



PLANNING COMMITTEE

DATE: Tuesday 24 July 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: FRIDAY 13 JULY 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 26 June 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 **Questions on Notice pursuant to Council Procedure Rule 37**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 **A.1 - Planning Application - 17/02168/OUT - Land West of Low Road, Dovercourt, CO12 3TR (Pages 9 - 36)**

Erection of 300 dwellings with vehicular access from Low Road, green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.

6 **A.2 - Planning Application - 17/00535/DETAIL - Land to the South of Long Road and to West of Clacton Road, Mistley, CO11 2HN (Pages 37 - 52)**

Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential Units and 162sqm A2 floor space following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).

7 **A.3 - Planning Application - 17/02204/FUL - Crown Business Centre, Old Ipswich Road, Ardleigh, CO7 7QR (Pages 53 - 68)**

The construction of 77 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping (Amended description).

8 **A.4 - Planning Application - 17/01845/FUL - 42 - 46 Brooklands Gardens, Jaywick, CO15 2JP (Pages 69 - 84)**

Erection of 4 storey flat block (containing 7 flats - 2 x one bedroomed and 5 x two-bedroomed units) with under-croft parking.

9 **A.5 - Planning Application - 18/00876/OUT - Ramsey War Memorial Hall, Church Hill, Ramsey, CO12 5EX (Pages 85 - 92)**

Outline application with all matters reserved for the construction of 3 dwellings.

10 **A.6 - Planning Application - 18/00640/FUL - 168 Long Road, Lawford, CO11 2EF (Pages 93 - 98)**

Construction of a dog grooming salon

11 **A.7 - Planning Application - 18/00781/FUL - Land adjacent Little Thatch Mill Lane, Thorpe-Le-Soken, CO16 0ED (Pages 99 - 108)**

One 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 Tuesday, 21 August 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**

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 26TH JUNE 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
Also Present:	Councillors Land (except minutes 25 - 28) and Nicholls
In Attendance:	Cath Bicknell (Head of Planning), Graham Nourse (Planning Manager), Susanne Chapman-Ennos (Planning Team Leader) (except minutes 26-28), Charlotte Parker (Solicitor (Property, Planning and Governance)), Charlotte Cooper (Leadership Support Officer) and Katie Sullivan (Committee Services Officer)

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

21. MINUTES

The minutes of the meetings of the Committee, held on 30 May and 6 June 2018, were approved as correct records and signed by the Chairman.

22. DECLARATIONS OF INTEREST

Councillor Everett requested some guidance from the Council’s Solicitor (Property, Planning and Governance) in regards to Planning Application 18/00861/DETAIL. Councillor Everett asked if it could be perceived that the Committee was pre-determined on this item due to the fact that it had been involved in the previous determination of this planning application which was now re-submitted to Committee for determination

The Council’s Solicitor confirmed that the application now before the Committee sought an amendment to the previously approved application. However, it was a new application in that new information had been submitted by the applicant and consultees that formed the basis of a new report by the Planning Officer; there had also been another site visit undertaken; a further opportunity for public speaking and if planning permission was granted it would be a new permission and, as such, this application should be considered on its own individual merits. If any member of the Committee now felt that they were pre-determined on the application they should not take part in the determining of the application but they were, in the opinion of the Solicitor, capable of coming to the application with an open mind; it was for the Members to decide if that was the case and how their involvement may be perceived.

Councillor Bennison declared an interest in Planning Application 18/00320/FUL insofar as she was a resident of Holland-on-Sea. Councillor Bennison confirmed that she was not pre-determined.

Councillor White declared an interest in Planning Application 18/00194/FUL insofar as his daughter owned an existing property on Tokely Road. Councillor White confirmed that he was not pre-determined.

23. **A.1 - PLANNING APPLICATION - 18/00194/FUL - LAND NORTH OF TOKELY ROAD, FRATING, CO7 7GA**

Councillor White had earlier declared an interest in Planning Application 18/00194/FUL insofar as his daughter owned an existing property on Tokely Road. Councillor White had confirmed that he was not pre-determined.

The Committee was informed that under Planning Application 14/01371/OUT this site had been granted planning permission at appeal for 49 dwelling houses, in conjunction with areas of open space.

The Committee was further informed that the current proposal sought to increase the site density to provide 67 dwelling houses, without significant reduction in the extent of open space provision.

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 Manager (GN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a consultation response received from Essex County Council's SUDS Team.

Parish Councillor Paula Bland, representing Frating Parish Council, spoke against the application.

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

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

Following discussion by the Committee, it was moved by Councillor Bennison, 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:

- a) Within six months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - Affordable housing.
 - Open space and open space maintenance contributions.
 - Children's play space contribution.
 - Education Contribution.
 - NHS Contribution.
- 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. Time limit for commencement of development (Full permission);
2. Details – Compliance with all plans;
3. Landscaping details submission and approval;
4. Landscaping implementation and retention;
5. Tree protection/replacement;
6. Landscape Management Plan;
7. Levels;
8. Principal and secondary means of access;
9. Access/carrageway specification;
10. Details and provision of bicycle storage;
11. Permeable surfacing;
12. Walls fences and boundary treatments;
13. Sustainable Urban Drainage (Where SUDS required and scheme not agreed);
14. Foul water strategy;
15. Lighting Scheme;
16. Materials;
17. Access for the disabled;
18. Garage/car spaces (to be retained);
19. Glazing – obscured (flank wall windows);
20. Construction Management Plan;
21. Parking provision – prior to occupation; and
22. Permitted Development Rights restriction.

24. A.2 - PLANNING APPLICATION - 17/01909/OUT - GREENFIELD FARM, MAIN ROAD, HARWICH, CO12 4LT

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 Manager (GN) in respect of the application.

Michael Aronson, the agent on behalf of the applicant, spoke in support of the application.

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

- a) Within six months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
 - Affordable housing;
 - Health;
 - Education;
 - Public Open Space;
 - Highways Fund – Traffic Regulation Order; and

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

Conditions:

1. Reserved Matters (Appearance, Landscaping, Layout, Scale);
2. Standard 3 year time limit for submission of reserved matters application;
3. Standard 2 year limit for commencement of development following approval of reserved Matters;
4. Local recruitment strategy;
5. Provision of broadband;
6. Contamination Report;
7. Foul Water Strategy;
8. Turning/Parking Areas Prior to first occupation;
9. No unbound materials in first 6m of any access;
10. Access to be in accordance with submitted plans;
11. Porous driveways;
12. Residential travel pack;
13. Ecological mitigation plan including details of receptor site;
14. Ecological enhancement plan;
15. Full details of the sustainable drainage system;
16. Maintenance details of sustainable drainage system;
17. Submission of yearly maintenance logs for sustainable drainage system; and
18. A construction method statements including but not limited to:
 - Routing of delivery vehicles and measures to control noise.
 - Details of construction parking vehicles/materials storage/wheel washing facilities.
 - Air pollution and avoiding discharges to watercourses/ditches.
 - Hours of construction.

- 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 six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through Section 106 planning obligation.

That any reserved matters application submitted in relation to this site be referred to the Planning Committee for its determination.

25. A.3 - PLANNING APPLICATION - 18/00861/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD, CO7 7BB

It was reported that Planning Application 16/00219/OUT had sought consent for the erection of up to 32 dwellings, land for a community facility and associated parking and infrastructure. That application was granted at Appeal in April 2017, with all matters of detail reserved. Following approval, reserved matters application 17/00927/DETAIL for details of access was submitted. That application had been approved by the Planning

Committee on 27 February 2018, subject to a condition requiring the footpath and highway works to be provided prior to development commencing.

The Committee was informed that the application now before it was a resubmission of Planning Application 17/00927/DETAIL which sought permission to amend the wording of Condition No. 2. The change proposed that the footpath and highway works would be provided prior to any dwelling being occupied rather than development commencing. All other aspects of the proposal had remained unchanged.

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 Team Leader (SC-E) in respect of the application.

Parish Councillor Mike Kirby, representing Elmstead Parish Council, spoke against the application.

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

Following discussion by the Committee, and detailed advice from Planning Officers and the Council's Solicitor regarding material considerations and the planning balance and/or judgement being a matter for the Committee as decision makers, it was moved by Councillor Everett, seconded by Councillor Hones and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reason:-

- Highway danger to pedestrians using Tye Road caused by construction traffic to be generated by the development represents a health and safety concern that can only be overcome by the footpath works being completed prior to such construction traffic being present and therefore the timing of the condition must be prior to development.

26. A.4 - PLANNING APPLICATION - 18/00320/FUL - CLIFF SLOPE BETWEEN HAZELMERE ROAD AND QUEENSWAY (PRIORITY AREA 1 AND 2) AND ANGLEFIELD AND VICTORIA ROAD (PRIORITY AREA 3 AND 4), HOLLAND-ON-SEA.

Councillor Bennison had earlier declared an interest in Planning Application 18/00320/FUL insofar as she was a resident of Holland-on-Sea. Councillor Bennison had confirmed that she was not pre-determined.

It was reported that this application had been referred to the Planning Committee as Tendring District Council was the applicant.

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

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

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

- (1) a plan showing priority areas 3 and 4; and
- (2) additional information provided by the Applicant in relation to fencing and Beach Huts.

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

1. Standard 3 year time limit for commencement;
2. Accordance with approved plans;
3. Phase 2 surveys for reptiles and terrestrial invertebrates prior to commencement of development within each of the phased priority areas;
4. Secure recommendations of the Preliminary Ecological Appraisal;
5. Construction Management Plan; and
6. Implementation of soft landscaping.

27. A.5 - PLANNING APPLICATION - 18/00613/FUL - BARNES HOUSE, 92 PIER AVENUE, CLACTON-ON-SEA, CO15 1NJ

It was reported that this application had been referred to the Planning Committee as Tendring District Council was the applicant.

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 a revised application description.

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

1. Time Limit – 3 yrs;
2. Materials to match Barnes House; and
3. Approved Plans.

28. A.6 - PLANNING APPLICATION - 18/00659/FUL - MARCH HOUSE, CLACTON ROAD, THORRINGTON, CO7 8JW

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

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

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

Parish Councillor Andy Sandler, representing Thorrington Parish Council, spoke against the application.

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

Ron Cross, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor M Brown 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. 3 Year Time Limit;
2. Approved plans; and
3. Building shall only be occupied as a residential annexe ancillary to March House.

The meeting was declared closed at 9.47 pm

Chairman

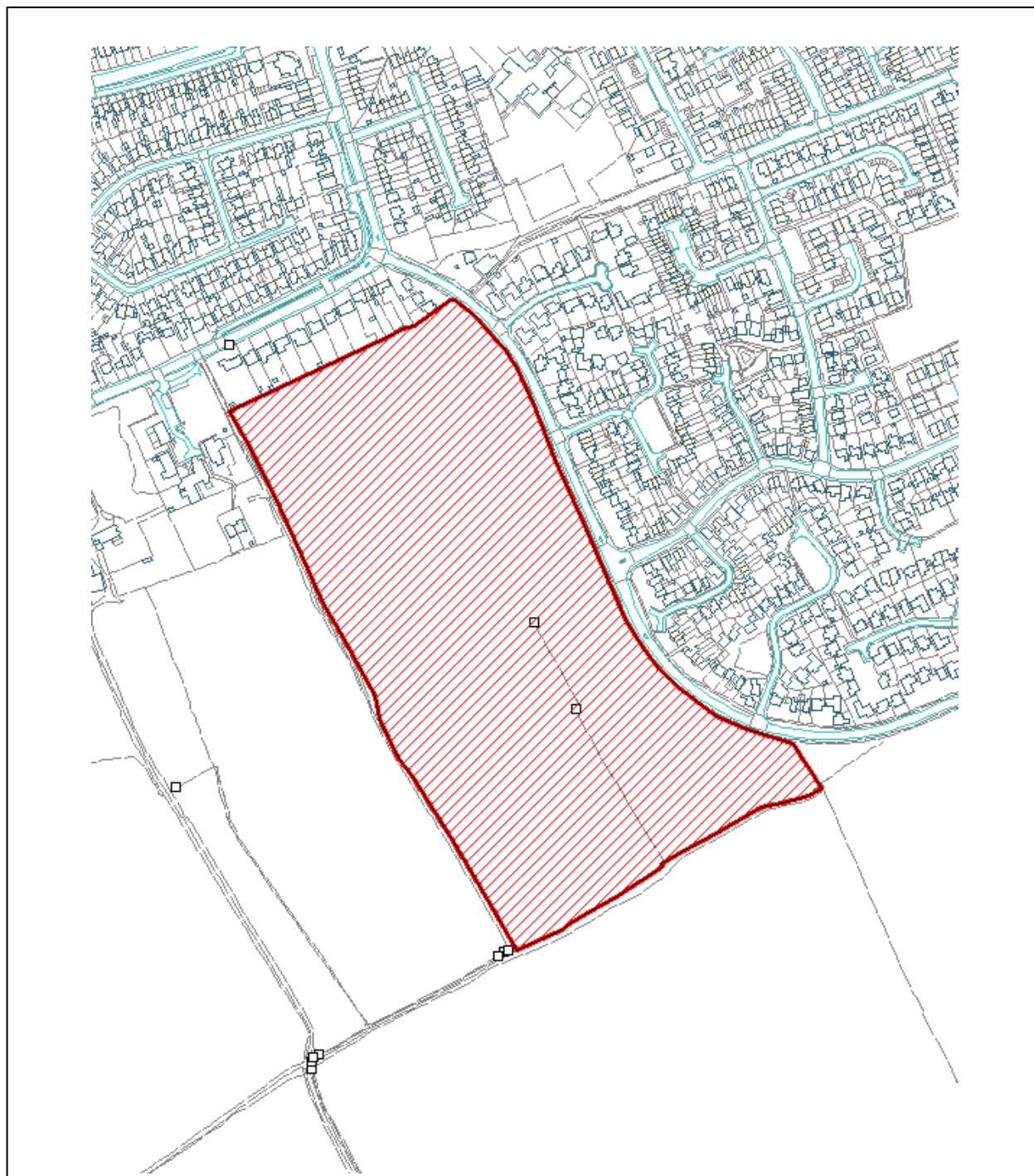
This page is intentionally left blank

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/02168/OUT - LAND WEST OF LOW ROAD, DOVERCOURT, CO12 3TR



DO NOT SCALE

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

Application:	17/02168/OUT	Town / Parish: Ramsey & Parkeston Parish Council
Applicant:	Messrs R & R Raymond - NEEB Holdings LTD	
Address:	Land West of Low Road Dovercourt CO12 3TR	
Development:	Erection of 300 dwellings with vehicular access from Low Road, green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.	

1. Executive Summary

- 1.1 **The application was deferred from Planning Committee on 28th March 2018 to enable Officers to carry out the following:**
- **Chase up on all outstanding consultation responses from Consultees**
 - **To discuss with Highways the possibility of moving the southern access point opposite the existing access and also the possible addition of a roundabout.**
 - **To discuss with Essex County Council Archaeology the possibility of war graves on the application site.**
- Updates to the report are shown in bold.**
- 1.2 This application represents a Departure from the Adopted Tendring District Local Plan 2007, and has been called to Committee by Cllr R. Callender for the following reasons:-
- Negative Impact on the Area
 - Highways impact due to the amount of traffic on to Low Road, Oakley Road and Main Road
 - Negative impact on the neighbours, and
 - Level of objections received
- 1.2 The application is in outline form with all matters apart from the access reserved for later consideration.
- 1.3 The site lies outside the defined settlement development boundary of the saved Local Plan but has been included within the settlement development boundary (and is a specific Housing Allocation – Policy SAH2) within the Publication Draft Local Plan – June 2017.
- 1.4 Due to a lack of objection to the changes to the Settlement Development boundary and the allocation of the land for housing purposes within the Publication Draft Local Plan, appreciable weight can be attributed to the Draft Policy.
- 1.5 The development is acceptable ‘in principle’ being in accordance with the emerging Local Plan, and a sustainable location adjoining a strategic urban settlement.
- 1.6 Whilst the application attracted a large number of objections from local residents and the Harwich Town Council, no significant issues have been raised during the application process by Statutory consultees.
- 1.7 Subject to the applicant entering in to a Section 106 agreement to cover the provision of affordable housing, provision and timescale for the open space, infrastructure/services contributions, the proposal is considered to be acceptable with no material harm to visual or residential amenity, or highway safety, and the application is therefore recommended for approval.

Recommendation: Approve Outline

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

a) Within 6 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 required)

- Affordable housing;
- Education;
- Public Open Space Provision **including** timetable for play equipment and its design **and future maintenance**
- Highways requirements (on and off-site as advised); and
- Health.
- **Contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS)**
- **Provision and monitoring of a Residential Travel Plan**

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

Conditions:

- Reserved Matters (Appearance, Landscaping, Layout, Scale)
- Standard 3 year time limit for submission of reserved matters application.
- Standard 2 year limit for commencement of development following approval of reserved matters.
- Details to be in general accordance with submitted parameter plans.
- Local recruitment strategy
- Provision of broadband
- Submission of surface water drainage scheme prior to commencement
- Submission of scheme to minimise potential flooding and pollution during construction works
- Submission of maintenance plan for the surface water drainage scheme
- Maintain yearly logs of maintenance
- Landscaping conditions to cover timing and management plan
- Ground level condition/ Earthworks to be agreed
- Tree/hedgerow protection.
- Biodiversity enhancements and mitigation measures
- On-site open space strategy detailing how the site will be made attractive to new residents for informal recreation.
- Archaeological investigations.
- A construction method statements including but not limited to:
 - Routing of delivery vehicles and measures to control noise,
 - Air pollution and avoiding discharges to watercourses/ditches.
 - Hours of construction.
- Contaminated land survey and a report if required
- Details of Foul Water Strategy
- **Construction Management Plan to include; safe access into the site; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; wheel and underbody washing facilities and safeguarding of the Public Right of Way.**
- **Capacity Improvements at the B1352/B1414 junction – details to be submitted and agreed.**

- **Provision of northern access road junction with Low Road prior to first occupation – detailed specification and design of junction to be submitted and agreed.**
- **Provision of southern access road junction with Low Road prior to first occupation – detailed specification and design of junction to be submitted and agreed.**
- **Provision of a 3 metre wide shared use cycleway along the Low Road frontage**
- **Upgrade of the bus stops on Oakley Road and Long Meadows or the provision of two fully equipped bus stops on Low Road Dovercourt (if bus routes are planned for Low Road)**
- **Details of relating to the requirement for emergency access to the application site**
- **Provision of Travel Packs and Vouchers for each dwelling**

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 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation.

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM24 Health Care Provision

COM26 Contributions to Education Provision

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

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

TR1A Development Affecting Highways

TR2 Travel Plans

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP3 Meeting Housing Needs

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP3 Green Infrastructure

- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation
- SPD - Schools Contributions from Residential Developments
- SPD – COM6 - Provision of Recreational Open Space for New Residential Development

Status of the Local Plan

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

17/02168/OUT	Erection of 300 dwellings with vehicular access from Low Road, green infrastructure provision including children's play area, footpaths and cycle ways,	Current
--------------	---	---------

structural landscaping, related infrastructure and service provision.

4. Consultations

UU - Open Space Consultation

Request on-site provision of open space

ECC SuDS Consultee

Original Comments

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, wish to issue a holding objection to the granting of planning permission based on the following:

Inadequate Surface Water Drainage Strategy

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist.

Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Amended Comments

Following submission of additional information, do not objection to the granting of planning subject to conditions to cover the following:

1. Submission of surface water drainage scheme prior to commencement
2. Submission of scheme to minimise potential flooding and pollution during construction works
3. Submission of maintenance plan for the surface water drainage scheme
4. Maintain yearly log of maintenance of surface water scheme for inspection

ECC Highways Dept

This site to which the above planning application relates is identified in Tendring District Council's submission draft Local Plan. The Highway Authority has undertaken extensive investigation and analysis of the submitted transport assessment and travel plan accompanying the planning application and the additional junction assessment work that was submitted during the course of the planning application. This work has concluded that the proposal is not contrary to current National and Local policy and safety criteria and has been found acceptable to the Highway Authority in terms of its impact upon the local highway network.

Consequently, given the package of appropriate mitigation set out in the following recommendation, the Highway Authority concludes that the proposal will not be detrimental to highway safety, capacity or efficiency at this location or on the wider highway network.

It is understood that Planning Committee members have visited the site and were concerned about the southern access, and asked if a mini-roundabout could be provided at the existing Gravel Hill Road junction or at the proposed new access.

These junction arrangements would not be supported by the

Highway Authority for the following reasons:

- **A four arm mini roundabout would exceed the maximum peak hour traffic flows recommended for such a facility.**
- **The experience of Essex County Council is that four arm mini roundabouts introduce additional conflict and perform poorly in terms of highway safety.**
- **The three arm mini roundabout generally relies on balanced traffic flows on all arms. This would not be the case here.**
- **The current access arrangements off Low Road are simple priority junctions. The introduction of a 3 arm mini roundabout would not be consistent with this access strategy. It is generally not considered to be good practise to vary junction types along over a relatively short link (road).**

On this basis the access strategy proposed by the applicant is the most desirable approach in highway terms.

Therefore from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following measures:

1. Construction Management Plan

No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide for the following all clear of the highway:

- **safe access into the site**
- **the parking of vehicles of site operatives and visitors**
- **loading and unloading of plant and materials**
- **storage of plant and materials used in constructing the development**
- **wheel and underbody washing facilities**
- **the safe guarding of the Public Rights of Way during construction**

The approved Plan shall be adhered to throughout the construction period.

2. Capacity Improvements at the B1352 / B1414 junction

Prior to the commencement of the development the developer shall submit details to be approved in writing by the Local Planning Authority for capacity improvements at the B1352 Ramsey Road/B1414 Oakley Road mini junction. The approved details shall be fully implemented prior to first occupation of the development.

3. Provision of the Northern Access Road junction with Low Road.

Prior to first occupation the development the provision of the northern access road junction as shown in principle on drawing no. 1350-OP3-03 to include visibility splays of 2.4 m x 57 m, to the north; and 2.4 x 59 m south. The detailed specification and design of the junction shall be agreed with the Highway Authority.

- 4. Provision of the Southern Access Road junction with Low Road**
Prior to first occupation of the development the provision of the southern access road junction as shown in principle on drawing no. 1350-OP3-04 to include visibility splays of 2.4 m x 99 m, to the north; and 2.4 x 100 m south. The detailed specification and design of the junction shall be agreed with the Highway Authority.
- 5. Provision of a shared use cycleway.**
Prior to first occupation the provision of a 3m wide shared use cycleway along the Low Road frontage of the application site. . The detailed specification and design of the cycleway shall be agreed with the Highway Authority.
- 6. Public Transport Infrastructure**
Prior to first occupation the upgrade of the bus stops on Oakley Road and Long Meadows (closest to the application site) to include but not be restricted to pole and bus stop flag, shelter(s) were appropriate, raised kerbs and timetable information. Or alternatively if bus routes are planned for Low Road the provision of two fully equipped bus stops on Low Road Dovercourt. The detailed specification and design of the bus stop upgrade(s)/bus stops shall be agreed with the Highway Authority.
- 7. Emergency Access**
Prior to the commencement of the development the developer shall submit details to be approved in writing by the Local Planning Authority relating to the requirement for emergency access to the application site. The approved details shall be fully implemented prior to first occupation of the development.
- 8. Residential Travel Plan & Monitoring Fee**
Prior to first occupation of development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including provision of a Travel Plan Co-ordinator to give advice and to pay a £1500 monitoring fee per annum (index linked from April 2015) for a period of 5 years to ECC. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 9. Travel Packs and Vouchers**
Prior to first occupation of the proposed development, the Developer shall be responsible for the provision – per dwelling - and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and the relevant policies of the Tendring Local Plan.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991.

The foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows.

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. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. It is recommended that the applicant needs to consult with.

Recommend the following conditions

- No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
Reason - To prevent environmental and amenity problems arising from flooding.
- No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
Reason - To prevent environmental and amenity problems arising from flooding.

Additional Comments/Clarification

Confirm there is sufficient capacity at the Water Recycling Centre to support this site.

Foul drainage – the supporting documents do not confirm where the site intends to connect to the network, whether the intention is to gravitate or pump and if so, at what rate. It has been identified that there could be detriment to the network depending on where the site would discharge from. It is also noted from the FRA that no discharge methods have yet to be formally identified.

The surface water details clearly identify the greenfield rate for the site and it is acknowledged that infiltration logs have been provided. However, there is no confirmation on the manhole or discharge rate for the site.

In summary, there is no clear drainage strategy for either foul or

surface drainage to Anglian Water's network and we have not been able to complete an accurate capacity assessment of this site as a result.

The above matters can be resolved by the two conditions requested on the consultation for the surface and foul drainage from the site

Building Control and
Access Officer

No comments at this time.

Tree & Landscape Officer

The application site comprises agricultural land with some strong existing boundary screening, established trees and boundary hedgerows. The screening has been recently strengthened by additional planting.

In order to show the impact of the trees on the application site the applicant should provide a Tree and Hedge Survey. The report should be in accordance with BS5837 2012 Trees in relation to design, demolition and construction: Recommendations.

The report will need to show the extent of the constraint that the trees are on the development potential of the land. It should identify the trees that would need to be removed in order to facilitate the development and the way that retained trees would be protect during the construction phase of any planning permission that may be granted.

The proposed works to trees and hedgerows are relatively clear from the information provided on the Masterplan and from soft landscaping proposals.

In terms of the impact of the development proposal on the local landscape character it is important to recognise the existing qualities and value of the landscape and to quantify the potential impact of the proposed development on the local landscape.

The Tendring District Council Landscape Character Assessment defines the area within which the application sits as the Hamford Coastal Slopes Landscape Character Area (LCA). At the northernmost point the application site falls within the Oakley Ridge LCA. The development proposal also has the potential to have a visual impact on the Hamford Drained Marshes and Islands LCA and The Hamford Water Marshes LCA.

In order to assess the impact of the development proposal on the local landscape character the applicant has submitted a Landscape and Visual Assessment (LVIA). The Landscape and Visual Impact Assessment has been carried out in accordance with Landscape Institute and Institute of Environmental Management and Assessment guidance contained in the Guidelines for Landscape and Visual Impact Assessment Third Edition 2013.

The document accurately describes existing landscape character and qualities of the landscape. It identifies and records the potential impact of the development on the character of the landscape and the way that it is perceived and enjoyed by the public. It goes on to accurately quantify the degree of harm to both the physical character of the

landscape and its visual qualities and contains information to show how design principles and soft landscaping will mitigate the visual harm.

It is recognised that the development of the land will cause a degree of harm to the local landscape character and its visual qualities. However if the recommendations set out in section 1.9 of the LVIA are complied with then it is apparent that the development can be relatively well assimilated into the local landscape.

In terms of the extent of the constraint that the trees are on the development, the information contained within appendix 3 of the Landscape Proposals report (June 2017 Revision A December 2017) and item 4.5 of chapter 4 Tree and Hedge Survey is acceptable and sufficient to enable the planning application to be determined on the basis that there will not be significant harm caused to trees on the land.

Environmental Protection

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask that the following below are conditioned;

- Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from the Pollution and Environmental Control. The method statement (Demolition/Construction Management Plan) should include the following;

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Local Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to

nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

Emission Control

1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose

2) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

3) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Lighting Control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Waste Management	No comments.
Leisure Services	No comments received – not a statutory consultee
The Ramblers Association	No comments received – not a statutory consultee
Essex Bridleways Association	No comments received – no a statutory consultee

NHS Property Services
Ltd

The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The intention of NHS North East Essex CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Fronks Road Surgery, a proportion of the cost of which would need to be met by the developer.

Environment Agency

No comments received - not a statutory consultee as site lies outside of the Flood Zone.

Natural England

Natural England's view is that there is currently insufficient information to allow likely significant effects to Hamford Water Special Protection Area (SPA) and Ramsar site, the Stour and Orwell Estuaries SPA and Ramsar site, the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. Also consider that there is insufficient information to rule out adverse effects to Hamford Water and the Stour Estuary Sites of Special Scientific Interest (SSSIs).

The Extended Phase 1 Habitat Survey (Preliminary Ecological Assessment) submitted in support of the application concludes that the development proposal will have no likely significant effect on designated sites (t4 ecology Ltd, dated November 2017). However, we advise that this development proposal does have the potential to affect the nearby sites and there are currently concerns for the impacts of increased recreational pressure on coastal designated sites, including Hamford Water, the Stour Estuary and the Colne Estuary.

This is as a result of increased recreational use by residents of new development within walking or driving distance of them. Seeing as the proposal site is both allocated in your emerging Local Plan (Policy SAH2) and within the likely 'zone of influence' for recreational disturbance impacts to Hamford Water, the Stour Estuary and the Colne Estuary. 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).

Advise that 'off-site' measures are also required as part of the mitigation package for predicted recreational disturbance impacts. Request that further information be provided.

This proposal provides opportunities to incorporate features into the

design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of integrated bird nest boxes.

Comments on amended information

Following the submission of additional/amended information, Natural England withdraw the holding objection subject to the inclusion of conditions to secure the following:

On-site mitigation measures: an on-site open space strategy must be submitted detailing how the site will be made attractive to new residents for informal recreation, thereby minimising the frequency of visits to nearby designated sites. In order to maximise its attraction for this use it should include:

- High-quality, informal, semi-natural areas (including suitable habitat for the Fisher's estuarine moth) under appropriate management
- Circular dog walking routes of >2.7 km 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

Off-site mitigation measures: a commitment should be made to fully adhering with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), as outlined on page 8 of the T4 ecology ltd response to Natural England comments report and agreed with your authority. This will require a per house financial contribution to be calculated through the ongoing RAMS project work.

Essex Wildlife Trust

The new housing development and the houses themselves should be designed to integrate space for both wildlife and people, as well as to reduce carbon emissions and minimise water usage.

A good nature-friendly development protects and keeps existing wildlife habitats and joins them up with wildlife-rich gardens, verges, amenity green space, cycle paths and walkways. The aim should be to create a network of natural green corridors weaving through the development, into the surrounding urban and rural landscapes and contributing to the wider ecological network.

This approach will improve air quality, reduce surface water flooding and make the development greener and more attractive as a place to live. Residents should have easy access to safe, beautiful, natural space for exercise, play and social interaction. Wildlife should become part of everyday life.

The development should provide:

- Real, measurable gains for wildlife and make a demonstrable, positive contribution to nature's recovery
- Effective water management, pollution and climate control provided by green spaces, sustainable urban drainage, green roofs where

possible, trees, hedgerows, wildflower meadows and other natural features

- Connectivity between wild places - enabling both wildlife and people to move through the landscape, and for natural processes to operate effectively
- Improved health, wellbeing and quality of life for people living and working nearby
- Easy access to high quality, wildlife-rich, natural green space for everyone, providing daily opportunities to experience wildlife.

Benefits of this approach - Housing developments designed with environmental sensitivity and green infrastructure at their heart can deliver multiple social, environmental and economic benefits. Nature-rich housing can provide benefits for everyone - from developers to home-owners.

UU Housing Consultation

There is a high demand for housing in the Dovercourt area and only the Clacton area has a higher demand in the district. There are currently 72 families on the housing register seeking a 2 bedroom property in Dovercourt, 39 seeking a 3 bedroom property and 21 seeking a 4 bedroom home. There is a demonstrable need for affordable housing in Dovercourt and this department would like to see affordable housing delivered on this site.

The dwellings as affordable housing (30%). The Council would prefer that another registered provider is found to purchase the affordable housing on the site. If a provider cannot be found, the Council will consider other delivery options.

Additional Comments

For the foreseeable future, the preference will be for affordable housing on sites to be delivered by other registered providers. The uncertainty shown by registered providers about developing 3-4 years ago appears to have disappeared and we have had recent meetings with some registered providers who seem keen to expand their operations in this area, namely Sanctuary Housing, Sage Housing and Home Housing Group. Sanctuary already have stock in the Dovercourt area, Sage specifically want to take on affordable homes delivered through Section 106's and Home are looking at delivering some units on the Martello site in Walton. The other 2 registered providers who have developed in recent years, notably Colne Housing and Chelmer Housing, are still looking to expand their portfolios in Tendring. The historic issue about developers not being able to identify a registered provider to take on affordable housing on S106 sites should no longer be an issue.

ECC Schools Service

Early Years and Childcare

For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand. The data shows insufficient places to meet demand from this proposal. It is, thereby, clear that additional provisions will be needed and a project to expand provision is proposed. An additional 27 places would be provided at an estimated total cost of £392,013 at April 2017 prices.

Primary Education

This development sits within the priority admissions area of Chase Lane Primary School, which it will require nine additional spaces by the academic year commencing 2021. Looking at the Harwich area as a whole (Tendring primary group 5), by this point, 42 additional spaces will be needed.

This development would require an additional 90 places at an estimated total cost of £1,146,060 at April 2017 prices. This equates to £12,734 per place and so, based on demand generated by this proposal set out above, a developer contribution £1,146,060 index linked to April 2017, is sought to mitigate its impact on local primary provision.

Secondary Education

At secondary level pupil numbers are also rising and current forecasts suggest that the school serving the area, Harwich & Dovercourt High, will be full during the 2024/25 admissions round onwards.

This development would require an additional 60 places at an estimated total cost of £1,160,700 at April 2017 prices. This equates to £19,345 per place and so, based on demand generated by this proposal set out above, a developer contribution £1,160,700 index linked to April 2017, is sought to mitigate its impact on local primary provision.

This development would add to the need for additional school places and, thereby, the scope of projects to provide the extra capacity is directly related to the proposal. A developer contribution is thus sought.

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

Essex County Council
Archaeology

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

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

The proposed site also contains cropmark features which are likely to be of archaeological origin, the nature and date of these features are unknown and they will be disturbed or destroyed by the proposed development. A historic track runs along the western boundary leading from the main road through the historic settlement at Dovercourt, finds from the Portable Antiquities Scheme in the area date from the early medieval period.

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

RECOMMENDATION: A Programme of Archaeological evaluation

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

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

2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.
3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

**Commonwealth War
Graves Commission**

Can find no record of Commonwealth graves or burials from the First or Second World War within the area of land in Dovercourt denoted in the maps and plans.

5. Representations

5.1 Harwich Town Council objects on the following grounds:-

- Local infrastructure is insufficient to sustain an additional development of this size
- CCG's statement that the GP practises would be unable to support development
- Access and egress to the proposed development is inappropriate and does not conform to standards
- Impact on wildlife and conditions of A120
- Significant impact to neighbouring properties and town

5.2 Ramsey and Parkeston Parish Council makes the following Comments:-

- Impact on Low Road in regards to traffic
- Impact on power supplies, sewerage systems, local primary schools, GPs and dentists
- S106 money should be available for Ramsey Ward Leisure facilities

5.3 **81 representations** have been made by local residents which can be summarised below:-

Local Area

- Shortage of school places
- Pressure on existing GP, dentists and schools
- Increase in crime - Already experience a lower presence of police and fire service
- Local police station unmanned
- Lack of employment in town increasing traffic to other areas
- Development will set a precedent for others within the area
- Harmful to existing character
- Loss of agriculture land

- Proposal out of keeping with rural character
- Loss of open space
- Impact to existing dog walkers, horse riders etc
- Inappropriate design and not in keeping with surrounding properties
- Apartment blocks will appear intrusive from Low Road and their positioning on site should be reconsidered
- Better sites available for the development
- Open space to be completed and retained at site. A lot of the time the development is finished without this element being completed.
- Area of land for proposal is currently enjoyed by residents of Earlhams Mews i.e. views and walking
- Current town centre failing
- Who will social housing be allocated to?
- Social housing means increased pressure on councils resources
- Mess and noise from building impacting physical and mental health
- Area should contain "Scrub" land and not be so close to housing
- Proposal will overwhelm the area
- Layout of houses questionable. Apartments and social housing are not near open/play space
- Impact on waste collection and royal mail deliveries
- High levels of unemployment
- No investment in area

Highways

- Inadequate and congested roads.
- Users already exceed speed limit in Low Road – **between 1st March to 26th March the Harwich and District Speed Watch Partnership made 12 visits to Low Road, 180 speeding motorists were recorded. Each visit comprises of 1 hour monitoring. They have a minimum speed to record from so every one of the 180 vehicles has exceeded that speed. On Monday 26th March 2018 54 motorists exceeding 36mph were recorded in a one hour time slot (17.00hrs to 18.00 hrs).**
- A120 junction already dangerous
- Lack of space and reduction in speed on cycle route
- Busy road with not only cars but lorries as well
- Existing road on an incline with a number of bends
- Proposed accesses opposite communal driveways and on bends resulting in poor visibility from the site
- Proposed access has adjacent driveways
- A120 in poor condition
- Poor maintenance of driveways result in mud on the road when it rains
- Proposal is sited away from train stations, occupants will use cars which will result in an increase to traffic
- Congestion in Low Road at peak times
- Other roads such as Mayes Lane will increase in traffic with users finding alternative routes
- Increase to parking on roads
- One way out of Low Road to Clacton and A120

- Hardly any bus stops resulting in more cars on the road
- A mini roundabout would be a safer alternative
- Introduction of traffic calming measure should be considered
- Shared access would be dangerous
- Inadequate parking proposed at site
- Application does not provide information on additional public transport or maps showing routes into the proposed development

Environment

- Loss of habitat and existing wildlife
- Loss of agricultural land which would be used for crops
- Increase in light and noise pollution
- Increase risk to flooding in area as existing drainage is poor
- Site sits on a high water table caused by historic pond
- Deep aquifer zones
- Boundary tree and hedging should be retained by way of condition
- Site is greenbelt land
- Increase to pollution
- Waste amenities already overstretched with long queues to the tip
- Loss of arable site
- Heavy rain and snow will result in flooding to residents
- Loss of farm land and crops
- Light and noise pollution to endanger wildlife habitat in listed woodland
- Site could be potentially contaminated
- Could contain unmarked war graves
- Impact on stunning views across the site

Impact on Neighbours

- Loss of privacy due to removal of boundary planting and trees
- Light disturbance caused by cars and street lighting
- Loss of light, privacy and outlook to neighbours
- Length of time to complete development is likely to be long
- Height of dwellings over one storey to have significant impact on neighbours (maybe design could be amended to just a bungalow development)
- Layout should be amended to incorporate better screening and fewer houses
- Decrease in value to existing houses
- Increase in terms of noise and crime
- Increase to occupants house insurance
- Increase of noise and dust during construction
- Council likely to approve householder extensions in future which would put a strain on parking and neighbouring amenities
- Loss of views over greenspace
- Reduce property value

Local and National Policy

- Outside development boundary

- Whilst an allocated site, the local plan has not been adopted
- Council already has exceeded its 5 year housing supply demands

6. Assessment

The main planning considerations are:

- Principle of Development
- Design and Landscape Impact
- Impact on Protected Species/Wildlife
- Highway Safety
- Flooding/Drainage
- Impact on Amenity of Neighbours
- Affordable Housing
- Developer Contributions
- Other Issues

Site Description

- 6.1 The application site is a rectangular shaped parcel of land fronting on to Low Road at the western side of the main area of Dovercourt. The site is some 14.08ha and forms the Housing Allocation SAH2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.2 The site is currently an arable field extending from Low Road on the eastern side of the site over to a public footpath and track, Deane's Lane in the west. The site rises considerably from its southern end (where Low Road turns through 90 degrees to run east-west rather than north-south) where a further boundary hedge/trees exist, and climbs up to its highest point, where it meets the rear gardens of dwellings that face on to the southern side of Oakley Road.
- 6.3 The site contains substantial tree and hedge cover to the eastern, southern and western boundaries, particularly the eastern side where it meets Low Road, and on the eastern side of Low Road, is a relatively modern housing estate development based around Gravel Hill Way.
- 6.4 To the western side of the adjacent track, is a modest development at Ramsey Lodge/Earlham's Mews, which along with the dwellings on Oakley Road are the closest residential property to the site.
- 6.5 Being an arable field, the site has few notable features (apart from the rising nature of the land, and the boundary planting referred to above), and there is a field ditch within the site at its southern end, and an area of shrubs at the northern end.

Proposal

- 6.6 This is an outline application with all matters reserved, apart from the access point locations from Low Road, for the development of 300 dwellings with green infrastructure provision including children's play area, footpaths and cycle ways, structural landscaping, related infrastructure and service provision.
- 6.7 An illustrative layout has been provided which shows a central green open-space area of 5ha (as required by the Local Plan Allocation), with approximately 1/3rd of the new housing at the northern (highest part) end of the site, and 2/3rds of the proposed housing at the southern (lowest part) of the site.
- 6.8 The 2 proposed access positions from Low Road are indicated on detailed plans and include:-

Northern Access

- 6.9 This shows a cul-de-sac arrangement that meets Low Road as a single access-point opposite No 96 Low Road, would be situated mid-way between Hazelville Close, and Kingfisher Drive.

Southern Access

- 6.10 This shows a larger series of cul-de-sacs and private-drives meeting Low Road as single access-point - opposite No.s 60/62 Low Road would be situated mid-way between Gravel Hill Way, and Chaffinch Drive.
- 6.11 The access points as indicated provide for a staggered junction arrangement and there is an emergency access point at the southern end of the site and opposite Chaffinch Drive.
- 6.12 The layout plan is only illustrative at this stage and shows the 2 areas of housing with the open-space between and with footpath access on to the public footpath to the west. It shows a wide range of dwelling types and indicates that the site will be developed in the following manner:-

"The northern upper part of the site

- would be 88 chalet-style and 2-storey houses
- these would be semis and detached
- these would consist of 22 2-beds, 44 3-beds and 22 4-beds
- Net density of 30.34 dwellings/ha

The southern lower part of the site

- would be 40 2-bed bungalows and 172 2-storey dwellings
- these would be semis, detached and terraces
- comprising 8 1-bed flats, 20 2-bedroomed flats, 64 2-bed houses, 69 3-bed houses and 11 4-bed houses
- Net density of 35.33dwellings/ha

The density for the whole site, would be 21.28 dwellings/ha, which compares with the established modern housing to the east of 25 dwellings/ha".

- 6.13 The key feature of the site is the retention of the existing trees/hedgerows, especially to Low Road, which act both as a landscaped buffer and a green corridor, and attenuation ponds and the retention of the field ditch are features within the development.
- 6.14 The Landscape Master Plan shows a detailed layout of the open space area that contains a kick-about area, a LAP and a LEAP, as well as a range of footpaths and cycleways.
- 6.15 The application includes detailed reports including:-
- Extended Phase 1 Habitat Survey
 - Bat Survey
 - Dormouse Survey
 - Reptile Survey
 - Geo-environmental Survey
 - Flood-Risk Assessment and Drainage Strategy
 - Landscape and Visual Impact Assessment
 - Landscape Proposals and Master-Plan
 - Planning Design and Access Statement
 - Transport Assessment
 - Travel Plan

Principle of Development

- 6.16 Whilst the site is outside the settlement development boundary (SDB) of the saved Local Plans, and within the Coastal Protection Belt, it has been included within the settlement development boundary (and outside of the Coastal Protection Belt), within the Emerging Local Plan, and it is a specific Housing Allocation SAH2 within that document.

SAH2 states:-

Low Road, Dovercourt, shown on the Map SAH2, is allocated for housing development as follows:

a. at least 300 new homes of a mixed size and type to include affordable housing as per the Council's requirements;

b. minimum of 5 hectares of public open space;

Proposals must accord with the following:

c. the principal point of vehicular access will be off Low Road;

d. capacity and/or safety enhancements to the local highway network where necessary;

e. where necessary, enhancements to public transport, cycle, pedestrian, and bridleway infrastructure

f. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;

g. the development must also pay specific regard to the topography of the site;

h. the design and layout of the development incorporates or enhances important existing site features of ecological or amenity value. Where these features are identified, the applicant must avoid, then mitigate and, as a last resort compensate for adverse impacts upon these;

i. financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority primarily through Section 106 Planning Obligations or the Community Infrastructure Levy;

j. 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;

k. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.

- 6.17 The site has been included as an allocation within successive drafts of the Emerging Local Plan which is now at an advanced stage, and the Examination in Public has commenced. There has been no objection to the allocation and inclusion within the settlement boundary, therefore appreciable weight can be attributed to the application in accordance with Paragraph 216 of the N.P.P.F.
- 6.18 The allocation of the site via the Local Plan process has already established that the Council considers the site to be sustainable and that it complies with the settlement hierarchy that views the Harwich/Dovercourt settlement as one of the large urban areas for new housing based on the existing services.
- 6.19 The proposal whilst being a technical departure from the 2007 Adopted Local Plan – is in line with the more recent evidence-base and Policies Emerging Local Plan that more accurately reflects the later guidance within the N.P.P.F and as a result, greater weight should be attributed to the compliance with the new plan.
- 6.20 The development proposed is considered to meet the terms of the above policy SAH2.

Design and Landscape Impact

- 6.21 The applicant has indicated that the existing planting would be retained and enhanced and that in accordance with the Plan allocation, the design of the scheme takes in to account the topography. A Landscape Impact Assessment (L.I.A) has been submitted that concludes that the development would not cause significant harm to the landscape

character, and that a landscape implementation and management plans would be prepared to show how the mitigation planting would be managed in the long-term. This would be a likely condition requiring the Council's agreement to such a scheme.

- 6.22 The L.I.A noted above, indicates that the northern element would be kept off the ridge-line and southern element would be set further back than originally intended to allow structural landscaping to soften views from the surrounding area, and it would be expected that any subsequent reserved matters submission should reflect this basic design consideration.
- 6.23 With the existing and proposed planting, the development would not harm the landscape character and mitigation planting – carried out in 2015/6 – is already 2-3m high (willows are 5m) and will reduce the impact from public footpaths and the main views from the south-west.
- 6.24 The proposal allows for retention of a field ditch, and boundary planting with new green infrastructure in the form of drainage swales and attenuation ponds for surface water disposal.
- 6.25 Subject to the design considerations within the L.I.A, and to an appropriate final design and scale of the dwellings, it is considered that the proposed development would not cause any appreciable harm to the landscape character of the area, such that permission could be refused and the enhancements to the green infrastructure and additional landscaping proposed are appropriate, and are a requirement of Policy SAH2.

