. Although the trees are shown as retained it is important to recognise their long term value.

Tree T11 is also categorised as C1 although it could reasonably fit within the above cascade chart as a B1 or B2 tree. The masterplan identifies the need to fell this tree. It would appear that the tree is not an obstruction to the development of the immediately adjacent land and the tree should be retained if possible. With regard to boundary trees and trees on adjacent land, the site layout shown on the Indicative Masterplan shows the land adjacent to the field boundaries to the south and west as new open space. This will ensure that the boundary trees and hedgerows can be retained.

It appears that the development of the land could take place without harm being caused to the majority of the trees and hedgerows on the land and it is not considered expedient to protect them by way of a Tree Preservation Order at the present time. It may be desirable to formally protect them at some stage in the future to ensure that they

are not harmed during the development process or as a result of post development pressures.

In terms of the impact of the development of the land on the local landscape character and to show the potential harm likely to arise as a result of the development of the land, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects. It recognises the changes that will result from the development of the land. However the LVIA does not appear to contain a quantitative or qualitative assessment of the harm that is likely to be caused by the development of the land.

Notwithstanding this, the topography of the land is such that the relatively flat nature of the immediately surrounding area; combined with the Masterplan layout showing Public Open Spaces on the perimeter of much of the site provides the opportunity for a comprehensive soft landscaping scheme to be provided and implemented that would ensure that the development is satisfactorily assimilated into its setting. Should permission be granted then a soft landscaping condition should be attached to secure details of soft landscaping of the whole site, both the residential area and the open space. New tree planting in prominent locations will be a key part of a good soft landscaping scheme.

TDC Waste Management No comments at this stage.

Anglian Water The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flow from your development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure there is sufficient treatment capacity should the planning authority grant planning permission.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. They request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires their consent. They ask that an informative be included within the decision notice should permission be granted.

Environment Agency Confirm that it was not necessary for them to be consulted on this application.

Essex County Council (ECC) Archaeology Questions the findings of the Environmental Statement and its consistency with the applicant's archaeological desk based

assessment (DBA). Also questions the applicant's chosen method of evaluation (geophysical survey) suggesting that it has been ineffective. Concern therefore that the Environmental Statement is inaccurate in places and fails to adequately establish the significance of the known heritage assets. On similar sites to this, a programme of rectification of aerial photos and targeted trial trenching would normally be considered an appropriate evaluation method.

Recommended that the applicant conduct a field evaluation to establish the nature and complexity of the surviving archaeological assets. This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in site and/or the need for further investigation.

[Note: Officers are recommending that this additional evaluation work be secured through a planning condition].

ECC Education

Based upon the development of 950 homes, the proposal would produce the need for 85 Early Years and Childcare (EY&C) places, 285 primary places and 190 secondary school places. A new 2 form entry primary school with a 56 place nursery would be delivered on the site.

For the proposed school land, the s106 legal agreement grant ECC an option to take transfer of the land, at nominal cost (usually £1). The option period should open no later than the occupation of 50 homes on the development and close ten years thereafter or, if later, on completion of the development. The land provided, and location therefore, must meet the criteria set out in ECC's Developers Guide and any planning application must include a Land Compliance Study to evidence compliance suitability. A Land Compliance Study has been submitted by the applicant and it is likely that the site proposed for the new primary school and combined EY&C facility will be acceptable subject to a number of arrangements being put in place in order to ensure that the land complies with ECC requirements, these include for example the removal of Japanese Knotweed, removal of any contamination and noise attenuation arrangements.

The breakdown and the cost that the development would need to contribute towards education through the s106 agreement is £1,452,840.92 for EY&C and £4,246,642.50 for Primary Education and £3,675,550 for Secondary Education.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however the developer should ensure that safe direct walking and cycling routes to local schools are available.

ECC Flood and Water Management

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the imposition of conditions.

ECC Highways

They have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and does not wish to raise an objection subject to the imposition of reasonable planning conditions and obligations. These relate to:

- detailed junction arrangements on St. Johns Rd and Jaywick Lane;
- cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
- bus services to be routed through the development;
- residential travel plans;
- improvements at existing St. John's Rd/Jaywick Lane junction;
- signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
- improvements to St. Johns Rd/Peter Bruff Avenue junction;
- improvements at St. John's roundabout;
- road safety assessments to be completed for all the above measures;
- no discharge of surface water onto the highway;
- wheel cleaning facilities; and
- car parking spaces and garages.

Essex Police

The published documents have been studied and do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 69 of the National Planning Policy Framework (NPPF) has been achieved. In supporting the ethos of Sections 58 & 69 of the NPPF, Essex Police provide a free, impartial advice service to any applicant who request this service.

[Note: This level of detail would be required at Reserved Matters Stage]

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England

Initial response was that based on the information provided in support of the application, there was insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. They also considered that there was insufficient information to rule out adverse effects to the Colne Estuary Site of Special Scientific Interest (SSSI) and therefore requested that additional information was provided by the applicant. Suggestions for resolving the issue include on-site and off-site mitigation such as:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of >2.7 km² and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;

- Signage/leaflets to householders to promote these areas for recreation;
- Dog waste bins etc; and
- Developer contributions towards the implementation of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in respect of the Colne Estuary.

[Note: In response, the applicant has contacted Natural England and has agreed that such measures being secured through conditions or through the s106 legal agreement].

NHS England

The proposed development is likely to have an impact on the services of 3 branch surgeries operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. Therefore, the proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.

NHS England has no objection in principle to the proposed development, subject to appropriate mitigation being secured for Primary Healthcare. However, it must be made clear that at the present time there is no agreement in place between the applicant and NHS England or the GP Practices, that the new proposed health facility will be utilised by an NHS England funded GP Practice. NB. any project proposed by a GP Practice is subject to CCG agreement and NHS England prioritisation and approval processes.

[Note: In further correspondence, NHS England has indicated that its preference is for a financial contribution of £329,613 to be secured through s106 legal agreement].

5. Representations

5.1 Five letters of representation have been received by the Council, four of the authors of which object to the proposal with one making neutral comments about the scheme. The letters of objection raise the following concerns:

- Green space and farmland are being eroded more and more.
- The land is used to feed local people, is well used by the surrounding community, has community value and is teeming with wildlife.
- This will have a completely negative impact on residents' way of life, including from the construction process.
- The council should pass smaller developments that won't destroy a whole area of beauty instead of trying to build a monstrosity.
- When this development was first mooted it was for approximately 800 properties, now it is 950. It will add more vehicles to the already very busy St Johns Road and Jaywick Lane and will lead to more congestion on both.
- Jaywick Lane is already a really dangerous and often congested road, there is not sufficient infrastructure to this development, it will just cause gridlock in the area.
- There is already excessive traffic and issues with speeding.
- No street lights, making it difficult and dangerous to cross the road.

- At present the town is unable to recruit GP's, therefore most are locums and question how the health centre would be staffed.
- Question who will occupy the social housing aspect of this development.
- Question whether Clacton can really sustain all new developments in terms of available jobs and infrastructure.
- Whilst there are plans for a school and community area, where are these people going to work, or will they just be the local unemployed.
- Will the train line be improved to allow people to commute to bring back some money to the area or will they just be another drain on the Council.
- The school would back onto the garden of 40 Jaywick Lane, Persimmon's solution to leave an alleyway behind the fence which would make the occupants more vulnerable who are elderly and suffering with ill health.
- Noise from the proposed school and possible financial implications if adjacent occupiers have to put up a stronger fence.
- The Frinton Residents' Association object to the proposal on the grounds of what they have experienced during and after the construction of 37 units at Witton Wood Road, Frinton by the applicant, as opposed to raising points that are specific to the proposal before Members. They do however stress the importance of ensuring that the development is of a high quality, as well as being sustainable and protecting the living conditions of existing residents.

5.2 The letter of comment received states that whilst, as a walker they welcome any additional Public Rights of Way (PROW), they have concerns that without the potential footway links in place, lack of use could result in the planned leisure routes becoming overgrown. They assume ECC will be responsible for maintaining these new routes, and it is necessary to mention that to get a path included on their cutting programme is not easy, and takes a number of complaints to do so. They also notice that the footway link to the west of the plan, does not link up with a PROW, but a private track. For this to be used it would need the landowners consent to make the track a permissive right of way. They also state that the footway link onto St. Johns road would require walkers to cross the busy B1027 to gain access to the footpath on the opposite side of the road. This would however allow access to the PROW network.

6. Assessment

Site Context

- 6.1 The application site comprises 42.13 hectares of predominantly arable agricultural land that is situated to the western side of Clacton on Sea, north of Jaywick. The northern boundary of the site is demarcated by St John's Road (B1027) and is punctuated by the curtilages of existing dwellings at 717, 719, 755 & 757 St John's Road. On the opposite side of St John's Road, to the north east is a grade II listed building known as Duchess Farmhouse.
- 6.2 To the west of the site is Rouses Lane which is demarcated by field hedging for part of its length and leads to Rouses Farm (outside of the application site) and the track of Botany Lane, beyond this boundary is open farmland. The southern boundary of the proposed developable area is formed by a metalled farm track which leads to Jaywick Lane, almost opposite the Tendring Education Centre. Beyond the farm track is more farmland, the southern point of which just touches the start of the built-up area of Jaywick (adjacent to the Sackett's Grove caravan site). The majority of the eastern boundary is formed by either Jaywick Lane itself or the rear of properties that front it, and include a new development of bungalows at 82 Jaywick Lane and the Chester and Silver Dawn Caravan Parks within the Bockings Elm Ward.

- 6.3 The site is relatively flat, but does slope slightly towards the south. Where a lack of hedging allows, views across the site are quite open, from one boundary to another, bar where existing buildings are located.
- 6.4 Bockings Elm benefits from a range of existing local services which include a post office, hairdresser, public house, fish and chip shop, and grocery stores. Nearby community facilities include the Coppins Hall community centre, and schools currently include an early-years playgroup, the Raven Academy primary school, and Clacton Coastal Academy which provides secondary and sixth form education. The aforementioned Tendring Education Centre incorporates early years settings, the West Clacton Library, and sporting facilities. The nearest Doctors Surgery is currently the Green Elms Health Centre located in Nayland Drive.
- 6.5 The application site is also served by several buses which run via St Johns Road. These include FirstGroup routes 17 and 18 between Clacton and Point Clear (combined half-hourly service Monday – Saturday daytimes, hourly Monday – Saturday evenings and Sundays), and FirstGroup route 74 between Clacton and Colchester (hourly Monday – Saturday daytimes, two-hourly Monday – Saturday evenings and Sundays). The Go Ride 72 and 79 routes also operate along Jaywick Lane and connect the site to Colchester and Brightlingsea respectively.

The Proposal

- 6.6 Outline planning permission is sought for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 6.7 The application is accompanied by an Environmental Statement (ES), produced pursuant to the Town & Country Planning (Environmental Impact Assessment) (England and Wales Regulations) (2011) and which follows the issue of a Scoping Opinion (SO) by the District Council on 9 April 2015 under reference 15/30060/PREAPP). The SO concluded that the following issues should be covered, and which have been included as chapters within the ES: Landscape & Visual; Ecology and Nature Conservation; Archaeology and Cultural Heritage; Transport & Access; Air Quality; Noise & Vibration; Soils and Agriculture; Hydrology, Flood Risk & Drainage; Ground Conditions and Contamination; and Socio-economics.
- 6.8 The ES is supported by a number of technical appendices, these include:
- Arboricultural Impact Assessment and Tree Schedule;
 - Archaeological Desk Based Assessment;
 - Archaeological Geophysical Survey;
 - Built Heritage Statement;
 - Drainage Strategy and Calculations;
 - Extended Phase 1 Habitat Survey;
 - Habitat Regulations Assessment Screening Report;
 - Phase 2 Ecological Surveys and Assessments;
 - Flood Risk Assessment;
 - Geo-Environmental Desk Study Report; and
 - Geo-Environmental and Geotechnical Desk Study and Site Investigation.

A Non-Technical Summary of the ES has also been provided.

- 6.9 In addition to the ES, a detailed suite of documentation and revised technical evidence during the processing period has been submitted with the planning application, including the following:
- Application Forms & Certificates;
 - Application Plans comprising:
 - Location Plan;
 - Master Plan;
 - Access and Movement Parameter Plan;
 - Building Heights Parameter Plan;
 - Density Parameter Plan;
 - Land Use Parameter Plan;
 - Open Space Parameter Plan;
 - Phasing Parameter Plan;
 - Northern Access onto St John's Road;
 - Eastern Access onto Jaywick Lane; and
 - Topographical Land Surveys;
 - Construction Method Statement;
 - Design & Access Statement;
 - Education Checklist;
 - Existing Utilities Report;
 - Minerals Assessment Report;
 - Planning Statement;
 - Statement of Community Involvement;
 - Transport Assessment ;
 - Travel Plan;
 - Viability Assessment [confidential].
- 6.10 With the exception of the formation of the access into the site, details of the appearance, landscaping, layout and scale are all reserved matters which means that approval is not sought for these at this stage and details are therefore not currently required. If the outline application were to be granted the applicant, or any successors in title, would need to submit reserved matters applications to the Local Planning Authority, in addition to discharging planning conditions before development could commence.
- 6.11 The application proposes two vehicular access points into the site, one onto St John's Road, to the east of no 755, the other opposite the Tendring Education Centre onto Jaywick Lane. Both these junctions would have dedicated right turn, signalised junctions and as illustrated on the submitted Masterplan and Access and Movement Parameter Plans, these would connect up through a central spine road which would be designed to accommodate bus services and a central cycle route through the scheme. The spine road would therefore connect the proposed new dwellings and the surrounding area to the proposed neighbourhood centre and primary school, as well as allowing local traffic to bypass Jaywick Lane.
- 6.12 The Access and Movement Parameter Plan also identifies indicative secondary roads as well as footpaths throughout the site, with the Design and Access Statement (DAS) which has been updated during the processing of the planning application to add further detail to the design approach and to give a clearer vision for the road hierarchy. The exact location of the routes through the site would be refined through the Reserved Matters process, although the applicants opine that the information provided with the submission demonstrates that it is possible to deliver a well-connected site.

