



## PLANNING COMMITTEE

**DATE:** Tuesday, 16 October 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](http://www.tendringdc.gov.uk). Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.**

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

**For further details and general enquiries about this meeting, contact Charlotte Cooper on 01255 686007**

DATE OF PUBLICATION: Tuesday, 9 October 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 18 September 2018.

### **3     Declarations of Interest**

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

### **4     Questions on Notice pursuant to Council Procedure Rule 37**

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

### **5     A.1 - 17/01988/FUL - Land to The East of Kirby Road, Great Holland, CO13 0HL (Pages 11 - 34)**

Construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.

### **6     A.2 - 18/00678/DETAIL - Land South of Station Road, Wrabness, CO11 2TH (Pages 35 - 48)**

18 dwellings and provision of a 0.2ha village green.

### **7     A.3- 18/00379/OUT - 820 St Johns Road, Clacton-on-Sea, CO16 8BS (Pages 49 - 62)**

Outline application for proposed residential development of 14 dwellings.

### **8     A.4 - 18/01381/FUL - Land adjacent to 2 Wivenhoe Road, Alresford, CO7 8AD (Pages 63 - 72)**

Residential development of 3 dwellings

### **9     A.5 - 18/01281/DETAIL - Land at Junction of Heath Road and Parsonage Lane Tendring, CO16 0DE (Pages 73 - 78)**

Alternative design on previously approved reserved matters planning application 17/01254/DETAIL - Remove the approved triangular windows from front and rear elevations, addition of Juliette balcony and addition of velux rooflights from plots 1-5. Finally, cover brickwork with horizontal cladding boards on plots 1, 3 and 4.

**10     A.6 - 18/1498/LBC - Clacton Town Hall, Station Road, Clacton-On-Sea, CO15 1SE**  
**(Pages 79 - 86)**

Proposal to remove a number of partition walls to provide open plan offices for each department within the council - this includes widening existing openings in three of the four corner turret towers to include these areas into the open plan. At ground floor level the work will include the removal of false ceilings & restoring the council chambers to near their original layout. The external facades remain unchanged.

**11     A.7-18/1318/LBC - 13 Angel Gate, Wellington Road, Harwich, CO12 3EJ** **(Pages 87 - 92)**

Replacement ground floors. Internal damp proofing and re-plastering works. Replacement kitchen and bathrooms, with new electrical ventilation and heating systems. Lowering external ground levels. Overhaul of existing sash windows and replacement front and rear doors. External repointing and replacing eroded bricks and inappropriate OPC pointing.

**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 Monday, 22 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](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://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, 18TH SEPTEMBER, 2018 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY,  
CO16 9AJ**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Baker, Bennison, MBrown, Davis, Everett, Fowler and McWilliams
<b>Also Present:</b>	Councillors Bray, Nicholls and Scott (except minutes 56 -57)
<b>In Attendance:</b>	Ewan Green (Corporate Director – Planning and Regeneration Services), Susanne Chapman-Ennos (Planning Team Leader), Graham Nourse (Planning Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)), Charlotte Cooper (Leadership Support Officer) and Matthew Bradley (Essex County Council Highways Officer)

**50. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Cawthron (with Councillor Davis as a substitute) and Hones (with no substitute).

**51. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 21 August 2018, were approved as a correct record and signed by the Chairman.

**52. DECLARATIONS OF INTEREST**

Councillor Heaney declared that, with regards to Planning Application 17/02014/FUL – Land Adjacent to Cliphedge Farm, Harwich Road, Little Bentley. Great Bromley Parish Council, of which she is a member, has put in a comment in relation to this application. However, she had retired from the meeting of Great Bromley Parish Council during any discussion in relation to this application.

Councillor M. Brown declared that, due to the fact he was not present on the original site visits for Planning Applications 17/02168/OUT –Land West Of Low Road Dovercourt, CO12 3TR, and 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT, he would not participate while the Committee deliberated and reached its decisions on these applications.

Councillor McWilliams declared that, due to the fact she was not present on the original site visit for Planning Application 17/02168/OUT –Land West Of Low Road Dovercourt, CO12 3TR, she would not participate whilst the Committee deliberated and reached its decision on this application.

Councillor Davis declared that, due to the fact she was not present on the original site visits for Planning Applications 17/02168/OUT –Land West Of Low Road Dovercourt, CO12 3TR, and 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT,

she would not participate while the Committee deliberated and reached its decisions on these applications.

Councillor Alexander declared that, he would retire from the meeting whilst the committee deliberated and reached its decision on Planning Application 18/01131/FUL – 112 Connaught Avenue, Frinton-On-Sea, CO13 9AA, due to the fact he is a close friend of the applicant.

Councillor Everett declared an interest in Planning Application 18/01131/FUL – 112 Connaught Avenue, Frinton-On-Sea, CO13 9AA, in so far as he lives relatively locally to the application. However he stated he was not predetermined and therefore would take part in the debate.

During the debate for application 17/02168/OUT- Land West Of Low Road, Dovercourt, CO12 3TR. Councillor Everett also declared that, he is a part of the Local Highways Panel, however he was not predetermined.

**53. 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 Everett to Councillor White, Chairman of the Planning Committee;

“Members will only be 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.”

Councillor White replied as follows;

I would like to thank Councillor Everett for raising this question. Maintaining effective transport within our district for residents, business and visitors is an aspiration that I am sure we all share.

I will ask officers to talk to their colleagues at the County Council about the issues that can be caused by works within the highways during the peak tourism season. This is because the agreement of Essex County Council as highways authority is needed to undertake works within the highways whereas planning permission from this council is not required and so the works can proceed without its approval.

If the number and length of road works carried out at peak times can be reduced, that will be of benefit to all. However, the desire to keep the roads running freely will need to be balanced with the need to enable development to proceed and to avoid unduly delaying construction.

In addition, we must not lose sight that roadworks are carried out for many reasons. These can include works by statutory undertakers to maintain or improve existing infrastructure, such as upgrading and replacing sewers, or telecommunications supplies. Other works are covered by the Public Utilities Streetworks Act that allows utilities to work on the highway without giving any notice to deal with emergencies such as electricity faults, gas or water leaks. In addition the creation of new or improved access points to enable development to sites for such things as adding broadband. These all add to affecting highways and cause hold-ups.

This Council does impose conditions requiring Construction Method statements on some developments. These may include control over working times on site but cannot control off site matters.

I appreciate there have been a number of hold-ups in our district this year. I will ask officers to contact Essex County Council to see if they can help in reducing the number, particularly on our main tourist routes in years to come.

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

Councillor M. Brown had previously declared that due to the fact he was not present on the original site visit for Planning Applications 17/02168/OUT –Land West of Low Road Dovercourt, CO12, he would not participate while the Committee deliberated and reached its decision on this application.

Councillor McWilliams had previously declared that, due to the fact she was not present on the original site visit for Planning Application 17/02168/OUT –Land West of Low Road Dovercourt, CO12, she would not participate whilst the Committee deliberated and reached its decision on this application.

Councillor Davis had previously declared that, due to the fact she was not present on the original site visits for Planning Applications 17/02168/OUT –Land West of Low Road Dovercourt, CO12, she would not participate while the Committee deliberated and reached its decisions on this application.

Councillor Everett had previously declared that, in relation to Planning Application 17/02168/OUT- Land West Of Low Road, Dovercourt, CO12 3TR, he is a part of the Local Highways Panel, however he was not predetermined.

Members recalled that this application had originally been before the Committee at its meeting held on 24<sup>th</sup> July 2018, where the application was deferred in order for consideration to be given to alternative highway improvements / access.

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:

- (1) Two further letters of objection that were received.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Everett 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 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.

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

Councillor M. Brown had previously declared that, due to the fact he was not present on the original site visits for Planning Application 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT, he would not participate while the Committee deliberated and reached its decisions on this application.

Councillor Davis had previously declared that, due to the fact she was not present on the original site visits for Planning Application 18/00367/FUL – Land North of Cockaynes Lane, Alresford, CO7 8BT, she would not participate while the Committee deliberated and reached its decisions on this application.

Members recalled that this application had originally been before the Committee at its meetings held on 21<sup>st</sup> August 2018, where the application was deferred to enable further discussion to take place between Officers and the agent regarding the location of affordable housing, the introduction of bungalows, the potential of alternative types of housing ownership / occupation, such as Almshouses, and the submission of additional reports as required by the ecology report.

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:

- (1) An Updated consultation response received from Essex County Council SUDS
- (2) Comments received from Councillor G. Scott

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor McWilliams to refuse this application on the grounds of having no bungalows within the plan, as this goes against the amenity of residents on Station Road and the appropriate mix of design within the development.

However, when put to the vote the proposal to refuse was lost.

After further discussion by the Committee and advice being given by officers, it was moved by Councillor Baker and seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

a) 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 — 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.
  27. Yearly logs of maintenance in accordance with the approved surface water drainage maintenance plan.
  28. Submission of scheme to minimise the risk of off-site flooding and pollution caused by surface water run-off during construction works.
  29. No works to take place until agreement to discharge to Anglian Water storm sewer is formalised.
  30. No works to take place until it has been demonstrated through provisioning of clause in property deeds that there will be an undertaking by property owners that there will be no adjustment of ground levels that would affect the route of exceedance flow plath and that all fence lines indicated as being affected by exceedance flow will be of non-solid structure allowing for future un-restricted flow through the fence line at ground surface level.



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

Councillor Alexander had previously declared that, he would retire from the meeting whilst the Committee deliberated and reached its decision on Planning Application 18/01131/FUL – 112 Connaught Avenue, Frinton-On-Sea, CO13 9AA, due to the fact he is a close friend of the applicant.

It was reported that this application –had been referred to the Committee as an elected Councillor of Tendring District Council is a director for the application site.

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.

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

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

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

Councillor Heaney had previously declared that, with regards to Planning Application 17/02014/FUL – Land Adjacent to Cliphedge Farm, Harwich Road, Little Bentley. Great Bromley Parish Council, of which she is a member, has put in a comment in relation to this application. However, she had retired from the meeting of Great Bromley Parish Council during the discussion in relation to this application.

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) Relevant Planning History
- (2) Representations
- (3) Additional Representations
- (4) Landscape Considerations, Biodiversity and Ecology

Mark Rodgers, a local resident, spoke against the application.

Parish Councillor Philip Suarez, representing Little Bentley Parish Council, spoke against the application.

Councillor Fred Nicholls, an adjacent local Ward Member spoke on behalf of the local ward members Councillors Coley and V. Guglielmi, in favour of the application.

Neil Napthine, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Heaney, seconded by Councillor Davis 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:-

Unsustainable on social and ecological elements which are not outweighed by the potential benefits of the financial impact.

(1)

(1) Adverse impact on existing landscape character

(2) Adverse impact on neighbour amenity

(3) Adverse impact on ecology

(4) Design is out of character with location.

The meeting was declared closed at 8.15 pm

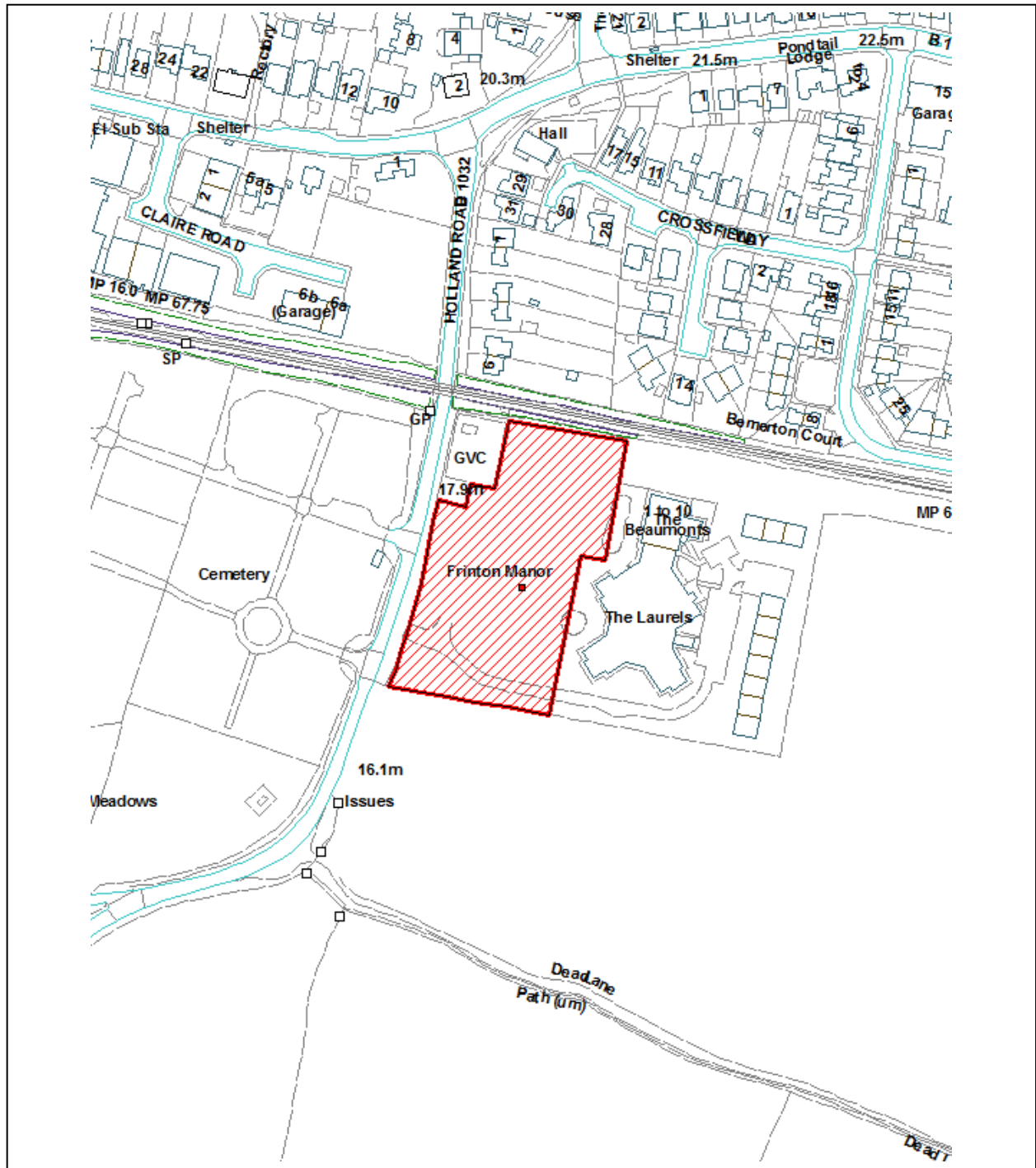
**Chairman**

## PLANNING COMMITTEE

16<sup>th</sup> October 2018

### REPORT OF THE HEAD OF PLANNING

#### A.1 PLANNING APPLICATIONS – 17/01988/FUL - LAND TO THE EAST OF KIRBY ROAD, GREAT HOLLAND, CO13 0HL.



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<b>Application:</b>	17/01988/FUL	<b>Town / Parish:</b> Frinton & Walton
<b>Applicant:</b>	Beaumont Retirement Living	
<b>Address:</b>	Land to the East of Kirby Road Great Holland CO13 0HL	
<b>Development:</b>	Construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.	