Impact on Protected Species/Wildlife

- 6.26 Whilst Natural England has issued a 'holding' objection to the proposal, this is based on a concern that additional residents create increased recreational pressure and disturb nearby Nature/Ramsar sites and the S.S.S.I. Their comment in relation to the additional information submitted by the applicant is awaited, and will be updated at the Planning Committee.
- 6.27 The application has been accompanied by a range of ecology reports which conclude that:-
- 6.28 Reptiles – The results of the survey demonstrate the presence of a 'Low' sized population of common European lizard and slow worm in the north-eastern corner of the site. The presence of juvenile slow worm also indicates that the site is suitable to support reptile breeding. It is concluded that the population can be maintained and enhanced through relocation to purpose built receptor located within the boundaries of the site, as illustrated by the landscape masterplan.
- 6.29 Bats - The survey gives a general indication of the level of bat activity in the area, to help inform mitigation and enhancement of the site. The weather conditions during all surveys were optimal and any bats present would have been active during these surveys. No roosting bats were recorded on the site; dusk and dawn survey focusing on the two trees with highest roosting potential (T2 and T5) did not record any roosting bats. No further trees or structures within the site boundary which could support roosts will be impacted by the proposed development.
- 6.30 A European Protected Species (EPS) Licence will not be required to develop the site, and impact to bats using the site should be negligible if the following recommendations and precautions are implemented:
- 6.31 Dormice - No dormice were recorded during the survey, which was carried out at an appropriate time of year, and covered six months of the peak active dormouse season. Therefore, there are no constraints with regards dormice, and no further precautions are required to proceed.

- 6.32 However, dormice are known to be present in the local area, and the site could be enhanced for dormice on completion of the development, to encourage colonisation of the site in the future. Boundary hedges could be created where absent, and in-filled, thickened and diversified where existing, with native shrub and tree-planting. Dormouse boxes could be installed in the retained wooded buffer to the east of the site.
- 6.33 Whilst the comments of Essex Wildlife Trust are awaited, it is apparent from the ecology reports that protected species will not be a constraint on development and that the retention and enhancement of the green infrastructure as proposed will promote wildlife in the locality.

Highway Safety

- 6.34 Whilst many of the objections raise concerns that the highway network cannot cope with the scale of the development, the site already been discussed at length with the Local Highway Authority via its allocation through the Emerging Local Plan process, and whilst the Highway Authority has yet to formally respond, no formal objection is anticipated. Any update in relation to the Highway Authority response will be reported in the update sheet at Committee.
- 6.35 The outline scheme proposed 2 main access points on to Low Road, with an emergency access point along with pedestrian links to nearby public footpaths, as well as cycle routes within the site.
- 6.36 The indicative layout plan shows that each dwelling could be served by at least two parking spaces - commensurate with the current parking standards and turning where applicable and there are casual visitor parking possible on the access drives.

Flooding/Drainage

- 6.37 The applicants have submitted detailed flood-risk assessment and a drainage strategy, and whilst the S.U.D's team at the County Council have issued a holding objection, this is based on the need for some additional information, rather than any fundamental concerns that the development of the site would cause flooding of adjoining land or other land elsewhere.
- 6.38 **At the previous meeting Members were advised that the above objection has been withdrawn and SUD's raise no objection subject to conditions, included in the above recommendation.**
- 6.39 The proposed surface water attenuation measures – including swales and an attenuation pond – will add to bio-diversity in the locality and be a feature of the scheme, and no fundamental drainage or flooding concerns would result from the development.

Residential Amenities

- 6.40 There are few neighbours that directly adjoin the site or that would be directly affected, the main ones being on the northern boundary of the site on Oakley Road and a few dwellings on the west side of Low Road, where it meets the B1414.
- 6.41 The existing properties at the top-end of Low Road are 2-storey in height and face on to Low Road, and as a result, they are orientated at 90 degrees to the site and any impact would be minimal.
- 6.42 The existing dwellings that face on to Oakley Road are also 2-storeys in height, and they have long rear gardens – in excess of 26m – and as a result, they would be unlikely to experience any appreciable loss of light, privacy from overlooking, and if conventional 2-storey houses or bungalows are erected (as suggested in the accompanying documents) there would be no oppressive impact on existing property arising from the development.

- 6.43 The other existing residential development on the east side of Low Road, and at Ramsey Lodge/Earlham's Mews, are separated from the application site by Low Road and Deans Lane respectively, and as a result, they would not experience any direct loss of amenity, as the new housing is largely shielded by existing substantial boundary planting.
- 6.44 Whilst the development would generate some additional traffic, this is not considered to be of a scale that there would be any undue noise or disturbance, as a result.
- 6.45 It is considered that based on a proposal of 300 dwellings (single and 2-storeys in height as indicated in the application documents, the new proposal would not cause any harm to amenity, due to the separation distances involved.
- 6.46 The illustrative scheme suggests that any development could be designed to meet the policy requirements for garden size, distance to boundaries and other dwellings along with other amenity/design criteria, although such matters are for later consideration, however the scheme does demonstrate that 300 dwellings can be accommodated on the site without any particular concerns.

Highway Issues

- 6.47 **A number of objections raise concerns regarding the impact of the proposed development on the highway network and part of the reason the application was deferred was to enable Officers to obtain comments from Essex County Council Highways and to discuss with them the possibility of moving the southern access point opposite the existing access and also the possible addition of a roundabout.**
- 6.48 **Essex County Council Highways have considered the possibility of a mini roundabout and have advised that these junction arrangements would not be supported by the Highway Authority for the following reasons:**
- **A four arm mini roundabout would exceed the maximum peak hour traffic flows recommended for such a facility.**
 - **The experience of Essex County Council is that four arm mini roundabouts introduce additional conflict and perform poorly in terms of highway safety.**
 - **The three arm mini roundabout generally relies on balanced traffic flows on all arms. This would not be the case here.**
 - **The current access arrangements off Low Road are simple priority junctions. The introduction of a 3 arm mini roundabout would not be consistent with this access strategy. It is generally not considered to be good practise to vary junction types along over a relatively short link (road).**
- 6.49 **Essex County Council Highways are of the view that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions to ensure that the proposal is not contrary to the relevant policies:**
- **Construction Management Plan to include; safe access into the site; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials; wheel and underbody washing facilities and safeguarding of the Public Right of Way.**
 - **Capacity Improvements at the B1352/B1414 junction – details to be submitted and agreed.**
 - **Provision of northern access road junction with Low Road prior to first occupation – detailed specification and design of junction to be submitted and agreed.**
 - **Provision of southern access road junction with Low Road prior to first occupation – detailed specification and design of junction to be submitted and agreed.**
 - **Provision of a 3 metre wide shared use cycleway along the Low Road frontage**

- Upgrade of the bus stops on Oakley Road and Long Meadows or the provision of two fully equipped bus stops on Low Road Dovercourt (if bus routes are planned for Low Road)
- Details of relating to the requirement for emergency access to the application site
- Provision of Travel Packs and Vouchers for each dwelling
- Provision and monitoring of a Residential Travel Plan

6.50 All of the above recommendations are to be secured by conditions with the exception of the provision and monitoring of a Residential Travel Plan which will be secured by a legal agreement. In terms of the capacity improvements at the B1352/B1414 junction, these will likely to take the form of removal of the buildout and re-modelling of the kerb alignment within the highway to enhance entry capacity whilst maintain appropriate entry deflections. But ultimately the detail of this will be agreed by Essex County Council Highways.

6.51 This application is in outline for therefore only illustrative details of parking provision are provided. However, this indicates that the it is possible to provide adequate off-street parking on site for the number of dwellings proposed.

Affordable Housing

6.52 At 300 dwelling units, the site far exceeds the threshold for affordable housing provision within Adopted Policy HG4 and Emerging Plan Policy LP5, and the Housing Officer identifies a high level of local need for affordable dwellings of 2, 3 and 4 bedroomed proportions and at the normal level of 30% (the level within the Emerging Plan based on viability calculations), some 90 affordable dwellings should be delivered.

6.53 The actual delivery mechanism has yet to be established, however at this outline stage, it would be expected that provision should be on-site and would need to be delivered by means of a Section 106 agreement that would cover method of tenure, occupancy restrictions and timetable for implementation/trigger-points.

6.54 As there is a recognised short-fall in the delivery of affordable homes, the current proposal represents a significant benefit.

Developer Contributions and Open Space

6.55 The level of local objections cites a lack of schools and overcrowded doctors surgeries and lack of play space as key issues. In accordance with Adopted Plan Policies COM6, COM 24 and 26 and Emerging Plan Policies HP1, HP5 and D11, an appropriate level of developer contributions to infrastructure and open space would be provided via a Section 106 mechanism and on the following basis:-

Education Provision

6.56 In order to ensure adequate provision of education, a developer contribution of £2,698,773 is required via a section 106 agreement to mitigate its impact on childcare, primary, & secondary education.

NHS Provision

6.57 There is a requirement for a developer contribution of £ 104,091, for the improvement of Fronks Road Surgery, before development commences.

Play Space

6.58 The proposal includes (as required by Allocation Policy SAH2) an open space/play area of at least 5ha. The proposal includes the open area as an integral part of the development, and includes a LAP, LEAP and kick-about area for a range of ages of children, which would be provided on-site. If the developer requires the Council to formally adopt the play-space, then there would need to be a commuted sum payment via a Section 106 agreement for future maintenance.

Other Issues

Contamination

- 6.59 A contamination report has been submitted which concludes:-
- 6.60 On the basis of the findings of Phase I Geoenvironmental Assessment, it is considered that the site is very likely to be suitable for the proposed residential end use.
- 6.61 However, within the preliminary CSM plausible pollutant linkages (PPL) relating to the previous activities on-site have been identified and assessed as presenting a 'low to moderate' or 'moderate' risks to future site users and buried services. These are principally limited to the north/ north-eastern area of the site associated with historical agricultural building and a former building site compound area.
- 6.62 Subject to appropriate mitigation measures, it is considered that contamination would not be a constraint on development. This would be secured by condition.
- 6.63 The Environmental Health Officer has recommended that a construction Method Statement be submitted to ensure that building works do not impact on the neighbouring residential property.

War Graves

- 6.64 **One of the reasons the application was deferred was to investigate the possibility of war graves on the application site. Following this, consultation has been undertaken with the Commonwealth War Graved Commission who can find no record of Commonwealth graves or burials from the First or Second World War within the area of land in Dovercourt.**

Conclusion

- 6.65 The development is an appropriate one that follows closely, the Policy stimulations within the Proposed allocation Policy SAH2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.66 There has been no objection to that allocation and as a result, appreciable 'weight' can be attributed to that policy.
- 6.67 The submitted documentation demonstrates that the proposed 300 dwellings can be accommodated on the site without any appreciable impact on the landscape, highway safety or the amenity of the neighbours.
- 6.68 The development would take in to account any protected species and the retention of existing planting, and new landscaping would add to biodiversity in the area.
- 6.69 The proposal offers substantial benefits in that it add to the availability of housing, provide a mix of dwelling types, deliver a significant level of affordable housing, and a new open-space and play area.
- 6.70 The proposal, by virtue of the developer contributions to local infrastructure that would be delivered by the Section 106 agreement, would not over-load local services.
- 6.71 The development is an appropriate one that reflects the new Local Plan, and is therefore recommended for approval.

Background Papers

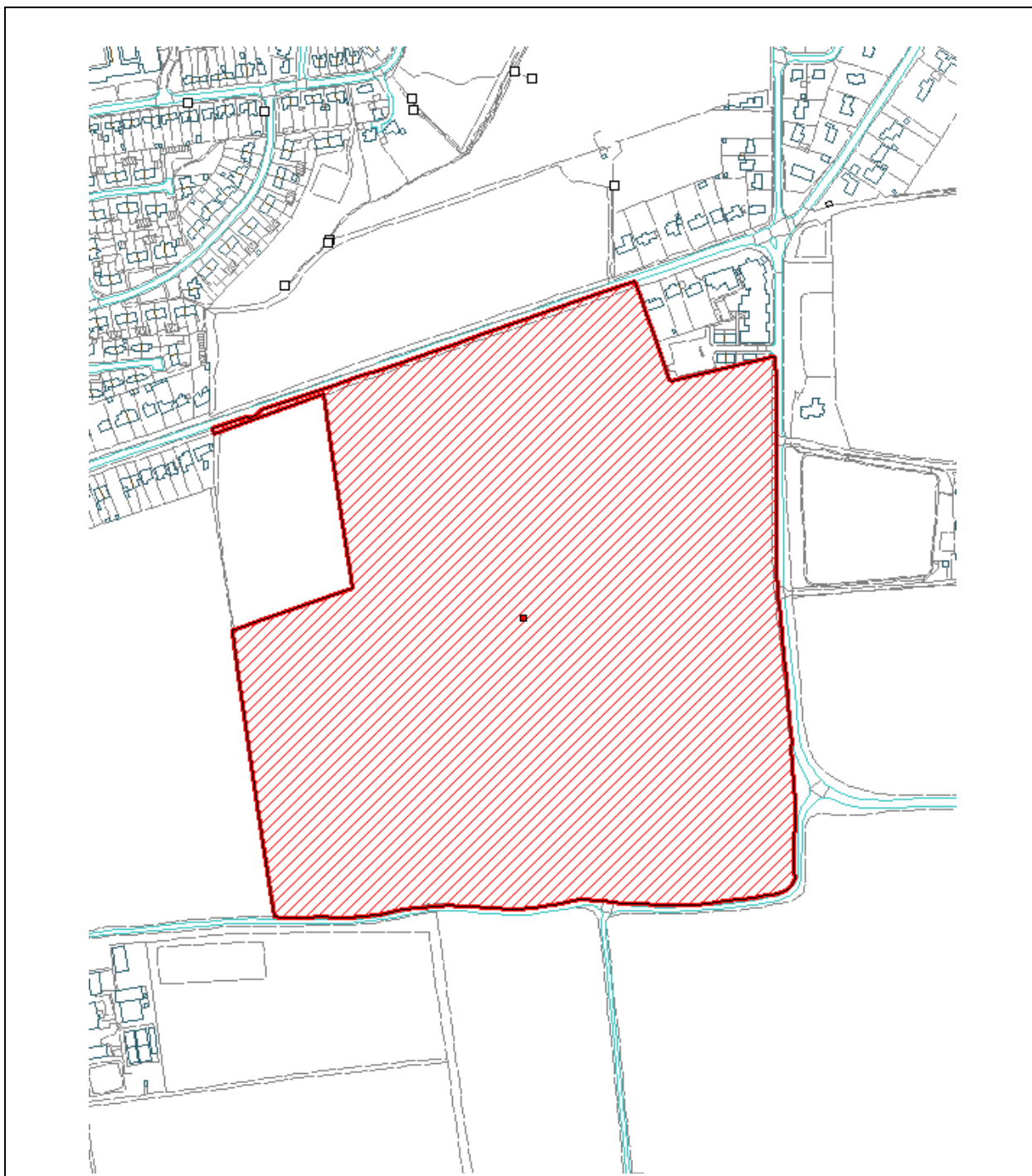
None

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/00535/DETAIL- LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD, MISTLEY, CO11 2HN



DO NOT SCALE

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

Application:	17/00535/DETAIL	Town / Parish: Mistley Parish Council
Applicant:	Mr Winsborough - Tendring Farms Ltd	
Address:	Land to The South of Long Road and to West of Clacton Road Mistley CO11 2HN	
Development:	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential Units and 162sqm A2 floor space following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT)	

1. **Executive Summary**

- 1.1 The site benefits from extant outline planning consent for 300 homes and 2 hectares of employment land. Application 17/01537/OUT for amendment of the parameter plans (Variation of Condition 4 of 15/00761/OUT) was approved by planning committee on 6th June 2018. Details submitted in respect of the application before planning committee are consequently in general conformity with the most recently approved parameter plans having particular regard to Access, Appearance, Landscaping, Layout and Scale.
- 1.2 This Reserved Matters application for Phase 1 relates to development of 96 residential units on the northern part of the site, which equates to approximately one third of the housing quota for the entire site and includes extensive landscaped areas adjoining Long Road and Clacton Road. An access off Clacton Road is also a reserved matter, details of the site access off Long Road being approved at Outline stage. The approved commercial development would form part of a future Phase of site development on land to the south.
- 1.3 **This application was presented to planning committee on 6th June 2018 and was deferred at the request of the committee** following their concerns that the juxtaposition of the proposed dwellinghouses with the countryside did not properly address the perceived need to soften the transition from countryside to built development, it being considered that this could be achieved by introducing lower rise (bungalow) development to the most visible parts of the site periphery. It was also considered that a small element of retail should be introduced into the scheme to afford future residents local shopping opportunity. All other matters relating to the design and layout of the development, landscaping and the relocation of the secondary access onto Clacton Road, were deemed to be acceptable.
- 1.4 In order to address the planning committee's concerns, **the applicant has lowered the height and amended the layout of the cluster of dwellinghouses arranged along the eastern fringe of the site bordering Clacton Road from 2 storey to 1 storey. Additionally the most dominant of the proposed dwellings on the northern boundary have also been reduced in height from 2 storey to 1.5 storey. In all, the height of 8 dwellings would be significantly lower.**
- 1.5 The introduction of A1 use retail development would at this stage run contrary to the terms of the original outline permission. In order to overcome this, it is intended that **the ground floor of the apartment building bordering the village square would be used as a marketing suite (162sqm) for the development, thus implementing the A2 Use approved at outline stage. Thereafter the A2 use could lawfully change to A1 retail use, in accordance with the terms of the General Permitted**

Development Order. In this instance the planning committee's preference for an element of retail use on the site would be secured by a condition to which the applicant has given their full support.

- 1.6 Although there have been representations from Mistley Parish Council and from four members of the public, the issues raised were largely dealt with at Outline planning stage and are considered not to be material to determination of this application.
- 1.7 The Council's Trees and Landscape Officer has not raised objection to the landscape strategy included in the Design and Access Statement, particularly as the amended plans would still allow for more than double the open space that is required by Local Plan policies and the green spaces would still be positioned and landscaped to minimise the visual and landscape impact of the development. However more comprehensive landscape details have been requested and this will be subject to condition.
- 1.8 Concerns that the reduction in open space might lead to recreational disturbance of protected habitats, particularly those in the vicinity of the Stour Estuary, have been mitigated by ensuring that the layout would incorporate a satisfactory amount of amenity land for the benefit of future occupiers of the development. Consequently Natural England has not raised objection.
- 1.9 Essex County Council Highways are satisfied that all of their requirements would be met in terms of access subject to retention of relevant conditions and legal agreements.
- 1.10 It is considered that in respect of Access, Appearance, Layout, Scale and Landscaping, the application has demonstrated that the development would be of high quality, would respond well to its surroundings and would be sustainable and as such, Reserved Matters can be agreed subject to imposition of conditions.
- 1.11 If the Committee endorses this recommendation, conditions would be imposed relating directly to the reserved matters under consideration, while conditions attached to the outline approval would still apply. The legal agreement for the original application which secures affordable housing, education, health and off-site highway contributions would also still apply and an additional legal agreement to secure the retail element would be enacted.

Recommendation: Approve

That the Head of Planning be authorised to grant approval of Phase 1 reserved matters in respect of access, appearance, landscaping, layout and scale for detailed planning permission for 96 residential units **and 162 sqm A2 floorspace** subject to conditions as set out below **and a condition to secure a change of use to A1 retail use upon cessation of the A2 use herein approved.**

All other planning conditions are to remain unchanged from the original outline planning permission as amended/superseded by planning permission 17/01537/OUT for Variation of Condition 4 of 15/00761/OUT as well as the completed s106 legal agreement to secure education contributions, affordable housing, open space and open space maintenance contribution, healthcare contributions and contributions towards highway improvements to the crossing at Manningtree Station.

Conditions:

1. Development in accordance with outline permission except as modified by this permission;
2. Development to be in accordance with the approved plans;
3. Site levels;
4. Estate Roads and Footway details to be submitted and approved
5. Estate Roads and Footways implementation and management
6. Vehicular access to dwellings to be constructed prior to occupation
7. No loose surfacing to parking areas, shared vehicular courts or vehicular accesses
8. Landscaping (Hard and Soft) details to be submitted and approved
9. Landscaping (Hard and soft) implementation and management
10. Open Space to include 'The Green' and Village Square' details to be submitted and approved
11. Open Space to include 'The Green' and 'Village Square' implementation, and retention
12. Lighting details to be submitted and approved
13. Removal of PD Rights
14. Obscure glazing to flank wall windows of House Type '4'.
15. A2 Marketing suite to revert to A1 use upon completion of development

2

Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF 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.

Status of the Local Plan

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

2.4 Tendring Adopted Local Plan Adopted 2007 Policies

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
HG3	Residential Development within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM1	Access for All
COM2	Community Safety
COM8	Provision and Improvement of Outdoor Recreational Facilities
COM8a	Proposed New Recreational Open Space
ER7	Business, Industrial and Warehouse Proposals
ER37	Small convenience Stores Outside of Centres
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6a	Protected Species
TR1a	Development Affecting Highways
TR3a	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

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

SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
HP5	Open Space, Sports and Recreation Facilities
LP2	Housing Choice
LP3	Housing Density Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL6	Strategic Green Gaps

3. Relevant Planning History

14/30366/PREAPP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.	10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to	Application appealed on the grounds of non-determination. Appeal withdrawn/application retrieved from Pins and re-

	300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	submitted as 16/00818/OUT	
16/00818/OUT	Resubmission of outline application 15/00761/OUT with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved 18.07.2016. Note: The approved application has retained the reference 15/00761/OUT. All S106 matters and subsequent applications refer to outline planning permission 15/00761/OUT.	
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused 10.08.2017	
17/00535/DETAIL	Application for phase one reserved matters for access, appearance, landscaping, layout and scale for 96 residential units and 163m2 of retail space following outline planning permission 15/00761/OUT.	Current	
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 500 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Current	
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No; 001, Illustrative Masterplan - Drawing No; 002 and Landscape Plan - Drawing No; 003.	Approved	06.06.2018
18/00021/REFUSE	Planning Appeal in respect of	Withdrawn	

4. **Consultations**

Environmental Protection Regeneration Policy Section Tree & Landscape Officer	No comments received No comments received No comments received The applicant has provided confirmation that the trees with the greatest visual amenity value will be retained and physically protected during the period of development. In terms of the proposed changes to the open space the response provided by the applicant recognises that the application will result in a change that reduces the open space footprint and changes the character suggested with the outline application. However the response goes on to say that the quality and functionality will not be affected. Taking into account the information provided, especially relating to the amount of open space to be provided in relation to that required by the Local Plan: it is considered that an overall provision of open space, in the region of 25% of the development, is acceptable both in terms of amount and quality.
Anglian Water Services Ltd Babergh District Council	No comments received Babergh District Council does not wish to raise an objection to the application because it is considered that the proposal will not impact on Brantham because of the distance and location of the development.
Department For Environment Food and Rural Affairs (DEFRA)	No comments received
Essex Bridleways Association Essex County Council Archaeology	No comments received The application seeks approval of reserved matters for application 15/00761/OUT. A full archaeological condition was applied to the 2015 application on the basis of the high archaeological potential identified on the HER and through a programme of geophysics survey. A programme of archaeological trial trenching and excavation was recommended to satisfy this condition. This work has not yet taken place and Condition 20 of 15/00761/OUT has not been discharged. Until this work is completed the above application cannot be approved. Unable to comment as a programme of archaeological trial trenching and excavation secured by condition has not yet taken place.
ECC Highways Dept	The Highways Officer initially responded that: 1) The junction with Long Road should be to standard showing an access measuring 6.75m in width and providing 2x2m footways, visibility splays measuring 2.4m x 120m. 2) The initial junction just south of the main access point should only be a 'cross road' style if accompanied by a central island. Otherwise, this junction should be staggered. 3) The 6.75m wide carriageway should extend throughout the phase to be linked in with future phases and the adjacent site

whereupon a suitably constructed bus route will be available in the future.

4) The 2m footways as shown are sporadic all Footways should be continuous throughout the development.

5) For properties in close proximity to the highway, a 0.5m clearance should be provided in order to avoid structural oversail.

6) Carriageways should provide centre-line radii of no less than 13.6m

7) Apart from the main spine road, all carriageways should measure 5.5m in width.