- 6.13 Whilst a reserved matter, the indicative Masterplan and Land Use Parameter Plan identify the potential layout of the site, which is intended to give some certainty to the general location of development and ultimately be used to inform the Reserved Matters stage/s. This would be a predominantly housing-led scheme for up to 950 units and whilst the precise mix of dwelling types is unknown, the applicants state that they intend to provide a broad range of residential accommodation ranging from one bedroom apartments to five bedroom houses. It is also intended that the scheme would include an element of bungalow accommodation with the precise amount to be a matter for the detailed design stage. To accord with the emerging plan, an appropriate proportion of dwellings would be provided as affordable housing.
- 6.14 Housing density across the scheme would average at approximately 40 dwellings/Ha (net) or 23 dwellings per hectare (gross). Density would however vary through the scheme to create differing character areas eg. It is envisaged that densities would generally be lower around the edges of the scheme and higher towards the core and around key focal points within the development. The DAS highlights that it is intended that the development would be of a style based on the local vernacular, and that the principles of the Essex Design Guide would be followed.
- 6.15 The primary school site is shown to be located on a 2.1 Hectare (Ha) parcel of land to the north and close to the St John's Road access point which would allow it to be delivered early in the development process, and also means that it would not be surrounded by construction activity once operational. It would also ensure that it is close to the existing community that it would also serve.
- 6.16 The Neighbourhood Centre would include the healthcare facility and would be located towards the Jaywick Lane access (to south of) to ensure that it could also serve the wider community as well as the development site. Again, its proximity to the site access also means that it would not be surrounded by construction activity when operational.
- 6.17 A minimum 20m landscape buffer is identified along the western boundary of the site to comply with the emerging Local Plan's policies for this site and form a suitable transition between the built development and surrounding countryside. A large area of open space is indicated at the southern end of the site, and which complements the proposed Strategic Green Gap allocation between Clacton and Jaywick. Further landscape buffers are proposed to be located around the sensitive boundaries of the site, as well as smaller pockets of Public Open Space (POS), two of which would include Local Equipped Areas for Play (LEAP). In total, POS would amount to some 13 Ha, including surface water attenuation areas.

Main Planning Considerations

- 6.18 The main planning considerations are:
- Principle of Development;
 - Environmental Impact, incorporating the following:
 - Landscape & Visual Impact;
 - Ecology and Nature Conservation;
 - Heritage;
 - Archaeology
 - Transport & Access;
 - Air Quality;
 - Noise & Vibration;
 - Soils and Agriculture;

- Hydrology, Flood Risk & Drainage;
- Ground Conditions and Contamination; and
- Socio-economics;
- Planning Obligations and Viability;
- Reserved Matters - Appearance, Landscaping, Layout and Scale; and
- Living Conditions.

Principle of Development

- 6.19 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 significant material consideration in this regard.
- 6.20 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 6.21 Section 1 of the Local Plan was examined in January and May 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. The examination of Section 2 of the Local Plan is expected to take place in Autumn 2018. Where emerging policies are particularly relevant to a planning application and can be given 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.
- 6.22 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit within a short distance of) the 'settlement development boundary' for Clacton. The southern part of the site immediately south of existing properties in Jaywick Lane is designated as a 'Local Green Gap' which, for this area, is designed primarily to maintain clear separation between West Clacton and Jaywick to safeguard their separate identities and character, and to also protect views from these areas over the open countryside.
- 6.23 In the emerging Local Plan, the site is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. The Local Green Gap/Strategic Green Gap designation has been scaled back in the emerging Local Plan in response to longer-term development needs and to both reflect the extent of development that has already taken place on the eastern side of Jaywick Lane (i.e. housing at Harpers Way and the School); and focus protection on the open land south of the school and between Jaywick and Cherry Tree Avenue.
- 6.24 Policy SAMU4 states: "*Land at Rouses Farm, west of Jaywick Lane and south of St. John's Road, Clacton-on-Sea, as defined on Map SAMU4, is allocated for a mix of residential development, community facilities and public open space*". The policy then sets out specific requirements of the development and criteria that need to be met through any planning applications for the site:

- Requirement a) is that the development will include at least 850 homes of mixed sizes and types to include affordable housing as per the Council's requirements up to 2033 and features to support a range of housing sizes and types to reflect the needs of the area requirements. The proposal is for up to 950 dwellings thus exceeding the minimum requirement. At this level, the development provides more than sufficient scope to deliver a mix of sizes and types which will be determined, in more detail, at the reserved matters stage(s);
- Requirement b) is for a new primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land as required by the Local Education Authority through Section 106 Planning Obligations. The application makes provision for this requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered;
- Requirement c) is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site;
- Requirement d) is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. In its representations on the Local Plan, the NHS asked for Criterion d) to be modified to allow for either new infrastructure or a financial contribution and has indicated that it is a financial contribution of just under £330,000 that will be required;
- Requirement e) of Policy SAMU4 is for minimum of 5 hectares of public open space and this is to be provided within the development, predominately at the southern end of the site to help maintain and strengthen the sense of openness between Jaywick and West Clacton;
- Criterion f) in Policy SAMU4 advocates a master-planned approach which the applicant has followed within the material in support of the application;
- Requirement g) is for the principal points of vehicular access to be off St. John's Road in the north and Jaywick Lane in the south;
- Requirement h) is for the design and layout of the development to have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to developer links with the existing landscape and access features. A minimum 20 metre landscaping buffer along the western edge of site is required to minimise visual impacts. The application allows for this requirement and is supported by a Landscape and Visual Impact Assessment with proposed mitigation measures (see below);
- Requirement i) is for a spine road of 6.75 metres carriageway width to link St. John's Road and Jaywick Lane capable of accommodating buses and other large vehicles and enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane to the benefit of existing residents in the area;
- Requirement j) is for the incorporation of highway capacity, safety, public transport, cycle, pedestrians and bridleways service and/or infrastructure enhancements. It requires a safe cycle path/footpath between the development and the Clacton Coastal Academy and the new primary school;

- Requirement k) is for a financial contribution to early years and childcare and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;
- Requirement l) is the delivery of opportunities for the protection and enhancement of the historic environment features and settings including the built and archaeological environment; and
- Requirement m) is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development.

6.25 The application complies with the broad and strategic requirements of Policy SAMU4 and the more up-to-date specific and detailed requirements of Essex County Council and the NHS. The detail of how the proposal complies with Policy SAMU4 and other Local Plan policies is set out under the key considerations below.

6.26 The allocation of this site for residential and mixed use development in the Publication Draft of the emerging Local Plan and the requirements of Policy SAMU4 did not attract many objections from residents or any other stakeholders. The only comments raised came from:

- Essex County Council who asked that the housing numbers in the policy be double checked for consistency with other sections of the plan;
- Historic England who wanted to ensure that the separate characters of Jaywick and Clacton are maintained; and that the Grade II Duchess Farmhouse in St. John's Road is properly taken into account;
- NHS England who suggested that the healthcare requirements could be met either through a new facility on the site or through a financial contribution towards healthcare capacity in the wider area;
- Natural England who wanted to ensure the value of the land for wintering birds and the potential impact on water quality are properly assessed and that appropriate mitigation measures are put in place;
- Persimmon Homes who, as the developer for this project, supported the allocation and the policy; and
- Land Logic Ltd who objected to the proposal on landscape, visual and infrastructure grounds, because they are promoting an alternative site off London Road, Clacton in the middle of the Strategic Green Gap between Clacton and Little Clacton for 220 homes.

6.27 There were no specific objections or comments from residents in response to the allocation at the publication stage, however this location has been proposed for development in numerous iterations of the Local Plan as it has emerged and the site promoters have undertaken ongoing community consultation in the area. They have also been engaged in extensive pre-application discussions with the Council with a view to ensuring all relevant planning matters have been properly considered and, where possible, local concerns have been addressed. Four local objections have been received in response to this planning application specifically (summarised above) and these are addressed throughout this report.

- 6.28 In applying the guidance within paragraph 216 of the NPPF, the Local Plan has reached an advanced stage of the plan-making process; the objections to Policy SAMU4 are relatively few and have all been resolved by the applicants; and the proposal is entirely in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, Policy SAMU4 and the allocation of land at Rouses Farm for mixed-use development can carry a reasonably high level of weight in the determination of this planning application.
- 6.29 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 47 of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining outline planning permission in the short-term, in order for them to progress to the detailed planning stages and to start delivering new homes from the middle part of the plan period. In fact, the Council's evidence to demonstrate a five year supply relies on the housing trajectory contained within its very latest Strategic Housing Land Availability Assessment' (SHLAA) (April 2018) which anticipates the grant of outline planning permission in 2017/18, the approval of reserved matters in 2018/19, the discharge of pre-commencement planning conditions and commencement of development in 2019/20 with the first new houses in 2020/21. The Rouses Farm development is currently expected to contribute around 90 new homes to the five-year supply between 2020/21 and 2022/23 and between 30 and 60 new homes, per year, from 2023/24.
- 6.30 Having considered the application site's status within the adopted and emerging Local Plans, the limited level of objection received during the Local Plan consultation and the imperative to deliver new homes and to maintain a five-year supply of deliverable housing sites, Officers consider that the principle of a major residential and mixed-use development on the site is acceptable – subject to consideration against other relevant policies, including Policy SAMU4. Officers have therefore sought to work with the developer to address any planning issues and to work positively towards a recommendation of approval.

Environmental Impact

Landscape & Visual Impact

- 6.31 NPPF para. 109 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.32 In response to this, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which highlights that the application site is situated in the St Osyth Coastal Ridge Landscape Character Area (LCA) and is on relatively high land overlooking the St Osyth Coastal Slopes and the St Osyth Drained Marshes LCAs. In this respect the development of the land has the potential to cause harm to a wider landscape area, although the site is not covered by any specific landscape designation and the Principal Tree and Landscape Officer states that the information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects.
- 6.33 The application site comprises relatively flat agricultural land with limited landscape features within the site boundaries which some include mature and established hedgerows; and a light scattering of tree groups. As it lies on the western urban edge of Clacton, existing residential development is situated along the majority of the eastern boundary. In addition,

there are three residential properties located adjacent to the site's northern boundary, with a ribbon of development on the opposite side of St. John's Road. The locality is therefore already partly residential in character.

- 6.34 Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential, and would inevitably result in a permanent significant effect upon the landscape. However, whilst only in outline, the planning application demonstrates that the scheme could be designed to minimise landscape and visual effects, through the creation of a positively designed western settlement edge to Clacton. As part of the landscape design it is proposed that existing trees and hedgerows on the site boundary would be retained and enhanced by new native planting and a substantial landscape buffer to the western boundary created.
- 6.35 The Tree and Landscape Officer confirms that the largest specimen trees are situated on the northernmost part of the land, and in order to assess the impact of the development on trees and other vegetation on the application site and on adjacent land the applicant has submitted a tree report and survey. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.
- 6.36 As highlighted above, requirement h) of Policy SAMU4 is for the design and layout of the development to have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to developer links with the existing landscape and access features. A minimum 20 metre landscaping buffer along the western edge of site is required to minimise visual impacts and the application allows for this requirement and would ensure that the boundary trees and hedgerows can be retained for the long term.
- 6.37 Therefore, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Ecology and Nature Conservation

- 6.38 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 109 which recognises that the planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.39 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.

- 6.40 With respect to Green infrastructure, the PPG defines this as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.
- 6.41 The ES states that the site predominantly comprises of agricultural habitats bordered by species-poor native hedgerows that support a range of protected species including breeding birds and reptiles. The site is located close to the coast and within 5km of two sensitive ecological sites. The indirect effects of the Proposed Development arising from increased human disturbance pressures on the nearby coastal European designated sites have been considered and suitable alternative natural green space is to be provided within the proposed development to reduce recreational pressure on the designated sites.
- 6.42 A habitat management plan would be implemented to maintain habitat quality for breeding birds, reptiles, notable mammals and invertebrates and reduce human disturbance on these features. This would enhance boundary and grassland habitats within the site, with the proposed development being designed with a range of mitigation and enhancement measures to ensure no net loss of biodiversity and no significant adverse significant effects on ecology features. The implementation of habitat management would ensure that for some features there are a range of net benefits for biodiversity in line with national planning policy.
- 6.43 Natural England has stipulated that based on the information originally provided in support of the application, their view was that there was insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. They also considered that there was insufficient information to rule out adverse effects to the Colne Estuary Site of Special Scientific Interest (SSSI). Their advice was given in respect of the Conservation of Habitats & Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).
- 6.44 Natural England welcome that the Project Habitats Regulations Assessment (HRA) submitted in support of the development proposal acknowledges the impact pathway of increased recreational pressure on coastal designated sites in Essex, including the Colne Estuary. This is as a result of increased recreational use by residents of new development within walking or driving distance of them. They note that the proposed 13 ha of green space “will provide adequately for the increased recreational pressure and no further mitigation will be required” (as set out within the Project HRA).
- 6.45 Natural England’s current advice is that the mitigation of such impacts requires more than one type of approach, typically involving a combination of ‘on-site’ informal open space provision and promotion (i.e. in and around the development site) and ‘off-site’ visitor access management measures (i.e. at the designated site(s) likely to be affected).
- 6.46 In response to this, the applicant has provided a further commentary upon the points raised in the Natural England letter, and state that they concur with the need to provide Suitable Alternative Natural Green Space (SANGS) on the site. The landscape scheme at the Reserved Matters stage would include the following: An area of Public Open Space (POS) of 13ha, of which 10.7ha (64%) would be specifically designed to meet Natural England’s SANGS criteria, including a single large block of 4.5ha in the southern section with a central

open water/wetland feature, and 6.7ha of linear park long sections of the west, northwest and eastern site perimeters.

- 6.47 A total of 5.15km of paths would be created on the site, including a 4.4km coherent circular route, with a subsidiary 750m linking arc to take in the eastern linear park area. Of these paths 3.1km would be within the dedicated SANGS POS, of which 1.35km would be around the southern park, focused on the large water feature. Paths in the northern perimeter linear park would focus on the two water features to be created there. All these paths would link directly to existing Public Rights of Way (PRoW) adjacent to the site.
- 6.48 The applicant suggests that the following measures to promote on site recreational activity are set out within a suitably worded planning condition:
- High-quality, informal, semi-natural areas;
 - Circular dog walking routes of >2.7 km² and/or with links to surrounding public rights of way (PRoW);
 - Dedicated 'dogs-off-lead' areas;
 - Signage/leaflets to householders to promote these areas for recreation; and
 - Dog waste bins and regular management of these facilities.

