



PLANNING COMMITTEE

DATE: Tuesday, 18 September 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 MBrown

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: Tuesday, 11 September 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 - 10)

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

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 (Pages 11 - 12)

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.

A question was submitted in time to be included with the Agenda and is attached.

5 A.1 - Planning Application - 17/02168/OUT - Land West Of Low Road Dovercourt, CO12 3TR (Pages 13 - 42)

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 - 18/00367/FUL - Land North of Cockaynes Lane, Alresford, CO7 8BT (Pages 43 - 76)

Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.

7 A.3 - Planning Application - 18/01131/FUL - 112 Connaught Avenue, Frinton-on-Sea, CO13 9AA (Pages 77 - 82)

Proposed sub-division of existing A1 shop into three A1 shops.

8 A.4 - Planning Application- 17/02014/FUL - Land Adjacent to Cliphedge Farm, Harwich Road, Little Bentley (Pages 83 - 96)

The construction of two office buildings, including ancillary site works (car parking, landscaping, surface water management pond, new vehicular access points off Harwich Road and stopping up of existing access).

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, 16 October 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, 21ST AUGUST, 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman) (except minute 45), Heaney (Vice-Chair) (except minute 46), Alexander, Baker, Bennison, Everett, Fowler, Hones and McWilliams (except minute 45)
Also Present:	Councillor Joy Broderick (except minutes 42 - 46), Councillor Anne Davis (except minutes 45 - 49), Councillor Ivan Henderson (except minute 49), Councillor Jo Henderson (except minute 49), Councillor Daniel Land (except minutes 45 - 49) and Councillor Mary Newton (except minutes 42 – 46), Councillor Mike Brown (except minutes 45 – 49)
In Attendance:	Cath Bicknell (Head of Planning), Susanne Chapman-Ennos (Planning Team Leader), Graham Nourse (Planning Manager), Gary Guiver (Planning Manager) (except minutes 47 - 49), Charlotte Parker (Solicitor (Property, Planning and Governance)) and Charlotte Cooper (Leadership Support Officer)

40. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Cawthron (with no substitute) and Brown (with no substitute).

41. MINUTES OF THE LAST MEETING

The Committee were made aware of an objection to the minutes of the previous meeting, held on 24 July 2018, the objection was raised by NEEB Holdings Ltd. with respect to the deferment of planning application 17/02168/OUT – Land West of Low Road, Dovercourt, CO12 3TR. The published minutes note that “this application be deferred in order for consideration to be given to alternative highway improvements / access”. NEEB Holdings Ltd. believed the agreed decision was “to allow the planning officer to discuss with the applicant whether they would approach highways to come up with some sort of traffic calming measures”. They were therefore requesting “that the minutes be amended to factually reflect the reason for deferment.”

The Chairman, having been provided with a Briefing Note for Members regarding the recording of the previous meeting, put this objection to the Proposer, Councillor Everett, and the seconder, Councillor Alexander, who agreed there was no material difference and therefore no amendment to be made to the draft minutes.

The minutes of the last meeting of the Committee, held on 24 July 2018, were therefore approved as a correct record and signed by the Chairman.

42. DECLARATIONS OF INTEREST

Councillor Heaney declared that, due to the fact she was not present at the meeting where Planning Applications 18/00464/FUL and 17/01229/OUT had previously been before the Committee, she would not participate whilst the Committee deliberated on application 18/00464/FUL and reached its decision, and would withdraw from the meeting on application 17/01229/OUT whilst the Committee deliberated and reached its decision.

Councillor White declared that due to the fact he had previously declared a personal interest in Planning Application 18/00464/FUL insofar as he was a local ward member and a member of St Osyth Parish Council (who had objected the application previously). He had also previously declared he was predetermined on this application. He therefore vacated the Chair for this item only and withdrew from the meeting whilst the Committee deliberated and reached its decision. the Vice-Chairman, Councillor Heaney, therefore chaired the meeting for this item only, However, as stated above Councillor Heaney would not participate in any discussion on this item nor vote.

Councillor McWilliams declared that she was predetermined on Planning Application 18/00464/FUL, and would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision.

Councillor Bennison declared that she had an interest in Planning Application 18/00734/OUT, insofar as she is a resident of Holland-On-Sea, however she is not predetermined. Councillor Bennison also declared an interest in Planning Application 17/01229/OUT insofar as she is the Ward Councillor for Peter Bruff, however she was not predetermined.

43. 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.

One question had been submitted as set out below;

Question One

From Councillor Baker to Councillor White, Chairman of the Planning Committee;

"The NPPF 2018 was published by the Government on 24th July 2018, together with the Housing Delivery Test Measurement Rule Book. As this document is now referred to in our latest Agenda, when are we as a Committee, going to receive any training/input as to how this might affect our deliberations in the months to come?"

Our next Planning Training is scheduled for Tuesday 25th September, however this will be after September's Planning Meeting, which I personally feel is leaving it too long."

Councillor White replied as follows:

Thankyou Councillor Baker for the question. The revised National Planning Policy Framework was published in July 2018. The reports of the Planning Committee agenda

make reference to the revised NPPF, highlighting the areas of particular relevance to the applications being considered. The framework is taken into account in the recommendations made to the Committee.

As you correctly point out, training for members is planned for the 25th September and this event would focus on the revised framework.

However, officers have identified two earlier dates of either Monday 10th September or Wednesday 12th September when training could be held. These dates are subject to the usual administrative processes, such as rooms being available etc, and so member training on the revised NPPF could proceed on an earlier date. i.e before the next planning meeting on Tuesday 18th September.

I would add that we all have a full TDC meeting on the Tuesday 11th and that my personal preference would therefore be Wednesday 12th September.

44. A.3 - PLANNING APPLICATION - 17/02162/OUT - LAND TO THE SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ.

In view of the large number of members of the public present at the meeting who were interested in this application, the Chairman decided to bring this item forward in the agenda.

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 two further letters which have been received by the Council from local residents to Weeley in respect of the above application.

Derek Stebbing, a local resident, spoke against the application.

Parish Councillor Christine Hamilton, representing Weeley Parish Council, spoke against the application.

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

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

Steven Rose, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Alexander and **RESOLVED** that consideration of this application be deferred until the outcome of the Part 2 examination of the Council's Local Plan due to the fact the application is premature to the local plan process and would undermine the process if determined at this stage.

45. **A.1- PLANNING APPLICATION - 18/00464/FUL - 138 COLNE WAY, POINT CLEAR, CO16 8LU.**

Councillor Heaney had previously declared that due to the fact that she was not present at the meeting where Planning Application 18/00464/FUL had previously been before the Committee, she would not participate whilst the Committee deliberated and reached its decision.

Councillor White had previously declared an interest in Planning Application 18/00464/FUL insofar as he was a local ward member and a member of St Osyth Parish Council (who had objected the application previously). He had also previously declared he was predetermined on this application. He therefore vacated the Chair for this item only and withdrew from the meeting whilst the Committee deliberated and reached its decision. the Vice-Chairman, Councillor Heaney, therefore chaired the meeting for this item only, However, as stated above Councillor Heaney would not participate in any discussion on this item nor vote.

Councillor McWilliams had previously declared that she was predetermined on Planning Application 18/00464/FUL, and therefore withdrew from the meeting whilst the Committee deliberated and reached its decision.

It was reported that this application had been referred to the committee as the applicant is an elected councillor of Tendring District Council.

Members recalled that this application had been originally considered by the committee at its meeting held on 30 May 2018. At that meeting members requested the application is deferred to enable officers to negotiate a building of reduced height and bulk to improve its appearance within the street scene and ensure a more sympathetic relationship to neighbouring buildings.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of further recommendations from St Osyth Parish Council.

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

Conditions:

1. Standard 3 year time limit for commencement.
2. Accordance with approved plans.
3. Garage/parking bay available for use prior to occupation and retained as approved for parking purposes only.
4. Submission of flood evacuation plan.

5. Submission of flood proofing/building flood resilience measures report.
6. Ground floor shall only be used for purposes as shown on plans and retained (parking, storage and wet room/utility room and kitchen).
7. Details of materials/surface finishes.
8. Obscure glazing to side bathroom window and rear bedroom window
9. Removal of permitted development rights (extensions/outbuildings/Roof Additions and windows).

46. A.2 - PLANNING APPLICATION - 17/01229/OUT - LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BJ.

Councillor Heaney had previously declared that, due to the fact she was not present at the original meeting where Planning Application 17/01229/OUT went before the Committee, she withdrew from the meeting whilst the Committee deliberated and reached its decision.

Councillor Bennison had previously declared an interest in Planning Application 17/01229/OUT insofar as she is the Ward Councillor for Peter Bruff, however she was not predetermined.

Members recalled that this application had been originally considered by the committee at its meeting held on 30 May 2018. At this meeting the committee resolved to grant outline planning permission for this major development at Rouse Farm, Clacton – subject to the completion of a section 106 legal agreement and a series of planning conditions. However, since the aforementioned meeting there had been changes to the planning conditions relating to Highway improvement works that the Council's Planning Manager (GG) wanted to gain endorsement for from the committee.

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 (GG) in respect of the application.

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant and subject to the completion of viability testing):
 - On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
 - Provision of land on-site for a new healthcare facility together with a financial
 - contribution towards its provision. [In the event that the land is not required, the
 - financial contribution will be spent on health facilities elsewhere (to be determined
 - by the NHS);

- Transfer of new open space, including proposed equipped play areas to the
- Council or a management company;
- Land for a new primary school and early years and childcare facility on site with
- financial contributions towards the provision of those facilities;
- Financial contributions to create additional secondary school places;
- New neighbourhood centre; and
- Financial contributions towards off-site ecological mitigation.

[Also the routing of bus services through the development – as advised on the 30th May 2018 update sheet]

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

(i) Conditions:

1. Standard 3 year time limit for submission of first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development.)
2. Standard 2 year limit for commencement of development following approval of reserved matters.
3. Details of appearance, layout, scale and landscaping (the reserved matters).
4. Layout and phasing plan/programme.
5. Compliance with approved access plans.
6. Development to be in accordance with the approved parameters plans.
7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
8. Highways conditions (as recommended by the Highway Authority) relating to:
 - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
 - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
 - bus services to be routed through the development;
 - residential travel plans;
 - improvements at existing St. John's Rd/Jaywick Lane junction;
 - signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
 - improvements to St. Johns Rd/Peter Bruff Avenue junction;
 - improvements at St. John's roundabout;
 - road safety assessments to be completed for all the above measures;
 - no discharge of surface water onto the highway;
 - wheel cleaning facilities; and
 - car parking spaces and garages.

[The Highway Authority's recommended conditions are revised to cover:

- The need for a construction management plan;
- The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;
- The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;
- The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;
- The completion of a cycleway/footway along Jaywick Lane frontage prior to phase 3A, 3 or 4;
- Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;

- Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;
- Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;
- Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);
- Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and Residential travel plan and residential travel pack.]

9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.

11. Foul water drainage strategy.

12. Archaeological assessment/trial trenching.

13. Contaminated land investigation and remediation.

14. Piling restrictions.

15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.