Following submission of amended drawings and clarification from the applicant the Highway Officer has responded that:

'All items are now shown or are controllable via existing conditions'.

Essex County Fire Officer	No comments received
Environment Agency	No comments received
Essex Wildlife Trust	No comments received
Natural England	No comments received
The Ramblers Association	No comments received
ECC SuDS Consultee	No comments received
NHS East Essex CCG	No comments received
Cadent Gas	Has not objected but has advised that a mains supply running along the eastern site boundary may need diversion due to construction of the access from Clacton Road.
National Grid	Has not raised objection but has provided guidance/informative

5. **Representations**

- 5.1 Mistley Parish Council has expressed concerns in respect of access in and out of the site and the effect of increase in traffic in the local area and specifically:
- (1) There has been no confirmation that there will not be a 'rat run' between the access from Clacton Road to the access to Long Road;
 - (2) Drawing 200 indicates that there will be access to the commercial area from Dead Lane;
 - (3) Long Road access needs a filter lane for vehicles coming from the west and turning into the development;
 - (4) There is a need to provide a right turning access for vehicles travelling south from the north into the access in Clacton Road; and
 - (5) Although access for pedestrians and cycles on-site is possible, there is no provision for cyclists off-site.
- 5.2 Four letters of objection have been received from members of the public. Matters raised include:
- (1) Brown fields should be used first. Green fields should only be used as a very last resort. If not, they'll continue to decay and be a scar in our landscape;
 - (2) Infrastructure should be addressed first. Trains are overcrowded and roads cannot take any additional traffic. Most pavements are too narrow for a family with young children. Cyclists, including in particular children travelling to school, are every day put

into danger by the lack of safe cycle paths and the bad condition of the roads. The developers and Government should pay for this;

(3) The area was designated as a green wedge between Lawford, Mistley and Manningtree;

(4) Objection to the proposed access onto Clacton Road – Other estates only have one main entrance so I don't see why a separate entrance onto Clacton Road is required. Vehicles crossing the road will be dangerous. This junction will cause congestion and the increase in in traffic will lead to environmental problems.

(5) The retail element will compete unfairly with the High Street which is already suffering from closures. Officer Note: The proposed retail element has been deleted from the application.

6.0 **Assessment**

The Application Site

6.1 The site comprises an agricultural enclosure, covering an area of approximately 23 hectares, lying immediately to the south of Long Road, to the west of Clacton Road and to the north of Dead Lane. The site rises gently from its northern boundary towards the south but then falls to a relatively flat plateau over the southern part of the site. With limited boundary hedging and vegetation, the site is very exposed to public view from vantage points within Long Road and Clacton Road.

6.2 To the west of the site, planning permission has been granted but not yet implemented for major mixed-use development including up to 360 dwellings in accordance with 15/00876/OUT. The northern part of the site adjoining Long Road together with land to the north of Long Road is designated in the emerging Local Plan as a 'Strategic Green Gap' which passes between the built-up areas of Lawford and Mistley. To the north of Long Road, long distance views can be had over the built up area towards the Stour Estuary. A small number of dwellings and an assisted living complex lie in proximity to the junction of Long Road with Clacton Road, to the north east of the site. To the south, open countryside predominates.

The Proposal

6.3 Outline planning permission 15/00761/OUT was granted in July 2016 on the site for up to 300 dwellings and up to 2 hectares of employment land (including use classes A2: financial and professional services; A3: restaurants and cafes, B1: business use and D1: non-residential institutions), with associated public open space and infrastructure.

6.4 This application for Phase 1 relates to the northern section of the site and includes 96 dwellinghouses, extensive areas of open space to the north and north east, and an access onto Clacton Road, the details of the Long Road access having been determined at outline stage. The approved commercial/employment elements would fall within a later phase of development. The residential element represents approximately one third of those (up to 300) for which outline permission has been granted. The proposed 96 dwellings would comprise:

- 13 One and Two bedroom apartments within a single block
- 6 Two bedroom terraced houses (2 terraces of 3 houses)
- 24 Three bedroom terraced houses (8 terraces of 3 houses)
- 23 Three bedroom semi detached houses (12 semi-detached pairs Types 1 & 2)
- 23 Four bedroom detached houses (Types 1, 2, 3 & 4)
- 6 Five bedroom detached houses

The apartments and two terraces of two-bedroom houses would have dedicated surface car parking. All other dwellings would have both detached garaging and surface parking. Cycle storage would be provided as would bin and recycling storage facilities.

- 6.6 The application has been amended during the course of determination. **A proposed commercial element comprising 162 square metres of retail floor space, deleted from the initial proposal for reasons of non-conformity, has been re-introduced as an A2 Use in general accordance with the outline permission. This would be incorporated into the south west corner of the apartment building at ground floor level and would be the optimum location in terms of public access and proximity to the 'Village Square'. The description of development has been amended accordingly.** There has also been minor amendment to the layout of development. **The height of dwellings on the eastern fringe of the site (straddling the Clacton Road access) has been reduced from 2 storey to 1 storey, and in the north-east and north-west corners the height has been reduced from 2 storey to 1.5 storey.**
- 6.7 It is considered pertinent for the purposes of this assessment to re-assert the main differences between the original outline masterplan/parameter plans and Variation of Condition 4 of 17/01537/OUT subsequently approved. These are as follows:
- 1) There would be a slight reduction in open space/green infrastructure particularly to the north-east part of the site in comparison to the approved outline application. There is however more open space/green infrastructure in comparison to the similar Variation of Condition 4 application, currently subject to appeal, that was Refused in 2017. The emerging Local Plan takes forward Policy COM6 of the 2007 Adopted Local Plan, which requires that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable space should be less than 0.15 hectares. In this instance the open space/green infrastructure wraps completely around the area to be developed and maintains significantly more than the 10% minimum threshold of open space required by the Local Plan;
 - 2) The area devoted to residential development is, as a consequence of the proposed reduction in open space/green infrastructure, nominally larger than shown on the original plan, although not to the extent proposed in the context of the earlier application for Variation of Condition 4. It is understood that the proposed increase in developable area has been necessitated by the need to balance the viability of the project in respect of the number of larger dwellings that can be successfully integrated into the scheme while adhering to spatial standards particularly in respect of garden sizes for the individual houses.
 - 3) The development would retain the characteristic of lower rise (1 & 2-storey) buildings to the periphery of the site with 2.5-storey buildings located centrally. Overall this accords more accurately with the original outline approval. By contrast the Variation of Condition 4 application that was refused in 2017 had proposed 2.5 storey development across the entire site.
 - 4) The employment area or 'commercial zone' on the proposed plan is to be relocated to the south-east corner of the site, whereas in the original plan it was to be located in the south-west corner. There would be no change to the area of developed employment land or approved use classes.
 - 5) The access point onto Clacton Road would be some 60 metres further north than was indicated on the original plans.

- 6.8 There have been no changes in planning policy or other material circumstances since the original grant of planning permission that might affect determination of these Reserved Matters and it should be noted that all other aspects of the outline approval, including the remaining conditions, still pertain.

Analysis

- 6.9 The principal issues are:

The extent to which the reserved matters application would:

- Comply with the terms and conditions of the outline approval having particular regard to compliance with the parameter plans;
- Would conform with National Planning Policy and the requirements of the Development Plan for Tendring District;

In respect of:

- Access;
- Appearance;
- Landscaping;
- Layout; and
- Scale;

Access

- 6.10 In accordance with the outline approval, principal means of access to the residential development was to have been gained approximately midway along its Long Road frontage while a secondary access would have been gained, approximately midway along its Clacton Road frontage. Although the Long Road access was approved at outline stage, approval of the Clacton Road access was retained as a Reserved Matter on the basis that further design work was required. As part of that process, the Clacton Road access would be moved some 60m further north, in accordance with the amended parameter plans accompanying 17/01537/OUT Variation of Condition 4.
- 6.11 The Highway Authority has supported the variation and the details submitted with the Reserved Matters application showing a 6.75m wide carriageway and 2.0m wide footway together with visibility splays of 2.4m x 215m in each direction along Clacton Road. Concerns that were raised at outline stage in respect of impact on the adjoining highway network and specifically related to highway improvements, would still be addressed within the context of Condition 17 (provision of highway related improvements) of 15/00761/OUT which in turn would be subject to a S278 Highways Agreement. Financial contribution to highways improvements would be secured by a separate S106 Agreement.
- 6.12 In respect of internal access provision this has been determined by three route types: primary, secondary and tertiary. The primary route connects the two entrances into the development from Long Road and Clacton Road. Secondary and tertiary routes then allow perforation into the wider scheme. The road layouts have been designed in such a way as to discourage the development being used as a 'rat-run' (a particular concern of the Parish Council), by the introduction of hard landscape design techniques aimed at traffic calming. As a general rule, the layout would incorporate 2.0m wide pavements to the frontages of all rows of houses. The only exception is where smaller scale housing lies within short truncated cul-de-sac parking courts. In all respects, the road system throughout the development would be compliant with highway design standards in respect of bend radii, private driveway accesses and access for emergency and refuse collection and would provide a satisfactory standard of

vehicular access throughout the development, while maintaining a safe and legible environment for pedestrian and cyclists and proximity to bus stops.

Appearance

- 6.13 Amended details have been submitted showing a range of **1, 1.5 & 2-storey** house types ranging from 2 & 3 bedroom terraces of three, 3 bedroom semi detached and 4 & 5 bedroom detached properties, together with a 2.5 storey, 1 & 2 bedroom apartment block that frames the 'Village Square'.
- 6.14 The houses would be of traditional gabled construction featuring natural clay tile roof coverings terminating in overhanging eaves, above brick, painted lime render, tile hung or weatherboard clad elevations. Detailing would include corbelled eaves course throughout with certain buildings featuring water tabling to roof verges, first floor corbelled jetties, bay windows and exposed brick relieving arches. Doors and windows would be of timber construction with small pane sliding sash or casement windows aiding privacy. All buildings would incorporate traditional chimney stacks. The specification of building materials falls to be determined under Condition 7 of the outline approval. The proposed detached garaging and storage buildings would relate sympathetically to the design of the houses. The streetscene would be varied and the resulting development would have a semi-rustic appearance complementary to the vernacular of this part of Essex.
- 6.15 As amended, the appearance of the development would make a positive contribution to the quality of the local environment and would protect local character in accordance with Local Plan Policy QL9 'Design of New Development' and Emerging Local Plan Policy SPL3 'Sustainable Design'. The appearance of the development would be acceptable subject to imposition of conditions to secure appropriate standards of detailed design including material specification.

Landscaping

- 6.16 Phase 1 would incorporate the oblong shaped 'Green Gap' land fronting Long Road, which would comprise a landscaped amenity buffer measuring approximately 300m wide by 80m deep. This would then turn through the north east corner of the site to link with a square shaped area of amenity land measuring approximately 110m x 110m abutting the Clacton Road site frontage. A narrower 10m wide strip would be retained between the western boundary of the site and rear garden boundaries forming the edge of the area to be developed. The southern edge of Phase 1 is not shown to be landscaped as it would merge with later phased development further to the south. The landscaping layout accords with the amended parameter plans that form part of application 17/01537/OUT.
- 6.17 In accordance with Adopted Local Plan Policies EN1 and EN2, the quality of the district's landscape and its distinctive local character would be protected and the designated Green Gap kept open and free from development. In accordance with emerging Local Plan Policies HP3 and HP4 there would be a net gain in green infrastructure and Local Greenspaces would be safeguarded.
- 6.18 The northern tract of land, identified as the 'Village Green' on the application drawings would incorporate leisure trails, play areas, a woodland backdrop, a flight pond water feature, and a variety of screen and amenity planting. This would in turn provide a gateway to the development and setting for the nearest residential properties. This area wraps around the north eastern corner of the site opening onto and merging with an area of more open land to the east which would be more sparsely planted to facilitate varying forms of outdoor leisure activity. The somewhat narrower landscape

belt along the western edge of the site would be sufficient for a buffer zone between this site and the adjoining development site to the west. It would also be sufficiently wide enough to incorporate a leisure route that would link to future phases of the development to the south.

- 6.19 Towards the centre of the residential area, a 'Village Square' with specimen trees and terraced areas would provide a focal point for the community. Although the area surrounding the square would comprise residential development to accord with the outline permission, it is understood from supporting statements that there are aspirations to incorporate retail and café/dining experiences into the Village Square for the benefit of residents. **A condition is to be imposed to ensure the future provision of retail space for the benefit of the resident community in accordance with the planning committee's resolution of 6th June.**
- 6.20 As set down in the Planning Statement for Phase 1, the 'Public Vision' seeks to ensure that a landscape led approach is achieved. The significant open space to the north would therefore be intended for public recreation and leisure with sufficient landscape cover to provide a screening effect but not so much as to lose the openness of the Green Gap. By contrast the central space would introduce a higher proportion of hard landscaping and would provide a more formalized focal point for the community.
- 6.21 Street trees are shown throughout Phase 1 with emphasis being on the north-south orientated tree lined avenue stemming from the Long Road access. A structured tree planting strategy provides clear transitions between the hierarchy of streetscapes and public spaces. It is intended that a mix of native and ornamental trees throughout the development would help to provide contrasting seasonal colours and textures. The central route through the site would feature tall dominant species to emphasise the avenue, while narrow, winding estate roads and the Village Square would incorporate species that would provide areas of shade, and seasonal interest.
- 6.22 The proposed landscape strategy would concentrate landscape provision within areas intended to benefit both the wider landscape setting of the development and the resident community. While the level of landscaping detail is considered sufficient to address in principle, landscape and visual impact, which was a key issue in determination of the original application, and provide a basic conceptual landscape design, further, more technically precise, and detailed drawings showing planting layouts and specification would in this instance need to be submitted and approved prior to commencement of development, to ensure a high quality landscaped environment and provide the necessary degree of screening. Detailed layout drawings showing hard landscaping would also need to be agreed.
- 6.23 The landscape and tree officer has advised that the impact of the reserved matters application on the surrounding landscape would be acceptable and would not result in tree loss or harm to retained trees. Trees are in any event protected by a separate condition on the outline approval. However the officer has confirmed that further landscape details need to be provided. This can be subject to condition.
- 6.24 In accordance with Planning Practice Guidance, conditions requiring such details can be imposed at Reserved Matters stage as they relate directly to a specific reserved matter. It is consequently recommended that conditions be imposed to secure an acceptable hard and soft landscaping scheme for Phase 1 of development and to ensure its implementation and where necessary, replacement within 5 years should planting not survive.

Layout - Residential area

- 6.25 The original outline planning permission is for up to 300 dwellings and that number is reinforced by condition. This application does not seek to increase the quantum of dwellings, although the nominal increase in developed area would lend the scheme to a reduction in housing density, or development of slightly larger houses. A new outline application for the site seeking up to 500 dwellings is currently awaiting determination and this will obviously need to justify the impact of higher density development in this sensitive location.
- 6.26 In accordance with the approved scheme, the total site area is approximately 23 hectares, including 12 hectares for residential development (up to 300 homes), 2 hectares for employment uses and 9ha for green infrastructure. The original quantum of open space was therefore particularly generous and a net density would have been achieved of around 25 dwelling per hectare in respect of the 'developed' area (or 14 dwellings per hectare over the larger site). This density was one that was originally considered to be wholly appropriate for this semi-rural, edge of settlement location.
- 6.27 In the current scenario, whereas the residual area for development would increase, the number of dwellings would remain the same. Net density would therefore decrease (at the expense of green infrastructure) while gross density over the entire site would remain at 14 dwellings per hectare. In either instance, this is a relatively low housing density in keeping with the semi-rural nature of the site and far lower than the minimum density that is generally required under Policy HG7 of the adopted Local Plan and Policy LP3 of the emerging Local Plan.
- 6.28 The relatively low density of development would allow for a generous standard of road and footway width, ensuring that the internal road layout can safely and comfortably accommodate emergency services and waste collection services. All of the houses would benefit from a combination of garaging and surface parking, while the apartment block would have surface parking only. Parking would in all instances be compliant with parking standards. Residential amenity for future residents would be acceptable having regard to privacy, avoidance of overshadowing or overbearance, while garden sizes would be compliant with standards and would be satisfactorily orientated to take advantage of optimum levels of sunlight. Details of boundary treatment are subject to a separate outline planning condition.

Scale

- 6.29 The principal consideration relates to the height of development. The approved parameter plans for the original application showed zones within the site where different heights would apply. That development would have comprised predominantly of 2 storey high development across the majority of the site, with 1 storey development occupying a small part of the site to the west and other small zones of up to 2.5 storeys surrounding a central open space.
- 6.30 The revised parameter plan, to be read in conjunction with this application, shows a redistribution of these areas with the 2.5 storey elements still located centrally other than for a small high rise cluster adjoining the (re-located) employment area which is to form part of a later development phase.
- 6.31 The building heights currently proposed as part of the Reserved Matters Phase 1 development comprise predominantly 2 storey development with a small area of 2.5 storey development around the 'Village Square', **and following amendment, a small quantum of 1 and 1.5 storey development along the more visually exposed eastern fringe of the site and north eastern and north western corners.**

- 6.32 The emphasis on two-storey development within Phase 1 can be justified due to the generous depth of amenity land adjoining Phase 1 and on the premise that lower rise development would feature more significantly in later phases of development towards the southern periphery of the site where landscape impact would arguably be more pronounced and the need to respond to local landscape context, greater.
- 6.33 The Council is entitled to withhold planning permission at reserved matters stage if the height of development were to be considered inappropriate or harmful to the character and appearance of the area, particularly as a result of height and massing. **In this instance, particularly following the introduction of a number of single storey units, the scale of development is considered acceptable and in accordance with the amended parameter plans.**

Other Matters

- 6.34 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as a site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistley does abut, the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI).
- 6.35 Consideration therefore needs to be given to the extent to which potential indirect effects on the designated area that might result from the increased level of human activity arising from the proposed development can be mitigated. In this instance the layout of development, and dedication of landscaped green areas would ensure the provision of on-site recreational routes and extensive areas of green space, sufficient for the purposes of mitigation. Consequently Natural England has not raised objection.
- 6.36 **The introduction of retail floor space (Use Class A1) although not forming part of the original application, is in general conformity with Policy ER37 'Small convenience Stores Outside of Centres', and would be a logical end use of that part of the site, dedicated at this stage for temporary A2 marketing purposes. Additionally, the retail use would be of insufficient scale to be detrimental to the vitality and viability of the neighbouring local centre. There are no amenity issues in respect of the small scale retail use of this part of the site.**

Conclusion

- 6.37 The application satisfies the requirements of the NPPF and the Development Plan for Tendring having regard to Access, Appearance, Landscaping, Layout and Scale and should be approved subject to conditions as set out in this Report.

Background Papers

None

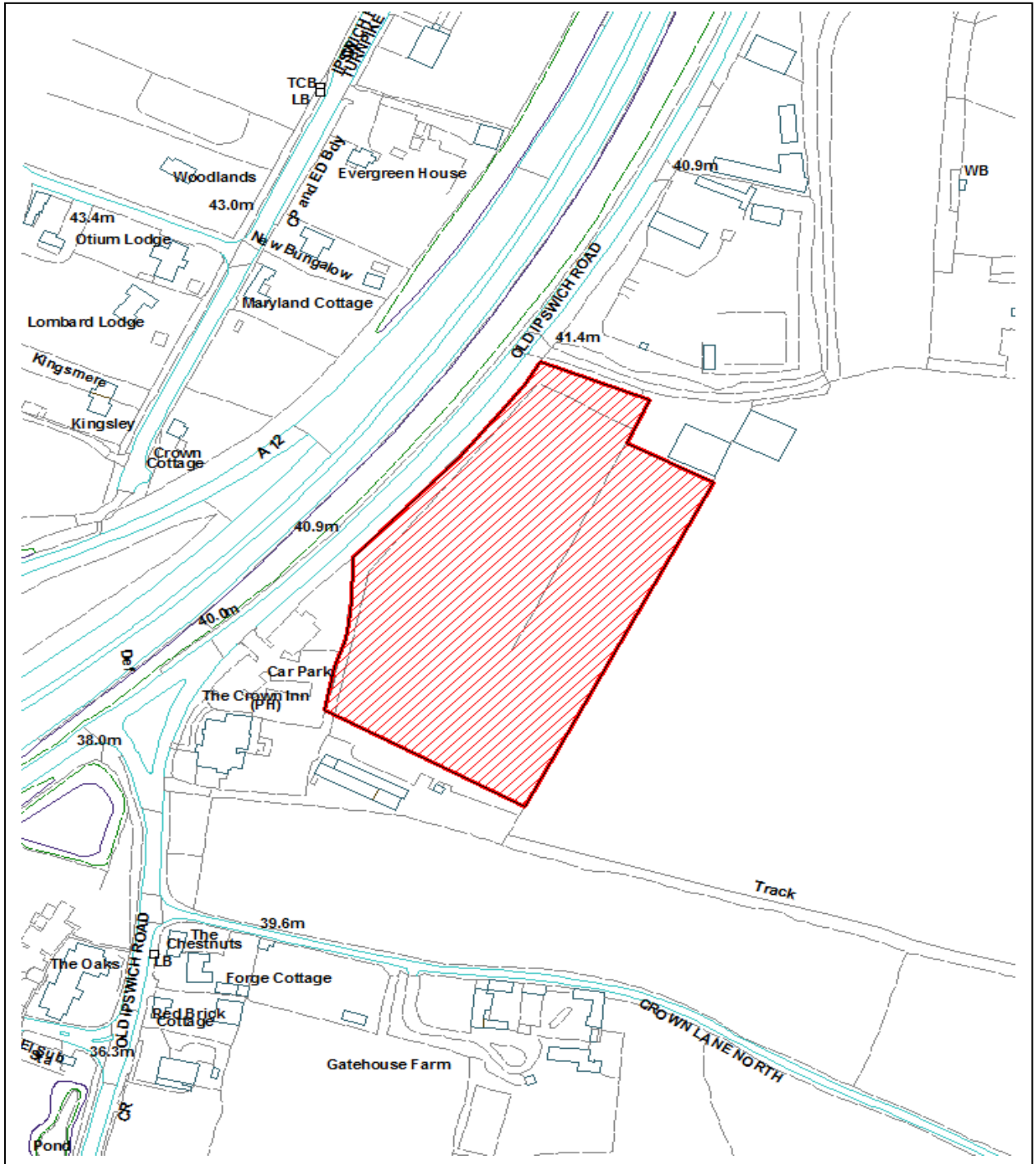
This page is intentionally left blank

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/02204/FUL - CROWN BUSINESS CENTRE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR



DO NOT SCALE

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

Application:	17/02204/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Mr Jon Cooper - Evolve Business Centre (Colchester) Ltd	
Address:	Crown Business Centre Old Ipswich Road Ardleigh CO7 7QR	
Development:	The construction of 77 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping (Amended description).	