## 1. Executive Summary

- 1.1 This is an application for Full Planning permission for the construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.
- 1.2 The site lies outside of the settlement development boundary for Frinton, Walton and Kirby Cross within the adopted Local Plan, but in the emerging Local Plan it is specifically included within the defined settlement boundary of this Smaller Urban Settlement. 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.
- 1.3 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.
- 1.4 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 urban settlement 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.
- 1.5 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 outline 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 – 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);
2. Public amenity areas - To be transferred to a Management Company and laid out before

transfer;

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. The development to be occupied by over 55's only.
4. Samples/details of external finishing and surface materials to be submitted.
5. Details of Boundary treatments to be installed to be submitted.
6. Access drive to be constructed as a shared use route measuring no less than 6 metres in width.
7. Provision of a 500mm wide overhang strip adjacent to the carriageway.
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 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. Submission of contaminated land/remediation survey and report.

17. No piling to be undertaken without prior written agreement.

18. Submission of noise and odour mitigation (if necessary) in respect of the sewage pumping station.

19. External lighting scheme, to minimise light pollution and impact upon bats.

20. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.

21. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.

22. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details to be carried out during the first planting and seeding season (October - March inclusive) .

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 section 10 of the Preliminary Ecological Appraisal.

24. 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.

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

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: For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

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.

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

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

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

EN2: Local Green Gaps: Such areas as defined on the Proposals Map, will be kept open, and essentially free of development, in order to prevent the coalescence of settlements, and to protect their rural settings.

EN2: Coastal Protection Belt: New development which does not have a compelling functional need to be located in the Coastal Protection Belt, as defined on the Proposals Map, will not be permitted.

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 their requirements.

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 Frinton, Walton and Kirby Cross (which the site is adjacent to) as a Smaller Urban Settlement.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Frinton, Walton and Kirby Cross extends to include the application site.

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

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.

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**

- 3.1 No planning history available on the application site itself, but it forms part of a larger former gasworks, the eastern half of which has been developed and the most recent relevant planning permission is:
- 3.2 11/01473/FUL - Erection of 74 bed high dependency dementia unit and 20 close care dwelling units with associated car parking, amenity space, landscaping and supporting infrastructure. Permitted 13 April 2012.

#### 4. Consultations

Building Control and Access Officer	Agent will need to demonstrate suitable access for a fire fighting appliance.
Environmental Protection	No objections raised to the proposal subject to the imposition of conditions covering a construction method statement/management plan to protect the local environment in respect of noise/dust/light, including restrictions on working hours for the site of 0800-1800 Mon-Fri, 0800-1300 Sat, with no working at all on site Sundays or Bank Holidays; a full contaminated land condition due to the proximity of the development to a historic gas works.
Open Spaces and Play	There is currently a deficit of 14.12Ha of equipped play in Frinton, Walton & Kirby and Great Holland, although there is more than adequate formal open space across the area. The nearest play area is in Great Holland, located along Main Road. This play area is classified as a Local Area for Play and provides very limited facilities. Any additional development in the area would increase demand on this facility and a contribution towards upgrading this site would be required.
Principal Tree and Landscape Officer	<p>The main body of the application site does not contain any trees or other significant vegetation. The site benefits from a degree of screening on the boundary with the adjacent highway.</p> <p>With regard to the impact of the development proposal on the character and appearance of the countryside it appears that the development would be relatively well associated with the existing building to the east. However, taking into account the position and extent of the proposed development, especially compared to the existing care home that is set back from the highway - it is likely to be significantly more prominent in its setting.</p> <p>Taking into account the juxtaposition of the development with the open countryside it is considered that a key element of achieving a satisfactory layout will be to secure a top quality and comprehensive soft landscaping scheme to partially screen it from view and to assimilate it into its setting. The current layout appears to provide little opportunity for new planting to achieve this objective other than perhaps the strengthening of the existing vegetation on the boundary with the B1032.</p> <p>In order to secure an adequate amount of new soft landscaping the proposed layout should be amended to remove plots 1 to 5 from the scheme. These areas should be planted with trees and an understory of plant species that will both screen and enhance of the development.</p> <p>If details of soft landscaping on the western and southern boundaries were to be secured by way of an amendment to the development layout then it should be possible to minimise the impact of the intrusion into the local landscape and to mitigate the resultant visual harm that could be caused to the character and appearance of the local landscape.</p>

Waste Management	No comments to make.
Anglian Water	<p>The development site is within 15 metres of a sewage pumping station. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.</p> <p>The foul drainage from this development is in the catchment of Walton on the Naze Water Recycling Centre that will have available capacity for these flows. However, the development could lead to an unacceptable risk of flooding downstream; and Foul Water may need pumping, consequently they would wish to see a drainage strategy. This 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 to be agreed.</p>
Environment Agency	Do not have any comments to make on this application.
ECC Economic Growth and Development (Education)	Advise that they do not request contributions from this development proposal for the over 55's.
ECC Flood and Water Management	Maintain a holding objection to the scheme, based on inadequate information in respect of the fact that the applicant has relied on British Geological Society (BGS) mapping and infiltration testing hasn't been carried out. They also state that the submitted drainage strategy does not comply with ECC's Outline Drainage Checklist.
ECC Highways	They have assessed the highway and transportation impact of the proposal and do not wish to raise an objection to the application subject to the imposition of conditions covering the following: Parking and turning facilities to be provided prior to occupation of dwellings; No unbound material to be used within 6m of the highway; Access drive to be constructed as a shared use route measuring no less than 6 metres in width; No discharge of surface water onto the highway; Provision of wheel cleaning facility during the construction process; and Provision of a 500mm wide overhang strip adjacent to the carriageway.
NHS England	They confirm that they do not intend to seek Section 106 mitigation against this planning application.
Natural England	Do not have any comments to make on this application.

## 5. **Representations**

- 5.1 Frinton and Walton Town Council object to the proposal on the grounds that it gives rise to an overdevelopment of the site.

- 5.2 Great Holland Residents Association (GHRA) oppose the proposal for a number of reasons. In their view the appeal decision to grant permission for the Beaumont Manor development was a mistake, as it was against the judgement of TDC and led to an incursion into the green gap which TDC had undertaken to preserve. They highlight that the current situation involves the proposed settlement boundary of Kirby Cross, (in the emerging Local Plan), crossing the obvious, and in their view sensible boundary of the railway line to take in that piece of Great Holland Parish.
- 5.3 Consequently, GHRA see no reason why this situation, should be compounded and do not regard the construction of Beaumont Manor as any justification for further development and incursion. They opine that the subject site should be preserved as screening to the existing complex and a green buffer between it and the B1032, rather than be included as a further extension of the settlement boundary. They also highlight that the Planning Statement states: *"The existing planning permission on the site is for the development of a care home and close care units....."* but that permission was not for the subject site, but the adjoining area; and comment that the original appeal decision was swiftly exploited by the developer to increase the density of the Beaumont development from 58/15 to 78/20 and now there is an attempt to add another 41 residential units on this adjoining site.
- 5.4 GHRA highlight that the applicant claims that this proposed development was included in the Council's 5.1 years housing supply calculations, which would imply that the application is a formality and approval a foregone conclusion. They state that details of the pre-application consultation, if correctly reported in the application documents, indicate an encouraging attitude by officers. With the latest changes in demographic statistics and the resulting lower housing supply requirements they see reasonable justification for refusing this proposal. They state that the access is onto the busy B1032 close to the railway bridge, where larger vehicles are forced into the centre of the road. There is no lay by for buses stopping and this disrupts free traffic flow. The junctions of the B1033 with the B1032 and Halstead Road are already known to be among the worst for congestion in the District and will be even worse if the approved developments' in Halstead and Frinton Roads go ahead. Proposed limited reconfiguration of these junctions is not expected to result in significant benefit. This proposal will add to the problem, as well as providing more pressure on community services and infrastructure, including healthcare.
- 5.3 One letter of objection has been received by the Council from a local resident, raising the following concerns:
- This site is already unsustainable for its' current use, and the application for a further 41 dwellings follows several increases since the first application was refused/appealed/approved and further increased in size.
  - Additional 41 dwellings on land fronting Kirby road is even more dangerous than previous applications by reason of having access to a very busy road linking the Frinton & Walton area to Clacton, where the shopping experience is arguably superior than what is available locally.
  - Access to the site is also within 100 metres to the south of a very narrow bridge, where pedestrian footway is totally inadequate and dangerous to those on foot or with wheelchairs.
  - The development is likely to increase traffic flows very significantly with able-bodied residents using their own means of transport (cars) to leave the site and travel in either direction.
  - Under NPPF guidelines, sustainability is unproven, and Tendring District Council now has a housing land supply in excess of 5 years assessed as local housing need within the developing Local Plan.



- The intensification of development on the site will leave insufficient amenity green space on-site, and question what has happened to a water retention pond that was previously under construction between the main building and the site frontage.
- As is well known, the local growth of care and nursing homes have put increasing pressure on GP health services, such that local patients have now been 'sold on' to a Thorpe le Soken surgery which is also under pressure in an extremely busy village centre.

## 6. **Assessment**

### Site Context

- 6.1 The application site comprises 0.9 hectares of previously developed and relatively flat land that historically was a gas works engaging a use within Class B2 of the T&CP (Use Classes) Order. It is situated to the eastern side of Kirby Road (B1032), the boundary for which is predominantly demarcated by an indigenous hedge in poor condition, and which expires just north of the access into the site. This access leads into an internal estate road which also serves Beaumont Manor Care Home, and which is located to the east of the site. Beyond the north western corner of the site is a sewage pumping station, located to the south of the Holland Road/Kirby Road railway bridge.
- 6.2 To the south of the site is a soft landscaped belt, including field hedging which separates the site from the open countryside which runs down to the village of Great Holland and the coast. The northern boundary of the site is formed by the railway line which connects Frinton, Kirby Cross and Walton to Colchester and beyond with scrub and an earth mound intervening.
- 6.3 On the opposite side of the railway line is the built-up area of Kirby Cross, with the residential street of Crossfield Way and houses fronting Holland Road being the closest dwellings. The Kirby Cross Cemetery is located on the western side of Kirby Road.
- 6.4 Kirby Cross which the site is adjacent to benefits from a range of existing local services which include primary school, pub, medical centre, convenience shop and post office amongst others. In recognition of these services and others, including within Frinton and Walton, these settlements are identified as a Smaller Urban Settlement within 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.

### Proposal

- 6.6 Full planning permission is sought for the construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.
- 6.7 The application is supported by a wide suite of technical drawings and documents, these include:
- Site Location Plan;
  - Site Block Plan;
  - Proposed Site Plan;
  - Bin & Cycle Store Plan;
  - Amenity Areas Plan;
  - Refuse Collection Route Plan;
  - Materials Plan;

- Heights Plan;
- Parking Plan;
- Boundary Treatments Plan;
- Boundary Treatments Details;
- Floor Plans and Elevations for all house types and apartments;
- Street Scenes;
- Landscape Design Report and Plan
- Preliminary Ecological Appraisal;
- Design and Access Statement;
- Planning Statement;
- Arboricultural Impact Assessment;
- Energy Statement;
- Sustainability Statement;
- Surface Water Drainage Strategy;
- Transport Statement; and
- Financial Viability Assessment;

- 6.8 The application proposes one main vehicular access point into the site off the existing Beaumont Manor access road which would lead into the individual and communal parking spaces serving the proposed dwellings, and would include a type 2 turning head within the development which would enable refuse and other service vehicles to enter and leave the site in a forward gear.
- 6.9 The proposed dwelling mix is 14no two bed houses; 8no one bed apartments and 19no two bed apartments, with the latter formed within a two and a half storey block located at the rear of the site and parallel to the railway line, with communal amenity space intervening.
- 6.10 The proposed dwellings have been designed in accordance with National Technical Standards, with private gardens exceeding the minimum requirements of the Essex Design Guide. The houses are proposed to be arranged in three parcels within the site: To the south of the existing Kirby Road access (plots 1 & 2); Fronting Kirby Road (plots 3-5) which have been rotated 180° at the request of Officers; and a continuous frontage layout within the heart of the site.
- 6.11 The scheme identifies 6no broad house types, all two bed and semi-detached or terraced in addition to 7no apartment types including one and two bed options. The houses are a mix of one and two storeys, which would accommodate the varying needs of older residents.
- 6.12 A mixture of parking is proposed, all houses would have on-plot parking, with the majority through car ports, the apartments would have a parking court to the rear. There would be 50no car parking spaces for residents in total, with 2no additional visitor spaces. Each flat would have one space, with the houses having either one or two spaces each. A cycle store is also proposed to serve the apartment block.
- 6.13 The design of the housing would follow the design cues from the applicant's development to the east 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.
- 6.14 The main planning considerations are:
- Principle of Development;
  - Highways, Transport and Access;
  - Design and Layout;
  - Landscape & Visual Impact;

- Ecology and Nature Conservation;
- Flood Risk & Drainage;
- Living Conditions; and
- Planning Obligations.