16. Hard and soft landscaping plan/implementation.

17. Tree protection measures.

18. Construction Environmental Management Plan.

19. Landscape and ecology mitigation/management plan.

20. Details of dog walking routes (part of ecological mitigation).

21. Broadband connection.

22. Local employment arrangements.

23. Details of water, energy and resource efficiency measures.

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

47. A.4 - PLANNING APPLICATION - 18-00367-FUL - LAND NORTH OF COCKAYNES LANE ALRESFORD, CO7 8BT.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of Amendment to Recommendations.

Parish Councillor Osborne, representing Alresford Parish Council, spoke against the application.

Stephen Brown, the agent on behalf of the applicant, spoke in support of the application.

Councillor Scott, a local Ward Member had registered to speak on this application, but was unable to attend the meeting. The Committee were therefore provided with Councillor Scott's written comments on the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor McWilliams and **RESOLVED** that consideration of this application be deferred for further discussion with the applicant regarding the location of affordable housing, introducing bungalows, the potential of alternative types of housing ownership/occupation such as Almshouses and additional reports being required by the ecology report.

48. A.5 - PLANNING APPLICATION - 18/00827/FUL - 13 CHURCH STREET, HARWICH, CO12 3DS.

It was reported that this application had been referred to the Committee at the request of Councillor I. Henderson.

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;

- (1) Additional information in relation to the rear access
- (2) Lack of Heritage Statement

Ian Jones, a local resident, spoke against the application.

Councillor I. Henderson, a local Ward Member, spoke against the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fowler 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 reasons:-

- (1) Lack of amenity space
- (2) Insufficient parking provision
- (3) Insufficient provisions for refuse disposal
- (4) Adverse impact on existing residential amenity
- (5) Adverse impact on character of the locality and conservation area

49. **A.6 - PLANNING APPLICATION -18/00734/OUT - 48 COLCHESTER ROAD, HOLLAND-ON-SEA, CO15 5DG.**

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

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

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams 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;

Conditions:

1. Reserved Matters standard conditions;
2. Approved plans;
3. Submission of a Construction Method Statement; and
4. Adhere to the recommendations within the Preliminary Ecological Appraisal.

The meeting was declared closed at 21:45

Chairman

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QUESTION TO COUNCILLOR WHITE

CHAIRMAN OF THE PLANNING COMMITTEE

QUESTION PURSUANT TO COUNCIL PROCEDURE RULE 37

Question raised by: Councillor Richard Everett

“Members will be only too aware that we have been blessed with a long and hot summer this year. This has had the effect of encouraging many more tourists to our area than we have hitherto attracted. Our region predominantly relies on tourism for its main income. To have that activity disrupted by road works causing traffic jams for tourists only serves to discourage those same tourists from re-visiting the area.

Is it a concern to the Chairman that these tourists coming in increasing numbers are being put off visiting our area again because they encounter long queues on our main tourist routes often caused by roadworks associated with increased housing development? Numerous examples are available to cite regarding this issue including but not limited to the experience of Kirby Cross. There have been many traffic jams in Kirby Cross this summer created in association with one particular housing development and this has affected anyone travelling to and from Frinton and Walton – and in one case with queues stretching back as far as Thorpe-le-Soken.

Will the Chairman instruct Officers to bring proposals to this Committee on how to include in all planning permissions given by this Local Planning Authority a condition that prevents road works on all our major tourist routes from disrupting vehicle movement during the peak season? This may or may not require such works to take place at night during peak season and/or restricting work to take place out of the peak season completely. Meanings of peak season, times of day and major routes will need to be defined.”

RESPONSE:

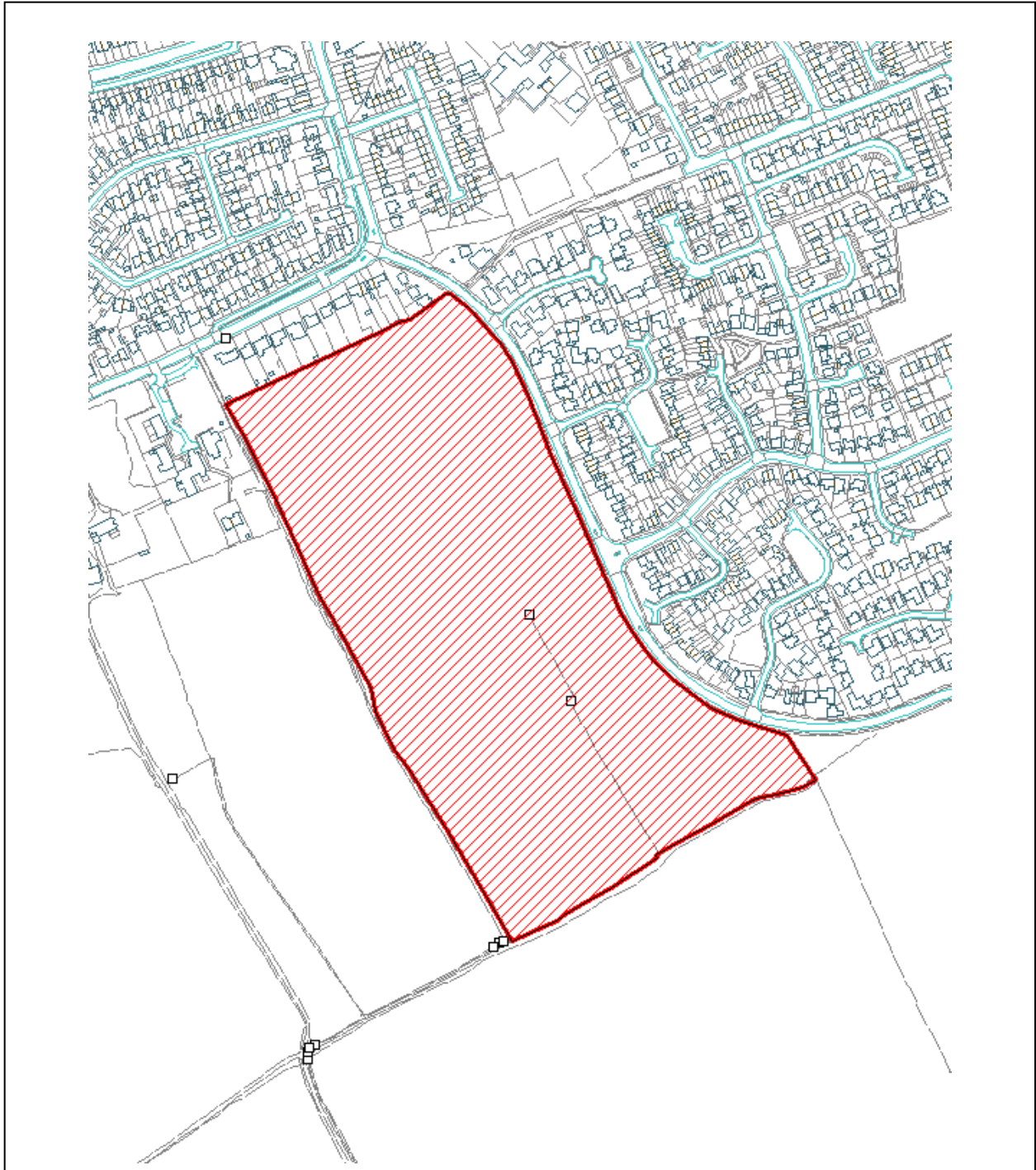
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PLANNING COMMITTEE

18th September 2018

REPORT OF THE HEAD OF PLANNING

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



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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.

Following this deferral the application was referred to Planning Committee on 24th July 2018 where the application was deferred for a second time to in order for consideration to be given to alternative highway improvements/access. This reason given for deferring the application was queried by the agent who considers that the agreed decision was 'to allow the planning officer to discuss with the applicant whether they would approach highways to come up with some sort of traffic calming measures'. This view was put to the Proposer, Cllr. Everett and the seconder, Cllr. Alexander, at Planning Committee on 21st August 2018, who agreed there was no material difference and therefore no amendment was made to the draft minutes.

The latest 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
- 1.3 The application is in outline form with all matters apart from the access reserved for later consideration.
- 1.4 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.
- 1.5 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.

- 1.6 The development is acceptable 'in principle' being in accordance with the emerging Local Plan, and a sustainable location adjoining a strategic urban settlement.
- 1.7 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.
- 1.8 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
- **A speed survey to be carried out once 150 dwellings have been completed and occupied or both accesses onto Low Road have been constructed, whichever is the later. If following the survey speeds meet the intervention criteria for the provision of vehicle activated signs then two vehicular activated signs along Low Road shall be provided (at no cost to the Local Authority), together with a contribution for future maintenance.**

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, structural landscaping, related infrastructure and service provision.	Current
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4. **Consultations**

UU - Open Space Consultation	Request on-site provision of open space
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ECC SuDS Consultee	<p><u>Original Comments</u> 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.</p> <p><u>Amended Comments</u> Following submission of additional information, do not objection to the granting of planning subject to conditions to cover the following:</p> <ol style="list-style-type: none"> 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
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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
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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 Services
Ltd

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 accords 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	<p>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.</p> <p>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.</p> <p>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.</p>
Environment Agency	No comments received - not a statutory consultee as site lies outside of the Flood Zone.
Natural England	<p>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).</p> <p>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.</p> <p>This is as a result of increased recreational use by residents of new</p>

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 motorist 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.
- Flooding/Drainage
- 6.34 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.
- 6.35 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.
- 6.36 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

- 6.37 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.
- 6.38 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.
- 6.39 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.
- 6.40 The other existing residential development on the east side of Low Road, and at Ramsey Lodge/Earlham 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.
- 6.41 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.
- 6.42 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.
- 6.43 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

- 6.44 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.
- 6.45 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).
- 6.46 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
- 6.47 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.
- 6.48 **Following the deferral of the application by Planning Committee on 24th July 2018 further discussions have taken place with Essex County Council Highways. They advise that the highway consultant carried out a speed survey as part of the Transport Assessment submitted with the application, which showed that the speed of vehicles was above 30 mph and as a result the proposed access points have been designed to comply with the speed of vehicles and not the signed speed limit. Therefore on this basis, Essex County Council Highways consider that the site accesses meet the required highway standards and the proposal does not give rise to any highway safety concerns.**
- 6.49 **Currently the section of Low Road fronting the application site contains a dense hedgerow and there is only development on one side of Low Road set back from the road. It the Highway Officer's view that it is very likely that this leads to higher speeds and flouting of the 30mph speed limits as drivers assess their environment and travel at a speed which they feel safe for a location where there are no accesses and very little pedestrian and cycle activity. Once the development takes place and there are two new accesses in place on Low Road and a built up frontage with greater numbers of pedestrian and cycle activity it is very likely that the drivers will reduce their speed as a the local environment will then better accord with locations where drivers might expect a 30 mph speed limit to be in place.**
- 6.50 **Speed surveys show that speed compliance along Low Road is a pre-existing problem. The National Planning Practice Guidance states that conditions/legal agreements cannot be imposed to remedy a pre-existing problem or issue not created by the proposed development. Notwithstanding this, the Highway Officer is of the view that the development will change the environment along Low Road and assist with compliance with the existing 30 mph. On this basis the Highway Authority did not and do not require the development to carry out highway works to assists with speed compliance on Low Road.**

6.51 **Notwithstanding the advice from Essex County Council Highways, the developer would still like to endeavour to address the concerns of the Planning Committee and discussion have taken place between Highways and the developer with regards to agreeing a suitable way forward. The suggested way forward is for a speed survey to be carried out once 150 dwellings have been completed and occupied or both accesses onto Low Road have been constructed, whichever is the later. If following this survey speeds meet the intervention criteria for the provision of vehicle activated signs the developer commits to the provision of two vehicular activated signs along Low Road. The developer has agreed for this to be secured as part of the legal agreement and it has been included in the above recommendation.**

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

Affordable Housing

6.53 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.