1. Executive Summary

- 1.1 The application was initially presented to Planning Committee on 6th June 2018. The committee expressed concern regarding the proposed removal of a mature protected Oak Tree from the southernmost part of the site. The application was deferred to allow the applicant time to re-consider retention of the tree and amendment to the scheme. No other issues were raised and it was agreed by Committee that if this matter could be satisfactorily addressed the proposal could progress to determination with a resolution to grant full planning permission.
- 1.2 **Amended plans have been submitted showing the Oak Tree retained and the resulting loss of 14 of the originally proposed 91 commercial starter units that were intended for construction in this part of the site.** An amended Arboricultural Report, Planning Statement and Design and Access Statement have also been submitted. The amended scheme would safeguard the integrity and long term protection of the tree including its ¹canopy and rooting systems. The Tree Officer has confirmed that the amended scheme would be acceptable. As there would be a reduction in the scale of development and the amendment would not materially impact on third party interests, further consultation is not a pre-requisite in this instance.
- 1.3 All other aspects of the Report to Planning Committee remain unchanged as set out below.
- 1.4 The site benefits from an extant consent for mixed use development for a hotel and 4000sqm of B1 development. The current application seeks to retain the B1 use, add B8 (storage) use and substitute the hotel element with B1(a) office development. There would be no significant increase in the scale or intrinsic character of development on the site and there is significant levels of existing commercial development in the immediate area. The principle of commercial development in this out-of-settlement location is consequently considered to have been established.
- 1.5 Although Ardleigh Parish Council has raised objection in respect of the perceived impact development would have on the local highway network and have queried the level of parking, ECC Highways Department has not raised objection subject to conditions that would secure highway improvements and while parking is compliant with or in excess of standards. The Parish has also objected to the scale of development and to the viability of office development in this location. In respect of scale it is considered that the development would not be overbearing, nor appear out of keeping, and although viability

is in itself not a pre-requisite for commercial development, the indicators are that sufficient demand would exist.

- 1.6 The proposal would satisfy Development Plan requirements in respect of design and layout, impact on local character having regard to landscape and surrounding built form and impact on amenity.
- 1.7 Consultees have not raised objection subject to imposition of conditions, and as such there are no outstanding issues in respect of the highway network, site drainage, potential flooding, archaeology, ecology and protected trees.
- 1.8 The proposal represents sustainable development, compliant in all respects with the NPPF and with Development Plan for Tendring, the issue of location having been addressed and mitigated separately. As such planning permission should be granted.

Recommendation: Approve

Conditions:

- 1 Time limit for commencement
- 2 Compliance with plans
- 3 Site Levels
- 4 Landscape details
- 5 Planting and Replacement
- 6 Tree protection – Compliance with Report
- 7 Landscape Management Plan
- 8 Boundary treatment
- 9 Highway Improvements Schedule
- 10 Construction Method statement
- 11 Archaeology Evaluation/Fieldwork/Post excavation Assessment
- 12 Suds 1 Surface Water Drainage Scheme
- 13 Suds 2 Offsite flooding
- 14 Suds 3/4 Maintenance Plan and Monitoring
- 15 Artificial Lighting
- 16 Materials
- 17 Scheme for control of noise emanating from the site
- 18 Scheme for access for the disabled
- 19 Scheme for Renewable Energy/Energy Conservation
- 20 Removal of PD Rights (Industrial buildings)
- 21 Removal of PD Rights (Offices)
- 22 No external Storage
- 23 Foul Drainage Strategy

2 Planning Policy

NPPF National Planning Policy Framework

NPPG National Planning Policy Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL4 Supply of Land for Employment Development
QL9 Design of New Development
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
ER7 Business, Industrial and Warehouse Proposals
COM29 Utilities
COM31A Sewerage and Sewage Disposal
EN1 Landscape Character
EN13 Sustainable Drainage Systems
EN13A Renewable Energy
TR1A Development Affecting Highways
TR1 Transport Assessment
TR2 Travel Plans
TR5 Provision for Cycling
TR7 Vehicle Parking at New Development

Tendring District Local Plan 213-2033 and Beyond

SP1 Presumption in Favour of Sustainable Development
SP4 Providing for Employment and Retail
SP7 Development and Delivery of New Garden Communities in North Essex
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP7 Employment Allocations
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL7 Archaeology
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

Status of the Local Plan

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

15/00669/OUT	Outline planning application with all matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing Crown Business Centre B1a offices and driving range shelter).	Approved	18.12.2015
15/00985/OUT	Mixed Use development incorporating a hotel and approximately 4,000sqm B1 floor space with associated access arrangements	Approved	
17/02204/FUL	The construction of 91 small B1, B2 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Current	

4. Consultations

Anglian Water Services Ltd	Wastewater Treatment – Due to lack of information, Anglian Water were initially unable to assess the impact of development on the water recycling centre; Foul Sewerage Network – Condition to be imposed requiring
----------------------------	--

	<p>drainage strategy to be agreed; Surface Water Disposal – Remit of Lead Local Flood Authority/Internal Drainage Board/Environment Agency. Not AWS; Trade Effluent – Not applicable;</p>
Highways England	Following the submission of additional information, offer no objection.
ECC Highways Dept	<p>Having regard to the fact that the proposed increase in traffic over and above that already permitted by application 15/00985/OUT is minimal, this Authority would not wish to raise any objections to the proposal as submitted provided the items already secured by Condition 4 in the previous permission decision notice are carried forward.</p> <p>Officer Note: Condition 4 of 15/00985/OUT required:</p> <ul style="list-style-type: none"> a) Provision of a priority junction off Old Ipswich Road; b) Upgrading of two bus stops to ECC specification; c) A minimum 2m wide footway from the application site along the eastern side of Old Ipswich Road to the pedestrian access to The Crown Public House, then crossing to the western side of Old Ipswich Road utilising the central island; d) A Travel Plan.
Regeneration	No comment received
Environmental Protection	Environmental Protection have no comments to make on this application
Natural England	Natural England considers that the proposed development is unlikely to damage or destroy the interest features for which Bullock Wood Site of Special Scientific Interest (SSSI) has been notified. We therefore have no objections and do not request any conditions. Standing Advice to be attached by way of Informative to any grant of permission.
Essex Wildlife Trust	We can confirm that we have no comments to make in respect of this application.
Tree & Landscape Officer	<p>In order to show the extent of the constraint that the trees on the land are on the development potential of the application site the applicant has provided a detailed tree survey and report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: <u>Recommendations</u>.</p> <p>It is important to note that Section 5 of the tree report makes reference to an enquiry made by Hallwood Associates to Colchester Borough Council to establish whether or not the application site is within a conservation area or if it is affected by a Tree Preservation Order ' the conclusion being that the site was not in a conservation area and the trees were not protected ' this is partially incorrect.</p> <p>The application site is situated within the administrative boundaries of Tendring District Council. It is not in a</p>

conservation area but is affected by Tendring District Council Tree Preservation Order 98/13/TPO Colchester Driving Range.

It is therefore important for the applicant to note that none of the works identified in the tree report, insofar as they relate to protected trees, should be carried out: unless planning permission has been granted or consent has been granted under the terms and conditions of the TPO.

In terms of the findings of the tree report it is accepted that the contents provide an accurate description of the health and condition of the trees on the land. The report identifies those trees that will be retained and those that would need to be removed in order to facilitate the development proposal. It also identifies where specialist construction techniques would need to be used to avoid causing harm to trees by way of disturbance of the ground within their Root Protection Areas.

Although the development of the land would necessitate the removal of two trees covered by the TPO it is considered that the replacement planting, in prominent locations, will adequately compensate for the loss of the existing trees. The removal of the third small Oak and a section of hedgerow to allow access would not be significantly harmful to the appearance of the area.

In terms of the future screening of the development the site layout plan shows the cutting back and retention of the tall conifer hedge on the boundary with the Old Ipswich Road. It is my view that the hedge is not in good condition and that it will not be improved by the proposed cutting back, on the application side of the hedge, to facilitate the development of the land.

Although not beneficial in the short term the screening and enhancement of the site would be best served by the removal of the conifer hedge and its replacement with a new hedge comprising indigenous species. A greater than usual proportion of evergreen species could be included in the planting scheme to provide a degree of screening during the autumn and winter months.

Should planning permission be likely to be granted then a soft landscaping condition should be attached to secure detail of new planting, including trees to soften, screen and enhance the appearance of the development.

If the requirements of the tree report are adhered to then it is considered that the development of the land could take place without causing harm to the retained trees or without having a negative impact on the local tree population.

ECC SuDS Consultee

The County Council does not object to the granting of planning permission subject to imposition of conditions in respect of: Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to

and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Following further infiltration testing if this is found to be viable, limiting discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. If following further testing it is found infiltration is unviable, run off should be limited to the 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Condition 2

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

Condition 3

No work shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by, the Local Planning Authority.

Condition 4

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

Essex County Council
Archaeology

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

The site lies immediately adjacent to Wick Quarry where archaeological investigations are ongoing and over the last 10 years have revealed multi-period archaeological evidence. Of

significance are the remains of an extensive Late Iron Age (mid-1st century BC to mid-1st century AD) settlement spanning the head of an east-west valley which includes a large D shaped enclosure and annexe which was likely used for industrial activity.

The medieval and later remains relate to a field system and enclosures predating the existing field pattern. Many of the features predate the present-day Wick Farm, whose farmhouse is a Grade II listed building dating to the mid-18th century, and a moated enclosure to the south of the farm is thought to have been the site of the original medieval farmstead. A brickworks, dating from 1750 is recorded adjacent to the western boundary of the site, which closed in 1860.

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

RECOMMENDATION: A Programme of Archaeological evaluation subject to the following condition:

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

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

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

Further Recommendations:

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

Environmental Protection No comments

Essex Police –
Designing Out Crime
Unit.

In respect of the potential for Designing Out Crime in pursuance of the guidance offered within Sections 58 & 69 of the National Planning Policy Framework (NPPF) - the published documents do not provide sufficient detail to allow an informed decision to be made at this stage. The applicant is advised to contact Essex Police direct for advice in achieving Secured by Design certification.

5. Representations

- 5.1 Ardleigh Parish Council object to the planning application on the basis that:
- The density proposed is unacceptable. The design and layout of the applications is on a massive scale. The blocks nearest the road allows for 3 storeys of office accommodation and the associated lighting with these blocks would be too much.
 - Parking allocations do not appear to be adequate for such an extensive build and Old Ipswich Road is already used as a parking area. Vehicles are parked along the road and under the A12 bridge, often in breach of double yellow lines.
 - The traffic associated with this site would place an undue strain on the Ardleigh Crown interchange AND you would expect to see a significant increase in traffic using Wick Lane and Crown Lane North. Both of these lanes cannot take increased traffic and Wick Lane has been recently visited by the TDC planning committee and deemed to be inappropriate for additional traffic. Wick Lane is also an ancient and protected lane. Vehicle movements from the A12 onto the slip road would require the traffic to pass close to a listed building.
 - It should be noted that there is no evidence that further office accommodation is needed as the office development on the other side of the road, Apex 12, is not fully let or occupied. The availability of more office units does not create jobs.

6. Assessment

Site and Surroundings

- 6.1 The site extends to 2.3ha in area, and lies on the eastern side of Old Ipswich Road, in the north-west corner of the borough. It is broadly rectangular in shape and measures approximately 260m on a north south axis and 120m on an east west axis. The land is level and comprises mown grassland that has in the past been used as a 'low-key' golf driving range. The only buildings associated with this use comprise some shipping containers used for storage purposes that are located within the adjoining Crown Business Park site.
- 6.2 A row of mature deciduous trees, subject to a TPO, lie on a south-north axis through the middle of the site, possibly on the line of a former boundary. Tall, mesh 'catch' fencing associated with the golf range lines the western and northern site boundaries.
- 6.3 To the north - The site abuts a narrow belt of native species trees beyond which is an access road leading to two large industrial sheds (Crow Farm), located towards the north east corner of the site.
- 6.4 Further north, a number of commercial buildings and compounds including a Council depot, line the eastern side of Old Ipswich Road. The predominant use comprises commercial activity associated with nearby gravel extraction.
- 6.5 To the west - A row of dense mature conifers lie just within and define the western boundary of the site. Old Ipswich Road, a 'B' category road with grass verges runs parallel to the western boundary. Further to the west of and parallel with Old Ipswich Road, is an elevated section of the A12, Colchester to Ipswich Trunk Road.

- 6.6 To the south - A range of small single storey business units (Crown Business Park) with an area of surface car parking shared between the business units and the golf driving range lies adjacent to the southern boundary. The Business Centre is accessed to the west off Old Ipswich Road and immediately to the south of The Crown Hotel, a public house and restaurant, close to a slip road onto the A12. Further to the south, sporadic mixed uses, including a small number of houses and garaging within Tendring District and a contemporary Business Park (Apex 12) and hotel within Colchester Borough, line Old Ipswich Road. The road then crosses a projecting finger of Ardleigh Reservoir before joining the A12 interchange with the A120, immediately to the north of Colchester Town.
- 6.7 To the east - The site boundary is defined by a post and wire fence. An earth bund just outside of this boundary delineates the limit of land further to the east designated for an extension to Ardleigh Reservoir and currently subject to aggregate extraction. Although the site is exposed to long range views from the east, in landscape terms, public views of the site are limited to partially glimpsed views through hedgerows skirting Crown Lane to the south west and a public footpath which has been temporarily diverted during mineral extraction operations.
- 6.8 The site is undesignated in respect of adopted and emerging Local Plans.
- 6.9 Access - The existing site access is via Crown Business Park to the south. A redundant access lies midway along the western boundary with the Old Ipswich Road. Access onto the A12 and A120 trunk roads lies nearby.

Proposal

- 6.10 Permission is sought for the construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping .
- 6.11 The development has been modelled on the Evolve Business Concept, which seeks to respond to a gap in the market for new/start-up and small businesses, that require flexible, affordable sub 1000sqft self contained workspace, particularly those requiring B1a office and B1 light industrial uses. The model is intended to counter the loss of office space to residential partly as a result of relaxation of permitted development legislation.
- 6.12 Five, detached, two-storey office blocks, would be located within the western part of the site. Each building would house eight 95sqm office units arranged over 2 floors. Toilet facilities would be provided on each floor adjacent to a central stairwell. Surface parking for approximately 200 cars and 14 disabled car parking spaces, together with motorcycle and cycle parking areas would be provided throughout this part of the development. Free standing refuse and recycling enclosures would also be provided.
- 6.13 The buildings would be constructed using dark grey coloured 'Dura' clad elevations to first floor elevations above white rendered ground floor elevations, all below a shallow pitch grey aluminium roof. Full height timber cladding would be used for feature walling. Windows and doors would be dark grey or black coloured aluminium, with two storey high curtain glazing in certain locations.
- 6.14 A central landscape area would separate the 5 detached buildings from the smaller mews style units to the east. This landscaped area would support the more robust examples of retained TPO trees.

- 6.15 The 91 small units would be arranged in tight 'Mews' formation to the rear (east) of the site, behind the central landscaped area and backing on to a gravel extraction site that is designated for future expansion of Ardleigh Reservoir. The flank of this part of the site would lie just to the north of the Crown Business Park which benefits from an extant consent for residential development of 4 detached houses.
- 6.16 The business units would be two-storey to eaves and arranged in two rows facing the other with vehicular access central between the rows and single bay surface parking in front of each unit. The units would range in size from approximately 37 sqm floor area to 103m sqm floor area. They would be constructed using full height, light grey coloured 'Dura' clad elevations below dark grey coloured shallow pitch corrugated roofing incorporating roof-lights. Windows would be timber, while there would be double width entrance doors, also in timber. Openings would be to the frontages of the units only. Communal toilets, refuse storage facilities, and ancillary space would be provided within this part of the development, rather than within individual units. The units would provide flexible accommodation as occupants would choose whether to exchange upper floors for mezzanines or have them removed altogether should headroom be paramount.
- 6.17 It was initially proposed to incorporate B2 heavy industrial use into the description of development. Subsequent to advice from officers this element has been deleted and the application amended accordingly.
- 6.18 The application is supported by the following documents;
- Planning Statement
 - Concept, Sales and Marketing – Evolve Business Centres
 - Design and Access Statement
 - Arboricultural Impact Assessment
 - Extended Phase 1 Habitat Assessment
 - Traffic Statement
 - Drainage Report
 - Flood Risk Assessment
 - SuDS Checklist Rev A

Analysis

- 6.19 The main planning considerations are:
- Sustainability and the principle of commercial development in this (countryside) location outside a settlement boundary
 - Design and Layout
 - The impact of development on local character
 - Landscape considerations (including retention of protected trees)
 - The impact of development on (residential) amenity
 - The impact of development on the highway network

The Principle of Development

- 6.20 The development would be located in the countryside where, such development would not normally be permitted. In order to make provision for new employment, the Council has allocated land for Class B1 light industrial uses (but not Class B1a office use) in accordance with Policy ER1 of the adopted Local Plan, at a number of strategic locations throughout the district, there being a presumption that office use should be directed towards town centres. This is reinforced by Policy ER2 which states that 'within these (employment) areas, Class B1a uses will not be permitted'.

- 6.21 The emerging Local Plan however adopts a more flexible approach by not segregating B1(a) Office use from the wider 'B' use classes. Policy PP7 of the emerging Local Plan seeks to establish allocations of employment land that incorporate both B1(a) and B1 uses. The policy states that additional sites suitable for small and medium sized businesses will be considered on a site by site basis. However the policy stipulates that such sites should be within the settlement boundaries and in close proximity to public transport nodes.
- 6.22 Although development in this location would normally be deemed contrary to policy, the site benefits from an extant consent for commercial development comprising a hotel and office complex. The current proposal relates to exactly the same site and proposes a similar extent of built development. As such the principle has been established that commercial development is acceptable in this location.
- 6.23 Old Ipswich Road is characterised by other forms of commercial development particularly heavy industrial and quarrying development to the north and recent hotel and business centre development to the south, and is well connected to the highway network. There would be no loss of agricultural land and the existing golf course facility is very low key and not an employment generating use or valuable leisure resource. Such considerations give further weight to the proposal.

Design and Layout

- 6.24 Policy SPL3 'Sustainable Design' of the Emerging Local Plan requires that in order to make a positive contribution to the local environment and protect or enhance local character, all new development should be well designed, relate well to the site particularly in relation to siting, height, scale, massing, form, design and materials, should respect skylines and maintain or enhance important site features of landscape ecological or amenity value integrate soft landscaping.
- 6.25 In respect of practical requirements, emerging Policy SPL3 expands upon the core principles of Adopted Local Plan Policy QL9. The proposal would provide a good standard of access, including access for people with mobility impairments. Consideration has been given to minimising impact on climate change, reducing flood risk while taking the opportunity to create amenity and enhance biodiversity as a result and in mitigating the likely-hood of adverse impact on the environment.
- 6.26 The scale, massing and height of the development would not be so intrusive as to impact detrimentally upon skyline vistas, long range views or upon the surrounding landscape. The standard of design would be high, utilising aesthetically simple architectural forms, textures and colours to provide an identity that would not be significantly at odds with its surroundings, while juxtaposing built form with new landscape provision and existing protected site trees.

The impact of Development on Local Character

- 6.27 The character of this countryside location is influenced by the variety of development in relatively close proximity to the site. This includes some residential development, but predominantly commercial ribbon development, straddling Old Ipswich Road and by the proximity of the site to the A12 Ipswich Road.
- 6.28 The site is relatively well screened. There is a dense, mature conifer screen to the western boundary, mature native tree planting to the north and built development comprising the Crown Hotel and Crown Business Centre to the south. Local character will be enhanced when the planned reservoir extension directly to the east of the site is completed, as this will provide opportunity for landscape reinforcement

and further screening. Ultimately the development should integrate well with its surroundings and not appear anomalous or out of place. A similar high quality bespoke, contemporary office development to the south, on the opposite side of Old Ipswich Road has responded positively to its semi woodland setting and is considered to have provided an acceptable bench mark for this particular form of commercial enterprise in the area.

Landscape Considerations, Biodiversity and Ecology

- 6.29 Although the Tree and Landscape Officer has indicated a preference for substitution of the conifer screen that dominates the western site boundary with native species planting, it is understood that the preferred option of the applicant is to retain this form of screen planting. The existing site is dominated by a row of mature deciduous trees running centrally through it. The trees are subject to a Tree Preservation Order and the tree officer has commented that the loss of poorer examples of the protected trees would be acceptable. The planning layout drawings, show the proposed provision of a reasonably substantial landscape belt within the site. This would contribute positively to the character of the site and its surroundings and provide opportunity to screen the long linear rows of starter units towards the rear of the site.
- 6.30 Landscape details have not been submitted with the application and consequently this together with boundary treatment will need to be addressed by means of condition. It is considered that subject to a sympathetic scheme, landscape content would enhance the setting of development and given the sterile nature of the existing land use, contribute positively to future biodiversity. Consultees have not requested conditions in respect of site ecology.

Amenity

- 6.31 Although there are a small number of residential curtilages in the vicinity, none are so close as to be affected by the development. Although the development would be traffic generating, and this is an obvious concern that has been raised by the Parish Council on behalf of local residents, the Highway Authority has not objected and given the proximity of the site to major road intersections, this would not be a turning issue.
- 6.32 Planning permission was granted Ref: 15/00985/OUT for redevelopment of the Crown Business Centre and the erection of 4 detached dwellinghouses. That permission is still extant although it is tied by condition No 4, which required that a quantum of commercial floor space be provided prior to occupation. Obviously, if this proposal currently under consideration were to be approved and be preferred in lieu of the mixed use (hotel and office) development, the residential consent in its present form could not be implemented . This however does not sterilise future redevelopment of the Crown Business Centre site for such purposes as the principal of small-scale residential development has been established. Nevertheless, regard should be given to the relationship between the two sites
- 6.33 Light industrial and office uses are rarely perceived as being noise or fume polluters and consequently this is considered not to be an issue. The commercial buildings would lie to the north and consequently would not overshadow the approved residential site. The nearest commercial buildings would comprise of the flank of the mews style units which would not have fenestration and would be conditioned to remain as such. The nearest of the larger office buildings would have fenestration but would lie some 16m from the common boundary which is considered acceptable in respect of potential for overlooking and resulting loss of privacy. In any event there would be scope for landscape screening to both sides of the common boundary to further reinforce screening. This would in addition help to reduce disturbance arising

from movements of vehicles within the site. A condition would also be imposed to ensure that artificial lighting would not be intrusive.

- 6.34 Although the Crown Hotel also adjoins the site, this comprises commercial premises and residential amenity is not paramount.

Highway and Parking Considerations

- 6.35 The highway officer has asked for imposition of a condition identical to that proposed in the context of the original consent Ref: 15/00985/OUT for 'Mixed Use Development incorporating a hotel and approximately 4000sqm B1 floor space with associated access arrangements'.
- 6.36 The condition relates to access and the provision of a range of highway improvements that would improve pedestrian accessibility. Such matters would be secured by a separate S278 Highways Agreement.
- 6.37 In respect of on-site parking provision for the 5 frontage units, and in accordance with ECC Parking Standards 4,000sqm of B1 (light industrial) floor spaces would require a maximum of 130 car parking spaces and 6 disabled car parking spaces. 202 car parking spaces and 14 disabled car parking spaces in addition to motorcycle and cycle parking have been proposed. Given that this is a semi-rural location and that B1(a) offices, would reasonably require a higher parking quota than light industrial use, the higher standard herein proposed is considered acceptable.
- 6.38 In respect of on-site parking provision for the mews style units, 1 vehicle parking space is proposed for each of the 96 units with a further 18 undedicated (visitor) spaces. This lower ratio of parking accords with the maximum parking standard and is considered acceptable.

Flood Risk and Drainage Issues

- 6.39 A Flood Risk Assessment and Drainage Report have been submitted. It has been confirmed that the site is located in Flood Zone 1 and there are no records of on-site flooding or off-site impact relating to the site.
- 6.40 Essex County Council SuDS in their role as Local Lead Flood Authority team has assessed the supporting documents and have not raised objection subject to conditions requiring submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. Safeguards against off site flooding during the construction phase and requirements for future maintenance are also to be conditioned.