Comments on this information from Natural England are yet to be received, an update will be provided at Planning Committee.

- 6.49 However, whilst these measures fulfil Natural England's advice for on-site mitigation, they also state that the unique draw of designated sites such as those identified above means that, even when well-designed, 'onsite' provisions are unlikely to fully mitigate impacts. They therefore advise that consideration of 'off-site' measures is also required as part of the mitigation package for predicted recreational disturbance impacts.
- 6.50 Natural England highlight that the Council's emerging Local Plan HRA includes a commitment to a cross-authority solution to delivering such 'off site' measures at the strategic level. Once adopted, this emerging strategy – the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – will specify requirements for developer contributions to an agreed and costed scheme of 'offsite' measures to help avoid and mitigate recreational disturbance impacts to designated sites. For other similar strategies, such measures have included visitor engagement (e.g. wardening, responsible dog owner projects etc.), visitor access management (e.g. screening of sensitive areas using tree planting, fencing, hides etc.) and visitor education/ information (e.g. footpath way markers, information boards, SPA discs etc.). The Essex Coast RAMS is set to be adopted in Autumn 2018; in the interim period, they advise that the Project HRA should investigate how the development fits with the emerging RAMS and whether or not a proportionate financial contribution can be secured in line with the project. They state that at this outline stage it may be possible to secure full adherence with the emerging RAMS at the reserved matters stage via a suitably worded planning condition.
- 6.51 In response to this the applicants state that whilst they note that the Essex RAMS is currently scheduled to be published in October 2018, in the interim, Natural England advises that a solution which has been agreed with TDC for other residential developments coming forward ahead of the Essex Coast RAMS and at the outline stage, for example 17/02162/OUT - Land to The South of Thorpe Road Weeley and 17/02168/OUT – Land west of Low Road, Dovercourt (both to be determined) is to secure full adherence with the emerging RAMS via a suitably worded planning condition; this is then to be agreed with TDC, including the necessary financial contribution at the Reserved Matters stage. For the purposes of their viability assessment they propose to assume a figure of £100 per unit (£95,000) for a RAMS payment. It is proposed to secure this contribution as part of the legal agreement.

- 6.52 In respect of habitats, Natural England state that as identified through the emerging Local Plan HRA, this allocation at Rouses Farm has ‘moderate’ potential to be used as an off-site SPA habitat (also known as ‘functionally linked land’ (FLL)) for golden plover and lapwing. As such, the Plan HRA required that wintering bird surveys be carried out to as part of the ecological surveys to further determine potential importance for golden plover and lapwing and inform any necessary mitigation proposals. They note from the Environmental Statement that wintering bird surveys were undertaken with the conclusions as follows: “No species of bird which is listed as a qualifying feature of the Colne Estuary SPA was recorded. Despite the limitation placed by the late dates of the two surveys, there is nothing to suggest that SPA species are likely to use the Application Site earlier in the winter. There are also no records in The Essex Bird Reports (2010 and 2012) suggesting this area is used by SPA species”. On this basis, they have no objections in this respect.
- 6.53 With regard to water quality, Natural England state that as identified through the emerging Plan HRA, this allocation could also potentially lead to significant adverse effects on designated sites through changes in water quality The Plan HRA highlighted that Anglian Water have previously identified that there is insufficient capacity at some of the Water Recycling Centres (WRCs) in Tendring to accommodate growth proposed within the emerging Local Plan. Some of these WRCs (including Jaywick which is the closest to the proposed development) are linked to the Colne Estuary and so adequate wastewater infrastructure must be provided in time to serve proposed development in order to ensure protection of the environment in this regard and avoid potential impacts to designated sites. They therefore advise that the advice of Anglian Water is followed and that the condition requested in their consultation response is secured.
- 6.54 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Heritage

- 6.55 Protecting and enhancing the historic environment is an important component of the NPPF’s drive to achieve sustainable development, and the appropriate conservation of heritage assets forms one of the ‘Core Planning Principles’ that underpin the planning system. Paragraph 127 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. NPPF para. 129 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- 6.56 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.57 There is one listed building in proximity to the application site, which is Duchess Farmhouse, a grade II listed building which is located diagonally opposite the north eastern-most part of the site, on the other side of St John’s Road. The listed building is set well back from the road with mature evergreen boundary hedging intervening. Further, whilst only

indicative, the section of the site closest to the listed building comprises a modestly sized paddock, identified as parcel R9 on the Masterplan and separated by the main residential development by the proposed Primary School. Consequently, it is considered that the setting of this designated heritage asset would not be harmed by the proposal.

Archaeology

- 6.58 In terms of Archaeology, the desk based assessment (DBA) highlights the moderate to high potential for the site contain archaeological remains of local to regional significance, however it fails to consider the significance of the finding of excavations at Lodge Farm close by to the west which took place over a number of years ahead of mineral extraction. Cropmarks of a potential cursus lie within the study area which forms part of the cropmark complex identified at Lodge Farm. Excavation at Lodge Farm revealed a large Neolithic causewayed enclosure of three roughly concentric circuits of discontinuous ditches. Within the interior of the monument were Neolithic pits, a pond barrow, Middle Bronze Age ring-ditches and Early and Middle Bronze Age cremations. A middle Iron Age enclosed settlement consisting of roundhouses, granaries and other post-built structures was also uncovered (EHER18332). This would likely be considered 'of schedulable quality' had the site not been quarried. The proposed development site clearly sits within this same extensive prehistoric landscape and has recorded cropmark evidence for a number of barrows of probable Bronze Age date.
- 6.59 The Environmental Statement submitted in support of the application contains a number of statements within the Archaeology and Cultural Heritage Chapter which do not correspond or concur with the results of the archaeological desk based assessment and geophysics survey which have been carried out as initial evaluation methods in support of the application. As a result of this Essex County Council Archaeology are of the view that the Environmental Statement is inaccurate in places and fails to adequately establish the significance of the known heritage assets and in line with the NPPF further evaluation is required to determine the significance of the know heritage assets and the work carried out so far has failed to establish this. On similar sites to this a programme of rectification of aerial photos and targeted trial trenching would normally be considered an appropriate evaluation method.
- 6.60 The comments of Essex County Council Archaeology and this information would normally be required in advance of a planning decision, but given that this is an outline condition with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.

Transport & Access

- 6.61 Where concerning the promotion of sustainable transport, the NPPF in para. 29 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Para. 32 of the NPPF stipulates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Furthermore, the NPPF in para. 34 seeks to ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

- 6.62 On this subject, the PPG goes into more detail into the overarching principles on Transport Assessments, with Requirement j) of Policy SAMU4 being for the incorporation of highway capacity, safety, public transport, cycle, pedestrians and bridleways service and/or infrastructure enhancements. It also requires a safe cycle path/footpath between the development and the Clacton Coastal Academy and the new primary school. In addition, SAMU4 Requirement i) is for a spine road of 6.75 metres carriageway width to link St. John's Road and Jaywick Lane capable of accommodating buses and other large vehicles and enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane to the benefit of existing residents in the area.
- 6.63 A full audit of the highway network surrounding the application site has been undertaken by the applicant to identify land uses and locations that should be considered as sensitive receptors. These include Clacton Coastal College and children's nursery, the congested junctions of St John's Road/A133 and St John's Road/Cloes Lane, the residential properties fronting St John's Road, Jaywick Lane and Little Clacton Road. An assessment of both the construction and operational phases of the proposed development has been undertaken. During the construction phase the following effects were identified:
- Construction traffic - increase in traffic and proportion of HGVs leading to fear and intimidation and driver delay, although this is not likely to be significant.
- 6.64 During the operational phase the following effects were identified:
- Severance – likely to increase on St John's Road and Jaywick Lane, particularly near the site accesses. Pedestrian crossing facilities are proposed to be incorporated in the site access junction on St John's Road. On Jaywick Lane, near the site access, there is no footway on the opposite side of the road so little demand for pedestrians to cross (negligible);
 - Driver delay – likely to increase at the junctions of St John's Road/Jaywick Lane, St John's Road/Cloes Lane and St John's Road/A133 (significant);
 - Pedestrian amenity and delay – no roads experience a significant reduction in amenity or increase in delay (negligible);
 - Fear and intimidation – the proportion of HGVs in the operation phase is unlikely to rise and traffic flow increases are generally below 30%. Roads considered have been observed to have low pedestrian flows and crossing demand (negligible);
 - Accidents and safety – no particular accident pattern has been identified across the highway network and, therefore, accidents are unlikely to increase (not significant). Several mitigation measures have been identified to address any potentially significant traffic related effects resulting from the increased traffic flow associated with the Proposed Development. These mitigation measures include:
 - Provision of new traffic signals junctions at the site access, incorporating pedestrian crossing facilities on St John's Road (minor beneficial);
 - Provision of high quality pedestrian and cycling links throughout the site and connecting to the surrounding highway network (minor beneficial);
 - Site layout designed to accommodate buses – minor beneficial;
 - Implementation of a Construction Traffic Management Plan (minor adverse);

- Improvements to St John's Road/Jaywick Lane junction (minor to moderate beneficial);
- Redesign of St John's Road/Cloes Lane junction as a traffic signals junction with pedestrian crossing facilities on all approaches (minor to moderate beneficial);
- Modifications to St John's Road/Peter Bruff Avenue junction (minor beneficial);
- Improvements to St John's Road/A133 roundabout (minor beneficial);
- Implementation of a Travel Plan (minor beneficial).

6.65 The results of the assessment have indicated that the potential adverse environmental effects resulting from the increase in traffic generated by the Proposed Development are predicted to be minor or negligible, providing that the mitigation measures are implemented.

6.66 ECC Highways state that they have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and does not wish to raise an objection subject to the imposition of conditions to cover the following:

- A Stage 1 Road Safety Assessment in relation to the proposed highway mitigation measures.
- The following works being undertaken at the Developer's expense prior to first occupation:
 - The formation of a signalised junction onto St John's Road for the northern access point
 - The formation of a signalised junction onto Jaywick Lane for the southern access point
 - A 3m wide Cycleway/Footway across the St John's Road frontage
 - A 3m wide Cycleway/Footway across the Jaywick Lane frontage
 - The routing of bus services through the development site spine road including appropriately positioned bus stops
 - Residential Travel Plan for the whole development, and all residential dwellings to receive transport info marketing packs
 - All on-site parking facilities to accord with current policy standards
 - For the St John's Road/Jaywick Lane junction, improvements to include:
 - Provision of a standard roundabout (increasing the inscribed circle diameter to 22m)
 - Increasing the entry width of both St John's Road approaches to the roundabout,
 - Provision of a 'through lane' on St Johns Road.
 - For the Woodrows/Cloes/St John's junction, signalisation of the junction
 - For the St John's Road/Peter Bruff Avenue junction, increasing the entry width of both
 - St John's Road approaches to the roundabout
 - For the St John's/A133 Roundabout, prior to occupation of the development, increase
 - the flare length and entry width of both the St John's Road (w) approach and the London
 - Road (s) approach to the roundabout or pay an index linked contribution, the value of which shall be the equivalent of the aforementioned works.

- No discharge of surface water onto the highway
- Details of wheel cleaning facilities
- Submission of a Construction Method Statement
- Sizes of vehicular parking spaces and garages

- 6.67 It is considered that these provision would satisfy the PPG tests for planning conditions; and planning obligations set out in the CIL Regs as they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind. Again, the application is consistent with the requirements of Policy SAMU4 and the precise details in respect of transportation and access will be confirmed at the reserved matters stage/s.
- 6.68 Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

Air Quality

- 6.69 NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels air pollution. Para. 124 of the NPPF stipulates that planning decisions should aim to ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. The site isn't within an AQMA, however Dust Assessment and Mitigation Measures specified by The Institute of Air Quality Management (IAQM) can be secured by way of planning condition. The PPG provides more detailed advice on air quality.
- 6.70 As confirmed in the ES, baseline air quality conditions in the area are of a good standard, with no exceedance of the national air quality objective values predicted or measured. No significant effects on local air quality are likely as a result of the construction and operation of the proposed development. Standard practice dust mitigation measures will be implemented to control dust emissions to the extent that a significant effect does not occur during construction. Standard practice travel plan options are also suggested, to further reduce the limited impacts predicted as a result of operation traffic emissions.
- 6.71 Environmental Health confirm that they are satisfied with the content of the Construction Management Plan (CMS) and will require no further information or have no adverse comments at this time.
- 6.72 In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms. Therefore it is considered that the proposal, during either the demolition/construction or operational phases would not have a detrimental effect upon the air quality of the surrounding area.

Noise & Vibration

- 6.73 As previously referred to in this report, NPPF paragraph 109 states that the planning system should contribute to and enhance the natural and local environment, in this case by, inter alia, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. Para. 123 of the NPPF stipulates that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum

other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

- 6.74 The PPG states that noise needs to be considered when new developments may create additional noise and when taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment. It goes on to say that decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved.
- 6.75 A baseline noise survey has been undertaken and measurements taken over a representative time period. The noise levels have then been used to determine noise sources and levels affecting the Proposed Development. Noise from additional road traffic associated with the scheme is unlikely to have a significant effect. Any impact of noise and vibration associated with construction activity would be managed through controls on the hours of construction. All new dwellings would be designed to ensure that an acceptable living environment can be achieved. The Proposed Development has been assessed and it has been identified that with the appropriate mitigation measures in place, there would be no significant effect to new or existing noise sensitive receptors.
- 6.76 Environmental Protection confirm that they are satisfied with the content of the acoustic report and require no further information or have no adverse comments at this time.