6.54 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.

6.55 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

6.56 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 DI1, 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

6.57 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

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

Play Space

6.59 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

- 6.60 A contamination report has been submitted which concludes:-
- 6.61 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.
- 6.62 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.
- 6.63 Subject to appropriate mitigation measures, it is considered that contamination would not be a constraint on development. This would be secured by condition.
- 6.64 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

- 6.65 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

- 6.66 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).
- 6.67 There has been no objection to that allocation and as a result, appreciable 'weight' can be attributed to that policy.
- 6.68 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.
- 6.69 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.
- 6.70 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.
- 6.71 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.
- 6.72 The development is an appropriate one that reflects the new Local Plan, and is therefore recommended for approval.

Background Papers

None

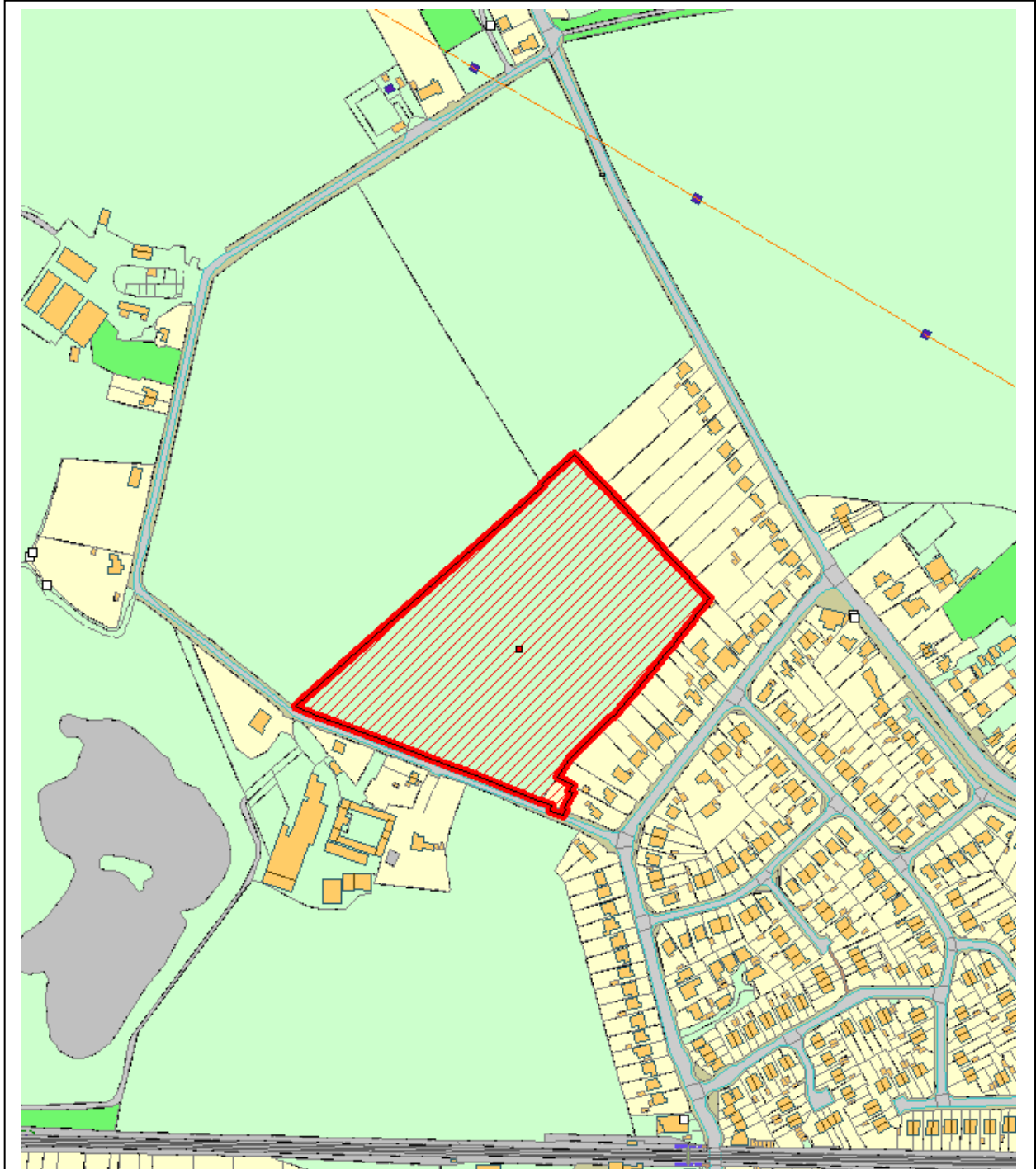
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PLANNING COMMITTEE

18 September 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 18/00367/FUL - LAND NORTH OF COCKAYNES LANE, ALRESFORD, CO7 8BT



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Application:	18/00367/FUL	Town / Parish: Alresford
Applicant:	Taylor Wimpey UK Ltd	
Address:	Land North of Cockaynes Lane, Alresford, CO7 8BT	
Development:	Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.	

1 **Executive Summary**

- 1.1 This is an application for Full Planning permission, following the grant of 15/00120/FUL on appeal for up to 60 dwellings on land to the north of Cockaynes Lane. The proposal is for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.
- 1.2 **The application was deferred by Planning Committee on 21st August 2018 to enable further discussions to take place between Officers and the Agent regarding the following matters:**
- **The location of affordable housing**
 - **The introduction of bungalows**
 - **The potential of alternative types of housing ownership/occupation such as Almshouses**
 - **The submission of additional reports as required by the ecology report**

Updates to the original report are shown in bold.

- 1.3 The site lies outside of the settlement development boundary for Weeley within the adopted Local Plan, but in the emerging Local Plan it is specifically included within the defined settlement boundary of Alresford. The emerging plan has now reached a relatively advanced stage of the plan-making process, and the Council relies on this to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. The site also benefits from the grant of an extant planning permission for up to 60 houses on appeal and this should carry considerable weight in the decision making process.
- 1.4 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 1.5 Officers are content that subject to the imposition of reasonable planning conditions and S106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the village and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living

conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.

- 1.6 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

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

- a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:
 - 1. Affordable Housing – **3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole district.**
 - 2. Education -- No response had been received by ECC at the time of writing this report, an update will be provided to Members at the meeting; Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
 - 3. Healthcare – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
 - 4. Public Open Space and equipped play areas - To be transferred to Council and laid out before transfer, with a financial contribution towards future maintenance. ;
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

- 1. Standard 3 year time limit for implementation.
- 2. Development to be carried out in accordance with the approved plans.
- 3. External finishing materials on the dwellings to be in accordance with the Colour of Materials Layout Plan.
- 4. Hard surfaces to be in accordance with Surface Materials Layout Plan.
- 5. Boundary treatments to be installed in accordance with Boundary Treatment Layout Plan.
- 6. Construction of the access in accordance with approved plans;
- 7. Provision of visibility splays;
- 8. No unbound material to be used within 6m of the highway;
- 9. No discharge of surface water onto the highway;

10. Parking and turning facilities to be provided prior to occupation of dwellings, spaces and garages to meet ECC standards;
11. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.
12. Construction Method Statement to be submitted and be adhered to throughout the construction period, to provide for:
 - i. Safe access to/from the site
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities
 - vi. The erection and maintenance of security hoarding
 - vii. Measures to control the emission of dust and dirt during construction
 - viii. A scheme for recycling/disposing of waste resulting from construction
 - ix. Delivery and construction working hours
 - x. Site lighting
 - xi. Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
13. Submission and implementation 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 prior to the commencement of the development.
14. Submission and implementation of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies prior to the commencement of the development of each phase.
15. Submission and implementation of a foul water strategy prior to commencement of development.
16. A Programme of Archaeological and geoarchaeological evaluation.
17. No piling to be undertaken without prior written agreement.
18. External lighting scheme, to minimise light pollution and impact upon bats.
19. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.
20. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.
21. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

22. Development to be carried out in accordance with the mitigation measures includes in the Ecological Impact Assessment.

23. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species, to include ecological enhancement measures as set out in para. 5.36 of the Ecological Impact Assessment.
24. Pre-construction badger survey and monitoring for signs of new sett digging; Covering any open excavations with wooden boards, or fitting them with appropriate escape ramps; Monitoring of site for any new sett excavation during prolonged remediation, construction or landscaping works.
25. Vegetation clearance to take place outside of the bird nesting period (i.e. outside of March to August inclusive), or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.
26. Adherence to Secured by Design Principles and certification.

2 Planning Policy

National Policy

National Planning Policy Framework 2018 (NPPF)

- 2.1 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.4 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.5 Section 5 of the NPPF relates to delivering a sufficient supply of homes. It requires Councils to boost significantly the supply of housing informed by a local housing need assessment.

In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements including a 5%, 10% or 20% buffer: to ensure choice and competition in the market for land; where the LPA wishes to demonstrate a five year supply of deliverable sites through an annual position statement to account for any fluctuations in the market during that year; or where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply respectively. (NPPF para. 73). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

- 2.6 Paragraph 38 of the NPPF states “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

National Planning Practice Guidance (PPG)

- 2.7 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.
- 2.8 The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan, despite some of its policies being out of date. Paragraph 213 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 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.
- 2.9 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.
- 2.10 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 48 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.
- 2.11 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 an appropriate buffer to ensure choice and

competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

- 2.12 At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

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

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards urban areas and seeks to concentrate development within settlement development boundaries.

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

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

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

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

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

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

ER3: Protection of Employment Land: States that the Council will ensure that land in employment use will normally be retained for that purpose.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TR8: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

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

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

SP3: Meeting Housing Needs: The local planning authorities will identify sufficient deliverable sites or broad locations for their respective plan period, against the requirement in the table below.

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

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

SPL1: Managing Growth: Identifies Alresford as a 'Rural Service Centre'.

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

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

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

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

HP3: Green Infrastructure: Will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Supplementary Guidance

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

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

3 Relevant Planning History

15/00120/OUT - Outline application for up to 60 dwellings - Appeal APP/P1560/W/16/3149457 allowed 1 December 2016.

17/01817/FUL - Junction improvements at Cockaynes Lane and repositioning of 2no. residential dwellings – approved 15 December 2017. This permitted the construction of the access into the application site and the associated footway along the northern edge of the lane.

4 Consultations

Building Control and Access Officer

No comments at this stage.

Environmental Protection

No objections raised to the proposal subject to the imposition of conditions covering construction and demolition noise/dust/light.

Principal Tree and Landscape Officer

The main body of the land is currently in agricultural use.