Other matters

- 6.41 In respect of Archaeology, Essex County Council has been consulted. Although the site has been identified as having archaeological interest, subject to conditions that would ensure site investigation prior to commencement of works, no objection is raised.
- 6.42 It is noted that the site is in close proximity to the boundary with Colchester. The Borough Council did not raise objection in respect of the previous mixed use development subsequently approved for this site, although at the time the viability of the scale of the B1 use was queried. In this instance although the quantum of B1 floor space would be greater, the applicant has made the case that this is a niche form of development for which there is growing demand. Officers are of the view that

the site is well located to service future demand as may arise from the Development and Delivery of New Garden Communities in North Essex as set out in Strategic Policy SP7 of the emerging Local Plan, and that the proposal represents a significant level of inward investment into the Borough that would provide substantial employment opportunities.

Conclusion

- 6.43 The development would satisfy the criteria and policies set out within the National Planning Policy Framework for sustainable development. Although the development would lie outside of a settlement boundary, taking all material circumstances and mitigation into account, supported by the existence of an extant consent for commercial development, the indication is that planning permission should be granted.

Background Papers

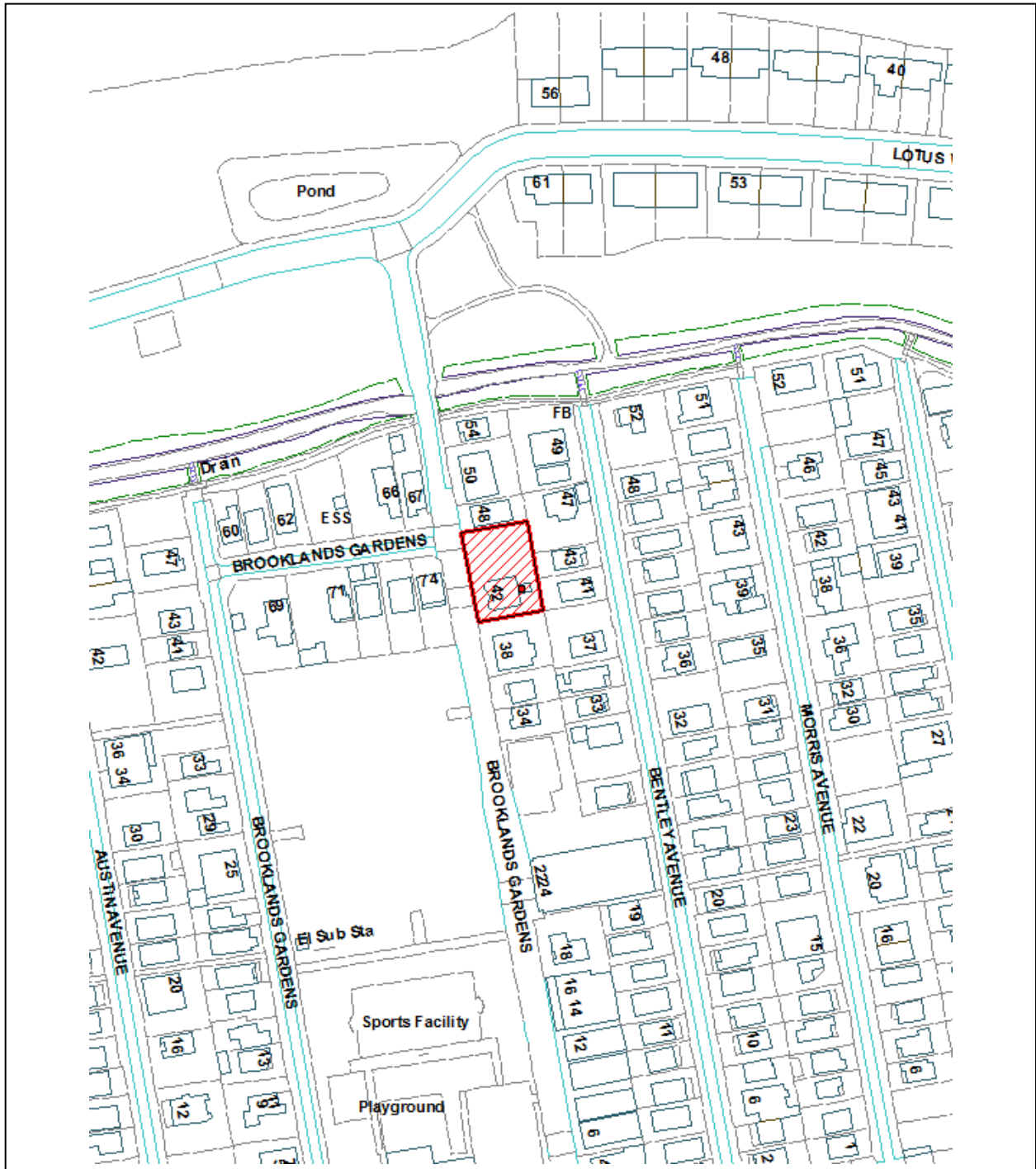
None

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/01845/FUL - 42 - 46 BROOKLANDS GARDENS, JAYWICK, CO15 2JP



DO NOT SCALE

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

Application:	17/01845/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr R Culff	
Address:	42 - 46 Brooklands Gardens Jaywick CO15 2JP	
Development:	Erection of 4 storey flat block (containing 7 flats - 2 x one bedroomed and 5 x two-bedroomed units) with under-croft parking.	

1. Executive Summary

- 1.1 This planning application has been referred to Planning Committee as this part of Jaywick is one of the most deprived areas in the country with many of the existing properties originally built as holiday homes. Most properties are substandard by modern day expectations and are within the high risk flood zone. The regeneration of Jaywick is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick is to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce a new benchmark for built design that addresses flood risk concerns, improves the quality of accommodation, maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area. Unfortunately the scale of development proposed within this application is considered excessive, upsetting the delicate balance of regeneration of the area versus existing residents' amenity. It is therefore recommended for refusal.
- 1.2 The application proposes a four storey building comprising seven flats with six car and seven cycle parking spaces. There is a communal rear garden area plus two private balconies at first floor level and a large third floor private terrace.
- 1.3 The application site has the proportions of a triple plot and contains the visible remains of one dwelling. The immediate northern neighbour (No. 48) is a very modest bungalow on a single plot, with a raised bungalow (No. 50) on a double plot to its north. The immediate southern neighbour (No. 38) is a raised chalet bungalow on a double plot. Three bungalows fronting Bentley Avenue abut the rear boundary of the site. Two storey dwellings and commercial buildings lie further to the south along Brooklands Gardens, but the prevailing character is raised single storey dwellings on single and double plots. To the south west is an area of public open space with a community centre beyond.
- 1.4 The site lies within flood zone 3a (high risk). The proposal includes only storage and parking on the ground floor bringing about a net improvement in flood safety in relation to neighbouring single storey properties and those likely to have existing on this plot previously. The Environment Agency have no objection to the proposal. The Highway Authority have now removed their objection to the proposal. No neighbour comments have been received.
- 1.5 The detailed design and height closely reflects those approved by Members at 32-37 Brooklands for 13 flats (16/00920/FUL) and 23-27 Brooklands for 15 flats (16/00921/FUL). Those applications represented the first significant proposals for redevelopment in line with the Council's aspirations for the area and are in a prime location overlooking Jaywick beach. Since then numerous three storey redevelopments have been approved within the main residential area of Brooklands. The proposed building at 11m high, and with a

substantial 18.2m wide (15.2m wide at the rear) by 8.3m high combined first and second floor would appear vastly out of scale with neighbouring 1 and 1.5 storey high development. The 8.3m high bulk is only 1.3m from the shared boundary with No.s 48 and 38 Brookland Gardens, and only around 4m from the shared rear boundary with No.s 41, 43 and 47 Bentley Gardens. It is therefore considered that the bulk of development proposed is excessive for this constrained site to the serious detriment of visual amenity and the prevailing scale of surrounding development. This is in contrast to the above two approvals where neighbouring dwellings only exist to the rear due to the beach frontage and roads to both sides.

- 1.6 It is accepted that the Essex Design Guide calculations in relation to back to back distances and preservation of daylight to neighbouring properties must be relaxed with the need to actively encourage the redevelopment of Jaywick. However, the continuous two storey bulk of the first and second floors at 8.5m high raises serious concerns on the impact on neighbouring single storey properties due to the very limited separation distances. This substantial increase in height at such close proximity is considered to be very oppressive for neighbouring occupiers both from within their dwellings and gardens resulting in material loss of light and outlook. The proposed building also contains multiple windows and Juliet balconies to all four elevations at first, second and third floor level. Overlooking from the living rooms and kitchen/dining rooms at first and second floor level to all four sides would result in a significant loss of privacy for neighbouring properties. The two first floor balconies are also very close to the boundaries (1.3m) of 48 and 38 Brooklands Gardens resulting in significant loss of privacy and likely noise concerns given their elevated position and very close siting.
- 1.7 The site is currently overgrown with scrubby vegetation but no significant trees that would merit retention. A phase 1/preliminary ecological assessment has not been provided. The vegetation on the site has reasonable potential to support protected species. Furthermore other development sites in the local area recently subject to ecological assessment have found Common Lizard, high numbers of Slow Worm, and Adder. Unfortunately this matter was only raised with the applicant at a very late stage. However, if such survey is submitted at a later date and recommends acceptable mitigation measures where necessary the related reason for refusal would be removed, or not defended at appeal, subject to appropriate conditions.
- 1.8 The regeneration of Jaywick requires a bold approach that seeks to secure a long-term future for the area. However in this case in weighing up the advantages of the development against the disadvantages, your Officers consider that the disadvantages in terms of serious harm to residential amenity and the prevailing pattern of surrounding development; and an unknown impact upon protected species are greater and the application is therefore recommended for refusal.

Recommendation: Refuse

Reason for Refusal:

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 proposed building at 11 metres high, and with a substantial 18.2 metre wide (15.2 metre wide at the rear) by 8.3 metre high combined first and second floor would appear vastly out of scale with neighbouring 1 and 1.5 storey high development. The 8.3 metre high bulk is only 1.3 metres from the shared boundary with No.s 48 and 38 Brookland Gardens, and only around 4 metres from the shared rear boundary with No.s 41, 43 and 47 Bentley Gardens. It is therefore considered that the bulk of development proposed is excessive for this constrained site to the serious detriment of visual amenity and the prevailing scale of surrounding development. The proposed development therefore fails to make a positive contribution to the quality of the local environment and protect or enhance local character.

2. Paragraph 17 of the National Planning Policy Framework (2012) 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 immediate northern neighbour (No. 48) is a very modest bungalow on a single plot, with a raised bungalow (No. 50) on a double plot to its north. The immediate southern neighbour (No. 38) is a raised chalet bungalow on a double plot. To the rear are three bungalows fronting Bentley Avenue (No.s 41, 43 and 47). No. 47 is sited on a double plot with its garden area abutting the application site. Numbers 41 and 43 are on single plots with around 4 metre long rear gardens abutting the application site.

The continuous two storey bulk of the first and second floors at 8.5 metres high raises serious concerns on the impact on neighbouring single storey properties due to the very limited separation distances. Separation to the building at 48 Brooklands Gardens is only around 2.1 metres, around 5 metres to 38 Brooklands Gardens, around 8.5 metres (4 metres to their rear boundary) to 41 and 43 Bentley Avenue, and around 10 metres (4 metres to the rear boundary) to 47 Bentley Avenue. This substantial increase in height at such close proximity is considered to be very oppressive for neighbouring occupiers both from within their dwellings and gardens resulting in material loss of light and outlook.

The proposed building contains multiple windows and Juliet balconies to all four elevations at first, second and third floor level. Overlooking from the living rooms and kitchen/dining rooms at first and second floor level to all four sides would result in a significant loss of privacy for neighbouring properties. It is not considered that this could be overcome through obscure glazing as this would create poor living conditions for future occupiers of the flats and would still give a strong perception of overlooking. The two first floor balconies are also very close to the boundaries (1.3 metres) of 48 and 38 Brooklands Gardens resulting in significant loss of privacy and likely noise concerns given their elevated position and very close siting.

The proposal therefore results in an overbearing impact which would be significantly detrimental to residential amenity, contrary to the above policies.

3. The proposal is contrary to Saved Policies EN6 and EN6a of the Adopted Tendring District Local Plan (2007) that state development proposals will not be granted planning

permission unless existing local biodiversity and protected species are protected. A similar approach is taken in draft Policy PLA4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Paragraph 118 of the National Planning Policy Framework (2012) requires that Local Planning Authorities "conserve and enhance biodiversity", whilst paragraph 109 requires Local Planning Authorities to minimise impacts on biodiversity. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances". Paragraph 5.3 of government document 'Planning for Biodiversity and Geological Conservation: A Guide To Good Practice', states that "In the development control process, the onus falls on the applicant to provide enough information to enable the Local Planning Authority to assess the impacts on biodiversity and geological conservation. Planning applications must be supported by adequate information". Standing advice from Natural England recommends that an initial scoping or extended Phase 1 habitat survey should be conducted to assess the site and the results of this used to inform (the need for) subsequent species specific surveys. No such information has been provided with this application. Neither is evidence provided to outweigh the need to protect such species in accordance with the tests outlined in Article 16 of the EC Habitats Directive.

The site is currently overgrown with scrubby vegetation which has reasonable potential to support protected species. Furthermore other development sites in the local area recently subject to ecological assessment have found Common Lizard, high numbers of Slow Worm, and Adder. A Phase 1/preliminary ecological assessment has not been provided. As such, the proposal is in conflict with the afore-mentioned policies, guidance, directive and the Framework.

2. Planning Policy

National Planning Policy Framework (NPPF)

Section 10 of the NPPF sets out the government's policies in respect of meeting the challenge of climate change, flooding and coastal change. Paragraph 94 states "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations". Paragraph 103 sets out the approach that Councils should take when considering planning applications for development in areas of flood risk. This requires a 'sequential approach' that seeks to direct development away from high risk flood areas and to only allow a contrary approach in exceptional circumstances where there are overriding reasons. In any event, developments need to be appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.

Paragraph 187 of the NPPF states "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".

The NPPF 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. 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.

Local Plan

Tendring District Local Plan (2007)

QL1: Spatial Strategy

QL2: Promoting Transport Choice

QL3: Minimising and Managing Flood Risk

QL6: Urban Regeneration Areas

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

HG1: Housing Provision

HG3: Residential Development Within Defined Settlements

HG9: Private Amenity Space

EN6: Biodiversity

EN6a: Protected Species

TR1a: Development Affecting Highways

TR7: Vehicle Parking at New Development

CL15: Residential Development in Jaywick

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

LP3: Housing Density and Standards

LP4: Housing Layout

PPL1: Development and Flood Risk

PPL4: Biodiversity and Geodiversity

CP1: Sustainable Transport and Accessibility

Status of the Local Plan

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

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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.

In relation to housing supply:

The NPPF 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.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

3. Relevant Planning History

None

4. Consultations

Building Control and Access Officer The staircase should be lobbied. Agent needs to check that there is adequate access for a fire fighting appliance to attend the site.

Environmental Protection In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works ask that the following is conditioned

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement for written approval.

Reason to protect the existing amenity at the nearest sensitive premises.

Also provide detailed notes in relation to noise, emission and lighting control

Tree & Landscape Officer There are no trees of any real visual amenity value or any other vegetation on the site that merit retention. There appears to be little opportunity for new soft landscaping as part of the development of the land.

Highway Authority (original comments) This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application for the following reasons:

Current parking standards require all residential properties to provide suitable levels of vehicle parking in order to limit the risk of conflict in the highway. Properties with one bedroom should provide one parking space, and for two or more bedrooms two parking spaces are required; in this case 12 spaces should be provided.

This proposal is dramatically short of these numbers which will lead to an increase in vehicles parking in the highway.

Brooklands Gardens is a relatively narrow route and as such the additional vehicles being parked in the highway will lead to increased parking and turning, additional conflict with existing residents and a higher risk of collisions.

The proposal is therefore contrary to the relevant policies contained within the County Highway Authority's Development Management Policies.

Highway Authority (Amended) In the time that has passed since the Highway Authority issued their recommendation I have now met with the applicant and have been submitted

comments)

additional information regarding car ownership in the Jaywick area.

Having regard to the additional information and combined with the fact that the applicant is prepared to provide quality cycle parking, electric (e bike) charging facilities and travel packs for all new residents I confirm that on this occasion the Highway Authority would be prepared to review their highway recommendation and exceptionally support Tendring District Council in consideration of a reduced car parking standard at this location.

Essex County Council are in full support of the regeneration of the Jaywick area and are working in partnership with Tendring District Council to achieve this. During my discussions with the applicant it was stressed that when regeneration of an area occurs car ownership trends may ultimately increase and for that reason it was stressed that for future application the Highway Authority would look for full compliance with the Essex Car Parking Standards document

Environment
Agency

We have no objection to this planning application as the site is currently defended and the SMP (Shoreline Management Plan) policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future.

The site lies within tidal Flood Zone 3a having a high probability of flooding. The proposal is for the construction of 7 flats over 4 storeys, classified as a 'more vulnerable' development.

To comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA). If you are satisfied that the application passes these tests and will be safe for its lifetime, we request the following conditions are appended to any permission granted:

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA): APS Design Associates Ltd, 915 – 42 Brooklands Gardens, Jaywick FRA – Rev 1, 19 October 2017 and the following mitigation measures detailed within the FRA:
1. Finished first floor levels are set no lower than 5.605 metres above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing or phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To reduce the risk of flooding to the proposed development and future occupants.

To assist you in making an informed decision about the flood risk affecting this site, the key points to note from the submitted FRA are: Actual Risk
The site is currently protected by flood defences with an effective crest level of 4.95m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.18m AOD. 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.

If the SMP policy is not followed then at the end of the development lifetime, the 0.5% (1 in 200) annual probability including an allowance for climate

change flood level of 5.305m AOD, would overtop the existing defences.

Residual Risk

Section 4 and 5 of the FRA explores the residual risk of a breach using the Jaywick 2015 Strategic Flood Risk Assessment (SFRA). The site could experience breach flood depths of up to 2 metre during the 0.5% (1 in 200) annual probability including climate change breach flood event and at 3 metres during the 0.1% (1 in 1000) annual probability including climate change breach flood event (up to the year 2115).

Assuming a velocity of 0.5m/s the flood hazard is danger for all including the emergency services in the 0.5% (1 in 200) annual probability flood event including climate change.

Finished ground floor levels have been proposed at 2m AOD. This is below the 0.5% annual probability breach flood level including climate change of 4m AOD and therefore at risk of flooding by 2m depth in this event. The development has not included any habitable space on the ground floor.

Flood resilience/resistance measures have been proposed up to 5.605m AOD which is 0.3m above the 0.5% (1 in 200) annual probability breach flood level including climate change.

Finished first floor levels have been proposed at 5.605m AOD and therefore there is refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5m AOD.

A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

Shoreline Management Plan

The current defences protect this community against a tidal flood with a 0.5% (1 in 200) annual probability of occurrence. However, the impacts of climate change on sea levels over the development's lifetime will gradually reduce the level of protection afforded if they are not raised within this timeline. Without the raising of the defence, the site could flood should a tide with a 0.5% (1 in 200) annual probability flood event plus climate change occur, which could be contrary to the advisory requirements of Paragraphs 059 and 060 of the National Planning Policy Framework's Planning Practice Guidance. These advise that there should be no internal flooding in 'more vulnerable' developments from a design flood. This could also present challenges to the safety of the users of the buildings and a future reliance on evacuation or emergency response. The South Suffolk and Essex Shoreline Management Plan (SMP) has a policy of 'Hold the Line' until 2105 for Jaywick, so it is possible that the flood defences may be raised in line with climate change to continue to protect against the future 1 in 200 annual probability flood event for the lifetime of the development. The SMP policy is aspirational rather than definitive, so whether the defences are raised or reconstructed in the future will be dependent on the availability of funding. The level of funding that we can allocate towards flood defence improvements is currently evaluated through cost benefit analysis, and any identified shortfalls in scheme funding requirements would require partnership funding contributions from other organisations. When determining the safety of the proposed development, you should take this uncertainty over the future flood defences and level of flood protection into account. This

may require consideration of whether obtaining the funds necessary to enable the defences to be raised in line with climate change is achievable. This would be required to prevent the proposed development being at unacceptable flood risk of internal flooding in the design event.

Essex Police Essex Police wish to offer comment with regard the above planning application in respect of the potential for Designing Out Crime in pursuance of the guidance offered within Sections 58 & 69 of the National Planning Policy Framework (NPPF).

The published documents have been studied and, unfortunately, 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 has been achieved. Essex Police is able to support the applicant to achieve appropriate consideration of the requirements and is invited to contact Essex Police via designingoutcrime@essex.pnn.police.uk

5. **Representations**

5.1 No comments have been received.

6. **Assessment**

The main planning considerations are:

- Principle of development;
- Jaywick Regeneration Policies;
- Flood Risk;
- Design;
- Highway Safety;
- Residential Amenity;
- Environmental Impacts;
- Overall planning balance.

Context

- 6.1 The site lies within the settlement development boundary for Jaywick in both the saved and draft local plans. The site is also within flood zone 3a (high risk).
- 6.2 The application site has the proportions of a triple plot and contains the visible remains of one dwelling. The immediate northern neighbour (No. 48) is a very modest bungalow on a single plot, with a raised bungalow (No. 50) on a double plot to its north. The immediate southern neighbour (No. 38) is a raised chalet bungalow on a double plot. Three bungalows fronting Bentley Avenue (No.s 41, 43 and 47) abut the rear boundary of the site. Two storey dwellings and commercial buildings lie further to the south along Brooklands Gardens, but the prevailing character is raised single storey dwellings on single and double plots. To the south west is an area of public open space with a community centre beyond.

Principle of development

- 6.3 The site lies within the settlement development boundary for Jaywick which forms part of the 'town' of Clacton (as defined in Policy QL1 of the adopted Local Plan) and the 'strategic urban settlement' of Clacton-on-Sea (as defined in Policy SPL1 of the emerging Local Plan). As the site lies within the settlement development boundary the principle of

residential development is accepted by saved Policy HG3 and draft Policy SPL2, subject to the detail of the proposal being acceptable.

Jaywick Regeneration Policies

- 6.4 The Brooklands, Grasslands and Village areas of Jaywick are defined as an urban regeneration area in Policy QL6 of the adopted Local Plan and a Priority Area for Regeneration in Policy PP14 of the emerging Local Plan. Such areas will be a focus for investment in social, economic and physical infrastructure and initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility. The policy supports proposals for development that are consistent with achieving these regeneration aims.
- 6.5 This part of Jaywick is one of the most deprived areas in the country with many of the existing properties originally built as holiday homes. Most properties are substandard by modern day expectations and are within the high risk flood zone. The regeneration of Jaywick is one of the Council's top long-term objectives and the Council has been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick is to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce a new benchmark for built design that addresses flood risk concerns, improves the quality of accommodation, maximises the enjoyment of Jaywick's assets (particularly the beach) and inspires property owners and developers to redevelop and remodel other parts of the area.
- 6.6 Saved Policy CL15 sets out specific requirements for development in Jaywick which are:
- i) Any new residential development should take the form of single dwellings on combined plots, the desirable width and depth of resulting plots to be at least 18 metres and 15 metres respectively. The minimum width and depth of resulting plots to be 15 metres and 15 metres respectively;
 - ii) Only three storey development that excludes habitable rooms on the ground floor will be allowed;
 - iii) Direct road frontage access should be available to each plot;
 - iv) A minimum of 5 metres deep rear yard/amenity area shall be provided;
 - v) a minimum one metre space between side boundaries and any detached, semi-detached or end terraced dwelling, or a minimum distance of 2 metres between the flank walls of any two such dwellings will be required;
 - vi) Any off street car parking should be provided within the ground floor of each dwelling;
 - vii) The front building line to be 2 metres from the highway;
 - viii) Subsequent extensions to new dwellings will not be allowed if they contain living accommodation on the ground floor in the form of habitable rooms;
 - ix) No development will be allowed within four metres of the ditch to the rear of Brooklands and Grasslands to allow for the passage of Maintenance Plant;
 - x) Development along the Brooklands Frontage will need to be set back 2 metres to allow for the expansion of the road and minimum 1.2 metre-wide foot path.
- 6.7 The policy then says the approval of any new dwelling will be subject to a contribution through S106 legal agreement towards the continued wider regeneration of Jaywick.
- 6.8 However, this 2007 policy aimed at strictly controlling development to facilitate a phased programme of redevelopment has failed to bring about any positive changes in the area. 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 approach has seen an increasing number of predominantly three storey redevelopments being approved within Jaywick.