#### Principle of Development

- 6.15 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.
- 6.16 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.
- 6.17 As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. 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 raised 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.
- 6.18 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.
- 6.19 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 Kirby Cross, with it actually falling within the Parish of Great Holland. Nonetheless, taking into account the developed context of Beaumont Manor adjacent to the east, with the Kirby Cross cemetery on the opposite side of Kirby Road, the site reads as part and parcel of Kirby Cross, as opposed to the village of Great Holland.
- 6.20 In the emerging Local Plan the site is included within the settlement development boundary for Frinton, Walton and Kirby Cross. 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.
- 6.21 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. Therefore, it is considered that the principle of development on this site is acceptable.

#### Highways, Transport & Access

- 6.22 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. 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.
- 6.23 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 a wide range of services and facilities, including 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 semi-rural/edge of urban location, the site offers a good level of accessibility which is reflected in the categorisation of Frinton, Walton and Kirby Cross as a Smaller Urban Settlement.
- 6.24 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.
- 6.25 It is acknowledged that some local residents have objected to the proposal with concerns about the development's impact on highway safety and the capacity of the local road network. However, Essex County Council, in its capacity as the Local Highway 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.
- 6.26 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.
- 6.27 The transport impacts of the development are not considered to be severe and, from this perspective, Officers are of the view that a refusal of planning permission on such grounds could not be substantiated at appeal. 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

- 6.28 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.
- 6.29 The proposed quantum of development, being for a total of 41 units gives rise to a density of 45.5 dwellings per hectare (dph), which is largely the result of the presence of the proposed apartments. However the area of amenity space proposed to be available to them is almost double that advocated by the Essex Design Guide (a minimum of 25sq.m.) and the private rear gardens of the houses would also meet or exceed the standards. Consequently, it is considered that bearing in mind the sustainable location that is accessible by a range of means of public transport, the proposal would not give rise to an over-development of the site. This is notwithstanding the Principal Tree and Landscape Officer's comments that plots 1-5 should be removed from the scheme (see below).
- 6.30 There is no clearly discernible building form or architectural theme along the B1032, although the immediate built context is formed by the existing Beaumont Manor complex. The design of the proposal takes some cues from the Essex Design Guide and 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 and planting, street furniture and other 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.
- 6.31 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

- 6.32 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.
- 6.33 As highlighted above, the main body of the land is previously developed (brownfield land) in nature and adds very little to the character and appearance of the area in its current guise. The Tree and Landscape Officer has highlighted that the main body of the site does not contain any trees or other significant vegetation and it benefits from a degree of screening on the boundary with the adjacent highway. Furthermore, he opines that with regard to the impact of the development proposal on the character and appearance of the countryside it appears that the development would be relatively well associated with the existing building to the east, although taking into account the position and extent of the proposed development it is likely to be more prominent in its setting.

- 6.34 Therefore, taking into account the juxtaposition of the development with the open countryside, the Tree and Landscape Officer considers that a key element of achieving a satisfactory layout would be to secure a comprehensive soft landscaping scheme to partially screen it from view and to assimilate it into its setting. He also recommended that plots 1-5 should be removed from the scheme, so as to provide an area which could be planted with trees and an understory of plant species that would both screen and enhance of the development. However, as highlighted above by Officers, it is considered that the proposal would not give rise to an over-development of the site; and it would be read as being within an area of transition, due south of the railway bridge, opposite the cemetery.
- 6.35 As a result of the changes requested by Officers to plots 3-5, the proposed dwellings on these would now front the highway. The existing roadside hedge which is in poor condition would be removed and new hedge planting installed in its place. The Tree and Landscape Officer has since confirmed to Officers that the loss of this hedge in itself couldn't be used to substantiate withholding the grant of planning permission. Furthermore, due to the short-medium range views that are likely to be afforded of the site from the southern open countryside, and the previously developed nature of the site, it is considered that the site has a medium-high capacity to absorb the proposed development, and which would not have a material impact upon the overall quality of the green gap or coastal protection belt.
- 6.36 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, namely additional tree and hedge planting across the site's road frontage and within the proposed public amenity areas, which could be secured through the imposition of appropriate conditions.

#### Ecology and Nature Conservation

- 6.37 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.
- 6.38 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.
- 6.39 A Preliminary Ecological Appraisal (PEA) was submitted with the application, which states that the site has potential to support nesting birds and any tree and hedgerow works should be undertaken outside of the bird breeding season (March-August), or a nest search should be undertaken by an ecologist immediately prior to works commencing.
- 6.40 In addition, in order to avoid and minimise impacts to possible commuting or foraging bats along the northern boundary, post development lighting should follow BCT Guidance (Bat Conservation Trust 2009). Sensitive lighting should include the use of hoods or directional lighting, installing light sensors that are sensitive to large moving objects only and having



short timers on external lighting. This should make it possible for the proposed development to proceed with minimal risk of harm to, or impact to, potentially foraging and/or commuting bats.

- 6.41 The PEA also recommends that the site is enhanced post development for the benefit of local biodiversity via the inclusion of bird and bat boxes; and the data search returned multiple hedgehog and badger records, it is therefore recommended that permeable boundaries are used, such as hedges and not defining the boundaries with concrete and timber panel fences. If timber panelled fences and wire fences must be used then it advises that sections should be slightly elevated to allow mammals to pass under.
- 6.42 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.

#### Flood Risk & Drainage

- 6.43 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.
- 6.44 The site is currently brownfield land and is located within Flood Zone 1; it is therefore at low risk from tidal/fluvial flooding. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.45 Anglian Water (AW) state that the foul drainage from this development is in the catchment of Walton on the Naze Water Recycling Centre that would have available capacity for these flows. However, the development could lead to an unacceptable risk of flooding downstream; and Foul Water may need pumping, consequently they would wish to see a drainage strategy. This strategy would need to be prepared in consultation with them to determine mitigation measures and they request a condition requiring the drainage strategy covering the issue to be agreed.
- 6.46 AW also consider that dwellings located within 15 metres of the pumping station to the north west of the site would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. They state that the site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, to ensure no development within 15 metres from the boundary of the sewage pumping station. However, this relates to a modest structure that is located within the north western corner of its curtilage, and generates very little noise or odour. The distance between it and the nearest proposed flat is some 17m, and therefore Officers consider that this would not be a reasonable reason to withhold planning permission. However, taking a precautionary approach it is advised that conditions be imposed to cover this issue.
- 6.47 With regard to surface water disposal AW state that from the details submitted to support the planning application, the proposed method of surface water management does not relate to their operated assets, and advise that the Local Planning Authority should seek the advice of the Lead Local Flood Authority (LLFA), which in this case is Essex County Council (ECC). The LLFA has issued a holding objection to the proposal, on the grounds of a lack of information, as highlighted 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 on either initial consultations or upon additional/revised material being submitted. The applicant has also expressed frustration in that they state that each time the SuDS strategy

has been reviewed, and their consultant has addressed the previous concerns ECC (who themselves are now using consultants) come back with different requests.

- 6.48 ECC's consultant has now agreed that infiltration testing and groundwater monitoring are no longer required and has accepted that the reasons for not connecting to the watercourse are already sufficiently detailed within the drainage report, but still wants other additional information providing details that would often be required post grant of planning permission. It is considered that an appropriate condition can be imposed which requires full details of surface water drainage works, including future management, to be submitted to and approved in writing by the local planning authority prior to the commencement of development, which would fulfil the requirements of the LLFA.
- 6.49 From this basis it is considered that the proposal is acceptable in respect of drainage matters which can be designed in a manner that it would not give rise to flood risk emanating from surface or foul water.

#### Living Conditions

- 6.50 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. 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 housing, 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"*.
- 6.51 The distances between the new dwellings and the habitable windows on the facing elevations on Beaumont Manor are generally in accordance with the EDG standards and overall the proposals would ensure that the living conditions of existing residents would be protected from overlooking, a loss of outlook and daylight/sunlight.
- 6.52 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

- 6.53 Paragraph 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.
- 6.54 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.

- 6.55 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.
- 6.56 As the proposal is for the erection of dwellings/flats to be occupied by the over 55's it is considered that it would not be reasonable to request planning obligations in respect of education or play equipment (although it is acknowledged that future occupants may occasionally provide care for grandchildren). In addition NHS England have stated that they are not seeking a financial contribution in respect of this proposed development.

#### *Affordable Housing*

- 6.57 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.
- 6.58 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.
- 6.59 With the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting.

#### *Public Open Space/Amenity Areas*

- 6.60 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, whereas for residential development below 1.5 hectares (such as the application site), where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.
- 6.61 The site area is 0.9 Ha, and therefore on-site public open space does not have to be provided, although it is proposed to provide approximately 7% of the scheme as green public amenity areas. It is considered that this would be an effective way of mitigating the needs of the future occupants of the development, provided that the amenity areas were maintained by a private management company, so as to not bear costs upon the public purse.
- 6.62 As highlighted by Open Space & Play, there is currently a deficit of 14.12Ha of equipped play in Frinton, Walton & Kirby and Great Holland. The nearest play area is in Great Holland, located along Main Road and provides very limited facilities. However, whilst Officers acknowledge that any additional development in the area could increase demand on this facility, as the application is proposed as effectively a retirement village for the over 55's, the likelihood of young children residing at the site is likely to be considerably less

than for an unfettered residential scheme. Consequently, it is considered that the requirement of a contribution towards upgrading this site would not be necessary or reasonable.

- 6.63 Notwithstanding this, the obligations sought 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, namely:

1. **Affordable Housing** – 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);

2. **Public Amenity Areas** - To be transferred to a Management Company and laid out before transfer;

#### Planning Balance/Conclusion

- 6.64 This is an application for Full Planning permission for the construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.
- 6.65 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.
- 6.66 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 constitutes previously developed land, and bearing in mind its inclusion within the Draft Local Plan, and the presence of the adjacent care home, the principle of residential development on this site is acceptable.
- 6.67 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.
- 6.68 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 Kirby Cross, 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

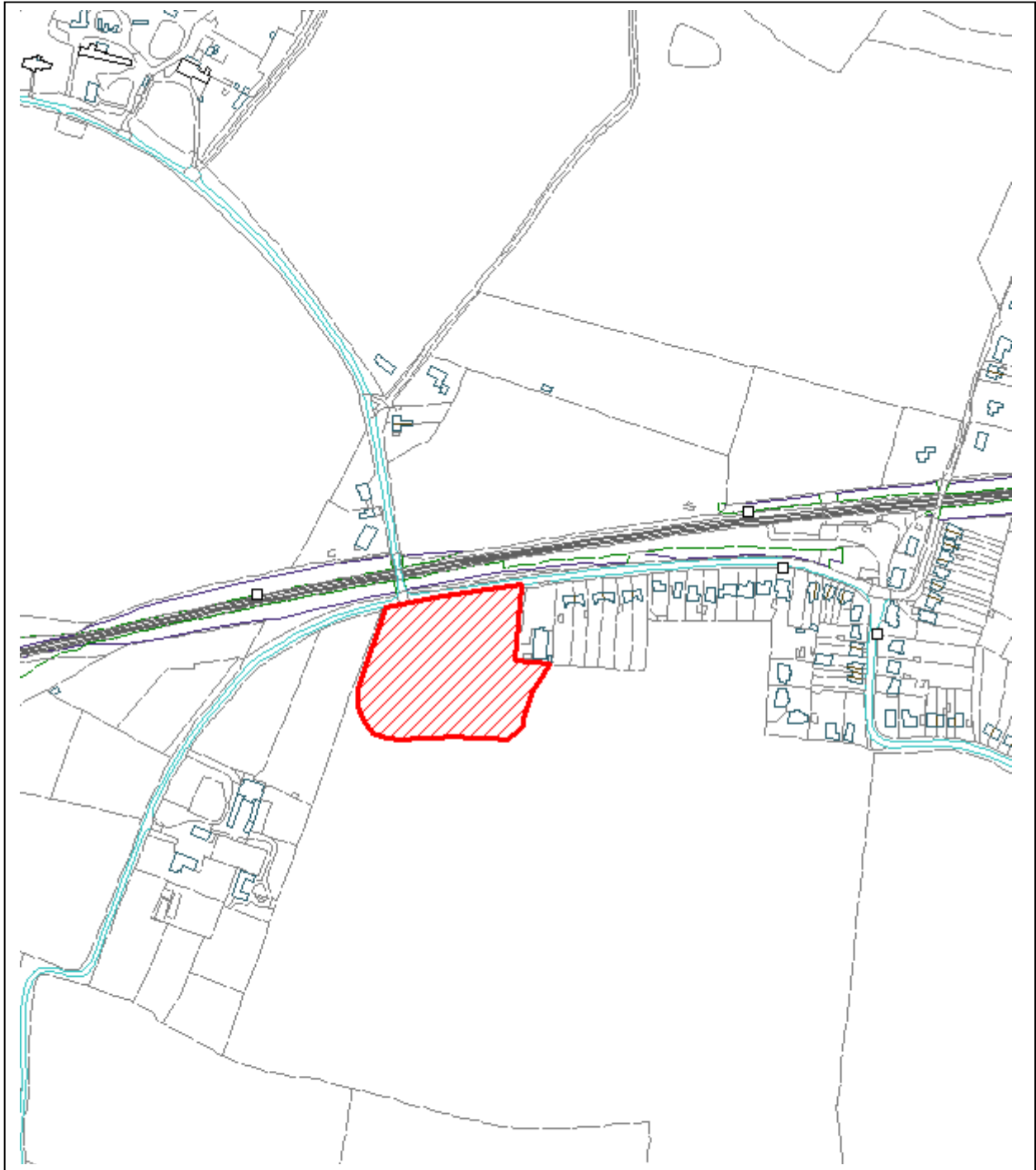
None

## PLANNING COMMITTEE

16<sup>th</sup> October 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.2 PLANNING APPLICATION - 18/00678/DETAIL - LAND SOUTH OF STATION ROAD, WRABNESS, CO11 2TH**



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<b>Application:</b>	18/00678/DETAIL	<b>Town / Parish:</b> Wrabness Parish Council
<b>Applicant:</b>	Bennett PLC & James Macaulay	
<b>Address:</b>	Land South of Station Road Wrabness CO11 2TH	
<b>Development:</b>	18 dwellings and provision of a 0.2ha village green.	