Soils and Agriculture

- 6.77 The NPPF states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.
- 6.78 The ES confirms that the application site comprises approximately 39 ha of agricultural land used for arable cropping, including sugar beet, wheat and potatoes, and for the production of turf. A detailed soil and Agricultural Land Classification (ALC) survey of the application site has been undertaken. This survey has found that there are two main soil types on the site which reflect the drift geology. Soils with coarse-textured and very stony sub soils occur in the south-central part of the land; some of these also have a high percentage of stones in the top soils. The north western and southern parts of the land have fine-textured soils with slowly permeable layers. The ALC survey found that slightly over half of the site is classified as Grade 2, which is very good quality agricultural land. The remainder, in two separate areas to the north and south, is classified as Sub-grade 3a, which is good quality agricultural land. The Grade 2 land is limited by soil wetness, whilst the Sub-grade 3a land is limited in different parts by soil wetness, soil droughtiness and stone content.
- 6.79 Consequently, the proposal would involve the loss of 39 hectares of best and most versatile agricultural land in Grades 2 and 3a during the construction phase. The permanent loss of agricultural land cannot be mitigated, and this effect is considered to be significant. However, good practice would ensure that the soils on the site can continue to provide their various functions both on and off site. However, having regard to the presumption in favour of sustainable development, It is considered that the loss of this particular site from agricultural use is not considered to represent a sufficient basis for resisting the scheme, notwithstanding a preference for developing brownfield sites wherever possible.

Hydrology, Flood Risk & Drainage

- 6.80 Part 10 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.81 The site is currently a greenfield site with existing local watercourses adjacent to the western and southern boundaries which eventually outfall to the sea, it is located within Flood Zone 1 and is therefore at low risk from tidal/fluvial flooding. No infiltration of surface water is proposed, ensuring that the groundwater quality on site would not be affected or possibly contaminated. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.82 Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.
- 6.83 Requirement m) of Policy SAMU4 is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development. In response to the application Anglian Water state that the foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flow from the development site. They state that they are obligated to accept the foul flows from development with the benefit of planning permission and would therefore take the necessary steps to ensure there is sufficient treatment capacity should the planning authority grant planning permission.
- 6.84 Anglian Water stated that the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed. From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of sewerage capacity; and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.
- 6.85 Overall no significant adverse or cumulative effects on water resource receptors have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.

Ground Conditions and Contamination

- 6.86 Para. 120 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.87 Historically the site has predominately been used for agriculture and has not been developed with the exception of land in the northeast corner of the subject site which was formally occupied by a building of unspecified use. The buildings in the north east corner are considered to be a potential source of contamination. A localised area of contamination was identified within the paddock located in the north east corner of the site. It is considered

within the ES that this localised area of contamination may potentially pose a significant risk to human health of the future residents accordingly further investigation will be undertaken prior to construction to ensure acceptable conditions can be achieved. Therefore, an appropriately worded condition should be imposed upon any grant of planning permission.

Socio-economics

- 6.88 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to those cited above) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 203 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.89 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 204 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.90 The final core planning principle as set out within para. 17 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.91 The ES states that the proposed development would provide up to 950 dwellings which would result in a number of significant beneficial effects relating to: The creation of jobs during the construction phase; Supporting a larger economically-active population; Provision of new healthcare and education facilities onsite; Provision of public open space; and the provision of new open-market and affordable dwellings in a district experiencing a shortfall in housing provision. The potential for significant adverse effects arises from the increase in population which, if unmitigated, would increase pressure on local healthcare and education facilities. However, the proposal incorporates a two form-entry primary school and a 1,500 sq m medical centre, which would address the needs arising from the development and would assist in meeting the needs arising from the existing population, resulting in a net beneficial effect. It also states that the proposed development would give rise to many significant beneficial socio-economic effects and incorporates mitigation measures to ensure any additional pressure on local facilities is addressed.

Affordable Housing

- 6.92 Para. 50 of the NPPF requires, amongst other things, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.93 Adopted Policy HG4 seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to

be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.

- 6.94 With the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting.

Community Facilities/Neighbourhood Centre

- 6.95 NPPF paragraphs 69 and 70 state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 6.96 Requirement c) of Policy SAMU4 is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site.
- 6.97 Requirement d) of Policy SAMU4 is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. In its representations on the Local Plan, the NHS asked for this to be modified to allow for either new infrastructure or a financial contribution and has confirmed that it is a financial contribution of just under £330,000 that will be required.

Crime

- 6.98 NPPF paragraph 69 states that planning decisions should also aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.99 Essex Police raise no specific objection to the proposal, but advise that the developer should liaise with their Crime Prevention Design Advisors in the early stages of the planning and throughout the development, so as to ensure that the properties achieve Secured by Design accreditation. The objective of this being to ensure that the security of these properties, potential residents and neighbours is relevant to the location and anticipated risk. This is a matter that will be dealt with as part of any reserved matters application.

Education

- 6.100 NPPF paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and Work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.101 In accordance with requirement b) of draft Policy SAMU4, a new 2 form entry primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land is proposed to be provided as required by the Local Education Authority (LEA) through Section 106 Planning Obligations. The application makes provision for this

requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered.

6.102 Furthermore, requirement k) of draft Policy SAMU4 is for a financial contribution to early years and childcare and secondary education provision, also as required by the LEA through Section 106 Planning Obligations. The financial contributions, based on the summarised consultation response from ECC Education above, are thus:

- Early Years & Childcare: £1,031,789 for a 56 place nursery + £421,051 for offsite early years provision;
- Primary Education: £4,246,642.50 towards a new primary school to be provided on the 2.1ha site;
- Secondary Education: £3,675,550 towards secondary school places.

6.103 Again, with the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting.

Public Open Space

6.104 NPPF para. 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities; and Requirement e) of Policy SAMU4 is for minimum of 5 hectares of Public Open Space (POS) to be provided within the development, predominately at the southern end of the site to help maintain and strengthen the sense of openness between Jaywick and West Clacton.

6.105 As highlighted above, the landscape scheme at the Reserved Matters stage would include: An area of POS of 13ha, of which 10.7ha (64%) would be specifically designed to meet Natural England's SANGS criteria, including a single large block of 4.5ha in the southern section with a central open water/wetland feature, a 6.7ha of linear park long sections of the west, northwest and eastern site perimeters and two areas of equipped childrens play area.

6.106 This would satisfy the Council's policy requirements and the POS would either be transferred to a management company or transferred to TDC with £364,800 with the land laid out before transfer of ownership.

Reserved Matters - Appearance, Landscaping, Layout and Scale

6.107 Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'.

6.108 Requirement f) in Policy SAMU4 advocates a master-planned approach which the applicant has followed within the material in support of the application. The current application is an outline application with all matters reserved except access. The applicant has submitted an indicative masterplan drawing, in addition to parameter plans, setting out their vision for developing the site, which along with the Design and Access Statement demonstrate one way in which the site could be developed. As referred to above, detailed access drawings have also been submitted which identify the proposed main vehicular access points onto St. John's Road and Jaywick Lane.

- 6.109 The applicant states that it is intended that the proposal would take cues from the Essex Design Guide, and Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.110 Although appearance, landscaping, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.
- 6.111 Due to the scale of the development proposed, and in order to minimise disturbance to existing residents, as well as ensuring that the mix of housing meets the requirements of the Council's Strategic Market Housing Assessment, it is recommended that a Site Wide Housing and Phasing Strategy be submitted for approval prior to the submission of the first Reserved Matters application.

Living Conditions

- 6.112 One of the Core Principles set out in the NPPF is that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants.
- 6.113 Whilst matters of layout and scale are reserved for future determination, with regard to privacy, the Essex Design Guide states that *"with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable"*. It goes on to state that *"where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved"*.
- 6.114 The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers consider that there are no reasonable grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking.
- 6.115 Furthermore, the illustrative masterplan indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area.
- 6.116 All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Planning Obligations under S106 of the Town and Country Planning Act 1990

- 6.117 In order to mitigate against the impacts of the development it is proposed to secure a legal obligation under Section 106 of the Town and Country Planning Act. These obligations have been referred to previously in this report, but to summarise cover the following:
- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
 - New healthcare facility or in the event the land is not required a financial contribution of just under £329,613 towards health facilities elsewhere (to be determined by the NHS);
 - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
 - 2.1 ha of land for a new 2 form entry primary school and early years and childcare facility and financial contributions of £1,031,789.92 for Early Year and Childcare and £4,246,642.50 for Primary Education to go towards both their construction and expansion of existing facilities;
 - Financial contribution of £3,675,550 to create additional secondary school places;
 - New neighbourhood centre; and
- 6.118 Financial contributions towards off-site ecological mitigation. Overall, it is considered that the above satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind.

Planning Balance/Conclusion

- 6.119 This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane; and the Local Highway Authority has no objection to the proposed arrangements. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.
- 6.120 NPPF paragraph 14 stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.121 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space in the emerging Local Plan. This can be afforded some weight in the decision making process due to it being at the Publication Draft stage, and is a material consideration in the determination of this planning application.
- 6.122 The application is accompanied by an Environmental Statement, which concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.
- 6.123 In addition, whilst outline in form, Officers are content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of

development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing within the District.

Background Papers

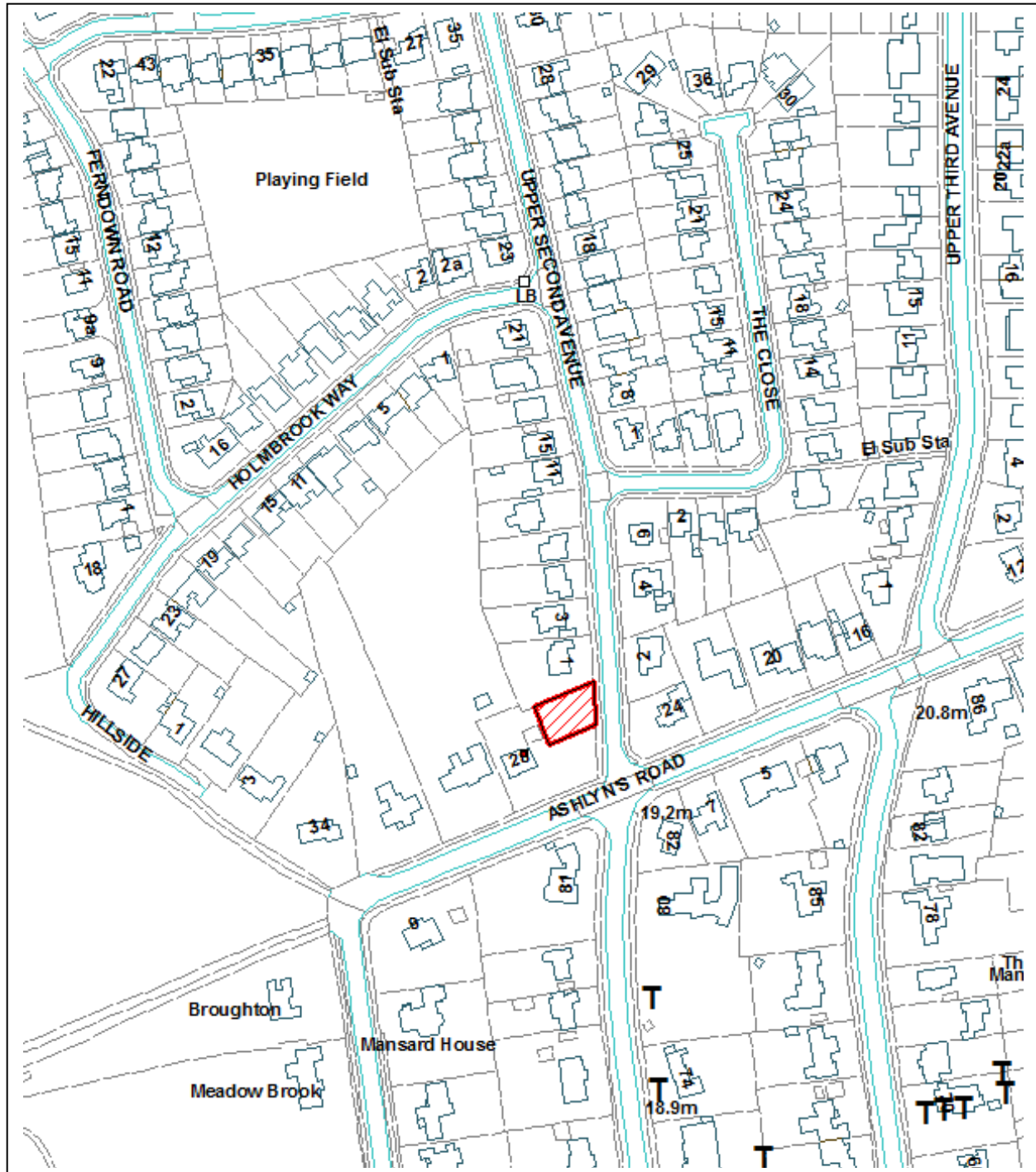
None

PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 18/00428/FUL - LAND ADJACENT 28 ASHLYNS ROAD, FRINTON-ON-SEA, CO13 9EU



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Application:	18/00428/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr & Mrs Smith	
Address:	Land adjacent 28 Ashlyns Road Frinton on Sea CO13 9EU	
Development:	Proposed dwelling.	

1. Executive Summary

- 1.1 The application is before the planning committee as it has been called-in by Councillor N.Turner for the following reasons;
- This site is a major part of the Frinton-on-Sea Conservation Area and the Avenues area of special character. It is not land adjacent to, it is land that is part of 28 Ashlyns Road.
 - The Inspector dismissed another application on 27th June 2017- APP/P1560/W/17/3169004. In it he states at para 6 'the proposal would provide for a more confined development than that remaining for no 28 and also result in the loss of an undeveloped corner, which currently contributes strongly to the spacious character of this area.'
 - There is a covenant on this house and grounds, when bought in 2012 that states no development or selling off of parts of the plot. This is a civil matter, but it adds to the argument for refusal of this application.
- 1.2 The application seeks full planning permission for the erection of a two-storey detached dwelling within the northern section of the side garden serving no.28 Ashlyns Road. The proposed dwelling will front Upper Second Avenue and will be accessed via a new access cut through the existing boundary hedge.
- 1.3 The principle of residential development on this site is acceptable as the site is located within the Settlement Development Boundary of Frinton-on-Sea as defined by the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is also located within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character.
- 1.4 The land immediately to the side of No.28 Ashlyns Road, which forms land to the south of the application site, was the subject of an application for a detached dwelling (reference 16/01229/FUL) which was refused permission and an appeal subsequently dismissed in June 2017. The scheme was refused permission and dismissed on appeal due to the adverse impact of the development reducing the open spacious character of this corner site and the absence of any detailing to the property relating it to the period character of the locality.
- 1.5 This application reduces the extent of the site to include only the northern half of the side garden area and the dwelling has also been reoriented to face eastwards onto Upper Second Avenue. These changes are considered to overcome the previous reasons for refusal as the prominent corner section to the south remains undeveloped and the property will form part of the Upper Second Avenue street scene. The re-design incorporating traditional features and a mixture of facing materials is also considered to overcome the design concerns raised previously.