Flood Risk

- 6.9 The site and a large area of this part of Jaywick falls within Flood Zone 3a which is the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by policy QL3 in the adopted Local Plan and policy PPL1 in the emerging Local Plan, requires a 'sequential approach' to the location of new development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. There are clearly many locations of lower risk where a block of 7 flats could be located. However, in Jaywick an exceptional approach is justified where new development can assist in the regeneration of the area and help to reduce the risk of flooding to life and property overall.
- 6.10 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:
- 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.
- 6.11 The application is accompanied by a site-specific flood risk assessment. The Environment Agency confirm that they have no objection as the site is currently defended and the Shoreline Management Plan policy for this area has an aspiration for hold the line. They request a condition securing compliance with the submitted flood risk assessment and that finished floor levels are set no lower than 5.605 metres above Ordnance Datum (AOD).
- 6.12 The finished ground floor level is at 2m AOD which is below the 0.5% annual probability breach flood level and is therefore at risk of flooding by 2m depth in this event. However, the ground floor is used solely for vehicle and bin storage with no habitable accommodation so does not pose any threat to life.
- 6.13 A Flood Evacuation Plan has been proposed and this is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.
- 6.14 The proposal is therefore considered to pass the sequential and exception tests and is acceptable in relation to flood risk.

Design

- 6.15 The proposed building fills the plot at ground floor level at just under 21 metres wide, set back 1 metre from the Brooklands Gardens road. At ground floor there are six open garages and a central pedestrian access. The building then steps in 1.3m to both sides at

first floor level, with balconies on the side elevations, providing a first and second floor block measuring 18.2m wide and 8.3m tall. The third floor is then set in from all elevations surrounded by a large roof terrace to the front and both sides reaching a total height of 11m. To the rear the first and second floors sit above ground floor cycle and bin stores stepped in 1.5m from both sides in relation to the front of the building.

- 6.16 The flat roofed design seeks to make full use of the structure for accommodation and the stepped design seeks to reduce the bulk as the height increases. The art deco style design with white render and green detailing is considered appropriate for this seaside location and closely reflects those approved by Members at 32-37 Brooklands for 13 flats (16/00920/FUL) and 23-27 Brooklands for 15 flats (16/00921/FUL).
- 6.17 The submitted front elevation shows a street scene including the two immediate neighbours at No. 48 (to the left) and No. 38 (to the right) but is incorrect. No. 48 in particular is a very modest bungalow whose roof only reaches the eaves line of its other neighbouring bungalow at No.50. It is considered that had this been correctly drawn it would show that this immediate neighbour is only around 0.8m from the boundary (as confirmed on the submitted ground floor plan) not 1.5m as indicated on the street scene drawing and of comparable height to the proposed first floor balcony. The first and second storey floors of the proposed building will therefore be around 5 metres higher than No. 48 with only 2.1m separation therefore appearing completely out of scale with this neighbour. No. 38 to the left is a raised bungalow with accommodation in the roof which appears to be shown around 0.8m closer in the street scene drawing and is shown to be front gabled rather than side gabled. However, the overall height shown for this neighbour appears correct and there would be around 5 metres separation to the first and second floor element of the proposed building.
- 6.18 To the rear are three modest bungalows fronting Bentley Avenue (No.s 41, 43 and 47). No. 47 is sited on a double plot with its garden area abutting the application site. Numbers 41 and 43 are on single plots with around 4m long rear gardens abutting the application site.
- 6.19 The proposed building at 11m high, and with a substantial 18.2m wide (15.2m wide at the rear) by 8.3m high combined first and second floor would appear vastly out of scale with neighbouring 1 and 1.5 storey high development. The 8.3m high bulk is only 1.3m from the shared boundary with No.s 48 and 38 Brookland Gardens, and only around 4m from the shared rear boundary with No.s 41, 43 and 47 Bentley Gardens. It is therefore considered that the bulk of development proposed is excessive for this constrained site to the serious detriment of visual amenity and the prevailing scale of surrounding development.
- 6.20 The approved applications at 32-37 Brooklands for 13 flats (16/00920/FUL) and 23-27 Brooklands for 15 flats (16/00921/FUL) represented the first significant proposals for redevelopment in line with the Council's aspirations for the area and are in a prime location overlooking Jaywick beach. Since then numerous three storey redevelopments have been approved within the main residential area of Brooklands. The current proposal at four stories, and with a substantial bulk at first and second floor level very close to the boundaries, is considered to represent overdevelopment in this location with neighbouring dwellings to all sides. This is in contrast to the above two approvals where neighbouring dwellings only exist to the rear due to the beach frontage and roads to both sides.
- 6.21 The applicant has amended the plans since original submission to reduce the rearward projection of the first and second floors and to set the ground floor in slightly. However these changes are not significant enough to overcome the serious concerns detailed within the reasons for refusal. Officers are very keen to negotiate the scheme to an approval and have confirmed the need to reduce the oppressive impact that the proposal would have on neighbouring dwellings, but also being within a regeneration area any future development that may wish to be provided on surrounding sites.

- 6.22 Saved Policy HG9 relates to provision of private amenity space and requires minimum 5 square metre private balconies to flats above ground floor level; or 25 square metres per flat of communal garden. The third floor flat has a very large private terrace and two flats at first floor level have large private balconies. The remaining flats (3 two-bedroom and 1 one-bedroom) have use of an ample rear garden area comprising around 100 square metres so the provision of amenity space complies with Saved Policy HG9.

Highway Safety

- 6.23 For two one-bedroom flats and five two-bedroom flats 12 off street car parking spaces plus two visitor parking spaces should be provided in accordance with the adopted parking standards. Six undercroft parking spaces are provided plus internal cycle storage for 7 cycles and e-bike charging points.
- 6.24 The Highway Authority have changed their recommendation in light of evidence provided by the applicant which confirms the lower than average level of car ownership in Jaywick. The level of car and cycle parking proposed is therefore acceptable.
- 6.25 The Highway Authority confirm no objection subject to conditions to secure: residential travel packs; provision of cycle and car parking and e-bike charging as shown prior to occupation and retained as such thereafter; and no use of unbound materials. Subject to these conditions the proposal is acceptable in terms of highway safety.

Residential Amenity

- 6.26 The immediate northern neighbour (No. 48) is a very modest bungalow on a single plot, with a raised bungalow (No. 50) on a double plot to its north. The immediate southern neighbour (No. 38) is a raised chalet bungalow on a double plot. To the rear are three bungalows fronting Bentley Avenue (No.s 41, 43 and 47). No. 47 is sited on a double plot with its garden area abutting the application site. Numbers 41 and 43 are on single plots with around 4m long rear gardens abutting the application site.
- 6.27 It is accepted that the Essex Design Guide calculations in relation to back to back distances and preservation of daylight to neighbouring properties must be relaxed with the need to actively encourage the redevelopment of Jaywick, particularly given the existing narrow and short plots and close spacing of dwellings in the area. In terms of loss of light, outlook and privacy the third floor raises few concerns due to it being set back from, and largely screened by, the second floor to the immediate neighbours. However the continuous two storey bulk of the first and second floors at 8.5m high raises serious concerns on the impact on neighbouring single storey properties due to the very limited separation distances. Separation to the building at 48 Brooklands Gardens is only around 2.1m, around 5m to 38 Brooklands Gardens, around 8.5m (4m to their rear boundary) to 41 and 43 Bentley Avenue, and around 10m (4m to the rear boundary) to 47 Bentley Avenue. This substantial increase in height at such close proximity is considered to be very oppressive for neighbouring occupiers both from within their dwellings and gardens resulting in material loss of light and outlook.
- 6.28 The proposed building contains multiple windows and Juliet balconies to all four elevations at first, second and third floor level serving living, kitchen/dining areas and bedrooms, with all bathrooms being internal except at third floor level. Overlooking from the living rooms and kitchen/dining rooms at first and second floor level to all four sides would result in a significant loss of privacy for neighbouring properties. It is not considered that this could be overcome through obscure glazing as this would create poor living conditions for future occupiers of the flats and would still give a strong perception of overlooking. The two first floor balconies are also very close to the boundaries (1.3m) of 48 and 38 Brooklands

Gardens resulting in significant loss of privacy and likely noise concerns given their elevated position and very close siting.

- 6.29 The third floor is set back so would not provide direct views downwards from within the flat. However, there is a terrace to three sides which would allow views down towards neighbouring gardens and dwellings. Given the height of 8.5m it is not considered that overlooking or noise from this large terrace would be significantly harmful to privacy or amenity to justify an objection on these grounds.
- 6.30 TDC Pollution team request a condition requiring submission of a demolition and construction method statement which would minimise disturbance to neighbours during site clearance and construction in terms of noise, dust and lighting.

Environmental Impacts

- 6.31 The site is currently overgrown with scrubby vegetation but no significant trees that would merit retention. A phase 1/preliminary ecological assessment has not been provided. The vegetation on the site has reasonable potential to support reptiles, hedgehogs (a Species of Importance in England) and other protected species. Furthermore other development sites in the local area subject to ecological assessment have found Common Lizard, high numbers of Slow Worm, and Adder.
- 6.32 Unfortunately this matter was only raised with the applicant at a very late stage and a suggestion was made by Officers to defer the application to a later Planning Committee to enable the site to be surveyed. However, if such survey is submitted at a later date and recommends acceptable mitigation measures where necessary the related reason for refusal would be removed, or not defended at appeal, subject to appropriate conditions.

Other considerations

- 6.33 In relation to the comments from Building Control the applicant states: Regarding the staircase needing to be lobbied; this will be covered under building control and can then be adjusted if necessary. Regarding adequate access for a fire fighting appliance; We have been advised by Mr Culff that both properties have been the victim of fires on separate occasions. Mr Culff advised us he was present at one of the fires and three fire engines were in attendance.

Overall planning balance

- 6.34 The regeneration of Jaywick requires a bold approach that seeks to secure a long-term future for the area. However in this case in weighing up the advantages of the development against the disadvantages, your Officers consider that the disadvantages in terms of serious harm to residential amenity and the prevailing pattern of surrounding development; and an unknown impact upon protected species are greater and the application is therefore recommended for refusal.

Background papers

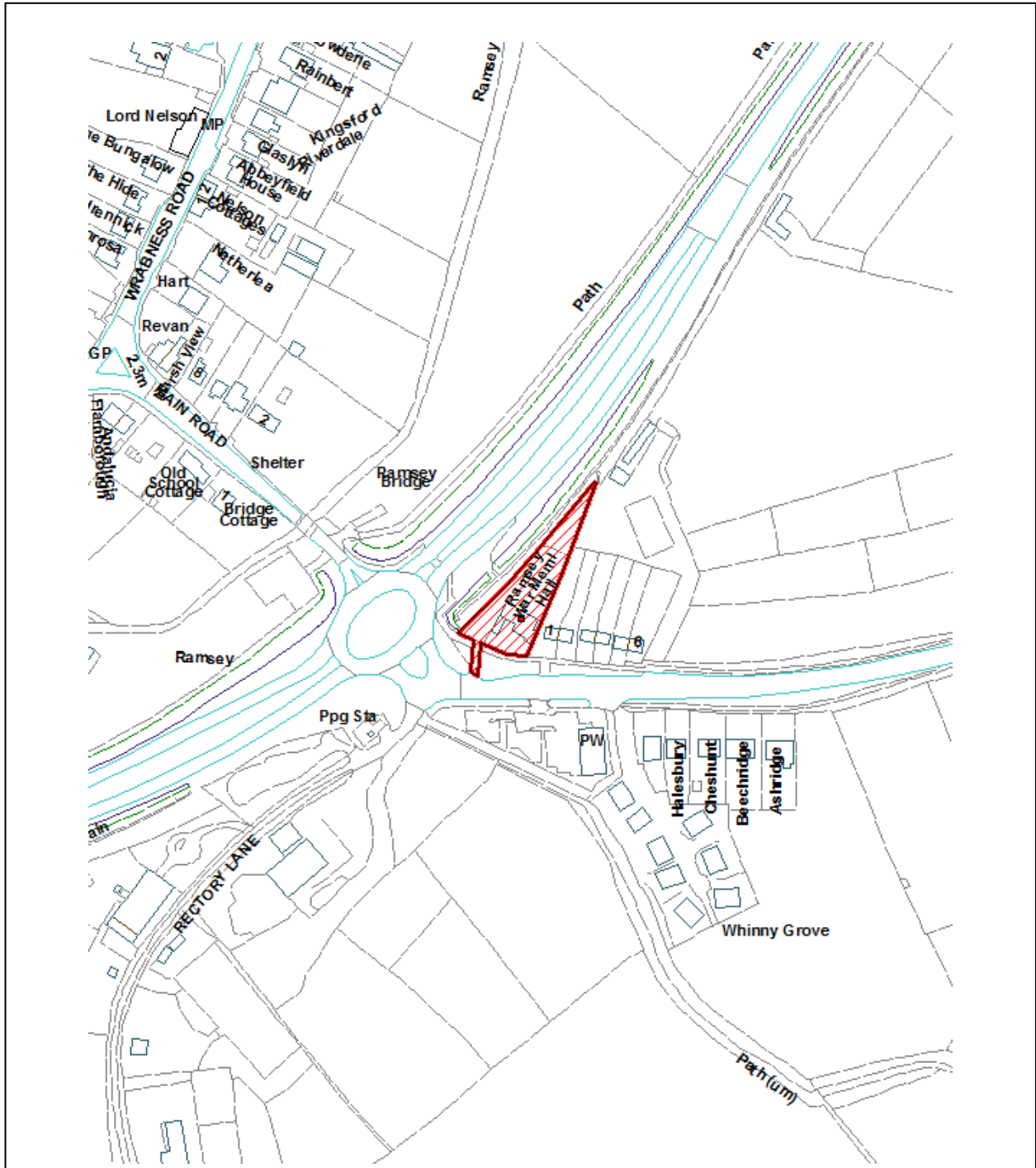
None

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION – 18/00876/OUT – RAMSEY WAR MEMORIAL HALL, CHURCH HILL, RAMSEY, CO12 5EX



DO NOT SCALE

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

Application:	18/00876/OUT	Town / Parish: Ramsey & Parkeston Parish Council
Applicant:	Mrs Suzanne – Ramsey War Memorial Hall	
Address:	Ramsey War Memorial Hall, Church Hill, Ramsey CO12 5EX	
Development:	Outline application with all matters reserved for the construction of 3 dwellings.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee as it is contrary to the development plan, recommending approval for housing outside of any defined settlement development boundary.
- 1.2 The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), with the nearest settlement (Harwich & Dovercourt Settlement Boundary) being sited approximately 400 metres to the east within Mayes Lane.
- 1.3 The proposal would result in the loss of a community facility in the Ramsey War Memorial Hall. However, under planning permission 16/02070/FUL a new village hall was granted approval at Wix Road, Ramsey, approximately 775 metres to the west. Therefore, replacement facilities of equal benefits will be sited within reasonable walking distance, adhering to the requirements of Saved Policy COM3.
- 1.4 The proposal seeks outline planning permission with all matters reserved for three detached dwellings and is considered visually acceptable, resulting in no significant harm to neighbouring amenities, the existing landscape or highway safety.
- 1.5 Following delegated refusal of 17/01901/OUT in December 2017 additional information has been provided to confirm that the funds required to build the new village hall (costing around £800,000) are to be provided by the sale of this application site should outline planning permission be granted plus additional funding. The proposal represents sustainable development and the benefits of providing the community facility approved under 16/02070/FUL outweigh the modest harm to the sites location 400 metres outside the settlement development boundary of the Strategic Urban Settlement of Harwich and Dovercourt. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

1. Outline planning permission time limit for commencement
2. Reserved matters submission
3. Construction Management Plan

Informative: This planning permission is granted in relation to the replacement village hall approved under 16/02070/FUL, and the benefits of providing that community facility outweigh the modest harm to the sites location 400 metres outside the settlement development boundary of the Strategic Urban Settlement of Harwich and Dovercourt.

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

COM3 Protection of Existing Local Services and Facilities

EN1 Landscape Character

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

HP2 Community Facilities

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. Importantly the Inspector has confirmed that the housing requirement for Tendring of 550 new homes per annum for the period up to 2033 is based upon sound evidence. There are however concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

17/01901/OUT	Outline application with all matters reserved for the construction of 3 no. proposed dwellings.	Refused	20.12.2017
--------------	---	---------	------------

4. Consultations

ECC Highways From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The development shall not be occupied until such time as a car parking and turning area for each dwelling has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

2. All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

3. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

4. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and

retained thereafter.

5. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

There are no trees or other significant vegetation on the application site.

Tree and
Landscape
Officer

The implementation of the development proposal will not affect the trees situated on the highway land forward of the front elevations of the proposed dwellings nor will it have any impact on the established trees and shrubs on the land between the application site and the A120.

There appears to be little scope or opportunity for new soft landscaping other than low level planting around the parking areas at the front of the development as shown on the indicative site layout plan.

Building Control No adverse comments at this time.

5. Representations

- 5.1 Ramsey & Parkeston Parish Council strongly support the application as it will support the development of additional recreational facilities for the residents of Ramsey and neighbouring areas.
- 5.2 Councillor Ferguson requested that the application be determined at Planning Committee if recommended for refusal on the grounds that the proposal is part of a community project to improve the facilities in the village of Ramsey and should therefore be supported.
- 5.3 No other letters of representation have been received.

6. Assessment

Site Context

- 6.1 The application site is located on the northern side of Church Hill within the parish of Ramsey & Parkeston. The site measures approximately 0.14 hectares in size and comprises of the Ramsey War Memorial Hall and an associated car parking area. To the west of site is the Church Hill junction with Mayes Lane, and further to the south is a recently constructed school.
- 6.2 The site falls outside of a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

- 6.3 This application seeks outline planning permission with all matters reserved for the erection of 3 detached dwellings, following the demolition of the existing Ramsey War Memorial Hall.

- 6.4 The applicant has stated the proceeds raised from the sale of the three dwellings would be put towards the development of the new community facility previously approved under planning reference 16/02070/FUL, which is estimated to cost approximately £800,000 to complete.

Principle of Development

- 6.5 The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.6 The Council is in a position where it can now identify a 5 year housing supply and as such there is no requirement for the 'skewed' approach to the presumption in favour of sustainable development, under paragraph 14 of the National Planning Policy Framework (NPPF), to be engaged. Furthermore, with the emerging Local Plan progressing well, officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth and should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- 6.7 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Whilst this site is part of the Ramsey and Parkeston Parish it is located closer to the settlement boundary serving the towns of Harwich and Dovercourt, which is accepted as a sustainable location in the hierarchy for new housing. The settlement development boundary is approximately 400 metres to the east of the site within both the existing and the emerging Local Plan. The Strategic Urban Settlements of Harwich and Dovercourt provide a wide range of public transport, employment and facilities within easy reach of the application site and the proposal would therefore represent socially sustainable development. The proposal would also be economically sustainable in generating construction jobs for both sites, and future occupiers investment in services in the local area.
- 6.8 In terms of environmental sustainability, the site already contains a relatively substantial building with associated parking. It is also well set back behind a deep highway verge with residential development to the immediate east and dense screening to the A120 to the west. Development of the site for three detached houses would therefore be acceptable in relation to the prevailing character of the surrounding area and would result in no material harm to visual amenity subject to the detailed design and siting which would be considered under a reserved matters application. The proposal is therefore considered to be environmentally sustainable. The proposal is therefore considered to represent sustainable development.
- 6.9 Following delegated refusal of 17/01901/OUT in December 2017 additional information has been provided to confirm that the funds required to build the new village hall (costing around £800,000) are to be provided by the sale of this application site should outline planning permission be granted plus additional funding. As detailed above the proposal represents sustainable development and the benefits of providing the community facility approved under 16/02070/FUL outweigh the modest harm to the sites location 400 metres outside the settlement development boundary of the Strategic Urban Settlement of Harwich and Dovercourt.

Loss of Community Facility

- 6.10 Policy COM3 of the Tendring Local Plan 2007 states that in order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless replacement facilities are provided within a reasonable walking distance, or there is adequate provision of similar facilities within reasonable walking distance (800m), or it has been demonstrated that there is no longer a local need for the facility, or it is no longer viable.
- 6.11 Under planning reference 16/02070/FUL, a new village hall was granted approval at Wix Road, Ramsey, approximately 775 metres to the west. Therefore, it has been successfully demonstrated that as a result of the proposed development, replacement facilities of equal benefits will be sited within reasonable walking distance, and the proposal meets the requirements of Policy COM3.

Layout, Design and Appearance

- 6.12 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.13 The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application. However, an indicative layout and elevational design has been submitted which demonstrates the dwellings will each be two storeys, detached and accessed via a joint access from Church Hill to the south. The site is in a section of the road that is characterised by semi-detached two storey dwellings on fairly narrow plots. Against this background and given the character of the development around the site, the development proposed will not result in significant visual harm.
- 6.14 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied indicates the number of bedrooms is to be three and also demonstrates there is sufficient space within the site to ensure there will be enough private amenity space for the proposed dwellings.

Impact on Neighbouring Amenities

- 6.15 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).
- 6.16 Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

Highway Safety

- 6.17 Essex County Council Highways raise no objections subject to conditions relating to the vehicular turning facilities, any garage provided shall be sited a minimum of 6m from the highway boundary, a plan for the storage of bicycles and the submission of a Construction Method Statement.
- 6.18 There is sufficient space to accommodate the necessary parking and turning within any future detailed application. As access and layout are reserved for later consideration these elements will be considered under a reserved matters application. However, it is necessary to impose a condition requiring approval of a Construction Method Statement as that relates to the principle of development.

Tree and Landscaping Impacts

- 6.19 There are no trees or significant vegetation on the application site, whilst the proposal would not impact upon the trees situated on the highway land or the established trees and shrubs on the land between the application site and the A120. Landscaping will be formally considered at reserved matters stage.