## 1. **Executive Summary**

- 1.1 Outline application 15/01737/OUT for 18 dwellings and provision of a 0.2ha village green with all other matters reserved was approved at Planning Committee on 22<sup>nd</sup> March 2016 at which time it was requested that the reserved matters application be brought back to Committee for determination.
- 1.2 This application seeks approval of the reserved matters application for 18 dwellings and the provision of 0.2 hectares of village green. It includes details of access, appearance, landscaping, layout and scale.
- 1.3 The site is situated to the west of the village hall in Station Road, Wrabness. It currently forms part of a large agricultural field, with its southern and part eastern boundaries not demarcated.
- 1.4 As established through the granting of outline application 15/01737/OUT, the principle of residential development for up to 18 dwellings on this site is acceptable.
- 1.5 The detailed design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

**Recommendation:** Approve

**Conditions:**

In accordance with the approved plans

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

Removal of permitted development rights for loft conversions

## 2. **Planning Policy**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk  
 QL9 Design of New Development  
 QL10 Designing New Development to Meet Functional Needs  
 QL11 Environmental Impacts and Compatibility of Uses  
 HG6 Dwelling Size and Type  
 HG7 Residential Densities  
 HG9 Private Amenity Space  
 HG14 Side Isolation  
 COM6 Provision of Recreational Open Space for New Residential Development  
 EN1 Landscape Character  
 EN3 Coastal Protection Belt  
 EN6 Biodiversity  
 TR1A Development Affecting Highways  
 TR7 Vehicle Parking at New Development  
 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
 SPL1 Managing Growth  
 SPL2 Settlement Development Boundaries  
 SPL3 Sustainable Design  
 LP1 Housing Supply  
 LP2 Housing Choice  
 LP3 Housing Density and Standards  
 LP4 Housing Layout  
 PPL3 The Rural Landscape  
 PPL4 Biodiversity and Geodiversity  
 CP1 Sustainable Transport and Accessibility  
 Local Planning Guidance  
 Essex Design Guide  
 Essex County Council Car Parking Standards - Design and Good Practice

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

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

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. 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 deliver 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.

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

14/00447/OUT	Outline planning application with all matters reserved for the construction of 10 dwellings and 4 affordable houses.	Approved	18.05.2015
15/01737/OUT	Outline planning application for 18 dwellings and provision of a 0.2ha	Approved	19.09.2016

village green with all other matters reserved.

#### **4. Consultations**

Waste Management

No comments.

ECC Highways Dept

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

1. Prior to the occupation of any of the proposed development the principle means of access and the internal road and footway layout shall be provided in accord with Drawing Numbered SRW02/B.  
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
2. Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.  
Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
3. Prior to the occupation of any of the proposed dwellings the applicant / developer shall provide a kerbed footway across the entire sites frontage to Station Road at a minimum of 2.0m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.  
Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

4. Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.  
Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.
5. No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary / throughout.  
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
6. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.  
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.
7. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.
8. All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.  
Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.
9. All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.  
Reason: To ensure that on-street parking of vehicles in the



adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

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

- 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 under body washing facilities
- HGV Routing plan

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Environmental Protection      No comments received

Anglian Water Services Ltd      No comments received

Tree & Landscape Officer (original comments)      There are no trees or other significant vegetation on the application site. The land is in agricultural use.

It would appear that there has been no information provided relating to soft landscaping proposals for the application site.

Planting on the perimeter of the application site will be a key element

in the final design of the development to ensure that it sits comfortably in its rural setting.

Where there is potential for site boundaries to have an adverse impact on the character and appearance of the countryside individual property boundaries should be marked with low hedges comprising of indigenous species ' close board or panel fences would not be appropriate on, or close to the edge of the development.

It will also be important to secure details of planting for the open space/village green and for the front gardens of the dwellings fronting Station Road. It is anticipated that this will include low hedges and tree planting in areas that will have an impact on the public realm.

This information should be provided prior to the determination of the application.

Tree & Landscape Officer  
(amended comments)

The information provided relating to the soft landscaping of the development including the open space/village green and front gardens of the dwellings fronting Station Road is comprehensive and includes sufficient details of plant species and specification

The inclusion of the perimeter landscape buffer will help to ensure that the development is partially screened and consequently sits comfortably in its setting.

ECC SuDS Consultee

Having reviewed the documents which accompanied the planning application, the following points require additional clarification:

- No on-site ground investigation, infiltration testing, or geotechnical report has been undertaken - It is understood that the British Geological Society mapping has been used to determine the geology of the site and that an infiltration rate has been assumed based upon this. Infiltration testing to BRE Digest 365 standards will be required for detailed planning and borehole logs either from BGS or a site investigation and should be reviewed to determine the groundwater level within the site. Ground water monitoring may also be undertaken if no other data is available and/or ground water is recorded as high. All borehole logs referenced within the FRA and Drainage Strategy should to be provided.
- The site drainage strategy should be updated to match the latest site layout plan - It is understood that a drainage strategy and associated calculations was submitted alongside the outline planning application for this site (15/01737/OUT), however the site layout plan has been updated since this was produced. As such, the drainage strategy for the site should be amended to conform with the new site layout plan and provide sufficient detail to cover the points set out in the Essex County Council's Detailed Drainage Design Checklist.
- Insufficient evidence is provided to show that water quality guidance is being adhered to -ECC LLFA require that Chapter 26 of The CIRIA SuDS Manual (C753) 2016 is followed with regards to water quality and treatment stages. Evidence should be given in the form of a total SuDS mitigation index that a sufficient level of treatment is being provided.
- A SuDS Maintenance and Management Plan has not been

provided - This should contain details of how SuDS features are to be maintained post-development to ensure they continue to work as intended.

- A Construction Management Plan has not been provided - This should contain details of how surface water is to be managed during construction.

In light of the above, there is a Holding Objection to the proposals in their current form until sufficient detail in relation to the above has been provided.

## **5. Representations**

5.1 Wrabness Parish Council considers the following elements of this planning application for approval of details are unsatisfactory:

- The outline application proposed four affordable homes – this has been reduced in the detailed application to just one affordable house. This falls well short of community expectation and local need established in a survey promoted by the Parish Council in partnership with the Rural Housing Trust.
- The application lacks information concerning landscaping the development to soften the visual impact of the housing estate. The outline application proposed extensive tree planting including to the site perimeter and this should be an essential element of the detailed layout.
- The application lacks any information about the layout, fencing and landscaping of the proposed village green. The Parish Council considers this is essential to ensure this open space meets the needs to the village. The Village Green to be fenced before building commences so it starts off as a safe playing area.
- The layout shows a new double garage on Plot 18 sited hard on the boundary with the Village Hall site. It is strongly recommended that this garage is resited away from the boundary of this public access land in the interests of future neighbourliness.
- The proposed highway layout featuring wide estate roads than the village roads leading to the site, pavements and street lamps is unsympathetic to the existing rural character of Wrabness and contrary to the wishes of local residents.
- No information has been supplied to the Parish Council from either the applicants or the District Council about the proposed legal, financial and future management arrangements relating to the village green.

5.2 In addition to the comments from the Parish Council; 5 letters of objection have been received which raise the following concerns:

- The area of the proposed development is a valuable breeding habitat for brown hare, which having declined in numbers are now in danger. By introducing housing to this area their habitat will be severely damaged and lead to further decline of this sparse population.
- There will be significant traffic increases leading to dangers to pedestrians and children with limited/non-existent footpaths in the area.
- It makes far more sense to restrict the development to the current road frontage and not encroach into the field, thus saving declining habitat, reducing light pollution and limiting vehicular impact.

- Current infrastructure can't support this e.g. local doctors surgery has close future patient registrations. There is no local school and by ensuring residents have to live to amenities and schools the village carbon footprint will increase beyond comfort.
- There is no need to allow this large number of properties indeed currently there are no developments encroaching into and changing use of existing farmland.
- Recent temperatures and climate changes are having a phenomenal impact upon our ability to produce sufficient arable crops, resulting in poor yields to farmers and a scarcity of produce impacting all areas of society. Evidence suggests that more frequent spells of very hot dry weather will occur which will pose further challenges to UK farming. It therefore seems short sighted to approve a development that encroaches so heavily upon current arable land.
- There is no street lighting in the village at the moment, which results in limited light pollution of the area which is a very rare and precious thing these days. The addition of street lights will all but destroy this valued dark sky.
- The development will lead to more and more development of our lovely peaceful village. The proposed site had already grown from 14 to 18 houses with an overall increase in size.
- Increase in light pollution
- The size of the roads is excessive – the roads within the development are larger than the existing streets within Wrabness
- The amount of affordable housing listed has been eroded from the original site plans from 4 down to 1.
- The roads through the village are both narrow and include several sharp blind bends. The increased level of traffic caused by the occupiers of the new houses will cause an even higher risk of accidents. More so because of the lack of pavement and increasing street parking.
- The developer should plant a wide band of trees around the whole development.
- The proposed road layout seems to leave scope for further development to the south in due course.
- The original plans showed the site access near to the village hall.

## 6. **Assessment**

The main planning considerations are:

- Principle of Development
- Appearance
- Layout
- Scale
- Highway Safety
- Landscaping/Biodiversity
- Impact on residential amenity
- Drainage

### Site Context

- 6.1 The site is situated to the west of the village hall in Station Road, Wrabness. It currently forms part of a large agricultural field, with its southern and part eastern boundaries not demarcated.
- 6.2 The northern boundary of the site is fronted onto Station Road; there is no roadside hedge along this boundary and the western boundary is delineated by a hedge. The majority of the eastern boundary of the site within the Village Hall car park is formed by a hedgerow.
- 6.3 The site has an area of approximately 1.4 hectares in total. It has a gentle gradient change, being a downhill gradient of north to south. There are also overhead electricity lines which run along the northern and eastern boundaries of the site.
- 6.4 Station Road comprises a linear form of development with a mixed character resulting from dwellings of varying scale, bulk, design and appearance. In the immediate vicinity of the site, development is characterised by 2 storey semi-detached dwellings to the east of the site on Station Road, and immediately to the east of the site is the Village Hall, which is set back into the site, with a large frontage car park.

### Proposal

- 6.5 This application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01737/OUT which granted permission for 18 dwellings and provision of a 0.2 hectare village green.
- 6.6 This proposal seeks permission for 18 dwellings; 1 no. 2 bed dwellings; 14 no. 3 bed dwellings and 3 no. 4 bed dwellings.
- 6.7 Out of the dwellings proposed 6 are two storey in height 9 are bungalows and 3 are one and a half storey in height.
- 6.8 The open space (referred to as the village green) measures 0.2 hectares in size and is situated adjacent to the boundary with the village hall at the front of the site.
- 6.9 An access road is proposed at approximately the centre of the site to serve 14 of the proposed dwellings, this is proposed to be 5.5 metres in width with a 2 metres footpath either side; it serves smaller private drives. The 4 dwellings proposed at the front of the site will be accessed via private drives directly onto Station Road.
- 6.10 A S06 legal agreement was secured at outline planning permission stage requiring; affordable housing (1 gifted unit); and provision of open space (to be maintained by a management company). This legal agreement and all conditions on the outline consent will still apply.

### Principle of Development

- 6.11 The principle of development on the site for 18 dwellings and 0.2 hectares of open space has been established by the granted of outline consent (15/01737/OUT). To reflect this decision the site is now included within the Settlement Development Boundary in the Tendring District Local Plan (2013-2033) and Beyond Publication Draft (Emerging Plan).

### Appearance

- 6.12 The details design of the dwellings in varied with different roof forms, height and use of porches and window detailing which adds a somewhat traditional element to the design and provides visual interest.
- 6.13 The surrounding area comprises of a mixture of type and styles of dwellings, all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings are in keeping with the character of the area.
- 6.14 No details of materials have been provided; however this will be dealt with at a later stage as a condition was imposed on the outline consent required samples of external materials to be submitted and approved by the Local Planning Authority.
- 6.15 For the above reasons it is considered that the detailed design and appearance of the proposed dwellings is acceptable.

### Layout

- 6.16 Each of the proposed dwellings, have their own private amenity space. Policy HG9 of the Saved Local Plan requires 50 sq.m for 1 bed dwellings; 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. All the dwellings are provided with garden areas which meet or exceed this standard.
- 6.17 All of the proposed dwellings address the street and create an active street frontage. There are some dwellings which have blank side elevations that face onto the street; these elevations are either set back from the street or are in less prominent locations
- 6.18 Parking is provided either to the front or sides of the dwellings, in appropriate locations throughout the site and therefore do not dominate the proposed development.
- 6.19 In conclusion there is no objection to the layout of the proposed development.

### Scale

- 6.20 The proposal includes a mix of single storey bungalows, one and a half storey dwellings and two storey dwellings. The nearest building is the village hall which is a single storey dwelling beyond this are two storey properties and then bungalows. Being on the edge of Wrabness the site is in a sensitive location; the bungalows are situated towards the edge of the site, which provides a suitable relationship with the surrounding countryside. It is considered that a mix of single storey to two storey dwellings on this site is acceptable.

### Highway Safety/Parking

- 6.21 Essex County Council Highways have been consulted on the application and raise no objection subject to conditions set out above, which cover the internal road layout; vehicular visibility; provision of a kerbed footway; materials of driveways; width of access; car parking; cycle storage; position of any new or proposed boundary hedge and a construction method statement. All of these issues are dealt with by conditions imposed on the outline consent, with the exception of the position of any potential boundary hedge along Station Road. All conditions on the outline consent will still apply.
- 6.22 Condition No. 16 on the outline consent requires the development to provide a 2 metres wide kerbed footway connection from the existing vehicular access for the Village Hall to the proposed vehicular access to the proposed development site. Essex County Council Highways are now recommending a footpath be provided along the entire frontage to

Station Road; as this is a reserved matters application it is not possible to change the requirements of the proposed footpath.