The southern boundary of the application site is marked by an

established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn. There are old stumps in the hedgerow that have produced suckering growth. They are Sweet Chestnut and Ash. There are several trees on the boundary that form part of the hedgerow: six of which are afforded protection by means of Tree Preservation Order TPO/14/10 Cockaynes Lane, Alresford.

In order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that they would be physically protected should consent for development be granted the applicant would normally be required to provide a full Tree Survey and Report to show how works associated with the development of the land will be undertaken to avoid having an adverse impact on the long term health and viability of the trees situated on the land.

In this case the protected trees are situated on part of the site allocated as public open space and are not threatened by the development proposal. Therefore such a report is not considered necessary in this instance. However should consent be likely to be granted then a condition should be attached to ensure that the trees are protected during the construction phase of the development. This information should be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction

In essence this will mean taking steps to ensure that the site compound and any associated works do not encroach into the Root Protection Areas of the protected trees.

The eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees.

Much of the northern boundary is marked by a strong boundary hedgerow abutting the rear gardens of properties fronting the B0127. The hedgerow contains several Oaks and a pollarded Ash that are mature healthy specimens. As the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order; however it would be desirable if they were to be retained.

The western boundary is planted with young, but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak. These trees are not threatened by the development proposal.

Soft landscaping proposals show both the cutting back and removal of sections of the boundary vegetation and new planting to strengthen in other areas to retain the screening benefit that this vegetation provides. In terms of tree and shrub planting in the main body of the application site the soft landscaping proposals are comprehensive and acceptable.

Waste Management

No comments at this stage.

Anglian Water

The foul drainage from this development is in the catchment of Thorington 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 and they 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. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. They therefore recommend that the applicant needs to consult with themselves and the Environment Agency.

**Essex County Council
(ECC) Archaeology**

A Desk-Based Assessment has been submitted with the application which takes into account the information from the HER, cropmark data and the information from the archaeological investigation carried out to the South of Cockaynes Lane. Evaluation of this site led to excavation in two discrete areas close to the Lane, the features uncovered dated to the late Iron Age and Roman period and prehistoric finds were also recovered, other features were postmediaeval in date. It is likely that some of these agricultural landscape features continue into the proposed development area and that further evidence for settlement and activity may be preserved.

**ECC Economic Growth
and Development
(Education)**

Early Years and Childcare

Response not received at the time of writing the report, however education contributions are based upon demand generated from the development and local supply of school places, including for secondary school transportation, in accordance with the Essex County Council Developers' Guide to Infrastructure Contributions. The precise amount of contributions required would be agreed with the applicant prior to completion of the S106 and issuing the decision notice. The proposed development is located within the Alresford Ward, and according to Essex County Council's childcare sufficiency data, there are 6 providers showing 2 vacancies across the Ward. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed, therefore a contribution of £131,710 is required to mitigate the development impact on local early years and childcare provision.

Primary Education

The development sits within the priority admissions area of Alresford Primary School, which currently has an official capacity of 143 places. The School is at or close to capacity in most year groups and has agreed to take thirty reception age pupils this September. Essex

County Council's '10 year plan' to meet demand for school places, alludes to permanent expansion of the School the following year. Looking at the wider area (Tendring Primary Group 3) forecasts suggest a need for further expansions with 64 additional reception places having to be found by the end of the 10 Year Plan. Based on the demand generated by this proposal, a developer contribution of £385,081 is sought to mitigate its impact on local primary school provision.

Secondary Education

The proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to the Essex County Council's document 'Commissioning School Places in Essex' by the academic year commencing September 2021 it will require 99 additional places. Based on the demand generated by this proposal a developer contribution of £389,995 is sought to mitigate its impact on secondary school provision.

Secondary School Transport

The secondary school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school. The cost is estimated at £3.65 per pupil for secondary school transport for 195 days per year. It is practice to seek costs for a 5 year period. Based on the demand generated by the proposal a transport contribution of £59,787 is required.

ECC Flood and Water Management

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they stated that they wished to issue a holding objection to the granting of planning permission.

Since then the applicant has submitted a Drainage rebuttal note which responds to the issues raised by both ECC and Anglian Water, along with Drainage flow calculations.

Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner. However, the absence of a further consultation response should not delay the issue of a decision, bearing in mind that in allowing appeal APP/P1560/W/16/3149457, the Inspector imposed a condition requiring full details of surface water drainage works to be submitted to and approved in writing by the local planning authority prior to the commencement of development. This would also be in accordance with Anglian Water's request to impose a condition.

Since the previous Planning Committee a consultation response has been received which raises a holding objection based on the following concerns:

- **The design proposes infiltration of surface water at a rate of 75mm /hour. No site tests have been presented which demonstrates the validity of infiltration at the site. The FRA completed by Evans Rivers and Coastal identifies that infiltration would not be a suitable form of disposal of**

storm runoff at the site due to lack of infiltration rate based on soil conditions and site investigation results which were undertaken at nearby sites.

- No drawing has been provided with proposed levels which identify how the attenuation basin is situated relative to surrounding site levels and demonstrating how exceedance flows are likely to route across the site.
- The calculations presented identify a peak flow control rate of 43.5l/s for the 1 in 100 year rainfall +40% allowance for climate change. The calculations also identify that 3770m² of impermeable area have been applied to the calculations (which are subject to further reduction through the applied coefficients of volumetric runoff). No justification has been given with regard to the proposed 43.5l/s flow rate and how this relates to the contributing area.
- The proposed discharge location is Anglian Water storm sewer. No evidence has been provided with the application to demonstrate that there is an agreement in principle to discharge to the proposed receiving infrastructure.
- The calculations do not demonstrate that urban creep has been taken into account. ECC standard Design Guidance is the application of 10% increase in impermeable area to make allowance for urban creep.
- No calculations have been provided to demonstrate adequate half drain down time of the attenuation basin. ECC request demonstration of 50% in 24 hours for the critical 1 in 100 year rainfall event, (as per Essex Design Guide Local Standard 1).
- Detailed engineering drawings of each component of the drainage scheme should be provided.
- The proposal does not demonstrate how water quality will be mitigated (as per Essex Design Guide Local Standard 2).
- A Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies should be submitted. Details of long-term funding arrangements where maintenance is undertaken by a maintenance company should be provided.

Following this holding objection discussions have taken place directly between SUD's and the Agent and it has been confirmed that SUD's remove their holding objection. A further update will be provided at the Committee in relation to any requested conditions.

ECC Highways

There are a number of local highway improvements associated with land to the South of Cockaynes lane that shall be completed prior to occupation of the above proposal. This includes amendments to the alignment of Cockaynes Lane, pedestrian/cycle link from the SE corner to Station Road and upgrades to the two closest bus stops. These works are required to make adequate provision within the highway for the additional traffic generated as a result of the proposed

development.

They have assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the imposition of conditions covering the following: Construction of the access in accordance with approved plans; provision of visibility splays, No unbound material to be used within 6m of the highway; No discharge of surface water onto the highway; Parking and turning facilities to be provided prior to occupation of dwellings; and Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.

Essex Police

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development, especially as Designing Out Crime is mentioned so prominently on p38 of the DAS. Incorporating Secured by Design into the development is always preferable in order that security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development.

Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request this service.

NHS England

The proposed development is likely to have an impact on the services of Coach Road Branch Surgery (part of the Colne Medical Centre) operating within the vicinity of the application site. The GP practice and branch surgery do not have capacity for the additional growth resulting from this development.

The development could generate approximately 176 residents and subsequently increase demand upon existing constrained services. 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 Coach Road Branch Surgery (Colne Medical Centre), a proportion of the cost of which would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £27,800. Payment should be made before the development commences.

5 Representations

- 5.1 Alresford Parish Council do not agree with the increase in housing numbers and their preference would have been bungalows to the rear of the properties in Station Road which would be more in keeping with that particular area of the village.
- 5.2 5no letters of objection have been received by the Council from local residents. The letters of objection raise the following concerns:
 - Concern that the new application is a 40% increase on the original application and the village has had a huge amount of development passed in a very short space of time.

- Traffic along Colchester Main Road is already at a terrible level during rush hour and exiting properties along there is getting more difficult.
- Concern that no consideration has been given for the impact of traffic of both the North and South site together.
- Request for consideration that the entrance on Station Road remains to lessen the burden of traffic on Cockaynes Lane.
- The extra 23 houses proposed have considerably smaller gardens and is not in keeping with other properties along the road.
- Loss of hedges of properties without proper prior notification and consideration of at least a 2' gap between existing hedges and new fencing.
- This development will add problems to an already overloaded school and medical service.
- The offer of £25k would not remotely help towards the overload that will be placed on infrastructure.

6 Assessment

Site Context

- 6.1 The application site comprises 3.93 hectares of agricultural land that is situated to the north east side of Cockaynes Lane which has a mature field hedge running along its shared boundary, to the western end of which are 6 no trees protected by Tree Preservation Order No. TPO 14/0010. Cockaynes Lane is currently a single lane road with no pavements, but has wide verges (with drainage ditches either side).
- 6.2 The site is relatively flat semi-improved grassland, but does slope gently from east to west and is quite visually self-contained. It also includes the rear half of 26 Station Road, which is within the ownership and control of the applicant.
- 6.3 The north eastern and south eastern boundaries of the site back on to existing dwellings that front on to the B1027 and Station Road respectively, all of which have deep rear gardens. These existing dwellings comprise a mixture of bungalows, chalet bungalows and two storey houses, with no clearly discernible architectural theme. To the north west of the site is another field hedge, beyond which is open farmland. To the south west of the site and on the opposite side of the lane is a cluster of development comprising residential, equestrian and commercial buildings.
- 6.4 Alresford benefits from a range of existing local services which include a pre-school and primary school, pub, medical centre, convenience shop and post office amongst others. In recognition of these services and other factors, Alresford is designated as a Rural Service Centre in the draft Local Plan.
- 6.5 The application site is also served by several bus services that link to nearby settlements with the village also having a railway station that provides a service from Clacton/Walton to Colchester and beyond to London.

Proposal

- 6.6 As set out at the head of this report, full planning permission is sought for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.
- 6.7 The application is supported by a wide suite of technical drawings and documents, these include:

- Site Location Plan;
- Development Layout Plan;
- Highways Layout Plan;
- Parking Layout Plan;
- Vehicle Tracking drawings;
- Refuse Strategy Layout Plan;
- Affordable Housing Plan;
- Colour of Materials Layout Plan;
- Surface Materials Layout Plan;
- Boundary Treatment Layout Plan;
- Storey Heights Layout Plan;
- Garden Areas Layout Plan;
- Floor Plans and Elevations of all house types and garages;
- Street Scene drawings;
- 3D view drawings;
- Hard and Soft Landscape Plans;
- Landscape Masterplan;
- Drainage strategy layout plan;
- Drainage rebuttal note which responds to the issues raised by Anglian Water and ECC LLFA;
- Drainage flow calculations;
- Archaeological Desk-Based Assessment;
- Design and Access Statement;
- Planning Statement;
- Exhibition Report;
- Draft Heads of Terms;
- Foul & surface water drainage & SUDS report; and
- Ecological Impact Assessment.