- 1.6 Officers are therefore satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the development and the setting of the Frinton-on-Sea Conservation Area and Avenue Area of Special Character is suitably preserved. The application is therefore recommended for approval subject to conditions.

Recommendation: Approve

Conditions:

- Standard 3 year time limit
- List of approved plans
- Remove Permitted development rights for roof additions, outbuildings and extensions
- Construction method statement
- No unbound material in first 6m of access
- Vehicular parking/garage provided prior to occupation and retained thereafter
- Access to be 3m in width, at right angles to highway and served by dropped kerb
- No discharge of surface water onto the highway
- Details of materials
- Hard/Soft landscaping scheme/implementation

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG3 Residential Development Within Defined Settlements

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

EN17 Conservation Areas

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

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

FW5 'The Avenues' Area of Special Character

SPL1 Managing Growth

SPL3 Sustainable Design

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL8 Conservation Areas

PPL12 The Gardens Area of Special Character, Clacton-On-Sea

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Conservation Area Character Appraisals

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. 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

13/00741/FUL	Demolish existing detached garage, erect a single storey rear extension and render extension & existing building with rough cast rendering.	Approved	27.08.2013
14/01128/FUL	Demolish existing garage, erection of single storey rendered rear extension (variation to that approved under 13/00741/FUL), render existing building with rough	Approved	30.09.2014

cast render.

16/01229/FUL	Proposed dwelling.	Refused (Dismissed at Appeal)	11.10.2016
18/00428/FUL	Proposed dwelling.	Current	

4. Consultations

Essex County Council
Archaeology

There are no recorded archaeological remains in the immediate area of the above proposed development. Due to the scale and nature of the proposal there is unlikely to be any significant impact on any unknown archaeological deposits. There is no recommendation for any archaeological investigation for the above application.

ECC Highways Dept

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

NOTE: It is noted that appropriate vehicle visibility splays are available within existing highway

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- There shall be no discharge of surface water onto the highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- The proposed 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.

- 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.

Tree & Landscape Officer The main body of the application site is set to lawn and forms part of the residential curtilage of 28 Ashlyns Road. The site boundary is planted with an established hedge comprising of a mixed range of species including Yew and Pittosporum.

There are no trees in the main body of the land or within the boundary hedgerow.

If planning permission were likely to be granted then a condition should be attached to secure soft landscaping details. The site layout plan shows the retention of the boundary hedge.

It would appear that here is sufficient room on the application site to accommodate new tree planting details of new tree planting proposals should be secured by way of condition.

The site is situated within the 'The Avenues Area of Special Character' and consideration should be given to the scale and design of the development and its impact on this special area.

Building Control and Access Officer No comments.

5. Representations

5.1 Frinton & Walton Town Council recommends refusal for the following reasons;

- This application does not satisfy any of the concerns raised within the previous application which resulted in the appeal being dismissed. An additional property would not enhance the area. It is believed that there is a covenant on this land which it is felt should be adhered to.

5.2 Cllr Turner has objected for the following reasons;

- This site is a major part of the Conservation area and the Avenues area of special character. It is not land adjacent to, it is land that is part of 28 Ashlyns Road.
- The Inspector dismissed another application on 27th June 2017- APP/P1560/W/17/3169004. In it he states at para 6 'the proposal would provide for a more confined development than that remaining for no 28 and also result in the loss of an undeveloped corner, which currently contributes strongly to the spacious character of this area.' Further The Inspector goes on to state that footnote 9 to Paragraph 14 of the NPPF should be applied i.e restricted development.
- There is a covenant on this house and grounds, when bought in 2012 that states no development or selling off of parts of the plot. This is a civil matter, but it adds to the argument for refusal of this application.

6. Assessment

The main planning considerations are:

- Site Context
- Proposed Development
- Planning History
- Principle of Development
- Design/Impact upon Heritage Asset
- Residential Amenity
- Highway Safety

Site Context

- 6.1 The application site is located on the eastern side of Upper Second Avenue within the settlement of Frinton-on-Sea. The site currently forms part of the side garden to no. 28 Ashlyns Road and is largely laid to grass. The site measures 15 metres in width with an average depth of 23 metres. A mature hedgerow forms the boundary with Upper Second Avenue and returns to part of the Ashlyns Road frontage.
- 6.2 No. 28 Ashlyns Road is a detached property located to the south-west of the site and occupies a 37m wide frontage onto Ashlyns Road with a return frontage of 24m on Upper Second Avenue.
- 6.3 Directly to the west of the site is the detached double garage serving no. 28. To the north is no. 1 Upper Second Avenue, which is a detached house that has two first floor windows facing south across the application site. On the opposite side of Upper Second Avenue is a detached property and further south is a dwelling which occupies the opposite corner plot.
- 6.4 The site is located within the Frinton-on-Sea Conservation Area and the Avenues Area of Special Character. The area is entirely residential in character and the houses forming the street scene are predominantly two-storeys in height and are largely detached dwellings.

Proposed Development

- 6.5 This application proposes the erection of a two-storey detached dwelling on the site. The dwelling would measure 10 metres in width, 8.6 metres in depth with a ridge height of 8.7 metres. To the northern side of the property an attached garage is proposed set back from the front elevation. To the front of the garage a parking space is proposed.
- 6.6 The dwelling would be sited an average of 10 metres away from the facing flank wall of no. 1 Upper Second Avenue and an average of 13 metres away at first floor level. The property would be 13 metres from the facing flank wall of no. 28 Ashlyns Road to the south-west.
- 6.7 The dwelling would comprise of 4 bedrooms with one parking space to the driveway and within the garage.

Planning History

- 6.8 The land immediately to the side of No.28 Ashlyns Road, which forms land to the south of the application site, was the subject of an application for a detached dwelling (reference 16/01229/FUL) which was refused permission and an appeal subsequently dismissed in June 2017.
- 6.9 The scheme was refused permission and dismissed on appeal due to the adverse impact of the development reducing the open spacious character of this corner site. While the Inspector was not concerned with the overall size and form of the proposed dwelling, the detailing of the proposed building was considered to be insufficient to reflect the quality of other properties in the Avenues Special Character Area.

Principle of Development

- 6.10 The site lies within the Defined Settlement Boundary for Frinton-on-Sea, as outlined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principle of residential development is, therefore, acceptable. Neither can there any objection in principle to the erection of a detached dwelling in terms of the character of the location, which is in this area comprises of wholly detached residential properties.
- 6.11 Rather, the acceptability of what is proposed depends upon the character of the area, amenity and environmental considerations and the various detailed requirements of other local plan policies, standards and guidance designed to ensure that new development relates satisfactorily to its surroundings, without harming amenity, heritage assets or raising highway concerns.

Design/Impact upon Heritage Assets

- 6.12 Ashlyns Road and the southern part of Upper Second Avenue are residential roads which form part of The Avenues Area of Special Character as defined in the saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site is also within the Frinton and Walton Conservation Area.
- 6.13 Saved policy FW5 of the saved Tendring District Local Plan (2007) requires new development in The Avenues area to have particular regard to the special character and appearance of the area. That policy identifies density as a matter to be taken into account and states that development which would result in a reduction in the spacious character of the area will be refused permission.
- 6.14 The preamble to saved policy FW5 of the saved local plan provides guidance on the minimum plot widths that would be required in The Avenues. The proposed development would comply with the stated width of 15 metres along the frontage by presenting a 18m frontage onto Upper Second Avenue.
- 6.15 Ashlyns Road is characterised by detached houses dating from the early to mid-20th century which are of the Arts and Crafts style or of architecture that reflect that style. The houses are set back from the road and many of these occupy large gardens. Those houses that are sited close to each other maintain generous proportions and a sense of spaciousness. The proposed dwelling will face onto Upper Second Avenue which is characterised by detached properties but with less space in and around the dwellings. The plot widths are narrower and the properties take on more of a suburban appearance.
- 6.16 As stated above the previous application for a dwelling was sited on the land to the south and as a consequence the development would have occupied the prominent open corner and would have been read as forming part of the Ashlyns Road street scene. Within the dismissed appeal decision the inspector makes reference to the importance of the keeping the corner undeveloped as in its current state it contributes strongly to the spacious character of the locality and the conservation area setting. Further the inspector notes the harm that would be caused by infilling the one of the last remaining open frontages onto Ashlyns Road.
- 6.17 With the inspector's comments in mind this revised application reduces the extent of the site to include only the northern half of the side garden area. The dwelling has also been reoriented to face eastwards onto Upper Second Avenue. The remainder of the southern part of the plot addressing the Ashlyns Road corner would be retained as garden to the host property. As a result the openness of the corner will be retained, thereby preserving

the character and appearance of the area. Additionally the proposed dwelling would be predominantly viewed as part of the Upper Second Avenue street scene where the dwellings are of more recent construction and set closer together than Ashlyns Road. As a result the proposal will continue the line of housing along Upper Second Avenue in a similar and consistent form to the existing street scene and properties on the opposite side of the road thereby preserving the character of the locality. As a result it is considered that the re-sited dwelling would not have a detrimental impact upon the spacious character of the area and the impact upon the significance of the Frinton-on-Sea Conservation Area and Avenues Area of Special Character would be minimal.

- 6.18 In respect of the design of the property as mentioned above the inspector previously had concerns that the dwelling proposed to the corner would not reflect the design and detailing of existing properties in the locality or the Arts and Crafts period character. As a result the dwelling now looks to draw on features from nearby properties including having a two storey gable facing Upper Second Avenue and a further two storey gable element facing to the south, across the open corner. This double aspect arrangement will ensure that the flank elevation does not appear as a blank side feature. In addition the use of a large spreading and uninterrupted roof slope, a combination of facing materials (including hanging tiles and red brick), a garage consisting of a parapet feature and detailing to the gables ensures that design, form and materials of the property would represent an appropriate response to the character of the locality and the Arts and Crafts style period.
- 6.19 Overall it is considered that the proposed design and layout has ensured that the proposed two-storey dwelling house will respect the character of and relationship to neighbouring residential properties while being in accord with the appearance of the area. In terms of significance upon the heritage assets within the area, it is considered that the effect will be low. The development will therefore reflect and satisfy the concerns raised within the recent appeal decision.

Residential Amenity

- 6.20 The proposed dwelling will be located to the north-east of the applicant's property at no.28 Ashlyns Road and therefore the its rear elevation will face the applicant's rear garden area. However, due to the presence of the existing double garage, the orientation of the property and the degree of separation any views from the first floor bedroom windows serving the proposed dwelling would be out over the rearmost part of the garden serving the applicant's property. As a result the most private part of the no.28's garden, which is located directly adjacent to the dwelling, will retain its privacy.
- 6.21 The side facing flank of no.28 has several windows and an entrance door. However, these windows are secondary in nature and the dwelling would be sited 14m from this elevation and to the north-east. Consequently any harm caused in respect of loss of light/outlook would be minimal.
- 6.22 To the north no. 1 Upper Second Avenue retains a significant gap of on average 10m to the proposed dwelling. Therefore whilst it has two first floor windows facing the site, due to the distances involved any impact upon these windows in terms of light received and outlook would be minimal. In addition there are no windows proposed on the northern flank of the proposed dwelling ensuring that the current levels of privacy enjoyed by the residents at no.1 are retained.

Highway Safety

- 6.23 Essex County Council Highways 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:

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.
- There shall be no discharge of surface water onto the highway.
- The proposed vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
- Any single garages should have a minimum internal measurement of 7m x 3m

6.24 The majority of these requirements are reflected on the submitted plans. The surface materials and drainage of the access will be secured via condition.

6.25 The submitted layout plan shows that the proposed property would be served by two parking spaces in accordance with the current parking standards. The existing dwelling at no. 28 would retain sufficient parking within the existing driveway.

Trees/Landscaping

6.26 The Council's Tree and Landscaping Officer has identified that the site is largely laid to grass and does not contain any significant trees or vegetation. It is noted that the frontage boundary hedge will be retained aside for a small section for the vehicular access. There is an opportunity for some additional tree planting to the front of the dwelling and the details of this along with the proposed surface materials for the driveway will be secured through the submission of a hard and soft landscaping scheme.

Conclusion

6.27 Officers are therefore satisfied that no material harm to visual amenity, neighbouring amenity or highway safety will result from the development and the setting of the Frinton-on-Sea Conservation Area and Avenue Area of Special Character is suitably preserved. The application is therefore recommended for approval subject to conditions.