- 6.23 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. There is no separate visitor parking provided around the development, however, many of the proposed dwellings have off-street parking provision in excess of that required by the standards. All have the required 2 off-street parking spaces but especially the larger houses have spaces for up to 3 or 4 cars. It is therefore considered that the level of parking provision is acceptable.
- 6.24 No details of any cycle storage has been provided at this stage, however, this is a condition of the outline consent so will be dealt with at a later stage. However, the garages are of a sufficient size to provide cycle parking and all dwellings have space within the garden area for a shed. Therefore it is considered that adequate cycle parking can be provided.
- 6.25 The proposal is therefore acceptable in terms of highway safety.

#### Landscaping/Biodiversity

- 6.26 The impact of the proposal on protected species and biodiversity was dealt with at outline stage and the nature of the site has not changed. There are no trees of other significant vegetation on the application site.
- 6.27 The information provided relating to the soft landscaping of the development including the open space/village green and front gardens of the dwellings fronting Station Road is comprehensive and includes sufficient details of plant species and specification.
- 6.28 The inclusion of the perimeter landscape buffer will help to ensure that the development is partially screened and consequently sits comfortably in its setting.
- 6.29 It is considered that the proposed landscaping is acceptable.

#### Impact on residential amenity

- 6.30 It is considered that the proposal would result in no material harm to residential amenity of existing occupiers. The relationship between the proposed dwellings is also considered acceptable with adequate separation to provide good standards of privacy and light. To ensure privacy is retained permitted development right for loft conversions are to be removed.

#### Drainage

- 6.31 A holding objection from Essex County Council SUDs has been received as part of this application. This has been forwarded to the agent for information but does not affect the determination of this current application as a condition was imposed on the outline consent to cover surface water drainage matters. No development can commence until this condition has been discharged.

#### Other Issues

- 6.32 There are concerns that the number of dwellings on site has increased from 14 to 18. Outline consent was firstly granted for 14 dwellings (including 4 affordable houses) under

application 14/00447/OUT. Then a further outline permission was granted for 18 dwellings under reference 15/01737/OUT, which is the scheme that the reserved matters has been submitted for. The number of affordable homes has reduced from 4 to 1 as at the time of the original outline consent (14/00447/OUT) the 4 homes were to be provided in connection with a Registered Provider and not be gifted to the Council. By the time application 15/01737/OUT was determined the Council's procedure had changes and 1 gifted unit was sought. The gifted unit is to be provided to the Council at no cost and works out in value approx. the same as 4 units to be sold to a Registered Provider.

- 6.33 Concerns have been raised regarding the potential for street lighting; this is a matter for detail that will be dealt with by Essex County Council Highways, if the road is to be adopted.

Conclusion

- 6.34 Overall the details submitted with this application are considered to be acceptable and their approval is recommended.

Background Papers

None

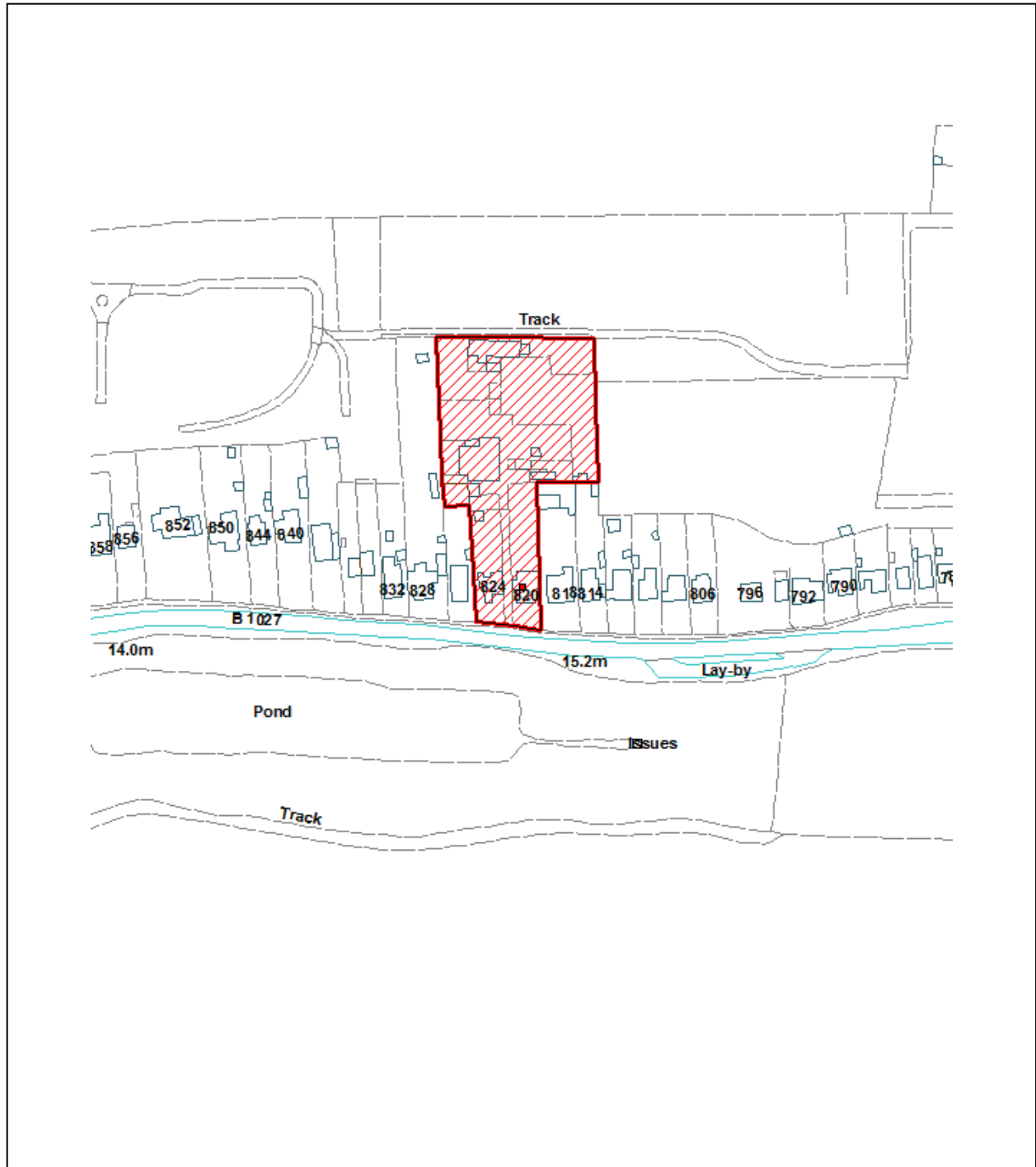


## PLANNING COMMITTEE

16<sup>th</sup> October 2018

### REPORT OF THE HEAD OF PLANNING

#### A.3 PLANNING APPLICATION - 18/00379/OUT - 820 ST JOHNS ROAD CLACTON ON SEA CO16 8BS



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<b>Application:</b>	18/00379/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Leisure Fame Ltd	
<b>Address:</b>	820 St Johns Road Clacton On Sea Essex CO16 8BS	
<b>Development:</b>	Outline application for proposed residential development of 14 dwellings.	

## 1. **Executive Summary**

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of the settlement development boundary of the 2007 adopted plan.
- 1.2 The application site lies outside the settlement development boundary of the adopted local plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea. Full planning permission has also been granted on appeal (14/00929/FUL) for 14 two storey dwellings on a slightly different site area. That permission expired on 8<sup>th</sup> July 2018 but is still a strong material planning consideration.
- 1.3 The proposal seeks outline planning permission, with access included for consideration, for 14 dwellings accessed from St Johns Road following retention of number 820 St Johns Road and demolition of number 824 St Johns Road.
- 1.4 The proposal is considered to represent sustainable development with no material harm to landscape character, ecology, residential amenity or highway safety. There is still a holding objection to the surface water drainage strategy from ECC SUDs and additional information was sent to them on 19<sup>th</sup> September and their comments are awaited. The application is therefore recommended for approval subject to ECC SUDs removing their objection, the conditions detailed below and completion of a S106 legal agreement to provide for open space.

### **Recommendation:** Approval

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - Financial contribution towards public open space.
- b) Removal of the holding objection from ECC SUDs as Lead Local Flood Authority.
- c) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

### **(i) Conditions:**

1. Reserved matters standard conditions
  2. Accordance with approved plans in relation to access
  3. Construction of the vehicular access
  4. Vehicular visibility splays
  5. No unbound materials within 6 metres of the highway boundary
  6. Closure of existing redundant access
  7. Footway width
  8. Construction Method Statement
  9. Residential Travel Information Packs
  10. Bus stop improvements to bus stop opposite 812 St Johns Road
  11. Improvements to St Johns Road footpath at site frontage
  12. Contaminated Land condition
  13. Recommendations of Preliminary Ecological Assessment
  14. (as required by ECC SUDs)
- d) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission a) in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation; and b) in the event that additional information has not been provided to overcome the holding objection from ECC SUDs.

## 2. **Planning Policy**

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

#### **Local Plan**

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

QL1: Spatial Strategy

QL2: Promoting Transport Choice

QL3: Minimising and Managing Flood Risk

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

QL12: Planning Obligations

HG1: Housing Provision

HG3a: Mixed Communities

HG6: Dwellings Size and Type

HG9: Private Amenity Space

COM6: Provision of Recreational Open Space for New Residential Developments

COM31a: Sewerage and Sewage Disposal

EN1: Landscape Character

EN6: Biodiversity

EN6a: Protected Species

EN13: Sustainable Drainage Systems

TR1a: Development Affecting Highways

TR7: Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP4 Infrastructure and Connectivity

SP5 Place Shaping Principles

SP6 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

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

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. 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 deliver 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.

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

14/00929/FUL	Demolition of existing bungalow and other buildings and the creation of 14 no. three and four bedroom houses, plus associated roads, drives, car parking and garages.	Refused	18.11.2014
		Allowed at appeal	08.07.2015

#### 4. Consultations

ECC Highways All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

- 1 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with St Johns Road shall be provided with 10m radius kerbs returned to an access road carriageway width of 6.0m. straight for at least the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs and connecting o the existing footway network. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
- 2 Prior to the proposed access being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.
- 3 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.
- 4 Prior to first occupation of the proposed development r ecycling/bin/refuse collection points shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.
- 5 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary / throughout.
- 7 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and

permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

- 8 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 9 All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.
- 10 All footways should be provided at no less than 2.0m in width.
- 11 Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars for each dwelling in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.
- 12 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.
- 13 Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.
- 14 Double garages or cart lodges shall have minimum internal dimensions of 7m. x 5.5m and shall be provided with vehicular doors a minimum width of 2.3m each.
- 15 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.
- 16 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.
- 17 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
  - iv. wheel and under body washing facilities
- 18 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.
- 19 Prior to the first occupation of any of the proposed dwellings the bus stop almost opposite number 812 St Johns Road shall be improved by the provision of a new shelter to current standards, level entry kerbing, dropped kerbing, new post and flag, timetables, a passenger waiting area (hard standing) any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.
- 20 Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage to St Johns Road shall be extended to a minimum of 2.0m in width or to the extent of the highway and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

TDC Building Control

No comments at this stage.

TDC Waste Management

No comments at this stage.

TDC Environmental Protection

Due to previous use of the site i.e. waste disposal and historic landfill site. Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. Therefore standard contaminated land condition is to be applied.

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask for a construction method statement.

ECC SuDS

Having reviewed the Flood Risk Assessment & Surface Water Drainage Strategy and the associated documents which accompanied the planning application, we cannot recommend withdrawal of the holding objection as recommended on 15th May 2018 for the following reasons:

- Modelling and/or calculations are still outstanding which should demonstrate that the outfall pond has sufficient capacity to accommodate the additional surface water flows from the development, without resulting in an increased flood risk.

TDC Open Space

There is currently a deficit of –17.68 hectares of equipped play/open space in Clacton-on-Sea. Any additional development in Clacton will increase demand on play facilities further. It is felt that any further development in this area will impact on the current facilities. If future development was to take place it would be necessary to increase play provision in the vicinity. Due to the significant



lack of play facilities in the area if it felt that a contribution towards play is justified and relevant to the planning application.

Anglian Water Services Ltd	<p>No assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Jaywick New Water Recycling Centre that will have available capacity for these flows.</p> <p>The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.</p> <p>From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.</p>
Essex Police	<p>Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are met prior to a planning application. Essex Police is able to support the applicant to achieve appropriate consideration of the requirements and would invite the applicant to contact Essex Police us.</p>

## **5. Representations**

5.1 One letter of objection has been received summarised as follows:

- Concerned road could be extended further rearwards which would result in an unacceptable backland development.
- Road survey was carried out but not in summer months when road is much busier.
- St Johns Plant Centre access causes congestion.
- Land was a landfill previously so likely to be contaminated.
- Should not be higher than the existing barn as most properties fronting the road are bungalows.
- Harm to amenity in terms of road noise and pollution.
- Request a boundary wall along 826 St Johns Road for security and noise reduction.
- Must ensure enough parking to ensure access is clear in an emergency.

## **6. Assessment**

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

### Site location

6.1 The application site lies outside the settlement development boundary of the adopted local plan. The emerging local plan includes all the dwellings on the northern side of St Johns Road within the settlement development boundary of Clacton-on-Sea, plus the application site and neighbouring St Johns Plant Centre which both lie to the rear of existing dwellings fronting St Johns Road.