- 6.8 The application proposes one main vehicular access point into the site off Cockaynes Lane, due west (and on the opposite side) of the access permitted pursuant to the grant of 14/01823/OUT which was allowed on appeal on 1 June 2016 (appeal ref: APP/P1560/W/15/3124775) for the land to the south. Part of the existing roadside hedge would need to be removed to make way for this, although this would be well clear from the TPO trees and the applicant's drawings show new hedge planting in lieu of this.
- 6.9 As highlighted above, the proposal also includes the rear half of the plot currently belonging to 26 Station Road, within which it is proposed to erect a 3 bedroom detached house (plot 1) which has been set back further within its plot as a result of revisions to the scheme since it was first submitted. This and two other detached houses on plots 2 and 3 would form the primary built frontage of the site leading to the site access, beyond which would be the retained hedgerow with the principal area of public open space and a surface water attenuation basin located behind.
- 6.10 The primary access road would lead from the new bellmouth junction created on the lane which would then meander through the site, off of which would be a number of spur (secondary) roads and private drives serving the proposed dwellings. The affordable houses (11no) would be located within the eastern corner of the site with each dwelling having at least 2no car parking spaces per plot, some of which would be in the form of garages with internal dimensions of 3m by 7m to meet the Council's adopted standards. An additional 25% parking spaces would be distributed quite evenly across the site for the use of visitors to the development.
- 6.11 The scheme would provide for a range of house types, detached and semi-detached, and would be providing 2, 3 and 4 bedroom units. The average net density would be 26.5

dwellings per hectare (dph) and private rear gardens would generally meet or exceed the standards set out within the Essex Design Guide.

- 6.12 The design of the housing would follow the design cues from the applicant's development to the south of the lane development, and would pay some regard to the Essex vernacular. The submission also provides details of the external finishing materials that would be employed within the scheme; these are to be determined by a number of character areas formed within the development.
- 6.13 The main planning considerations are:
- Principle of Development;
 - Highways, Transport and Access;
 - Design and Layout;
 - Landscape & Visual Impact;
 - Ecology and Nature Conservation;
 - Archaeology;
 - Flood Risk & Drainage;
 - Living Conditions; and
 - Planning Obligations.

Principle of Development

- 6.14 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.
- 6.15 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 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 48 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.
- 6.16 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.
- 6.17 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 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 6.18 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit adjacent to) the 'settlement development boundary' for Alresford. In the emerging Local Plan it is however included within the settlement development boundary. In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached a

relatively advanced stage of the plan-making process and Officers are of the view that the proposal is in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, the allocation of the site for development can carry a reasonable level of weight in the determination of this planning application.

- 6.19 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 73 of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining planning permission in the short-term, in order for them to start delivering new homes from the middle part of the plan period. In addition, the site benefits from an extant outline planning permission (15/00120/OUT allowed on appeal) for the erection of up to 60 dwellings and therefore it is considered that the principle of development on this site is acceptable.

Highways, Transport & Access

- 6.20 Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 6.21 Paragraph 102 of the NPPF requires Councils, when making decisions should ensure:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.22 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site is within walking distance of the convenience store, the primary school and bus stops, as well as the railway station with services to and from Clacton, Colchester and beyond. For a rural location, the site offers a reasonable level of accessibility which is reflected in Alresford categorisation as a Rural Service Centre in the emerging Local Plan.
- 6.23 Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.24 It is acknowledged that some local residents have objected to the proposal with concerns about the development's impact on Cockaynes Lane, general road safety and road capacities in the village. Essex County Council, in its capacity as the Local Highways Authority, has considered the proposal and concluded that it would be acceptable from a highways perspective subject to a number of conditions, the subject of which, as highlighted within the summary of their response are included at the head of this report.
- 6.25 The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is

required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The proposed development has been laid out in a manner that adheres to these standards and pays regard to the need to plan for sustainable access for all.

- 6.26 The transport impacts of the development are not considered to be severe and, from this perspective, refusal of planning permission on such grounds would not be justified, particularly bearing in mind the presence of the extent planning permission for up to 60 dwellings. Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

Design and Layout

- 6.27 Paragraph 170 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 6.28 The proposed quantum of development has increased since the original appeal scheme was submitted, however at an average net density of 26.5 dwellings per hectare (dph) and with private rear gardens meeting or exceeding the standards set out within the Essex Design Guide it would not give rise to an over-development of the site. Furthermore, the Parish Council's views with regard to the scale of the dwellings to the rear of the properties in Station Road are noted, the minimum building to building distance of over 41m between the proposed development and existing dwellings, it is considered that the scheme would not over-dominate its built context.
- 6.29 In addition, with no clearly discernible building form or architectural theme along either the B1027 or Station Road, and with the design of the proposal taking some cues from the Essex Design Guide, Officers consider that the scheme would respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would also assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.30 **Officers were asked by Members to discuss with the applicant the possibility of introduction of bungalows. Taylor Wimpey have considered the merits of providing bungalows on the site but will not be amending the proposal to include bungalows for the following reasons:**
- **There is no planning policy requirement for such dwelling types**
 - **They do not think there is a need for further provision due to the availability of bungalows in the area which includes 15 bungalows on land to the south of Cockaynes Lane (17/00565/DETAIL) and 9 approved on land to the north of the B1027 (17/01221/DETAIL).**

- **There is a weak market demand for the bungalows on land to the south of Cockaynes Lane and the 2 bungalows that have been sold were sold at below market value.**
- **The bungalows were provided on the land to the south of Cockaynes Lane as a direct response to the comments received upon the application from residents in Station Road. In that case Taylor Wimpey were happy to accommodate their requests given the shorter depths of rear gardens to the existing houses and the need to ensure residents privacy and amenity was respected. This application does not have the same relationship with the existing dwellings and the separation distances between the existing and proposed dwellings greatly exceed to the Council's standards.**

6.31 **As there is no policy basis for requesting bungalows, Officers are still of the opinion that a scheme with no bungalows proposed is acceptable and the lack of proposed bungalows would not sufficient to justify a reason for refusal.**

6.32 In totality it is considered that the scale, layout, density, height and massing of buildings and overall elevation design would harmonise with the character and appearance of the surrounding area.

Landscape & Visual Impact

6.33 NPPF para. 170 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.

6.34 As highlighted above, the main body of the land is agricultural in nature. The Tree and Landscape Officer has stated that in order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that they would be physically protected, the applicant would normally be required to provide a full Tree Survey and Report to show how works associated with the development of the land would be undertaken to avoid having an adverse impact on the long term health and viability of the trees situated on the land.

6.35 In this case the protected trees are situated on part of the site allocated as public open space and are not threatened by the development proposal. Therefore such a report is not considered necessary in this instance. However, they advise that should permission be granted then a condition should be attached to ensure that the trees are protected during the construction phase of the development.

6.36 The south western boundary of the application site is marked by an established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn and there are old Sweet Chestnut and Ash stumps in the hedgerow that have produced suckering growth. There are several trees on the boundary that form part of the hedgerow: 6no of which are afforded protection by means of a TPO, but would be unaffected by the proposal, provided that adequate measures are put in place to ensure that the site compound and any associated works do not encroach into the Root Protection Areas of the protected trees.

6.37 The south eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees; and much of the northern boundary is demarcated by a strong boundary hedgerow abutting the rear gardens of properties fronting

the B1027. This hedgerow contains several Oaks and a pollarded Ash that are mature healthy specimens, but as the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order. It would however be desirable if they were to be retained. The western boundary is planted with young, but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak which are not threatened by the development proposal.

- 6.38 As soft landscaping proposals show both the cutting back and removal of sections of the boundary vegetation and new planting to strengthen in other areas to retain the screening benefit that this vegetation provides, the soft landscaping proposals are comprehensive and acceptable.
- 6.39 Because the application site comprises relatively flat land with established landscape features to its boundaries; and as it lies on the western edge of Alresford, with existing development situated along the northern eastern and south eastern boundaries, the locality is therefore already partly residential in character. Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential use, and would inevitably result in a permanent significant effect upon the landscape, but views of this would be localised, particularly bearing in mind the development to the south of the lane. In addition, whilst for a greater number of dwellings, the principle of residential development on this site has already been deemed acceptable.
- 6.40 Therefore, in conclusion on this matter, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to mitigation measures which could be secured through the imposition of appropriate conditions.

Ecology and Nature Conservation

- 6.41 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.42 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.43 An Ecological Impact Assessment (EclA) was submitted with the application, and to inform this, a range of surveys and investigations have been undertaken, including those for habitats, dormice and reptiles. The EclA highlights that the site is dominated by poor semi-improved grassland bounded by hedgerows and trees along the southern, northern and western boundaries; and that the scheme seeks to retain hedgerows and trees wherever practicable, with new hedgerow planting proposed along the eastern boundary and the creation of an attenuation basin within the area of Public Open Space (POS).
- 6.44 The EclA states that potential impacts to dormice and reptiles have been considered with precautionary measures to avoid, minimise or mitigate significant adverse effects set out, alongside those for nesting birds and badgers. Impacts to the nearby Colne Estuary

Ramsar/SPA/SSSI and Essex Estuaries SAC have also been considered alongside a review of the Habitat Regulations Assessment (HRA) of Tendring District emerging Local Plan, with appropriate measures proposed to limit adverse effects. Opportunities for enhancement have been included within the scheme to create habitats of ecological importance within public open space and structural landscaping, including new tree planting and grassland.

- 6.45 In respect of bats the EclA states that the boundaries of the site provide potential linear features along which bats could travel and the open grassland provides potential foraging opportunities for bats. The adjacent habitats to the south-west of the site are likely to provide good potential foraging opportunities for bats given the mosaic of habitats and associated invertebrate prey. With regard to an assessment of the likely effects upon bats, the EclA states that new artificial lighting of retained habitat during the construction and operational phases and removal of trees and scrub may lead to adverse disturbance impacts to bats and other nocturnal wildlife, with a reduction of use in these areas. As such, based on the anticipated use of the site by bats, adverse effects significant at the Local level are predicted.
- 6.46 By way of mitigation, the EclA recommends that any new lighting scheme for the site will need to be sensitively designed to minimise illumination of the retained trees, hedgerow and boundary habitats. In addition, new landscaping provided within open space would contribute towards foraging opportunities for local bat populations.
- 6.47 No badger setts have been recorded within/adjacent to the site, however given that badger are known to occur in the local area, coupled with the availability of suitable habitat within/adjacent to the site, it is considered in the EclA that badgers could potentially make use of habitats at the site to forage and dig setts. Therefore, it advises that during the construction phase, badgers are at risk of falling into open excavations or entering open ended pipework (above 150mm diameter), risking an offence under the Protection of Badgers Act 1992. As mitigation, it is stated that measures would be implemented which could be secured via a planning condition.
- 6.48 **Dormouse nest tube surveys were carried out at the site between November 2017 and September 2018 to establish the presence or likely absence of dormice from within the site. The survey effort has covered all four seasons and achieved a combined search effort of 20; this, in accordance with the PTES Dormouse Conservation Handbook, is sufficient to determine the likely absence of dormouse.**
- 6.49 It goes on to state that the availability of nesting locations is often a limiting factor for dormouse populations. Therefore, dormouse nest boxes would be erected throughout dense boundary hedgerows at the site to increase availability. Field survey work is ongoing at the site, with full methods and results to date provided in the EclA appendices, the dormouse survey is anticipated to be complete by Autumn 2018 and therefore it would be necessary to prevent development, including site clearance and ground works from commencing until the results are received and any mitigation (if necessary) implemented.
- 6.50 The EclA states that no reptiles have been identified at the site to date, however, as a precaution, and given the nearby presence of reptile species and areas of suitable habitat present at the site, it is taken that an on-site population is present until likely absence has been confirmed. Field survey work is ongoing at the site, with full methods and results to date provided in the EclA and is anticipated to be completed by this summer.
- 6.51 In the event that reptiles are confirmed as present on-site the resulting mitigation measures would be informed by the species present and estimated population class size. Broad mitigation measures have been provided: A suitable receptor area would be provided through the creation of new habitat or, ideally, retention of existing habitat, on-site

opportunities for this are well positioned within the area of the proposed POS, including the attenuation basin, much of which is anticipated to remain dry throughout the year. Once a suitable receptor area has become established a phased clearance would be undertaken to displace reptiles from areas of suitable habitat to be lost (i.e. field margin or scrub) and encourage them or translocate into the receptor area.