Background Papers

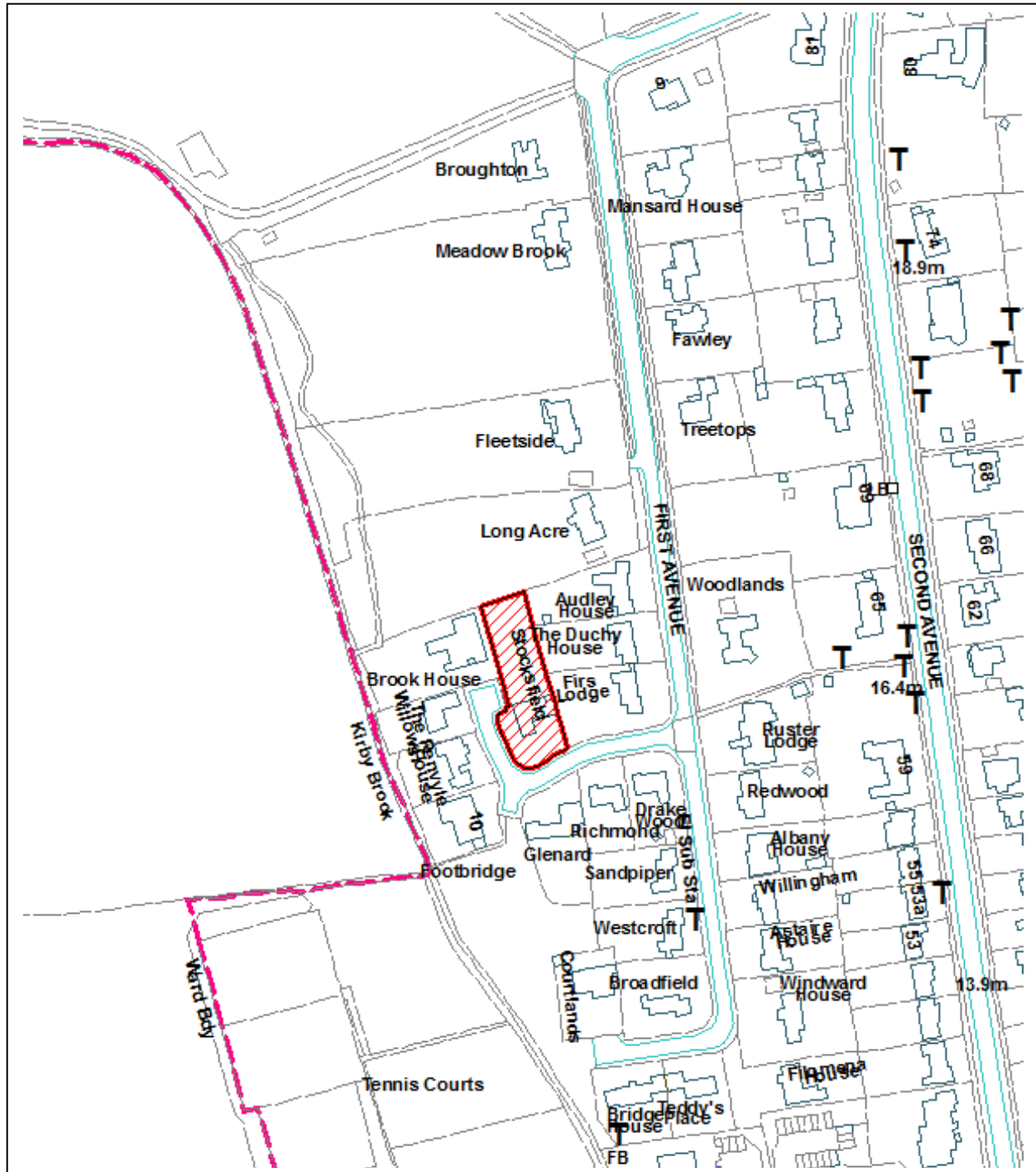
None

PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 18/00418/FUL – STOCKSFIELD, FIRST AVENUE, FRINTON-ON-SEA, CO13 9EZ



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Application:	18/00418/FUL	Town / Parish: Frinton & Walton Town Council
Applicant:	Mr K O'Phelan	
Address:	Stocksfield First Avenue Frinton On Sea CO13 9EZ	
Development:	Proposed wrought iron gates (painted black) to driveway.	

1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Turner due to the proposal being out of keeping, with fencing in properties leading to a defensive mind-set.
- 1.2 The application seeks planning permission for wrought iron gates to the front of the application site serving the existing driveway of Stocksfield.
- 1.3 The proposal will result in a slight visual improvement, will not harm the character of the Frinton and Walton Conservation Area and will result in a neutral impact to existing neighbouring amenities

Recommendation: Approve

Conditions:

1. Three Year Time Limit
2. Approved Plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN17 Conservation Area

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

SPL3 Sustainable Design

PPL8 Conservation Area

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. 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

TPC/98/9	Crown reduction by 30% to 2 Willows	Current	23.02.1998
01/00204/TCA	Remove one Willow tree and lop one Willow tree	Approved	13.03.2001
02/00446/FUL	Single storey ground floor extensions	Approved	21.06.2002
02/02020/FUL	Proposed alterations and extension and new pitched roof	Approved	06.12.2002
04/00843/TCA	Remove Lime tree infested with spidermite in front garden. Reduce by 40% Willow tree in rear garden.	Approved	24.05.2004
13/01370/TCA	T1 - Lime - reduce by around 30%. T2 - Willow - pollard back to previous points.	Approved	02.01.2014
16/00576/FUL	Two and a half storey rear extension.	Approved	13.06.2016
16/01274/TCA	1 dead Willow - fell. Lime tree, Silver Birch - reduce by 30%	Approved	05.09.2016
17/01196/FUL	Proposed single storey and two storey extension, single storey outbuilding and 3 no. air source heat pumps.	Approved	11.09.2017
17/01902/TCA	1 No. Birch, 1 No. Maple - fell	Approved	28.11.2017
18/00418/FUL	Proposed wrought iron gates (painted black) to driveway.	Current	

4. Consultations

ECC Highways Dept Normally the Highway Authority requires gates to be setback at least 6m from the highway boundary thereby allowing vehicles to wait clear of the highway whilst the gate is opened.

However, in this location where traffic volume and speed is very low, this Authority is content that the proposal will not cause a highway safety or efficiency issue.

5. Representations

5.1 Frinton and Walton Town Council objects to this application due to the proposal being too high, set against a defensive frontage and the proposed gate will be detrimental and out of keeping with the streetscene.

5.2 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, Impact on Conservation Area.

Site Context

6.2 The application site is located to the western side of First Avenue within a cul-de-sac. Having regard to both the Saved Tendring District Local Plan (2017) 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.

6.3 The site comprises of a two and a half storey dwelling, located with a cul de sac of detached large dwellings, with Frinton Tennis Club located to the South West of the application site.

Proposal

6.4 This application seeks planning permission for the erection of wrought iron gates which will serve the driveway of Stocksfield. The gate will measure 4.8 metres in length with the height of the gate being 1.6 metres to the eastern end and 1.75 metres to the western end, due to the dwelling being situated on a slope. The proposal will be situated in between existing laurel hedging.

Visual Amenity

6.5 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.

6.6 The proposed gates will be visible to the streetscene of First Avenue as they are located to the front of the application site. However, due to the proposal being set back 1 metre away from the highway and the existing hedging which will help to screen the proposal, it is considered that the gates will not cause any significant impact upon the street scene of First Avenue.

Impact on Neighbouring Amenities

- 6.7 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).
- 6.8 The application site is located on a corner plot and as a result the proposal will not be visible to the neighbouring dwelling to the north 'Brook House', as the proposal is situated to the south of the application site. The proposal will not be visible to the neighbouring dwelling to the east as the existing hedging will help to screen the proposal and due to the minor nature of the gate, it is considered that there will not be any significant impact upon neighbouring amenities.

Parking and Highways

- 6.9 Essex County Council Highways have been consulted on this application and raise no objections.
- 6.10 The proposal will not impact upon any of the existing parking arrangements and therefore it is considered that the proposal will not cause any impact upon highway safety.

Impact on Conservation Area

- 6.11 Policy EN17 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. Policy EN23 states that development within the proximity of a Listed Building will not be permitted if the development would adversely affect its setting.
- 6.12 The application site falls within the Frinton and Walton Conservation Area and as such the applicant has submitted a Heritage Statement in order to justify that the proposal will either preserve or enhance the character of the area. The proposed gate is considered to be a relatively minor addition and will result in slight visual improvement, thereby meeting the requirements of Policy EN17.

Conclusion

- 6.13 Overall, the proposed gates in this location is acceptable, and the proposal represents no visual harm, detrimental impacts to neighbouring amenities, impact upon the conservation area or any highway concerns.

Background papers

None

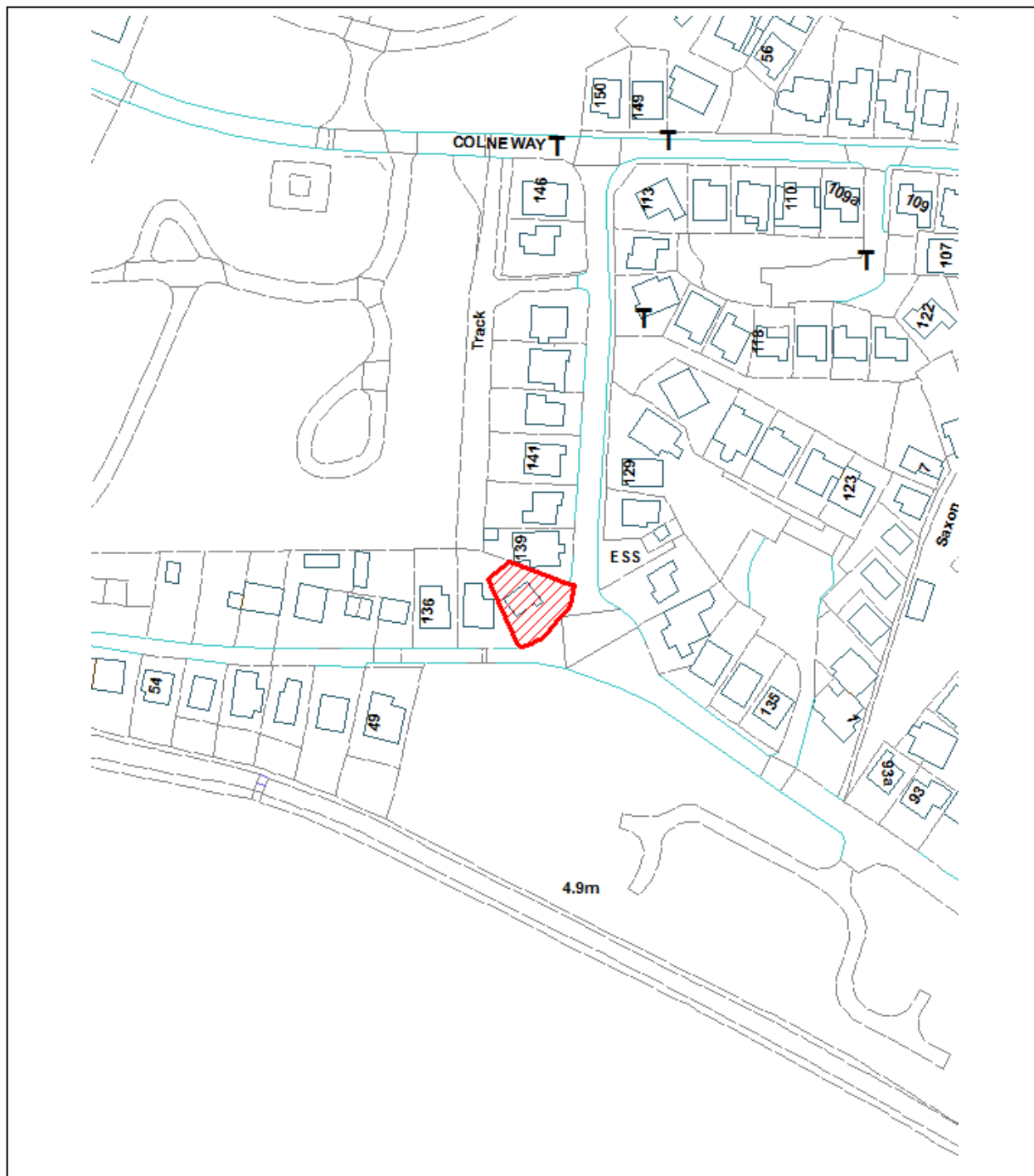
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PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 18/00464/FUL - 138 COLNE WAY, POINT CLEAR BAY, ST OSYTH, CO16 8LU



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Application:	18/00464/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Mr M Skeels	
Address:	138 Colne Way Point Clear Bay St Osyth CO16 8LU	
Development:	Replacement dwelling (following demolition of existing).	

1. **Executive Summary**

- 1.1 This is a full planning application to build a 3 storey two bedroom dwelling to replace an existing single storey chalet. The planning application has been referred to Planning Committee as the applicant is an elected Councillor of Tendring District Council.
- 1.2 The application site is located in Point Clear Bay where the existing properties were predominantly built as holiday homes. Most properties are substandard by modern day expectations and are within the tidal flood zone where the risk of flooding is set to increase with the effects of climate change.
- 1.3 The traditional design approach incorporating a gambrel style roof is considered to represent an appropriate response to the character of the area. Notwithstanding this point the replacement property would be higher and bulkier than the existing property on the plot and those neighbouring the site. However, this is an area where the current standard of residential property places residents at a high risk of flooding particularly if climate change results in rising sea levels as projected by the Environment Agency. By including only storage, utility rooms and parking on the ground floor the development would bring about a net improvement in flood safety.
- 1.4 With this in mind, Officers are advising the Committee to consider whether this approach is justified and to set aside normal planning concerns in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an example to other property owners who might consider redevelopment to a more resilient, lower flood risk form of development.
- 1.5 Therefore in the absence of any objections from the Environment Agency and Essex County Council Highways and in weighing up the advantages of the development against the disadvantages, the application is recommended for approval.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement.
2. Accordance with approved plans.
3. Garage available for use prior to occupation and retained as approved for parking purposes only.
4. Submission of flood evacuation plan.
5. Submission of flood proofing/building flood resilience measures report.
6. Ground floor shall only be used for purposes as shown on plans and retained (parking, storage and wet room/utility room).

7. Details of materials/surface finishes.
8. Obscure glazing to rear bathroom window.
9. Removal of permitted development rights (extensions/outbuildings/Roof Additions and windows).

2. **Planning Policy**

NPPF National Planning Policy Framework National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL3 Minimising and Managing Flood Risk
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG1 Housing Provision
HG9 Private Amenity Space
HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries
HG14 Side Isolation
HG20 Plotland Development
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
PPL1 Development and Flood Risk

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. 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**

16/01985/FUL	Proposed replacement dwelling following demolition of existing.	Refused	16.08.2017
17/01474/FUL	Replacement dwelling (following demolition of existing).	Refused	24.10.2017
18/00464/FUL	Replacement dwelling (following demolition of existing).	Current	

4. **Consultations**

ECC Highways Dept	Colne Way is a private road and as such this Authority does not wish to make any comments.
Building Control and Access Officer	No comments at this time.
Environment Agency	<p>- The site is currently protected by flood defences with a minimum effective crest level of 4.33m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.3m AOD. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.</p> <p>- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 5.38m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 1.96m AOD would be 3.42m deep, and in the building using the proposed finished floor levels of 2.11m AOD would be 3.27m deep.</p> <p>We have no objection to this planning application as the site is currently defended and the Essex and South Suffolk Shoreline Management Plan (SMP) policy for this area has an aspiration for "hold the line."</p>

5. **Representations**

- 5.1 St Osyth Parish Council - Strong objections on the basis that the proposed property is still considered to be excessive in size in comparison the size of the plot and does not provide adequate amenity space.