- 6.2 The application site gains access from St Johns Road by demolishing existing dwelling number 824. The site extends northwards and then increases in width to accommodate land associated with number 824 which has a mixture of residential and storage uses with a number of barns and large sheds. To the north-west lies a holiday park, and to immediate eastern boundary lies the rear gardens of number 818 and 814 St Johns Road and a large mature garden. The application site plus additional land to the rear are subject to pending applications 17/00825/OUT and 18/00952/FUL. 17/00825/OUT received a Planning Committee resolution to approve 84 dwellings subject to completion of a S106 legal agreement, however the applicant has stated that proposal is no longer viable. 18/00952/FUL has therefore been submitted for an alternative use of the rear of this site (excluding that subject to this application for 14 dwellings) for 62 holiday lodges in connection with the neighbouring holiday park.

#### Principle of development

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

#### Economic

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

#### Social

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

#### Environmental

- 6.8 The site is not subject to any landscape designations or in close proximity to any heritage assets. The site also does not contain any trees or significant vegetation.
- 6.9 Under previous applications on this land (18/00952/OUT) ECC Archaeology have confirmed that the potential for survival of archaeological remains is considered to be low due to historic quarrying activity and therefore do not recommend archaeological investigation.
- 6.10 A Preliminary Ecological Assessment has been undertaken which confirms that the wider site mainly comprises of overgrown wasteland with frequent piles of waste soil, rubble and general debris. One juvenile common lizard was recorded on the wider site and

recommendations include timing and method of site clearance in order to protect any lizards present on site and to allow them to migrate towards the large gardens to the south. With the exception of nesting birds, the site is unlikely to support any other protected species and no further surveys are recommended. Due to the bird nesting season conflicting with the active reptile season it is recommended that immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest. Conditions are recommended to ensure these species protection measures are undertaken.

- 6.11 The proposal is for outline planning permission with only access included so the housing layout shown is purely indicative at this stage. However the site is surrounded by built development to the eastern, southern, and western boundaries and forms a logical extension of the existing settlement as shown within the emerging local plan.
- 6.12 Application 14/00929/FUL was refused but allowed at appeal for 14 dwellings on part of the application site and that full planning permission expired on 8<sup>th</sup> July 2018. The current application covers approximately the same site area but includes the property (retained) and garden of 820 St Johns Road and excludes part of the rear garden of 828 St Johns Road. The appeal permission involved demolition of the existing bungalow at 824 St Johns Road and creation of a long access serving 14 two storey dwellings in a backland location. The principle for backland development in this location has therefore already been accepted.
- 6.13 Saved Policy HG13 and Draft Policy LP8 relate to backland development. This development lies behind the line of existing frontage development on St Johns Road; has no frontage to an existing public highway; and it does constitute piecemeal development in that it does not form part of a large area allocated for development. Although the site does meet the definition of backland development this does not automatically make it unacceptable. HG13(i) requires backland sites to be within a settlement development boundary which this is not within the saved plan, however it is within the settlement development boundary of the emerging local plan. HG13(iii) and LP8(b) relate to provision of a safe and convenient means of access not likely to cause undue disturbance or loss of privacy and these matters are addressed in the report below under Highway Safety and Residential Amenity and considered acceptable. HG13(ii) and LP8(a) loss of existing garden land and HG13(iv) and LP8(c) tandem development are not relevant in this case. The principle for backland development in this location is therefore acceptable as agreed in the appeal permission.
- 6.14 HG13(v) and LP8(d) require that the site is not awkwardly shaped or fragmented, or difficult to develop in isolation/prejudice a more appropriate comprehensive development solution. Although the shape of the site is slightly irregular it represents a comprehensive development of this rear area of land associated with number 824 St Johns Road within the emerging settlement development boundary. The northern section outside the application site is pending consideration for an extension of the neighbouring holiday park. There is therefore no conflict with HG13(v) and LP8(d).
- 6.15 HG13(vi) and LP8(e) require the site to not be on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting and saved HG13(vii) and LP8e require the proposal to not be out of character with the area or set a harmful precedent for other similar forms of development. As stated above the proposal would represent a logical expansion of the existing settlement as included within the emerging settlement boundary. The proposed backland development is therefore considered to comply with saved Policy HG13 and Draft Policy LP8.

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

#### Highway Safety

- 6.17 The application seeks outline planning permission with access included for consideration. Number 824 St Johns Road is to be demolished to create a vehicular access serving the 14 dwellings. Detailed plans confirm an access drive of 6 metres wide with 2 metre wide footpaths to both sides. There is a landscaping strip of maximum 7 metres wide along the boundary with the neighbour at 826 St Johns Road. The internal layout shown is purely indicative at this stage.
- 6.18 Number 820 St Johns Road is retained and retains its existing vehicular access and turning area so does not utilise the new access road.
- 6.19 The Highway Authority has no objection to the proposal subject to 20 conditions as detailed in full above. Conditions relating to 1) construction of the access; 2) vehicular visibility splays; 6) no unbound materials within 6 metres of the highway boundary; 7) closure of existing redundant access; 10) footway width; 17) Construction Method Statement; 18) Residential Travel Information Packs; 19) bus stop improvements; and 20) improvements to St Johns Road footpath at site frontage are considered necessary and are all included as recommended conditions.
- 6.20 Condition 3) relates to turning; 4) bin collection points; 5) individual dwelling accesses; 8) estate road layout; 9) carriageway width; 11) parking and turning; 12) parking; 13) garage dimensions; 14) double garage dimensions; 15) bicycle storage; and 16) internal estate road junctions all of which require formal approval under layout as a reserved matter so do not need to form conditions at this stage.
- 6.21 The proposal for 14 dwellings plus retention of number 820 on this site represents a density of around 22 dwellings per hectare so sufficient space will be available to provide off street parking and turning in accordance with the adopted parking standards.
- 6.22 In relation to highway safety for the appeal approval the Inspector stated "Whilst there would likely be an increase in traffic to and from the site over its current use, no evidence is before me to suggest that it would be harmful to the existing road conditions. Concerns regarding air pollution have not been substantiated."

#### Design and visual impact

- 6.23 Appearance and layout are reserved matters so are not for consideration at this stage. The vehicular access which is under consideration incorporates an up to 7 metre wide landscaping strip to the left side with the existing neighbour and retains 820 St Johns Road on the right side of the access drive retaining its independent vehicular access. The indicative layout is unacceptable in a number of respects. It shows two 'C' plots cramped to the retained number 820 and the access drive; a prominent garage sited along the access drive; and deeper plots cramped to the site boundaries. An informative will be added to confirm that the indicative layout is unacceptable and an improved layout will be expected at reserved matters stage.
- 6.24 Scale was originally included for consideration at this stage but the applicant has chosen to remove this as the final scale is not yet known. Although 14/00929/FUL expired three months ago it is still a strong material planning consideration and was extant when this application was submitted in March 2018. In allowing the appeal the Inspector stated "Although bungalows are the dominant property type immediately in front of the appeal site,

two-storey properties lie only a short distance to the east. I therefore do not find the character of the area is dominated by bungalows, and that the introduction of two-storey dwellings at the appeal site would not amount to a significant departure from the area's character and appearance." Bungalows or two storey houses are therefore acceptable in principle subject to detailed design and overlooking considerations.

#### Impact on residential amenity

- 6.25 There is ample space within the site to create a layout and detailed design that preserves the amenity of neighbouring residents, and provides adequate private amenity space in accordance with saved Policy HG9. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works a construction method statement is recommended by condition.
- 6.26 The access drive provides an up to 7 metre wide landscaping strip for the full length of the neighbouring garden at number 826 St Johns Road. An access road was accepted in this location serving 83 of the 84 dwellings with a committee resolution to approve under 17/00825/OUT. Although there will be potential for noise and disturbance from vehicles and, to a lesser extent, pedestrians using the footpath this is to a much lesser extent for 14 dwellings than the accepted 83 dwellings. It is considered that given the significant background noise level along the busy St Johns Road, and the substantial landscaped buffer strip provided, that the impact upon the residential amenities of occupiers of 826 St Johns Road and the retained property at 820 St Johns Road (in the applicant's ownership) would not be so significant as to justify refusing planning permission on these grounds. The appeal permission (14/00929/FUL) for 14 houses also approved an access drive in this location with around 4 metres landscaped buffer so this proposal represents an improvement in this respect.

#### Surface water

- 6.27 Paragraph 163 of the National Planning Policy Framework (2018) requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere. Paragraph 165 states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 6.28 Although the site is in Flood Zone 1 (low risk), it is a major development and a site-specific Flood Risk Assessment (FRA) is therefore required to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.29 The applicant has submitted a Flood Risk Assessment and surface water drainage strategy which has been considered by Essex County Council as the Local Lead Flood Authority. The County Council has however issued a 'holding objection' as it has not been demonstrated that the outfall pond has sufficient capacity to accommodate the additional surface water flows from the development, without resulting in increased flood risk.
- 6.30 Additional information has been submitted but Officers are yet to receive confirmation that this information addresses ECC's requirements. It is hoped comments will be received before the Planning Committee meeting, but if not it is recommended by Officers that Members resolve to grant planning permission subject to overcoming this holding objection. Whilst this holding objection remains unresolved, the applicant is yet to demonstrate the proposal is in accordance with Paragraphs 163 and 165 of the National Planning Policy

Framework (2018) and if this cannot be resolved the application should be refused on surface water flooding grounds.

#### Legal agreement

- 6.31 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.32 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide for public open space.
- 6.33 There is currently a deficit of –17.68 hectares of equipped play/open space in Clacton-on-Sea. Any additional development in Clacton will therefore increase demand on play facilities further. Due to the significant lack of play facilities in the area a contribution towards play is justified and in accordance with Saved Policy COM6 and emerging Policy HP4.
- 6.34 The proposal falls below the threshold for all other S106 contributions.

#### Contamination

- 6.35 Part of the site was previously used as a refuse tip. Under the appeal application 14/00929/FUL for 14 houses investigations were undertaken which recommended a Phase 2 Intrusive Investigation be completed. That recommendation is endorsed. A contaminated land site investigation and any necessary risk assessment will therefore be required to ensure the land is free from significant levels of contamination.

#### Conclusion

- 6.36 The proposal seeks outline planning permission with access included for 14 dwellings and is considered to represent sustainable development, within the settlement development boundary of the town of Clacton-on-Sea in the emerging Local Plan. The site area and scale of development proposed are highly comparable to that allowed at appeal under 14/00929/FUL which expired three months ago but is still a strong material planning consideration.
- 6.37 Subject to the recommended conditions, removal of the holding objection from ECC SUDs and completion of a S106 agreement, the application is recommended for approval.

#### Background Papers

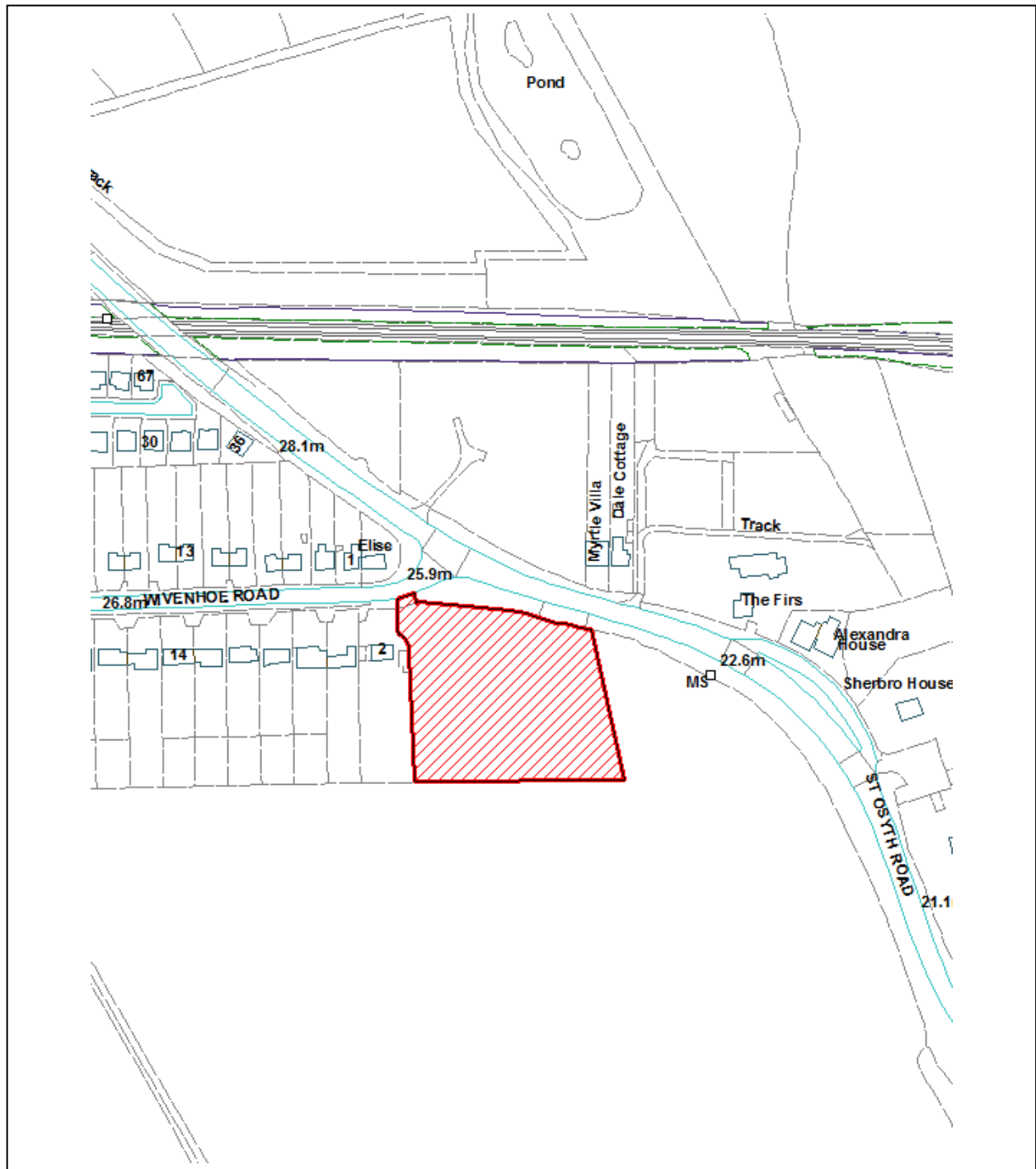
None

## PLANNING COMMITTEE

16 October 2018

### REPORT OF THE HEAD OF PLANNING

#### A.4 PLANNING APPLICATION – 18/01381/FUL – LAND ADJACENT 2 WIVENHOE ROAD, ALRESFORD, CO7 8AD



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<b>Application:</b>	18/01381/FUL	<b>Town / Parish:</b> Alresford Parish Council
<b>Applicant:</b>	Mr and Mrs K Pope	
<b>Address:</b>	Land adjacent 2 Wivenhoe Road, Alresford CO7 8Ad	
<b>Development:</b>	Residential development of 3 dwellings	

## 1. **Executive Summary**

- 1.1 This application is to be determined by the Planning Committee as one of the applicants is employed by Tendring District Council within the Planning Department.
- 1.2 The application site is located within the defined Settlement Development Boundary for Alresford, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.3 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to detailed considerations.
- 1.4 The proposed dwellings are considered to be of good visual design and will not result in any significant harm to existing neighbouring amenities. Further, the proposal will not represent a highway safety risk and will not be harmful to the local landscape.