- 6.52 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the imposition of appropriate conditions.

Archaeology

- 6.53 Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF para. 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Furthermore, para. 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.54 In its glossary, the NPPF highlights that *"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point."*

- 6.55 As highlighted by ECC Archaeology, a Desk-Based Assessment has been submitted with the application which takes into account the information from the Historic Environment Record (HER), cropmark data and the information from the archaeological investigation carried out to the south of Cockaynes Lane. Evaluation of this site led to excavation in two discrete areas close to the lane, the features uncovered dated to the late Iron Age and Roman period and prehistoric finds were also recovered, other features were postmediaeval in date. It is therefore likely that some of these agricultural landscape features continue into the proposed development area and that further evidence for settlement and activity may be preserved. It would therefore be appropriate to impose a condition that requires a programme of archaeological evaluation to be carried out; and subject to this, it is considered that the proposal would not give rise to detrimental effects upon Cultural Heritage or Archaeology.

Flood Risk & Drainage

- 6.56 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.

- 6.57 The site is currently greenfield land and is located within Flood Zone 1, it is therefore at low risk from tidal/fluviol flooding. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.58 Anglian Water state that the foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. However, as it stands the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed.
- 6.59 With regard to surface water, Anglian Water have stated that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H: This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. They state that if these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted.
- 6.60 In relation to this, ECC Flood and Water Management have also objected to the proposal, stating that the Drainage Strategy submitted with this application does not comply with the requirements set out by Essex County Council's Drainage Checklist. Therefore they state that the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. As stated above, Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner. However an appropriate condition can be imposed which requires full details of surface water drainage works to be submitted to and approved in writing by the local planning authority prior to the commencement of development; this would also be in accordance with Anglian Water's request to impose a condition.
- 6.61 From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of drainage matters and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.
- 6.62 **Since the previous Planning Committee a consultation response has been received which raises a holding objection based on the following concerns:**
- **The design proposes infiltration of surface water at a rate of 75mm /hour. No site tests have been presented which demonstrates the validity of infiltration at the site. The FRA completed by Evans Rivers and Coastal identifies that infiltration would not be a suitable form of disposal of storm runoff at the site due to lack of infiltration rate based on soil conditions and site investigation results which were undertaken at nearby sites.**
 - **No drawing has been provided with proposed levels which identify how the attenuation basin is situated relative to surrounding site levels and demonstrating how exceedance flows are likely to route across the site.**
 - **The calculations presented identify a peak flow control rate of 43.5l/s for the 1 in 100 year rainfall +40% allowance for climate change. The calculations also identify that 3770m² of impermeable area have been applied to the calculations (which are subject to further reduction through the applied coefficients of volumetric runoff). No justification has been given with regard to the proposed 43.5l/s flow rate and how this relates to the contributing area.**

- The proposed discharge location is Anglian Water storm sewer. No evidence has been provided with the application to demonstrate that there is an agreement in principle to discharge to the proposed receiving infrastructure.
- The calculations do not demonstrate that urban creep has been taken into account. ECC standard Design Guidance is the application of 10% increase in impermeable area to make allowance for urban creep.
- No calculations have been provide to demonstrate adequate half drain down time of the attenuation basin. ECC request demonstration of 50% in 24 hours for the critical 1 in 100 year rainfall event, (as per Essex Design Guide Local Standard 1).
- Detailed engineering drawings of each component of the drainage scheme should be provided.
- The proposal does not demonstrate how water quality will be mitigated (as per Essex Design Guide Local Standard 2).
- A Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies should be submitted. Details of long-term funding arrangements where maintenance is undertaken by a maintenance company should be provided.

6.63 Following this holding objection discussions have taken place directly between SUD's and the Agent and it has been confirmed that SUD's remove their holding objection. A further update will be provided at the Committee in relation to any requested conditions.

Living Conditions

- 6.64 Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.65 With regard to privacy, the Essex Design Guide (EDG) states that *"with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable"*. It goes on to state that *"where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved"*.
- 6.66 The distances between the new dwellings and the rear garden boundaries of dwellings fronting the B1027 and Station Road are in some instances below 15m, however due to the deep rear gardens of those properties the building to building distances would be far in excess of the EDG standard ranging from a minimum of 41.01m to 108.29m. The proposals would ensure that the living conditions of existing residents would be protected from overlooking, a loss of outlook and daylight/sunlight.
- 6.67 Furthermore, the submission indicates how landscaping would be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that the detailed layout has been designed in a manner which achieves an appropriate relationship with the existing dwellings whilst being sympathetic to the character of the surrounding area and the wider landscape. All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Planning Obligations

- 6.68 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to any previously cited within this report) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.69 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 56 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.70 Section 8 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.71 Planning permission 15/00120/FUL, was allowed on appeal by APP/P1560/W/16/3149457 pursuant to a S106 agreement which included the following Heads of Terms: Affordable Housing – 3no units to be gifted to the Council; Education Contribution – Early Years and Childcare, Primary school, and Secondary school transport contributions; Healthcare – towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and Open Space – the transfer of land to the Council and payment of contributions towards maintenance and play equipment. Bearing in mind that these relate to an extant permission, it is considered that it would be unreasonable to request additional planning obligations, with the exception of an increase in contributions/provisions to reflect the uplift in unit numbers from up to 60no to 84no.

Affordable Housing

- 6.72 Para. 62 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.73 Adopted Policy HG4 seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.
- 6.74 As explained above, the extant planning permission requires that 3no affordable houses be gifted to the Council, this was an alternative to providing 25% of dwellings to be constructed and transferred to a Registered Provider at a time when Housing Association involvement was 'stalling' the commencement of some sites and gifting was the only way to get development moving. The applicant had been given advice from the Council's housing section and submitted the application soon after, but had been caught out by circumstances that resulted in a shift back to the adopted policy of providing affordable housing on-site at 30%.

- 6.75 Officers have worked with the applicant, who has agreed to provide 30% affordable housing on the uplift of 24 units which would equate to 8no dwellings. Combined with the 'gifted' 3no units, the scheme would give rise to a total of 11 affordable houses. This is a slightly unusual situation, and it is extremely unlikely that this combination of circumstances would occur at any other site within the District, this approach must therefore be considered to be a 'one-off' to reflect the very special circumstances surrounding the site and the time the application was submitted.
- 6.76 **Members raised concern with regard to the location of the affordable housing as the 11 affordable houses are clustered together. The location of these dwellings has been agreed by the Council's Housing Department who advised that any register provider who takes on the homes are likely to want them in one part of the site for management reasons. Furthermore, the proposed dwellings are tenure blind, in so far as they are designed and articulated with the same materials and finishes as per those proposed for market dwellings. It is therefore considered that the location of the proposed affordable housing units is acceptable.**
- 6.77 **At the request of members the potential of alternative types of housing ownership/occupation such as almshouses has been considered. With regard to almshouses the Council's Housing Department see no need for this specialist type of housing and there is no policy basis to require this to be provided. In terms of the occupation the Housing Allocations Policy states that in order to apply, a person must have lived in the district for at least 3 years and that when properties become available in villages, the Council can offer them to people with strong connections to the village. Therefore a local connection provision within the S106 to prioritise r households with an Alresford connection first, then households from neighbouring parishes and then the whole district would be in line with Housing Policy and is now proposed to be included within the S106.**

Education

- 6.78 NPPF paragraph 94 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.79 Policy COM26 of the adopted Local Plan and Policy PP12 of the draft Local Plan require the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions.
- 6.80 Early Years and Childcare - The proposed development is located within the Alresford Ward, and according to Essex County Council's childcare sufficiency data, there are 6 providers showing 2 vacancies across the Ward. For Essex County Council to meets its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some capacity in the area, the date shows insufficient places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed, therefore a contribution of £131,710 is required to mitigate the development impact on local early years and childcare provision.
- 6.81 Primary Education - The development sits within the priority admissions area of Alresford Primary School, which currently has an official capacity of 143 places. The School is at or close to capacity in most year groups and has agreed to take thirty reception age pupils this September. Essex County Council's '10 year plan' to meet demand for school places,

alludes to permanent expansion of the School the following year. Looking at the wider area (Tendring Primary Group 3) forecasts suggest a need for further expansions with 64 additional reception places having to be found by the end of the 10 Year Plan. Based on the demand generated by this proposal, a developer contribution of £385.081 is sought to mitigate its impact on local primary school provision.

- 6.82 Secondary Education - The proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to the Essex County Council's document 'Commissioning School Places in Essex' by the academic year commencing September 2021 it will require 99 additional places. Based on the demand generated by this proposal a developer contribution of £389,995 is sought to mitigate its impact on secondary school provision.
- 6.83 Secondary School Transport - The secondary school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school. The cost is estimated at £3.65 per pupil for secondary school transport for 195 days per year. It is practice to seek costs for a 5 year period. Based on the demand generated by the proposal a transport contribution of £59,787 is required.
- 6.84 As highlight above, at the time of writing the report a response from ECC was awaited, the precise figures, based upon the Essex County Council Developers' Guide to Infrastructure Contributions will be included in *Healthcare*
- 6.85 NPPF paragraphs 91 and 92, amongst other things, state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 6.86 Policy COM24 of the adopted Local Plan and Policy HP1 of the draft Local Plan support developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking; and require financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.
- 6.87 The proposed development is likely to have an impact on the services of the Coach Road Branch Surgery (part of the Colne Medical Centre) operating within the vicinity of the application site. The GP practice and branch surgery do not have capacity for the additional growth resulting from this development which could generate approximately 176 residents and subsequently increase demand upon existing constrained services. 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 Coach Road Branch Surgery (Colne Medical Centre), a proportion of the cost of which would need to be met by the developer.
- 6.88 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £27,800.