Background Papers

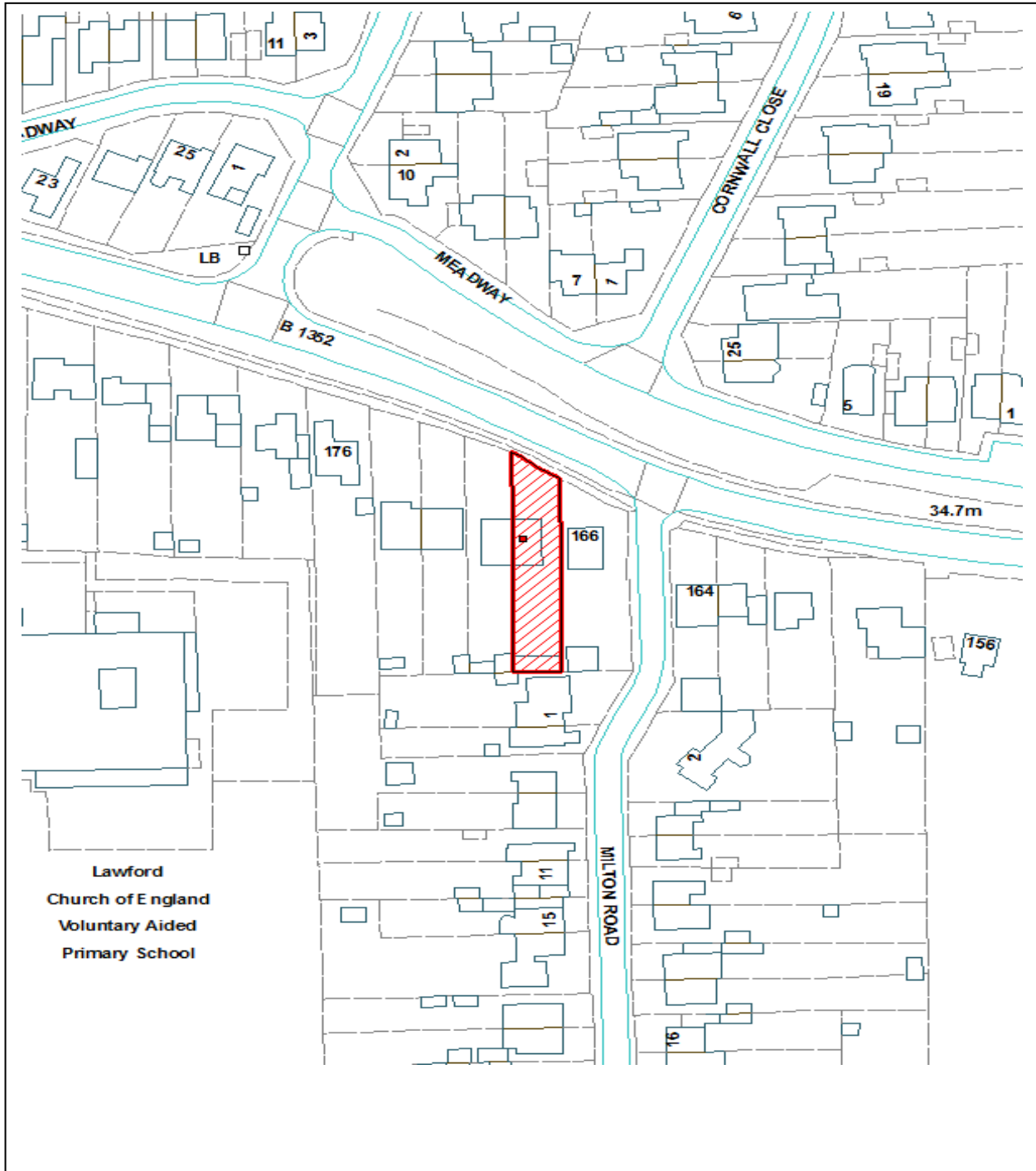
None

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 18/00640/FUL- 168 LONG ROAD, LAWFORD, CO11 2EF



DO NOT SCALE

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

Application:	18/00640/FUL	Town / Parish: Lawford Parish Council
Applicant:	Toby Spencer-Campbell	
Address:	168 Long Road Lawford CO11 2EF	
Development:	Construction of a dog grooming salon.	

1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Guglielmi due to the proposal being located too close to the neighbours property, the severe impact on parking due to the close proximity to the primary school, the type of business and outbuilding being incongruous for the location.
- 1.2 The application seeks planning permission for the construction of a dog grooming salon. The dog grooming salon is ancillary to the host dwelling and does not require planning permission. Therefore this application will assess the outbuilding.
- 1.3 The proposal is located to the rear of 168 Long Road with partial views from Milton Road, however the proposal is viewed in conjunction with other neighbouring outbuildings. The outbuilding is considered to be in keeping with the character of the area.
- 1.4 If the outbuilding was situated 2 metres away from the boundary, the proposal would be permitted development.
- 1.5 The proposal will not impact upon neighbouring amenities.

Recommendation: Approve

Conditions:

1. Three Year Time Limit
2. Approved Plans
3. Ancillary Use to 168 Long Road, Lawford

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

SPL3 Sustainable Design

Status of the Local Plan

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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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

05/00732/FUL	Proposed rear single storey extension to dwelling house to provide kitchen/dining and internal alterations	Approved	16.06.2005
18/00640/FUL	Construction of a dog grooming salon.	Current	

4. Consultations

Not applicable

5. Representations

5.1 Lawford Parish Council objects to the application as the applicant will be running a business from a residential area.

5.2 33 letters have been received with 23 objections with the points raised within the letters summarised below:

- Type of business should not be allowed in residential area

- Noise impact from dogs upon the residents
- Footprint of the proposal is the same as the existing house and height of a bungalow
- Parking could be a problem along Long Road
- There are 5 to let industrial units in Lawford and 5 empty to let shops in Manningtree.
- Larger than the previous shed/outbuilding
- Adverse impact of the amenities of 1 Milton Road – loss of privacy and overbearing impact.
- The dog salon will set a precedent for future development
- No provisions for sound proofing
- Business use proposed is not acceptable within a residential area
- Is there air conditioning in the proposal
- Additional traffic on a busy road especially school times
- This business will deter people from buying neighbouring houses.
- Fencing is not sufficient to prevent dogs entering neighbouring gardens
- Impact of noise from hair dryers, clippers and barking – disturbance
- Congestion along Milton Road would increase

5.3 10 letters of support have been received with the points raised within the letters summarised below:

- Convenient location, short walk to have dogs pampered
- Adequate parking to the front of the property
- Demand for the business in Lawford
- Long Road – mixture of residential and business use
- More noise from the local primary school than the proposed business

6. **Assessment**

Site Context

- 6.1 The application site is 168 Long Road, Lawford, Manningtree, which is a south facing two storey semi-detached dwelling constructed from brick and render. The application site is located within a residential area predominately constructed from semi-detached and detached dwellings.
- 6.2 The site falls within the Settlement Development Boundary for Manningtree within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft.

Proposal

- 6.3 The application seeks planning permission for the construction of a dog grooming salon which will measure 7.85 metres in width, 4.9 metres in depth with an overall height of 4.5 metres. The proposal is single storey with a hipped roof. The outbuilding will be constructed from timber cladding and will comprise of bifold doors located on the northern elevation. There are two windows proposed on the western elevation with one window located on the eastern elevation with both being constructed from opaque glass.
- 6.4 The proposal is an ancillary use to the dwelling house of 168 Long Road and therefore the use of the proposal does not require planning permission. As stated in an email from the applicant the salon will have no more than 4 -5 dogs a day with one employee.

Visual Impact

- 6.5 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.6 The proposed outbuilding is located to the rear of the host dwelling, 168 Long Road. Therefore, views from the street scene of Long Road will be largely restricted. However, due to the application site being located one dwelling away from Milton Road, there will be partial views of the outbuilding in conjunction with neighbouring outbuildings looking towards the proposal from the east.
- 6.7 The proposal will replace the footprint of a demolished outbuilding and due to there being other examples in the rear gardens of the adjacent neighbours; it is considered that the proposal is in keeping with the character and appearance of the area.
- 6.8 Furthermore, it should be noted that if the outbuilding was situated 2 metres away from the boundary it would be permitted development.

Impact upon neighbouring amenities

- 6.9 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.10 The proposal will be visible to both neighbouring dwellings to the east and west. Due to the sufficient distance of 18.5 metres from the proposal to the neighbouring dwellings, the single storey nature and the roof of the proposal being hipped, it is considered that the proposal will not cause any significant impact upon the neighbouring amenities.

Conclusion

- 6.11 Overall, the proposed outbuilding in this location is acceptable, and the proposal represents no visual harm or detrimental impacts to neighbouring amenities. The proposed use of the outbuilding is ancillary to the host dwelling and therefore this does not require planning permission.

Background Papers

None

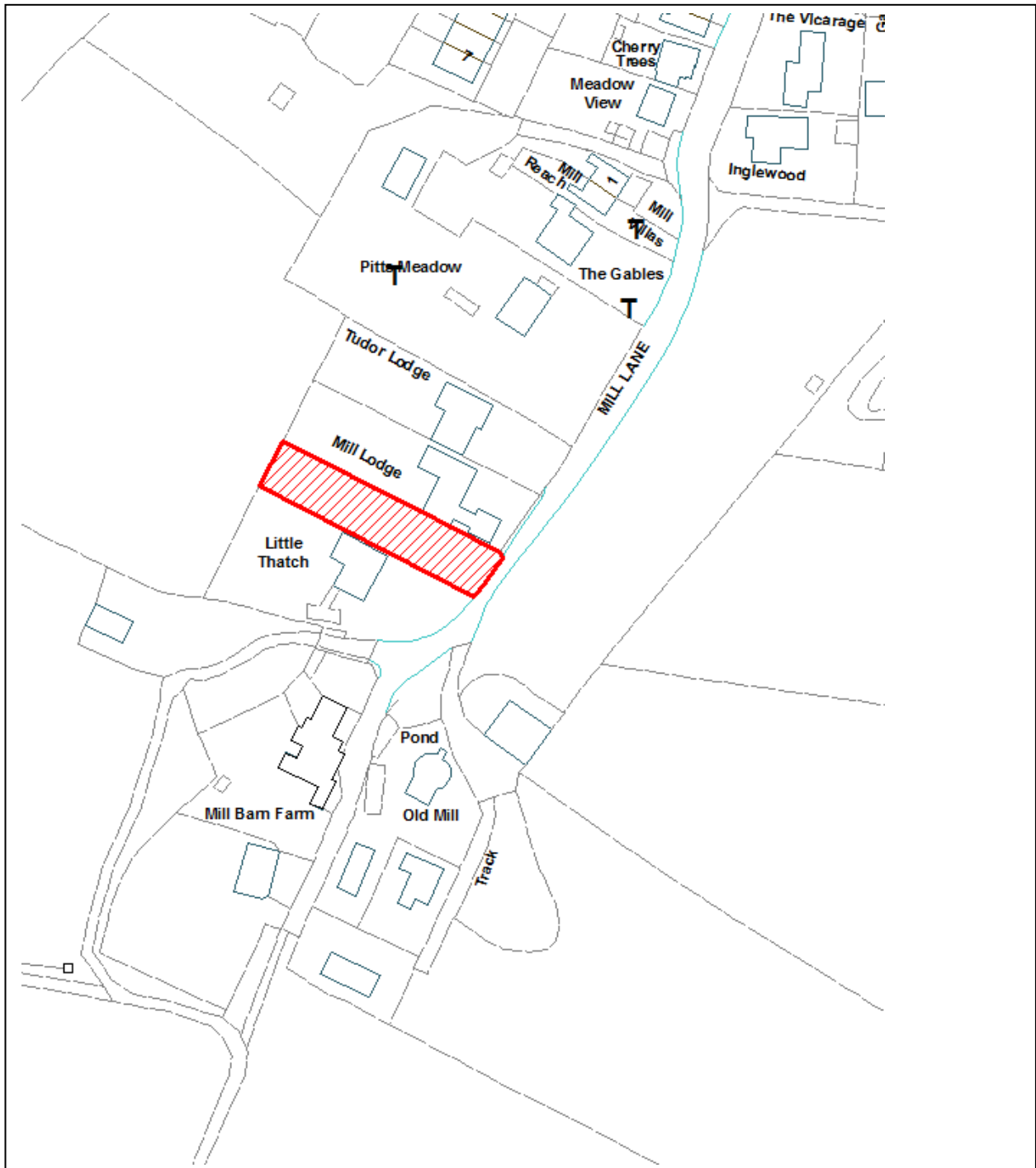
This page is intentionally left blank

PLANNING COMMITTEE

24 JULY 2018

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATION - 18/00781/FUL - LAND ADJACENT LITTLE THATCH MILL LANE, THORPE-LE-SOKEN, CO16 0ED



DO NOT SCALE

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

Application:	18/00781/FUL	Town / Parish: Thorpe-Le-Soken Parish Council
Applicant:	Mr & Mrs Cramphorn	
Address:	Land adjacent Little Thatch Mill Lane Thorpe-Le-Soken CO16 0ED	
Development:	One dwelling.	

1. Executive Summary

- 1.1 The application is referred to the Planning Committee by Councillor Land due to the proposal being located within the Conservation Area, the recent construction in Mill Lane has provide to cause significant disruption and the entrance to a small rural lane to a busy highway.
- 1.2 The application seeks planning permission for the construction of one dwelling accessed via Mill Lane.
- 1.3 The application site is located within the defined Settlement Development Boundary for Thorpe Le Soken, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 The proposed dwelling is visually acceptable, will result in no significant harm to neighbouring properties and represents no highway safety risk.

Recommendation: Approve

Conditions:

1. 3 Year Time limit
2. Approved plans
3. No unbound materials in first 6m of access
4. Prior to occupation – details storage of bicycles
5. Construction Method Statement
6. Visibility Splays
7. Boundary hedge 1m from Highway
8. Obscure windows on South East elevation
9. Details of proposed boundary treatments
10. Soft landscaping along the site frontage

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
 - HG1 Housing Provision
 - HG6 Dwelling Size and Type
 - HG7 Residential Densities
 - HG9 Private Amenity Space
 - HG14 Side Isolation
 - TR1A Development Affecting Highways
 - TR4 Safeguarding and Improving Public Right of Way
 - TR7 Vehicle Parking at New Development
 - EN17 Conservation Areas
 - EN23 Development within the Proximity of a Listed Building
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- SPL1 Managing Growth
 - SPL2 Settlement Development Boundaries
 - SPL3 Sustainable Design
 - PPL8 Conservation Areas
 - PPL9 Listed Buildings
 - LP1 Housing Supply
 - LP2 Housing Choice

Status of the Local Plan

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.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very

specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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.

5. Relevant Planning History

01/01840/FUL	New Cottage	Refused	17.12.2001
02/01638/FUL	Detached house	Withdrawn	08.11.2002
04/00858/OUT	Residential development	Withdrawn	29.06.2004
16/01886/TCA	1 No. Cherry tree – fell	Approved	15.12.2016
17/01933/FUL	Proposal for one dwelling.	Refused	10.04.2018
18/00781/FUL	One dwelling.	Current	

4. Consultations

Tree & Landscape Officer	<p>The application site contains overgrown brambles and coarse vegetation although some clearance has been carried out to facilitate access to the land.</p> <p>There is a large Willow in northernmost corner of the site and several small trees in the main body of the land.</p> <p>The Willow will not be affected by the development proposal and the small trees are not an unreasonable constraint on the development potential of the land. None of the trees on the application site merit protection by means of a tree preservation order although it would be desirable to retain trees, where possible, for the positive contribution that they make to the character and appearance of the conservation area.</p> <p>Should planning permission be likely to be granted then a soft landscaping condition should be attached to secure new planting on the site frontage to soften the appearance of the development within the conservation area. This should include tree planting if the existing</p>
--------------------------	---

ECC Highways Dept

trees are removed during the construction phase of the development

We retain some concerns that the access onto the High street /B1033 is narrow, with an adverse effect on visibility and therefore the safety of both pedestrians and drivers, but consider that the increased vehicle movements associated with this one additional property could be considered to be within an acceptable tolerance and note that there are no recorded Personal Injury Collisions at the connection of Mill Lane to the High Street.

This does not in any way affect the underlying principal of seeking to avoid the intensification of usage of PROW by private vehicular means in order to avoid associated maintenance and safety issues that would otherwise impact the public usage. It remains that intensification (site dependent) will, more often than not, result in a frequency and volume of vehicular movement that is well beyond levels afforded by established prescriptive rights and therefore give rise to public nuisance issues. Such matters must continue to be material to the determination of all future planning applications where intensification is likely to result.

In consequence, any further development along this land/footpath beyond this application would be unacceptable and would be objected to.”

Highways do not raise any objections to the proposal subject to the mitigation and conditions:

Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriately constructed connection to Mill Lane.

Prior to the proposed access on the proposed development being brought into use, an 11m x 2.4m x 11m visibility splay, shall be provided on both sides of that access onto the Public Right of Way and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or

visibility splays thereafter.

Prior to the occupation of the proposed development, the developer shall make good and effect any repairs necessary to the surface and sub surface of Mill Lane, Public Footpath No11 (Thorpe Le Soken) which have been unavoidably caused by the construction and fitting out phases of the proposed development to the specifications of the highway Authority entirely at the developers own expense.

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

5. Representations

5.1 Thorpe Le Soken Parish Council have objected to this application due to the impact upon the Conservation Area, impact upon the footpath, impact upon the highway and impact upon the neighbours.

5.2 5 letters of objection have been received. The points raised have been summarised below:

- Impact upon light received by rear facing window serving the kitchen of Mill Lodge and the side facing kitchen window.
- Mill Lane is a narrow lane
- Extra vehicles using the lane including construction vehicles
- The proposal will overlook the garden of Little Thatch and impact upon privacy.
- Issue of drainage and surface water
- Land acts as a home to wildlife
- Existing damage to the listed building at the entrance of Mill Lane
- Additional traffic within the Conservation Area.

6. Assessment

Site Context

6.1 The application site is located on the western side of Mill Lane and is situated in between 'Little Thatch' to the south and 'Mill Lodge' to the north. Mill Lane is an unadopted, unmade road with a mix of housing types including bungalows, terraces, and detached 1.5 and 2 storey dwellings.

6.2 The site lies within the Settlement Boundary for Thorpe -le-soken, as established in the Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The site lies within the Thorpe-le-soken Conservation Area and it is located to the east of the site is a Public Right of Way which forms the vehicular access to the site.

Proposal

- 6.3 The application seeks planning permission for the erection of a one and a half storey dwelling measuring 10 metres in width, 12 metres in depth with an overall height of 7.5 metres.
- 6.4 The planning application site has previously been refused planning permission under planning application 18/00781/FUL. This application is considered to overcome these issues.

Principle of Development

- 6.5 The application site is located within the defined Settlement Development Boundary for Thorpe Le Soken, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.6 Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.

Layout, design and Appearance

- 6.7 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.8 The plan demonstrates that the proposed dwelling will be situated towards the front of the site and accessed via a vehicular access from Mill Lane. The proposed dwelling will be one and a half storeys with a traditional cottage design. The materials proposed are red brick and plain tiles which will be in keeping with the character of the area. Due to the sensitive location of the proposed dwelling, a condition will be attached to this decision to ensure a sample of these materials is provided subject to being agreed by the Local Planning Authority.
- 6.9 The residential character of the locality is predominantly linear in form consisting of detached dwellings on fairly spacious plots fronting Mill Lane. Dormer windows to the front of the dwelling are a prominent feature along Mill Lane and therefore the design of this proposal is considered to be in keeping with the character of the area.
- 6.10 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. This is achieved comfortably.

Impact upon Neighbouring Amenities

- 6.11 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.12 The neighbouring dwelling Little Thatch is set back from Mill Lane by approximately 21 metres thereby resulting in no material loss of daylight. There are two ground floor windows

proposed on the facing flank of the proposed dwelling which serves the extended kitchen and utility room. These windows as shown on the plans will be constructed from obscure glass and a condition will be imposed to retain to ensure that there is no overlooking onto the neighbouring dwelling, in particular the bedroom window of Little Thatch. The application site is north west facing, and as the sun rises from the east and sets in the west, there is only likely to be a slight loss of sunlight which will not cause any significant impact upon Little Thatch.

- 6.13 The proposal will cause some harm upon the neighbouring dwelling 'Mill Lodge' to the north of the site. The neighbouring dwelling 'Mill Lodge' is situated very close to the neighbouring boundary of the application plot. There is an existing triple window on the southern elevation which serves a kitchen/diner and currently looks out onto the vacant plot. The proposed dwelling is set back to ensure that the dwelling does not cause any loss of light to that window.
- 6.14 There is some impact in terms of sunlight and daylight lost. The Essex Design Guide, which states that the obstruction of light and outlook from an existing window is avoided if the development does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. The rear window which serves the kitchen is a secondary window and due to the loss of light being only in the late evening, it is considered that the proposal is not significant enough to warrant a refusal.

Impact upon the Conservation Area

- 6.15 Policy EN17 of the Tendring District Local Plan 2007 and Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that development within a Conservation Area must preserve or enhance the special character or appearance of the Conservation Area.
- 6.16 The application site lies within Thorpe Le Soken Conservation Area, a planning statement has been provided to justify how the proposal will either preserve or enhance the area.
- 6.17 It is considered that due to the proposal being set back from Mill Lane, recently granted permissions for dwellings and the design and use of materials which will be being in keeping with the character of the area, it is considered that the proposal will preserve the character of the Conservation Area.

Impact on the setting of Mill Barn Farm

- 6.18 Policy EN23 of the adopted Tendring District Local Plan (2007) seeks to ensure that any proposals for development that would adversely affect the setting of a Listed Building, including group value and long distance views will not be permitted. Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that the proposals for new developments affecting a listed building or setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric: are explained and justified through an informed assessment and understanding of the significant of the heritage asset and its setting; and are of a scale, design and use materials and finishes that respect the listed building and its setting.
- 6.19 The application site is located approximately 34 metres away from Mill Barn Farm, a grade II listed building. Due to the application site being situated between a number of dwellings the proposal is considered to preserve the setting of the listed building.

Trees and Landscaping

- 6.20 The Councils Tree and Landscape Officer has provided the following comments in respect of the impact of development upon current trees;
- 6.21 The application site is overgrown with brambles and coarse vegetation although some clearance has been carried out to facilities access to the land. There is a large Willow in northernmost corner of the site and several small trees in the main body of the land.
- 6.22 The Willow will not be affected by the development proposal and the small trees are not an unreasonable constraint on the development potential of the land. None of the trees on the application site merit protection by means of a tree preservation order although it would be desirable to retain trees, where possible, for the positive contribution that they make to the character and appearance of the Conservation Area.
- 6.23 A condition will be imposed to ensure that soft landscaping is provided to secure new planting on the site frontage to soften the appearance of the development within the Conservation Area.
- 6.24 Therefore, given this advice, the proposal is considered to be acceptable.

Highway Safety

- 6.25 Essex County Council Highways has been consulted as part of this application and do not wish to raise an objection. There are some concerns with the access onto the High Street/B1033 being narrow with an adverse effect on visibility and therefore the safety of both pedestrians and drivers, but consider that the increased vehicle movements associated with this one additional property could be considered to be within an acceptable tolerance and note that there are no recorded Personal Injury Collisions at the connection of Mill Lane to the High Street.
- 6.26 This does not in any way affect the underlying principal of seeking to avoid the intensification of usage of PROW by private vehicular means in order to avoid associated maintenance and safety issues that would otherwise impact the public usage. It remains that intensification (site dependent) will, more often than not, result in a frequency and volume of vehicular movement that is well beyond levels afforded by established prescriptive rights and therefore give rise to public nuisance issues. Such matters must continue to be material to the determination of all future planning applications where intensification is likely to result.
- 6.27 In consequence, any further development along this land/footpath beyond this application would be unacceptable and would be objected to.”
- 6.28 There is sufficient parking to the front of the host dwelling to meet the requirements of Essex County Council Parking Standards of 5.5 metres by 2.9 metres.

Conclusion

- 6.29 This principle of residential development in this location is acceptable and subject to condition there is not considered to be any visual harm, harm to neighbouring amenities, impact upon Conservation Area or result in highway safety concerns. Therefore the application is recommended for approval.

Background Papers

None

This page is intentionally left blank