**Recommendation:** Approval

### **Conditions:**

1. Reserved Matters standard conditions;
2. Approved plans;
3. Details of boundary treatments;
4. Details of how retained trees will be protected during construction;
5. Archaeological trial trenching works;

## 2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007:

EN1 Landscape Character

EN29 Archaeology

HG1 Housing Provision



HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL7 Archaeology

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

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

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

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. 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 deliver 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.

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

01/01197/FUL	01/01877/FUL Change of use from agricultural to domestic	Approved	20.09.2001
06/01419/TPO	1 No. Oak - -remove all epicormic growth. Crown lift to 6 metres over road.	Approved	29.09.2006
13/00833/OUT	Outline application for 5 new dwellings.	Refused	14.11.2013
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved	11.02.2016

#### 4. Consultations

ECC Highways Dept

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

1. Prior to the first occupation of the proposed dwellings, the proposed vehicular access and off street parking and turning facilities shall be provided in accordance with Drawing Numbered 2489-02 Rev B with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

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

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

4. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Tree and Landscape Officer

The application site is set to grass and is well screened by a belt of trees of a mixed species situated on the boundary with the highway. It appears that the development proposal could be implemented without harm being caused to these trees. These should be retained for the contribution that they make to the amenity of the locality and for their screening value.

There is a line of Cupressocyparis Leylandii situated to the left hand side of the existing access to the land that would be removed if consent to develop the land were to be granted. These have some visual amenity value but do not merit retention or protection by means of a Tree Preservation Order.

A large Oak is situated in the highway in front of 2 Wivenhoe Road that is covered by Tree Preservation Order 10/46. This tree is unlikely to be affected by the development proposal.

Information contained in The Design and Access Statement submitted in support of the planning application states that, with the exception of the coniferous hedge to the west of the existing site access all trees on the southern boundary will be retained and physically protected for

the duration of the construction phase of any development for which planning permission may be granted. It is apparent from the site layout that good separation exists between the trees and the development.

Should planning permission be likely to be granted then a condition should be attached to secure details of the steps that will be taken to physically protect retained trees as described above. This may not require a full tree survey and report but will require the production showing the Root Protection Areas (RPA's) of retained trees. Any incursion into the RPA of retained trees may require specialist 'No-Dig' construction techniques.

This information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations

The Design and Access Statement also makes reference to boundary treatment and it will also be necessary to secure details of boundary treatments abutting the open countryside. As described in the Design and Access Statement - close board or panel fences would not be appropriate. Post and rail fences with native hedging planted directly adjacent would be in keeping with the character of the area.

Essex County Council  
Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological interest. There are extensive cropmarks of trackways and field boundaries in both the area of the proposed development and the adjoining fields. These do not appear on the 1875 OS map and are assumed to pre-date it. The proposed development is therefore likely to impact on archaeological remains of unknown date.

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

**RECOMMENDATION:** A Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary ground-works can commence until a programme of archaeological trial trenching 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 through re-design of the development, 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.

Reason for recommendation:

The Essex HER shows that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

## **5 Representations**

- 5.1 Alresford Parish Council wish to object to the proposal. Whilst a single dwelling has previously been approved on this site, an application for five dwellings was refused and dismissed at appeal. Further, the access point is onto a dangerous junction on Wivenhoe Road, where bus and car traffic will be directly upon vehicles exiting from the site.
- 5.2 There have also been 10 letters of objection received, with the following concerns:
- The access point is not suitably located;
  - The site has previously been refused for multiple dwellings;
  - Significant increase in traffic movement to that previously approved;
  - Set a precedent;
  - The site is substantially outside of a Settlement Development Boundary;
  - Pressure to existing infrastructure; and
  - Scale not in-keeping with surrounding properties or rural landscape.

## **6. Assessment**

### Site Context

- 6.1 The site is situated to the south of the junction of Wivenhoe Road and St Osyth Road in Alresford, and is currently laid to grass. Along the north boundary of the site there are mature trees and hedgerow which provide screening.
- 6.2 The site is currently accessed via an entrance to the western side of the site adjacent to No. 2 Wivenhoe Road. Wivenhoe Road is a residential street, with a mix of dwelling of different styles and designs. On the opposite side of the St Osyth Road there is a cluster of residential properties.
- 6.3 The site falls adjacent to, but outside of, the Alresford Settlement Development Boundary within the Adopted Tendring Local Plan 2007 but falls inside the Settlement Development Boundary for Alresford within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Proposal

- 6.4 This application seeks planning permission for the erection of three dwellings, each to be detached and two storeys in height.

### History

- 6.5 Under planning reference 13/00833/OUT, an application for five dwellings was refused on the grounds that it would represent a significant extension of ribbon development located outside of any defined settlement limit, and would not constitute a minor infill but instead a harmful intrusion into the rural street scene. This decision was upheld at appeal (reference APP/P1560/A/14/2212508).
- 6.6 Since these decisions, the application site has been included within the Settlement Development Boundary for Alresford within the Emerging Plan. Under planning reference 15/01686/FUL, planning permission was therefore granted for a single detached dwelling.

### Principle of Development

- 6.7 The application site is located within the defined Settlement Development Boundary for Alresford, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.8 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.

### Layout, Design and Appearance

- 6.9 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).
- 6.10 The submitted plans show there are to be three detached dwellings, each of which will be two storeys and serve four bedrooms. Whilst the layout shows the proposed dwellings will be set slightly back from the adjacent properties, they will help to build upon a strong linear existing pattern of development running west to east along Wivenhoe Road, and therefore the layout is acceptable.
- 6.11 In terms of the design of the dwellings, each has its own appearance and key features have been incorporated to ensure the bulk of the dwellings are reduced. These include the use of front gables, canopy's, brick plinths, front and rear dormers and single storey side and rear extensions. Further there is a variation in the proposed materials, which helps to add variety to the development, whilst it is also acknowledged there is no set building type within the immediate surrounding area that would necessarily need to be adhered to. Therefore the dwellings are considered to be of good design and will assimilate well within their surroundings.

- 6.12 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied demonstrates that this is comfortably achieved for all three proposed dwellings.

#### Impact on Neighbouring Amenities

- 6.13 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.14 The only adjacent neighbour potentially impacted by the proposal is Number 2 Wivenhoe Road, located to the west of the site. However, given that the nearest plot, Number 3, has a single storey side extension to the side nearest the boundary and maintains an additional 10m separation distance, the impact of the dwellings in terms of loss of light or appearing imposing will be significantly reduced.
- 6.15 In respect of potential overlooking, plot 3 has no first floor side elevation windows that could directly overlook, whilst the two first floor rear elevation windows will only have views to further rear of the neighbouring garden, an area less likely to be regularly occupied.

#### Tree and Landscaping Impacts

- 6.16 The application site is set to grass and is well screened by a number of trees of a mixed species to the northern boundary. The development can be implemented without harm being caused to these trees, but they should be retained for the contribution they make to the amenity of the locality and for their screening value.
- 6.17 There is a line of Cupressocyparis Leylandii situated to the left hand side of the existing access that would be removed if the proposal was implemented; however whilst these have some visual amenity value they do not merit protection by means of a Tree Preservation Order.
- 6.18 A large Oak tree is situated in the highway in front of 2 Wivenhoe Road that is covered by Tree Preservation Order 10/46; however the tree is unlikely to be affected by the development proposed.
- 6.19 The submitted information states that, with the exception of the coniferous hedge to the west of the existing site access all trees along the southern boundary will be retained and physically protected for the duration of the construction phase of any development approve.
- 6.20 A condition is recommended to be attached to secure details of the steps that will be taken to physically protect retained trees, whilst a further condition is recommended to secure details of boundary treatments abutting the open countryside. Post and rail fencing with native hedging directly adjacent would be in-keeping with the areas character.

#### Archaeological

- 6.21 The Essex Historic Environment Record shows the proposed development lies within an area of archaeological interest. There are extensive cropmarks of trackways and field boundaries in both the proposed area of development and the adjoining fields that do not appear on the 1875 OS map and are therefore assumed to pre-date it. Accordingly it is recommended conditions are attached to ensure a programme of trial trenching is

undertaken prior to the commencement of any development, with the post-excavation assessment to be submitted within six months of the decision date.

#### Highway Safety

- 6.22 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the off street parking and turning facilities, the submission of a Construction Method Statement and the use of no unbound materials.
- 6.23 A further condition relating to the storage of bicycles has been requested; however given that there is significant room within the proposed garages and private garden areas, this condition is not recommended to be included.
- 6.24 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.25 Plot 1 will incorporate a garage capable of accommodating one parking space, whilst there is significant room to the front of each plot to accommodate the remaining necessary parking.

#### Conclusion

- 6.26 This principle of residential development in this location is acceptable and subject to conditions there is not considered to be any visual harm, harm to neighbouring amenities, harm to local landscape or result in highway safety concerns. Therefore the application is recommended for approval.

#### Background Papers

None

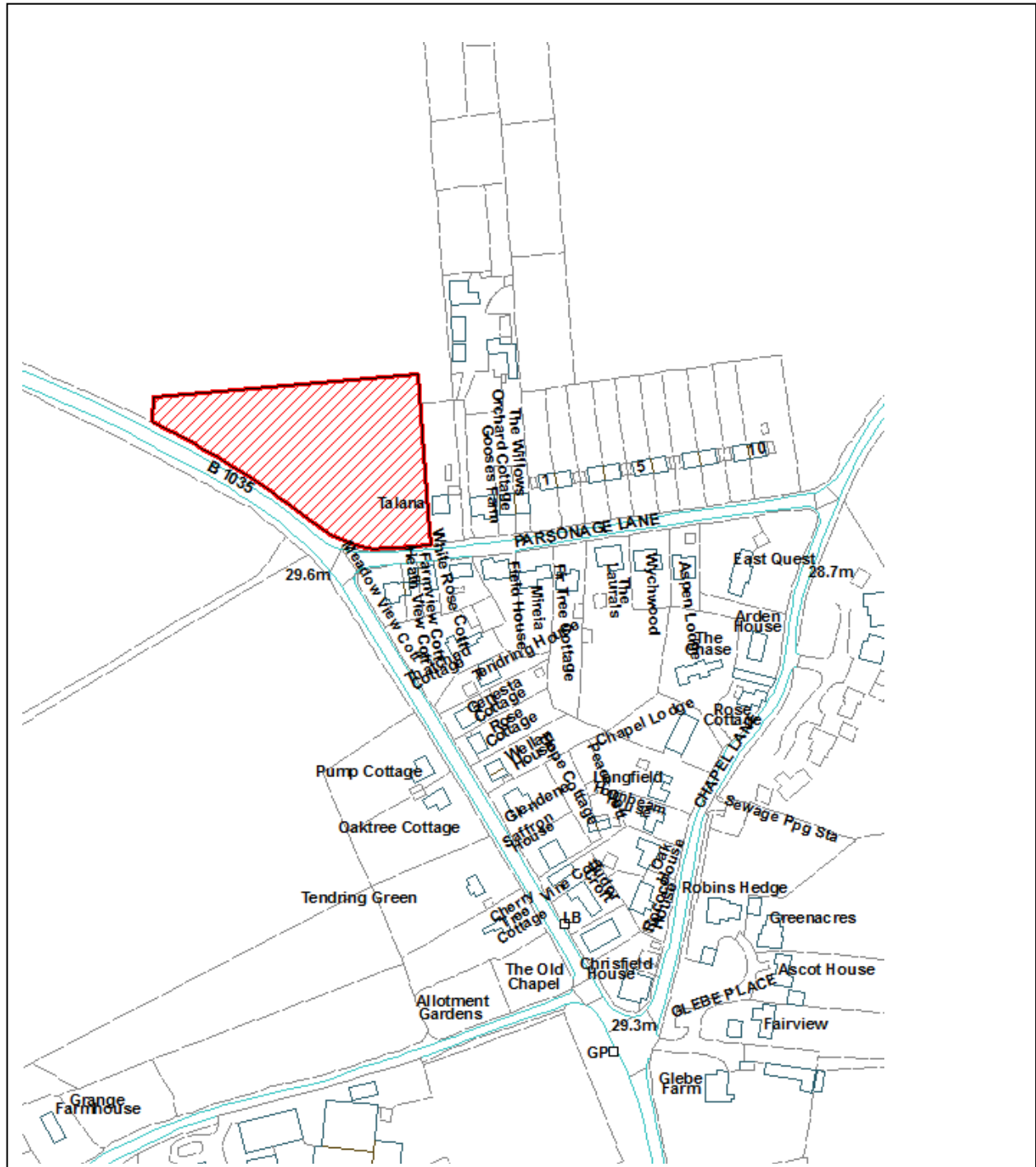


## PLANNING COMMITTEE

16 October 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.5 PLANNING APPLICATION - 18/01281/DETAIL - LAND AT THE JUNCTION OF HEATH ROAD AND PARSONAGE LANE TENDRING CO16 0DE**



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<b>Application:</b>	18/01281/DETAIL	<b>Town / Parish:</b> Tendring Parish Council
<b>Applicant:</b>	Marfleet Builders	
<b>Address:</b>	Land at The Junction of Heath Road and Parsonage Lane Tendring CO16 0DE	
<b>Development:</b>	Alternative design on previously approved reserved matters planning application 17/01254/DETAIL - Remove the approved triangular windows from front and rear elevations, addition of Juliette balcony and addition of velux rooflights from plots 1-5. Finally, cover brickwork with horizontal cladding boards on plots 1, 3 and 4.	