Public Open Space

- 6.89 NPPF paras. 91 and 92, amongst other things, state that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Policy COM6 of the adopted Local Plan and Policy

HP5 of the draft Local Plan require residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

- 6.90 The site area is 3.93 Ha, 10% of which would equate to 3,930 square metres (sq.m.). The submitted Development Layout plan identifies a net area of 5,294 sq.m., excluding the surface water attenuation area of 1,969 sq.m. thereby exceeding the policy requirements, this is in addition to with financial contributions being made to the Council towards future maintenance and play equipment.
- 6.91 The above obligations are summarised here and overall, it is considered that they satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind:
- 1) Affordable Housing – **3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole district.**
 - 2) Education - Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
 - 3) Financial contributions towards: Early Years & Childcare; Primary Education; and Secondary Education School TranspoHealthcare – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
 - 4) Public Open Space and equipped play areas - To be transferred to Council and laid out before transfer; with a financial contribution towards future maintenance.

Planning Balance/Conclusion

- 6.92 This is an application for Full Planning permission, following the grant of 15/00120/FUL on appeal for up to 60 dwellings on land to the north of Cockaynes Lane.
- 6.93 NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para. 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.94 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site benefits from an extant planning permission and therefore the principle of residential development on this site is acceptable.
- 6.95 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 6.96 In addition, Officers are content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village, along with the need to facilitate on site strategic landscaping, open space and the

retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing, including affordable housing within the District.

Background Papers

None.

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PLANNING COMMITTEE

18 September 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION – 18/01131/FUL – 112 CONNAUGHT AVENUE, FRINTON-ON-SEA CO13 9AA



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Application:	18/01131/FUL	Town / Parish: Frinton and Walton Town Council
Applicant:	Harwoods of Essex	
Address:	112 Connaught Avenue, Frinton-on-Sea	
Development:	Proposed sub-division of existing A1 shop into three A1 shops.	

1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee as Councillor Platt is a director for the application site.
- 1.2 This application seeks planning permission for the sub-division of the existing A1 (Shops) unit to create three new A1 (Shops) units.
- 1.3 The unit in question has been vacant for some time and the proposal for a sub-division to three A1 units will help to support the local town centre in providing more choice and variety in the shops available. Therefore, the principle of development is acceptable.
- 1.4 The proposal will not result in any material harm to visual or residential amenity, or highway safety.

Recommendation: Approval

Conditions:

1. Standard time limit; and
2. Approved plans;

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007:

ER32a Primary Shopping Area

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):

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 213 of the NPPF (2018) 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 48 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 48 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

05/01532/FUL	Single storey extension to existing retail unit with flat roof	Refused	25.10.2005
05/01981/FUL	Single storey extension to existing retail unit with flat roof	Approved	26.01.2006
06/01668/FUL	Construction of flat roof rear extension to provide ancillary area for shop and ATM to front.	Withdrawn	20.12.2006
07/00001/FUL	Retention of flat roof rear extension to provide ancillary area for shop, associated air conditioning units and ATM and trolley park railings to		10.10.2007

front elevation.

08/00037/FUL

Retention of air conditioning and
plant to rear of premises.

Refused

18.04.2008

4. Consultations

ECC Highways Dept The Highway Authority does not object to the proposals as submitted.

5. Representations

5.1 Frinton and Walton Town Council recommend approval.

5.2 No other letters of representation have been received.

6. Assessment

Site Context

6.1 The application site is located on the north-eastern section of Connaught Avenue within the parish of Frinton-on-Sea. The site measures approximately 250 square metres in size and has been vacant for a number of years, although upon site inspection appears to be currently utilised by Harwoods of Essex, a local department store located adjacent to the north. The surrounding area is urban in character, with a number of commercial and residential properties to all sides.

6.2 The site falls within the Settlement Development Boundary for Frinton-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

6.3 This application seeks planning permission for the sub-division of the existing A1 (Shops) unit to create three new A1 (Shops) units.

6.4 The works will involve only minor external changes; namely the conversion of the conversion of the existing window to the southern elevation to an entrance door with two windows, the conversion of the existing doors to the northern elevation to a window, and the inclusion of doors to the north-western corner.

Principle of Development

6.5 The unit in question has been vacant for some time and the proposal for a sub-division to three A1 units will help to support the local town centre in providing more choice and variety in the shops available. Therefore, the principle of development is acceptable subject to the detailed consideration below.

Visual Appearance

6.6 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

- 6.7 The proposed development will result in predominantly internal amendments; however the works involved will result in slight amendments to the southern side elevation, with the existing ground floor window to be converted to an entrance door with two smaller windows, and to the northern elevation, with the conversion of the existing doors to a window and the inclusion of doors to the north-western corner.
- 6.8 Whilst these changes will be visible, particularly that to the southern elevation, they are minor in nature and will result in no visual harm to the surrounding area.

Impact on Neighbouring Amenities

- 6.9 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 There are neighbouring residential properties, particularly those adjacent to the south-east, that could be impacted upon as a result of the changes. However, the limited external changes will result in no harm to existing amenities. Further, whilst the proposed development will result in the creation of two additional shops, there is unlikely to be a significant increase to noise and disturbance than that associated with the existing larger shop.

Highway Safety

- 6.11 Essex County Council Highways have been consulted and have stated they raise no objections to the proposed development.
- 6.12 Furthermore, the Adopted Car Parking Standards require that there is provision for one parking space per 20 sqm, and therefore each shop should have provision for a minimum of three parking spaces each, nine in total.
- 6.13 Whilst it is acknowledged there is not sufficient parking provision for the three units, the size of the overall store being used for retail purposes is slightly reduced to that existing. Further, the site is located within a highly sustainable location in close proximity to the town centre, and therefore, on balance, the deficit in parking is not significantly harmful.

Conclusion

- 6.14 This principle of development in this location is acceptable, no visual or highways impacts have been identified, whilst the impact to existing neighbouring amenities is neutral. Therefore the application is recommended for approval.

Background Papers

None

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PLANNING COMMITTEE

18th September 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/02014/FUL - LAND ADJACENT CLIPHEDGE FARM, HARWICH ROAD, LITTLE BENTLEY



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Application:	17/02014/FUL	Town / Parish: Little Bentley Parish Council
Applicant:	Mr Neil Naphthine, BrandArt Ltd	
Address:	Land adjacent to Cliphedge Farm, Harwich Road, Little Bentley, Essex	
Development:	The construction of two office buildings, including ancillary site works (car parking, landscaping, surface water management pond, new vehicular access points off Harwich Road and stopping up of existing access).	

1. Executive Summary

- 1.1 The site comprises a field enclosure in the open countryside midway between Hare Green and the A133 to the west and Little Bentley to the east. The land has frontage access onto Harwich Road to the north, close to a recently improved junction onto the A120. The boundaries to the south, east and west comprise dense conifer screening. Although there is evidence of former barn development with associated hardstanding on the land, this has since been demolished and the site is essentially undeveloped. Cliphedge Farm lies directly to the east and is in residential occupation.
- 1.2 Full planning permission is sought for the erection of an office headquarters building in order to facilitate relocation and expansion of an existing company currently based in Colchester that are involved in the export market and conduct growing business with overseas companies. The applicant is anxious to provide a prestigious office and design studio environment for their customers and has submitted a supporting statement including a sequential test to demonstrate that no suitable alternative commercial sites are available in the district.
- 1.3 As the site is in a countryside location rather than within a settlement, the proposal is contrary to the provisions of the development plan which seeks to concentrate office development within settlements. As such the principle of commercial development in this out-of-settlement location needs to be assessed having regard to the weight that can be reasonably attached to the personal circumstances of the applicant company's need for re-location having regard to the benefits of economic development as would arise from inward investment into the borough and the creation of employment opportunities. This is not a speculative scheme but one designed to accommodate the very specific requirements of a successful and expanding business enterprise. Members may recall that a scheme for out of settlement office development was recently approved for a wholly speculative out of settlement office and light industrial development at a site on the Old Ipswich Road. Although this application must be determined on its individual merits, the two schemes have material similarities particularly having regard to the economic benefits as may arise from economic development initiatives.
- 1.4 Although there has been resistance to the proposal from the occupants of neighbouring property and from the Parish Council, it can be established that the impact of development on residential amenity and upon the highway network would be acceptable.
- 1.5 The proposal would satisfy Development Plan requirements in respect of design and layout, while impact on local character having regard to landscape and surrounding built form and impact on amenity would be mitigated.
- 1.6 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, or ecology.

- 1.7 It is considered that the applicant has justified through the sequential approach that special circumstances exist that warrant support of the proposal. The primary issue relating to development without the settlement boundary can consequently be justified. The proposal represents sustainable development, in accordance with the NPPF and as such planning permission should be granted.

Recommendation: Approve

Conditions:

- 1 Time limit for commencement
- 2 Compliance with plans
- 3 Landscape details submission and approval (Hard and Soft)
- 4 Landscape implementation (Hard and Soft)
- 5 Landscape Management Plan
- 6 Boundary treatment – submission of details and implementation
- 7 Highway Improvements Schedule
- 8 Construction Method statement
- 9 Highways – Visibility splays
- 10 Highways – Provision of turning areas
- 11 Highways – Vehicular access
- 12 Highways – Closure of existing access
- 13 Highways – Vehicular parking provision/specification/cycle parking/provision
- 14 Suds 1 Surface Water Drainage Scheme
- 15 Suds 2 Offsite flooding
- 16 Suds 3/4 Maintenance Plan and Monitoring
- 17 Foul water Drainage Strategy
- 18 Artificial Lighting restrictions
- 19 Materials to be submitted and approved
- 20 Scheme for control of operational noise emanating from the site
- 21 Scheme for access for the disabled
- 22 Scheme for Renewable Energy/Energy Conservation
- 23 Restriction on Hours of Operation
- 24 No external Storage

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
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 48 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 48 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**

17/00920/FUL	Office building and warehouse, including ancillary site works (car parking, landscaping, surface water management pond, new vehicular access points off Harwich Road and stopping up of existing access Note: This was an application by the same applicant as per the current proposal for a similar form of development with the principal exception of proposed mixed B1(a) office use and B8 storage use and associated commercial vehicle movements	Withdrawn	29.08.2017
11/00014/FUL	Alteration and change of use of redundant agricultural building to storage and distribution (B8) and alteration of existing access to highway	Withdrawn	13.04.2011
10/00799/FUL	Alteration and change of use of redundant agricultural building to storage and distribution (B8) and alteration of existing access onto highway'	Withdrawn	12.10.2010

4. Consultations

ECC Highways Dept

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

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

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

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate bell mouth including 6m radii kerbs.

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

- Any existing access shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- There shall be no discharge of surface water onto the highway.
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

- Prior to occupation the following infrastructural improvements shall be provided entirely at the Developer's expense;
 - o The 2m wide footways including dropped kerb crossing points
 - o 2 No. bus stops
 Reason: To make adequate provision within the highway for the additional pedestrian traffic generated within the highway as a result of the proposed development.
Note: This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

Regeneration

No formal comment received

Natural England

Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species, but has published standing advice which can be used to assess impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

Essex Wildlife Trust

Confirm that they have no comments to make in respect of this application.