It is noted that the position of the proposed development, which is not in keeping with neighbouring properties, is still set forward of no's 136 and 137 and would have a detrimental effect on adjacent properties.

6. Assessment

The main planning considerations are:

- Site Context
- Proposal
- Principle of Development
- Design/Visual Impact
- Private Amenity Space
- Residential Amenities
- Flood Risk
- Highway Considerations

Site Context

- 6.1 The application site is located on a prominent corner plot on the western side of the junction between Western Promenade and Colne Way within the Point Clear Bay area. The area comprises of a mixture of private dwellings and holiday chalets of differing age, scale and design.
- 6.2 The application site currently accommodates a small holiday chalet partly brick built with a shallow felted pitched roof. The chalet appears to have been constructed in the 1950's and, due to the presence of a restrictive occupation condition, cannot be occupied in the winter months (November through to April).
- 6.3 The front of the property is laid to grass and there are no formal parking arrangements. To the rear is a small grassed garden area. The boundaries are marked by bushes and low level timber fencing.
- 6.4 The site is located within a Flood Risk Zone 3 but is protected by current sea defences.

Proposal

- 6.5 This application proposes the replacement of the existing chalet with a 3 storey permanent dwelling. The property would comprise of 2 bedrooms with a dining/kitchen area at first floor and a living area and front balcony at second floor level. The ground floor would accommodate a double garage and shower/utility area.
- 6.6 The dwelling would consist of a gambrel style roof with facing brickwork at ground level with the first floor and second floor consisting of fibre cement boarding. Overall the property would measure 7.95m in height and 6.8m in width by 10m in depth.
- 6.7 It is proposed that the property would be lived in all year round and not just on a holiday basis as per the existing chalet.

Planning History

- 6.8 An application for a three storey contemporary style property was refused by members of the planning committee in Aug 2017. The refusal was on the basis that the development would be detrimental to the character and appearance of the area due to its excessive bulk, mass and overall size. Furthermore, the refusal makes reference to the out of character

contemporary design of the property and its set forward prominent siting. A second reason for refusal concerned the lack of useable private amenity space.

- 6.9 A further planning application was refused in October 2017 by officers under delegated powers. Whilst the gambrel style roof design was considered to be more in keeping with the character of the locality, the forward siting of the property was deemed to be unacceptable by virtue of its excessive prominence within the street scene. The property was also not served by sufficient private amenity space to accord with the saved policy requirements and the proposed windows to the rear of the dwelling were found to cause unacceptable levels of overlooking into neighbour's rear gardens.

Principle of Development

- 6.10 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.
- 6.11 The site comprises existing development outside of any defined settlement boundary contained in the saved or emerging local plans. However, as the site already accommodates a dwelling and the application represents a replacement property there is a general presumption in favour of development in principle.
- 6.12 However, this part of Point Clear Bay falls within Flood Zone 3a, therefore the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.
- 6.13 In the saved local plan the Point Clear Bay area falls within an area controlled by saved policy HG20 which is aimed at limiting development on plotland sites such as this. The preamble to the policy states, amongst other things, that it is recognised that many plotland dwellings offer substandard living accommodation and usually located on small sites. The purpose of the policy is therefore to ensure that the impact upon the landscape, street scene and residential amenity is minimalised and to assist in controlling the demand on local services and infrastructure. The main content of saved policy HG20 states that the replacement of lawful plotland dwellings will be allowed provided that the cubic content of the replacement dwelling does not exceed that permitted for the original dwelling under the tolerances of the General Permitted Development Order. This policy is however clearly out of date as the General Permitted Development Order has since changed and permitted development rights for extensions are no longer calculated on a cubic content basis.
- 6.14 Furthermore, as in Jaywick, the policy aimed at strictly controlling development has failed to bring about any positive changes in the area particularly in respect of flood risk. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that lifting some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. This is reflected by the fact that the plotland policy has not been carried forward within the 2017 Emerging Local Plan.
- 6.15 Saved Policy HG12 concerns the replacement of dwellings outside settlement development boundaries. This policy is criteria based and in particular sets out that new development should be well related to the original dwelling, is not visually intrusive, is not detrimental to highway safety, would not adversely affect the residential amenities of adjoining neighbours and sufficient spacing is retained around the dwelling to protect its setting.

- 6.16 Again as stated above a more flexible approach is required in assessing the development against this policy. It is evident that the dwelling will be significantly larger than the existing property and higher to incorporate flood resilient measures. As such the principle of replacing the existing building with a larger property is acceptable in principle. Consideration therefore turns to the detailed design of the proposal.

Design/Visual Impact

- 6.17 The design of properties in the locality is mixed. There are traditional brick built properties but there are also examples rendered and boarded buildings too. There are also examples of gambrel style three storey dwellings in the Point Clear Bay area. Consequently the gambrel style design approach incorporating cement boarding and concrete tile roofing would represent an appropriate response to the eclectic appearance of the area.
- 6.18 It is acknowledged by Officers that the dwelling would be significantly higher and bulkier than the existing property on site. However, this is an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because of this the development contains no living accommodation on the ground floor to reduce the risk to residents in the event of a flood. As a result the building is required to be higher to allow for safe refuge in an event of a flood.
- 6.19 The property would be visible in views along Western Promenade particularly as the building would occupy a prominent corner plot that forms a vista in views from the east. However, the height and scale of properties in the area is mixed. To the west of the site is a tall chalet style dwelling with large dormers to the roof space and to the north is a brick built bungalow with a high ridge line. To the west along Western Promenade are some examples of three storey high properties of considerable bulk. Furthermore, the plans show that the property has been set back further into the plot 3.4m back from the site frontage to reduce its overall prominence whilst 1m side isolation is retained to the boundaries.
- 6.20 As such Officers are of the opinion that the development, whilst higher than the neighbouring properties, could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an opportunity for other property owners to consider redevelopment to a more resilient, lower flood risk form of development.

Private Amenity Space

- 6.21 Saved policy HG9 of the adopted Tendring District Local Plan (2007) states that 2 bedroom properties should be served by a minimum of 75 sqm of private amenity space. The preamble to the policy confirms that it is important that private amenity space is a useable space appropriate to the size of the dwelling, its surroundings and adequately screened to ensure privacy.
- 6.22 In this instance the property would be served by a private garden area measuring 76sqm thereby according with the requirements of the aforementioned saved policy. The presence of solid fencing to the side of the property will ensure that the garden remains useable and private.

Residential Amenities

- 6.23 The proposed dwelling would be three stories high and therefore has the potential to impact upon the amenities of those residents living nearby. To the north no.139 has an entrance door and associated window within its facing flank wall. As these are located northwards of the development and are not primary windows the impact upon light received by these

openings would be minimal. In terms of outlook, no.139 has a small rear garden from which the development would be visible and fairly imposing. However, the distance and angle of the new property would reduce any impact in this regard.

- 6.24 To the west is no.137 which has an entrance door at first floor level accessed via a spiral staircase and a small high level window within its facing flank. These are not primary openings and therefore are not affected by the development. To the rear the property is served by a conservatory. It is conceded that the conservatory would lose some light and outlook as a result of the development; however the conservatory faces north and receives limited light at present. The set forward of the proposed property within the plot means that the development would not extend past the conservatory and therefore not have a significantly detrimental impact in this respect.
- 6.25 In terms of overlooking, the front balcony faces south-east over an existing open grassed area and the frontage of properties on the opposite side of the road. Therefore views would be limited to public areas only. To the rear the previous concerns in respect of overlooking have been overcome by the inclusion of an obscure glazed bathroom window at first floor level and a high level window at second floor. The openings within the flanks of the building, due to the orientation of the development, would not look out over neighbour's private amenity areas.

Flood Risk

- 6.26 The site, and the rest of this part of Point Clear Bay, is in Flood Zone 3 which is the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging Local Plans, requires a 'sequential approach' to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where a single dwelling could be located however as this development relates to the replacement of a single storey chalet in a poor state of repair a more flexible approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.27 The Environment Agency within their comments have made reference to the Flood Risk Vulnerability Classification and have stated that the Council may deem that the development proposed to replace a restricted occupation holiday home with a permanent dwelling could elevate the development from 'more vulnerable' to 'highly vulnerable', which would be contrary to national planning policy and as such unacceptable on a matter of principle. The Council is however of the opinion that as this development relates to a replacement building accommodating a permanent dwelling and not a change of use of the existing single storey holiday home the development remains within the 'more vulnerable' category.
- 6.28 The NPPF and Local Plan policies refer to the 'Exception Test' which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 103 of the NPPF requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:
- 6.29 Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.30 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:

- The site is currently protected by flood defences with an effective crest level of 4.33m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.3m AOD. Therefore the site is not at risk of flooding in this event. The current defences will continue to offer protection over the lifetime of the development, provided the hold the line policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 5.38m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 1.96m AOD would be 3.42m deep, and in the building using the proposed finished floor levels of 2.11m AOD would be 3.27m deep.
- Finished first floor levels have not been provided but there will be refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.77m AOD.
- A Flood Evacuation Plan has not been provided and is necessary to ensure the safety of the development.

6.31 Flood resilience/resistance measures have been proposed including the following;

- Electrical sockets will be installed above the flood level for ground floors to minimise damage to electrical services and allow speedy re-occupation.
- Water, electricity and gas meters will be located above predicted flood level.
- Non-return valves will be used in the drainage system to prevent back-flow of diluted sewage in situations where there is an identified risk of the foul sewer surcharging.
- All service entries will be sealed (e.g. with expanding foam or similar closed cell material).
- Closed cell insulation will be used for pipes which are below the predicted flood level.
- Boiler units and ancillary devices will be installed above predicted flood level and preferably on the first floor of two-storey properties.
- Underfloor heating will be avoided on ground floors and controls such as thermostats will be placed above flood level.
- Wiring for telephone, TV, Internet and other services will be protected by suitable insulation to minimise damage.
- Engineering bricks (Classes A and B) will be used which has 'good' resilience in terms of water penetration, drying ability and retention of pre-flood dimensions and integrity.
- Building materials that are effective for a 'water exclusion strategy' will be used which include: engineering bricks, cement-based materials including water retaining concrete and dense stone.
- Building materials that are suitable for a 'water entry strategy' will be used which include: facing bricks, concrete blocks, sacrificial or easily removable external finishes or internal linings.

6.32 The submission of an evacuation plan can be secured through a planning condition. The submitted plans show living accommodation at first and second floor levels which in the event of the SMP not being followed and a 1 in 200yr and 1 in 1000yr breach would allow for the safe refuge of residents. The flood proofing/resilience measures proposed can also be secured through a condition to ensure the proposed building incorporates construction measures that can withstand potential flood waters.

- 6.33 Overall, it is considered that the development would meet with the NPPF Exception Test and when considering the lightweight construction and single storey nature of the current property on site would represent a significant improvement in terms of flood risk to future residents.

Highways

- 6.34 Essex County Council Highways raise no objections to the proposals as the property is sited onto a private road. The development shows two parking spaces of a size commensurate with the requirements of the current parking standards.

Conclusion

- 6.35 Therefore in the absence of any objections from the Environment Agency and Essex County Council Highways and in weighing up the advantages of the development against the disadvantages, the application is recommended for approval subject to conditions.

Background Papers

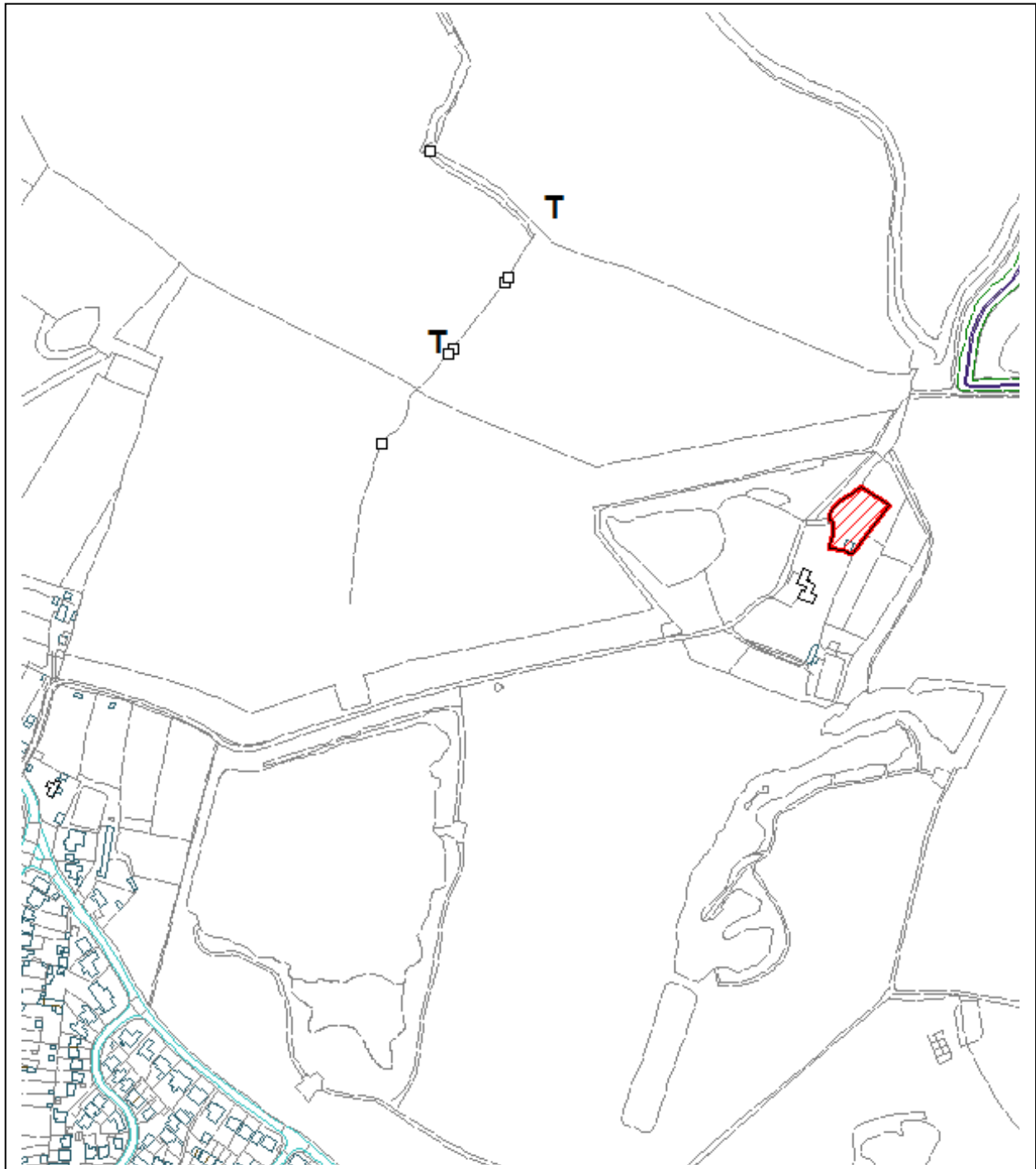
None

PLANNING COMMITTEE

30 MAY 2018

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 18/00308/OUT - MARSH FARM COTTAGE, STONEY LANE, BRIGHTLINGSEA, CO7 0SR



DO NOT SCALE

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Application:	18/00308/OUT	Town / Parish: Brightlingsea Town Council
Applicant:	Mr & Mrs Knights	
Address:	Marsh Farm Cottage Stoney Lane Brightlingsea CO7 0SR	
Development:	Proposed larger replacement dwelling following demolition of existing dwelling.	