Tree & Landscape
Officer

There are no trees or other significant vegetation on the, main body of the application site. The front boundary adjacent to Harwich Road is planted with a dense Hawthorn hedgerow that currently acts as a good screen. The boundary adjacent to Clip Hedge Farm is planted with an established block of vegetation comprising primarily of indigenous species but with a few coarse hedging conifers. In terms of the screening function this vegetation provides; it will be important to retain and strengthen existing planting or to secure new soft landscaping were the vegetation on the boundary with Harwich Road or Clip Hedge farm to be removed. Both the other two boundaries are planted with hedging conifers that provide functional screening purposes but are an inappropriate species for their location and are incongruous in the landscape. It would be desirable for all of the hedging conifers to be removed and replaced with a new buffer zone planting to be carried out utilising indigenous species.

In terms of the impact of the development on the countryside the application site is situated in the Bromley Heaths Landscape Character Area (LCA) as defined and described In the Tendring District Landscape Character Assessment. This document identifies one of the pressures on the LCA being the Urbanising impact of facilities, including buildings and lighting, associated with the A120. Whilst the development is clearly not associated with the A120, other than geographically, the recognised pressure reflects the potential impact of development associated with, and close to, this road.

The development of the land would, by its very scale and nature, have a detrimental impact on both the character and appearance of the local landscape character. However, it is accepted that a good quality landscaping scheme that, addressed both boundary treatment and the internal layout, would help to soften and screen the development to mitigate the harm caused by the change of use and development of the land. If planning permission is likely to be granted then it will be essential to secure details of comprehensive new planting as shown on the site layout plan. Soft landscaping should aim to both soften and screen the development to mitigate any potential harm to the character and appearance of the area.

A soft landscaping condition should be attached to any planning permission that may be granted to secure details of plant species and specification.

ECC SuDS

Note: Although no comments have been received at the time of writing from ECC SuDs, having regard to comments received in respect of 17/00920/FUL for a more intensive form of development on the site it is considered expedient to attach similar conditions, particularly as the applicant has revisited the drainage scheme and addressed those issues previously raised by ECC SuDs in respect of run-off rates, the provision of sufficient attenuation storage and identification of outfall location.

The following conditions are therefore recommended:

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.

Environment Agency	Note: Although no comments have been received from the EA, having regard to comments received in respect of 17/00920/FUL for a more intensive form of development on the site it is considered expedient to attach condition previously recommended. Accordingly, a condition requiring a foul water drainage scheme to be submitted and approved in writing prior to the commencement of any development at the site will be appended. The reason for this condition would be for the protection of the water environment in accordance with paragraph 109 of the National Planning Policy Framework, and Policies COM31a – ‘Sewerage and Sewage Disposal’ and COM23 – ‘General Pollution’ in the Tendring Local Plan Adopted Version 2007. Informative will also be added in respect of the need to acquire environmental permits.
Environmental Protection	No comments
Building Control and Access	No Comments

5. **Representations**

5.1 Fifty nine letters of objection have been received which can be summarised as follows:

- Outside settlement boundary;
- Not within a priority area for regeneration;
- Would create significant levels of traffic on rural roads;
- Not sustainable in terms of transport and accessibility;
- Will be highly visible in the landscape and out of character;
- Site will be difficult to screen discreetly;
- There are other, more sustainable sites available at Horsely Cross and Harwich; Tendring Council’s 2016 Employment Land Study did not support allocation of Horsely Cross North on the basis that progress on the southern site was slow and demonstrated limited demand for such development;
- The Local Plan should be the appropriate mechanism for considering the principle of development of this site;
- Would set a precedent for development and expansion in the immediate area;
- Inadequate infrastructure (broadband/mains sewerage);
- Loss of agricultural land;
- Contrary to ‘Town Centres First’ approach for office locations;
- Contrary to Policy in respect of the location of employment land;
- Harmful impact on residential amenity as a result of noise, disturbance and light pollution;
- No shortage of more suitable sites in Tendring with allocations at Lanswood Park, Elmstead Market, Land south of Long Road Mistley and in the future at the Garden Community.

6. **Assessment**

Site and Surroundings

- 6.1 The site extends to 1.3ha in area, and lies on the south-eastern side of Harwich Road, midway between the villages of Hare Green to 0.5km the west and Little Bentley 1.0km to the east. Colchester lies 7km to the west.
- 6.2 The site is rectangular in shape and measures approximately 110m on its Harwich Road frontage with a depth of 125m. The land is moderately level with cross falls of

1m and comprises uncultivated agricultural land. There is evidence, supported by planning history, of a former building and hardstanding occupying part of the site.

- 6.3 The frontage boundary onto Harwich Road comprises a thorn hedge. Vehicular access comprises a field gate in the north-east frontage corner of the site. Agricultural land lies opposite the site between Harwich Road and the A120. The site boundaries to the south east and south west are lined with densely planted semi-mature conifers rising to 5m in height, with agricultural land beyond.
- 6.4 The curtilage of 'Clip Hedge Farm', a residential property, adjoins to the north east. The dwellinghouse lies 30m from the common boundary with the application site and is screened from the application site by a mix of indigenous species hedge and conifers. A pair of cottages ('Thicks Cottages') lie 85m to the west along Harwich Road.
- 6.5 The site is undesignated in respect of adopted and emerging Local Plans, and although lying within a landscape area described as Bromley Heaths Landscape Character Area (LCA) the site does not carry policy protection. The neighbouring villages of Frating, Great Bromley and Little Bentley are all classed as Smaller Rural Settlements where there is limited shopping and service opportunities. Elmstead Market (5km) and Great Bentley (3km), which also benefits from a rail station with links to Colchester and Clacton on Sea, are classed as Rural Service Centres and offer a higher standard of provision. Local bus services are limited to an hourly frequency during normal working hours. The site does however lie within 200m of a recently upgraded access onto the A120 to the north.

Proposal

- 6.6 Permission is sought for 1,687sqm of office development comprising a single storey building with central two storey mezzanine core and pitch roof located to the front of the site and a single storey building also with pitch roof located to the rear of the site.
- 6.7 The buildings would be of contemporary design featuring a powder coated standing seam metal sheet roof above brickwork elevations. Windows and doors would be light grey aluminium and external ground cover would be permeable block paving and tar macadam.
- 6.8 Car parking would be provided for 60 cars including 6 disabled parking spaces. There would be cycle and motorcycle parking facilities in accordance with parking standard requirements.
- 6.9 The buildings would be set back from the road frontage by 40m and be surrounded by generous landscaped areas to the site boundaries including in particular a 30m deep landscape buffer containing mounds and a pond between the proposed site buildings and the north-eastern edge of the site where it abuts the curtilage of Cliphedge Farm.
- 6.10 The proposal was preceded by an application that included a B8 storage element. Following expression of concern in respect of the visual impact of this element and associated movements of heavy goods vehicles, the applicant company has relocated this operation to a site in the west of England and in accordance with the current application seeks permission for the office element only.
- 6.11 The application is supported by the following documents;
- Planning Statement

- Design and Access Statement
- Ecological Impact Assessment (and Update)
- Topographical Survey
- Ground Investigation (Infiltration Testing for soakaway provision)
- Flood Risk Assessment and Drainage Strategy

Analysis

- 6.12 The main planning considerations are:
- Sustainability and the principle of office development in an out of settlement (countryside) location
 - Design and Layout
 - The impact of development on landscape character
 - Ecology and Biodiversity
 - The impact of development on (residential) amenity
 - The impact of development on the highway network
 - Ecology
 - Flood risk and drainage

The Principle of Development

- 6.13 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'.
- 6.14 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.
- 6.15 The applicant has submitted a supporting statement including a sequential test in order to demonstrate that this is the only available site that is suitable for relocation of the business that would provide scope for future expansion while affording a prestigious headquarters building that would attract overseas customers. Such considerations give further weight to the proposal.

Design and Layout

- 6.16 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.
- 6.17 In respect of practical requirements, emerging Policy SPL3 expands upon the core principles of Adopted Local Plan Policy QL9. Consideration has been given to minimising impact on climate change and to reduce 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.

- 6.18 Given the opportunity for landscape screening, 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 identity, while juxtaposing built form with new landscape provision.

The impact of Development on Local Landscape Character

- 6.19 The site is located in the open countryside, which in this location is reasonably flat and open. Other than existing boundary trees and vegetation and proposed landscaping there is little in the way of topography that would screen the development from view. However, being restricted to single storey height, albeit with a two-storey element and steep pitched roofing, the buildings would not be perceived as anomalous. With the exception of the frontage onto Harwich Road, when viewed from afar, only the roofscape would be visible above the boundary hedging and would appear not dissimilar in character to contemporary high quality agricultural barns. While the frontage of the site is more visibly exposed to views from Harwich Road, landscaping, secured by condition, will, with time, soften the impact of development from this viewpoint and assist in integrating the proposed development successfully with its surroundings.

Landscape Considerations, Biodiversity and Ecology

- 6.20 Landscaping has been shown on the layout drawings, to include mounded areas and a pond to assist with site drainage. Subject to approval of an acceptable landscape scheme and specification, landscaping will not only assist in site enhancement and screening, but provide the opportunity to contribute positively towards site biodiversity. Although Natural England has not requested conditions in respect of site ecology, the Local Planning Authority is keen to promote biodiverse environments where the opportunity exists and will consequently seek to impose appropriate conditions to secure biodiversity provision.

Amenity

- 6.21 In respect of residential amenity, a single property at ClipHedge Farm, adjoins the site. The applicant has designed the site layout so that vehicular movements will be as far as possible from the residential property and will comprise motor car rather than commercial vehicle traffic. The upper storey of the office building, does not contain any fenestration and is located 35m from the common boundary and 65m from the dwellinghouse itself. Existing boundary screen vegetation would be reinforced further by additional screen planting and 2m high close boarded fencing. The separation distances are sufficient to ensure that the occupier of ClipHedge Farm would not be unacceptably disadvantaged as a result of overshadowing or loss of privacy. Office development is accepted as being a low impact form of development particularly with regard to potential noise and disturbance that might arise. This would be reinforced by the imposition of planning conditions requiring adherence to times of operation in accordance with normal office opening hours.
- 6.22 A pair of cottages to the west are located further away and for similar reasons would not experience serious loss of amenity as a result of their proximity to the site
- 6.23 A condition would also be imposed to ensure that artificial lighting would not be intrusive.

Highway and Parking Considerations

- 6.24 The highway authority has requested a range of conditions in order to secure safe access and satisfactory standard of parking. In addition, the applicant has offered to provide offsite provision comprising a bus stop and associated footway and road crossing. This would be secured by condition and be subject to a S278 Highways Agreement.
- 6.25 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 in respect of the impact of development on the surrounding highway network from the perspective of road safety or congestion.
- 6.26 Parking would be provided on-site for 60 cars including 6 disabled car parking bays in accordance with Parking Standards. Motorcycle parking and cycle facilities are also to be provided.
- 6.27 Site access, parking provision and the impact of development on the surrounding highway network are all considered acceptable.

Flood Risk and Drainage Issues

- 6.28 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.
- 6.29 Conditions are to be imposed requiring submission of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological 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

- 6.30 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 District that would provide substantial employment opportunities.

Conclusion

- 6.31 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, and having particular regard to the economic benefits of development weighed against the impact of development on countryside character, the indication is that Planning Permission should be granted subject to the conditions set out in this report.

Background Papers

Sequential Viability Statement