1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Jayne Chapman due to the loss of a historic building and the negative impacts of its replacement upon the surrounding area, access lane, negative impact on neighbouring amenity.
- 1.2 The application is seeking outline planning permission for a replacement dwelling with all matters held in reserve.
- 1.3 It is not considered that the proposal will harm the character of the countryside location and setting of a grade II listed building, and would result in a neutral impact to existing neighbouring amenities.

Recommendation: Approve

Conditions:

1. Time Limit Outline
2. Reserved Matters Condition
3. Approval of Reserved Matters
4. Habitat Survey
5. Pedestrian Visibility Splays
6. Vehicular Turning
7. Parking Standards
8. Inspection of Stoney Lane

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

HG7 Residential Densities

HG9 Private Amenity Space

HG12 Extensions to or Replacement of Dwellings Outside Settlement Development Boundaries

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

SPL3 Sustainable Design

PPL9 Listed Buildings

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. 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

95/00498/FUL	(Marsh Farm Cottage, Stoney Lane, Brightlingsea) Alterations and extension of cottage	Approved	13.06.1995
03/01832/FUL	Two storey and single extension	Refused	08.11.2003
04/00370/FUL	Two storey extension	Refused	28.04.2004

04/01197/FUL	1 Storey extension and 1 storey ground floor extension	Approved	10.08.2004
86/00258/FUL	Extn	Approved	07.04.1986
09/60149/HOUEN Q	Reinstate single storey extension that was demolished just before moving in.		26.08.2009
18/00308/OUT	Proposed larger replacement dwelling following demolition of existing dwelling.	Current	

4. Consultations

ECC Highways Dept

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

Stoney Lane appears on the Definitive Map of Public Rights of Way as Public Footpath 27, Brightlingsea. As such the legally recognised highway users will be pedestrians with usual accompaniment. All other use is through the exercise of private rights of access.

Whilst in principle this Authority does not object to the proposal as it will not lead to an increase in use of the route, during the construction phase the vehicles associated with the proposal will be classed as exceptional use and due to size and weight are liable to damage the surface of the lane.

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public footpath 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.

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

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.

The new property shall be provided with 2 parking spaces 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.

Prior to the commencement of any work on the site, a joint inspection of the route 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.

Reason: The passage of large and heavy vehicles along this route will create damage to the highway surface leading to trip hazards for highway users. In the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

NOTE: The Area Highway Manager may also wish to secure a bond or commuted sum for special maintenance to cover the damage caused to the existing Public Footpath used as access for vehicles accessing the application site.

NOTE: For the duration of the construction phase the vehicle route to the site should be clearly signed warning drivers to give way to pedestrians using the Footpath.

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 no27 (Brightlingsea) 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 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.

5. Representations

5.1 Brightlingsea Town Council has commented to Object to the scheme on the following grounds:

- Within this property is an existing Shepherds Hut.
- Members are led to believe that Marsh Farm House and Marsh Farm Cottage are Listed Grade 2.
- Parts of the house were not on the original plan (utility room), and members are led to believe that these have been built without planning permission.
- It is one of very few Black Essex Boarded cottages in existence.
- Building work has already started on the proposed Cartlodge.
- ECC have already noted the access, and we wish to reinforce their comments that heavy lorries will have difficulty using the access road - even the refuse lorries no longer use this road.
- The utility room that has already been built is right on the border of the house next door, and the plan seems to encroach on a public foot path.
- It will be a modern building out of character with the surrounding area.

5.2 Public Representation - Eight letters have been received objecting to the application proposal on the following grounds:

- This property is found on maps held at Brightlingsea Museum that date back to 1880.
- The property which includes the original shepherds hut should not be demolished, but preserved.
- It is believed that this cottage is grade 2 listed as it sits within (land locked) by Marsh Farm House, which is grade 2 listed.
- Bats nest here along with migrating swifts, woodpeckers and other species.

- The access to this property is over shared land. The infrastructure of the access is not capable of withstanding large builders lorries.
- There is no turning circle therefore bin lorries are not able to use this lane.
- Disturbance due to increased in traffic using the lane
- Additional construction traffic and consequently additional residents traffic may cause subsidence and damage to our fencing, trees and hedges, and the wildlife.
- Construction traffic exiting Stoney Lane onto Red Barn Road is a hazardous manoeuvre at a dangerous junction.
- Stoney Lane is a public footpath used walkers, including families and children.
- Stoney Lane too narrow and has tight corners for construction vehicles
- Mash Farm House is listed therefore new build will be out of context.
- Current cottage will come under the listing of the adjoining house
- The proposed development is out of character and too large and will have a negative impact on the beautiful surroundings, environment and wildlife.
- Stoney Lane is too narrow for large construction vehicles.
- Development would be harmful to local wildlife

6. **Assessment**

The main planning considerations are:

- Site Context
- Proposed Development
- Principle of Development
- Impacts of the Proposed Development
- Residential Amenity
- Highway Safety

Site Context

- 6.1 The application relates to Marsh Cottage, a two storey detached dwellinghouse located at the end of Stoney Lane, a single track unmade lane proceeding east from Red Barn Road, Brightlingsea. Marsh Farm House, a grade II listed house is located to the south of the application s. There are no other dwellings along Stoney Lane. The application dwelling is not listed.
- 6.2 The site extends to 0.14 hectares (0.35 acres) outside the settlement boundary for Brightlingsea, and comprises the main dwelling and wooden 'cart lodge'. The main dwelling is part single/ part two storey in height, wooden clad with a balcony over the single storey

section facing east towards the Brightlingsea Reach. Environment Agency records confirm the site is located within of Flood Zone 1.

- 6.3 The wider area is open countryside and river estuary, and the immediate vicinity of the site characterised by sparse woodland pasture.

Proposal Development

- 6.4 The application proposal is seeking outline planning permission for the demolition of the existing dwelling and 'cart lodge' and for its replacement with a larger dwelling. All matters reserved except for access.

PLANNING ASSESSMENT

The Principle of Development and Conformity to Policy

- 6.5 The application site is located outside of the Settlement Development Boundary of Brightlingsea as defined within the saved policy for Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Saved Policy QL1 of the Tendring District Local Plan (2007) seeks to direct development towards larger urban settlements defined within the Local Plan. Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.6 Saved Policy HG12 (Extensions to or Replacement of Dwellings outside Settlement Development Boundaries) states that proposals for the replacement of an existing dwelling outside the defined development boundaries of settlements will be permitted provided the replacement satisfies the general design criteria set out in Policies QL9 and QL10, and, furthermore, that such development:
- i. is of a size, scale, and height in keeping with the character of the locality and in terms of design and materials would make a positive visual contribution to its setting;
 - ii. is well related and in proportion to the original dwelling;
 - iii. it is not visually intrusive on a skyline or in the open character of the surrounding countryside;
 - iv. it retains sufficient space around the dwelling to protect its setting, that of any associated small group of rural housing, and the amenity and character of the countryside;
 - v. would not represent over-development of the site;
 - vi. would not be detrimental to highway safety;
 - vii. would not adversely affect adjoining properties or main habitable rooms in terms of privacy, amenities and aspect;
 - viii. would not replace an existing permanent dwelling which is capable of reasonable improvement and extension and which makes a positive contribution to local character;
 - ix. would not be a replacement for a mobile home, dwelling already demolished or abandoned, or a building not in lawful use as a dwelling house; and
 - x. would not exacerbate any existing access, drainage or other problems associated with the site.
- 6.7 The application is made in outline with all matters held in reserve. Other than indicative scheme showing a dwelling larger than the current dwelling and an adjacent garage, no further information has been provided. Therefore, it is not possible to test the development proposal against all criteria within policy HG12 with respect to the design and appearance

of a future scheme and the specific impacts of the future development upon the character and appearance of the area, including the setting of a grade II listed building.

- 6.8 Saved policy HG12 makes clear that a replacement dwelling within the countryside would be permitted provided design criteria are met. Whilst specific details of the appearance of the replacement dwelling are unknown, other aspects of the scheme design such as the scale, layout and siting can be assessed.
- 6.9 The application proposes a single dwelling to replace the existing dwelling. It is considered that a future scheme proposing a modest enlargement, compared to size of the existing dwelling might be permitted provided it is proportionate.
- 6.10 It is not considered that the proposed development would exacerbate highway safety, drainage or other infrastructure needs. However, there would be an increase in traffic during the construction of the proposed dwelling. Stoney Lane is a Public Right of Way and is therefore protected by the Highways Act 1980. In the interest of maintaining free and unobstructed access at all times and to ensure the continued safe passage of the public on the definitive right of way, the County Highway Authority has requested the imposition of appropriate condition to require the inspection of Stoney Lane before and after completion and that any damage resulting for the development are remedied.
- 6.11 Point (viii) of the policy requires that consideration is given as to whether the existing permanent dwelling is capable of reasonable improvement and extension and whether it makes a positive contribution to local character. The existing dwelling has character and makes a positive contributes its surroundings. However, the existing building is not listed neither falls within a conservation area. There are no statutory protections preventing the demolition of the existing dwelling subject to prior notification.
- 6.12 It is considered therefore that the application proposal is acceptable in principle.

Impacts of the Proposed Development

- 6.13 The application proposal involves the demolition of the existing dwelling and the erection of a replacement detached dwelling. The proposed dwelling would occupy a similar location context in terms of scale, size and character and appearance, and relationship to Marsh Farm House, very little would change.
- 6.14 Policy QL1 of the Tendring Local Plan (2007) establishes principles of sustainable patterns of development and encourages development towards larger urban areas, and limited development within smaller Settlement Development Boundaries.
- 6.15 The Spatial Strategy defines the countryside as all those parts of the Plan area not within the Settlement Development Boundary as such the proposed development would be located within the countryside and subject to relevant policies.
- 6.16 The application proposal is submitted in outline with all matters reserved and therefore detailed plans do not form part of the determination of this application. Notwithstanding the form of the application submission, it is considered that the development would constitute an appropriate form of development within the countryside that would not detract from the character and appearance of the rural location.
- 6.17 The proposed dwelling would be sited in its current location and thereby retain the existing relationship with Marsh Farm House and have very little wider impact on the character of the surrounding area. The proposed replacement development would not therefore be out of keeping within its surroundings.

- 6.18 Saved policy QL9 works together with Policy EN1 in seeking to protect the landscape quality within the district, and aims to resist development that would harm the distinctive landscape character and quality. These policy aims are also reflected in policy SPL3 of the emerging district local plan. It is considered that in principle a replacement dwelling sited as proposed within the current location would not be harmful to the local landscape character or be out of keeping. It is considered that the proposed development would comply with policy QL9 of the Tendring District Local Plan (2007) and policy SPL3 of the Tendring District Local Plan 2013 – 2030 and Beyond (Publication Draft) (July 2017).
- 6.19 Saved policy QL10 seeks to ensure the functional needs of development can be met. There is no public footpath to the site, the only safe mode of transport would be via motorised vehicle. However, the current dwelling is already reliant on the use of motorised vehicles in order to access local services and facilities, and the proposed development would not exacerbate need. Submitted details have shown an indicative scheme. However, it is considered that the site would be sufficient to accommodate a single detached dwelling that could meet the requirements of the policy with regard to adequate daylight, outlook and privacy, and other provisions such as amenity space, waste storage and parking needs. The site is already served by public utility services.
- 6.20 Saved policy EN23 seeks to resist development within proximity of a listed building where such development would adversely affect the setting. The principle of a replacement dwelling is accepted subject to criteria set out within saved policy HG12. It is further accepted that a modest increase in the size of dwelling, given the scale of the plot and separation from the Marsh Farm House could be acceptable.

Neighbouring amenity

- 6.21 Other than a change in outlook it is not considered that there would be a significant impact upon neighbours living nearby. Therefore, having regard to the size and general siting of the proposed development, it is considered that there will be a very limited impact upon the neighbouring amenity and the proposal would not result in significant harm in this respect.

Highway Considerations

- 6.22 The County Highway Authority raises no objection to the proposal subject to appropriate conditions requiring pedestrian visibility splays and vehicular turning are on site to be surfaced and maintain free of obstruction. The highways authority notes also that Stoney Lane appears on the Definitive Map as Public Footpath 27, and further that construction traffic classed as exceptional use are liable to damage the surface of the lane.

Conclusion

- 6.23 The proposed development would represent an acceptable form of development that would not harm the character and appearance of the countryside location nor the setting of a heritage asset.
- 6.24 For the reasons set out above, the recommendation is that planning permission be Approve.

Background Papers

None