## 1. Executive Summary

- 1.1 This application is to be determined by the Planning Committee as Councillor Guglielmi and Councillor Coley have called it into Committee due to the proposal creating a negative impact upon urban design/street scene, a negative impact upon neighbours, the third floor addition will create an incongruous, totally unacceptable scheme which is massively out of keeping with neighbouring dwellings.
- 1.2 The application site is located outside the defined Settlement Development Boundary, as defined by the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.3 The application proposes an alternative design to 17/01254/DETAIL to remove the approved triangular windows from the front and rear elevations. The proposal will incorporate a Juliet balcony to the rear elevation with two Velux roof lights to the left elevation of plots 1 – 5. Horizontal Cladding is proposed in lieu of brickwork to plots 1, 3 and 4.
- 1.4 The proposal will not result in any material harm to visual or residential amenity, or highway safety.
- 1.5 It is noted that permitted development rights have not been removed for the 5 dwellings. Therefore, once the dwellings have been occupied the proposed changes within this application can be implemented under permitted development.

**Recommendation:** Approve

**Conditions:**

Reserved Matters Conditions  
Approved Plans

## 2. Planning Policy

NPPF National Planning Policy Framework

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG9 Private Amenity Space

EN1 Landscape Character

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL3 The Rural Landscape

### **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.

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. 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 delivered 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 with the plan-led approach.

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

14/01435/OUT	Outline planning application with all matters reserved for the residential development of 0.49 ha of land to create 5 detached dwellings with associated garaging and parking.	Refused	16.01.2015
17/01254/DETAIL	Reserved matters application following outline application 14/01435/OUT (granted at appeal) - 5 detached dwellings with associated garaging and parking.	Approved	10.10.2017
17/01942/DISCON	Discharge of conditions 02 (landscaping to access roads and driveways) and (private drive information) of reserved matters application 17/01254/DETAIL.	Approved	31.05.2018

### 4. **Consultations**

N/A

### 5. **Representations**

5.1 5 letters of representation have been received raising the following concerns:

- Objection towards the removal of the triangular windows to the rear elevations with the addition of Juliet balconies
- The proposed dwellings are now three storey dwellings which are out of character for the area and will overlook Talana, Gooses Farm and Holly Tree Houses
- Increase in vehicular movement due to the additional bedrooms
- The developer has already installed the Velux windows prior to obtaining planning permission

### 6. **Assessment**

The main planning considerations are:

- Site Context and History

- Principle of Development
- Proposed Changes
- Impact of Changes

#### Site Context

- 6.1 The site is located on land to the west of a dwelling called Talana at the junction of Parsonage Lane and the B1035.
- 6.2 The site abuts the Settlement Development Boundary (SDB) of the saved local plan to its eastern boundary, but lies outside the SDB in the publication draft local plan.
- 6.3 It is bounded by a hedgerow to the southern and western boundaries, a close boarded fence to Talana to the east, and is open to the agricultural field to the north. Surrounding development comprises detached and semi-detached two storey dwellings to the east and on the opposite side of Parsonage Lane to the south. To the west on the opposite side of the B1035 lies agricultural land behind a hedgerow.
- 6.4 14/01435/OUT was refused by Officers under delegated powers as the site was considered to be socially unsustainable for housing due to the dependence of occupiers using private cars for their day to day needs. Indicative 1 and 2 (on the western half of the site) were also considered to be environmentally unsustainable, projecting beyond the line of existing development on the opposite side of Parsonage Lane. The application was appealed and allowed under reference 15/00049/REFUSE. The Planning Inspector disagreed on both counts finding the site to be socially sustainable in rural standards and environmentally sustainable subject to the retention of the existing hedgerow.
- 6.5 17/01254/DETAIL was approved by Officers under delegated powers for the reserved matters approval for 5 detached dwellings which were allowed at appeal with all matters reserved.
- 6.6 The application was amended from the original submission following concerns raised by the Case officer in relation to the scale, height, detailed design and construction materials.

#### Principle of Development

- 6.7 The principle of development has been established by the granting of application 14/01435/OUT and 17/01254/DETAIL, of which the later application is an intact permission which could be implemented at any time.

#### Proposed Changes

- 6.8 The application proposes an alternative design to 17/01254/DETAIL to remove the approved triangular windows from the front and rear elevations. The proposal will incorporate a Juliet balcony to the rear elevation with two Velux roof lights to the left elevation of plots 1 – 5. Horizontal Cladding is proposed in lieu of brickwork to plots 1, 3 and 4.
- 6.9 As the proposed balconies will be situated to the rear elevation of plots 1 – 5, it is considered that they will not cause any impact upon the street scene of Parsonage Lane.
- 6.10 There will be views of the roof lights proposed to the eastern elevation of plots 1 -5 however due to the roof lights being a minor addition; it is considered that they will not cause any significant impact upon the street scene.

- 6.11 The proposed horizontal cladding to plots 1, 3 and 4 will be visible from Parsonage Lane is considered to be a visual improvement to the dwellings and will add variety to the area. The proposed change of material will be visible to the street scene however due to the proposals being set back from the highway the use of cladding to plots 1, 3 and 4 are not considered to cause a significant impact.

#### Impact of Changes

- 6.12 The proposed Juliet balconies to plots 1-5 will not cause any impact upon the neighbouring amenities due to the position of the balconies being to the rear of the dwellings.
- 6.13 The proposed two Velux roof lights are high level meaning that there will be no overlooking or loss of privacy to neighbouring properties from these windows and are for light purposes only.
- 6.14 The proposed horizontal cladding is a minor addition to plots 1, 3 and 4 and although visible to neighbouring dwellings, the proposal will not cause any significant impact in terms of loss of light, privacy or outlook to the neighbouring dwellings.
- 6.15 It is noted that permitted development rights have not been removed for the 5 dwellings. Therefore, once the dwellings have been occupied the proposed changes within this application can be implemented under permitted development.

#### Conclusion

- 6.16 Overall, the proposed changes are considered to not represent any visual harm or detrimental impacts to the neighbouring amenities.

#### Background Papers

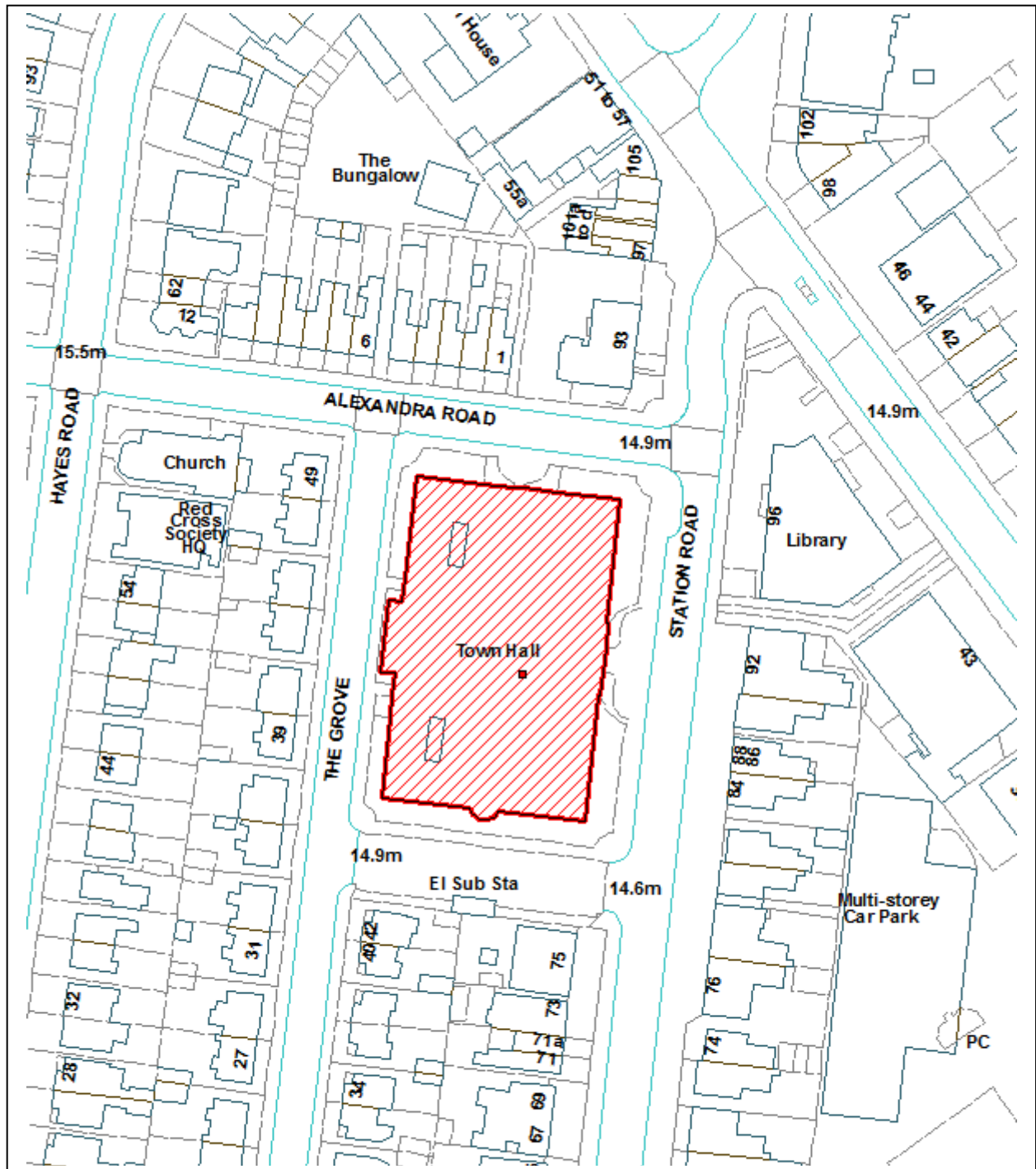
None

## PLANNING COMMITTEE

16<sup>th</sup> October 2018

### REPORT OF THE HEAD OF PLANNING

#### A.6 PLANNING APPLICATION - 18/01498/LBC - TENDRING DISTRICT COUNCIL CLACTON TOWN HALL STATION ROAD CLACTON ON SEA CO15 1SE



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<b>Application:</b>	18/01498/LBC	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mr Daniel Mills - Tendring District Council	
<b>Address:</b>	Tendring District Council Clacton Town Hall Station Road CO15 1SE	
<b>Development:</b>	Proposal to remove a number of partition walls to provide open plan offices for each department within the council - this includes widening existing openings in three of the four corner turret towers to include these areas into the open plan. At ground floor level the work will include the removal of false ceilings & restoring the council chambers to near their original layout. The external facades remain unchanged.	

## 1. Executive Summary

- 1.1 This listed building consent is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The listed building consent seeks permission for internal changes to Clacton Town Hall including; the removal of modern partitions, widening of existing openings to four of the square tower rooms and the restoration of the original Council Chamber room. The changes are required as part of the Council's Office Transformation Project and in particular the need to adjust and reshape the existing accommodation to relocate departments housed in other buildings.
- 1.3 Having regard to the supporting documents and the submitted heritage statement it is evident that the works do not harm the special character, fabric and appearance of the listed building and in several cases represent an enhancement as original features are to be exposed and restored.
- 1.4 The proposed alterations are therefore considered to meet the requirements of the Council's saved and draft planning policies relating to the protection of listed buildings and the relevant paragraphs of the National Planning Policy Framework (2018).

**Recommendation:** Approve

**Conditions:**

- 1). Time Limit – Listed Buildings
- 2). Approved Plans

## 2. Planning Policy

NPPF National Planning Policy Framework July 2018  
National Planning Practice Guidance

Tendring District Local Plan 2007  
EN22 Extensions or Alterations to a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)  
PPL9 Listed Buildings



### **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.

In relation to housing supply:

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

00/01532/LBC	Enlargement of existing plant room and associated works	Refused	22.11.2000
00/01533/FUL	Enlargement of existing roof plant room and associated works	Refused	22.11.2000
01/00510/LBC	Proposed alterations to rooms 25	Approved	17.05.2001

and 35/37 at Town hall to provide additional office facilities for new political structure

02/00125/LBC	Internal alterations.	Approved	13.03.2002
97/00769/LBC	Installation of air conditioning units and external condenser units	Approved	21.08.1997
97/00854/LBC	Alterations to ticket office	Approved	15.09.1997
97/01066/LBC	Alterations to existing offices, to create new management board members offices on ground floor	Approved	17.10.1997
97/01069/LBC	Alterations to increase size of existing one person office to two person office	Approved	03.12.1997
97/01096/LBC	Alteration to existing offices, Capita Section, ground floor	Determinati on	17.10.1997
97/01097/LBC	Alterations to existing Members' suite offices on ground floor	Determinati on	17.10.1997
97/01419/LBC	Proposed alterations to Leisure Services and Training Facility - Ground Floor	Determinati on	20.01.1998
97/01420/LBC	Alterations to Technical Services and Financial Services Section Offices (First Floor)	Determinati on	20.01.1998
97/01421/LBC	Alterations to existing Personnel and Management Services Section Offices (First Floor)	Determinati on	20.01.1998
97/01422/LBC	Alterations to existing offices to form new interview room to Housing reception (ground floor)	Determinati on	20.01.1998
97/01471/LBC	Alterations to Technical Services Section Offices - First Floor	Determinati on	20.01.1998
97/01514/LBC	Proposed alterations to computer suite and Financial Services Section offices (Ground Floor)	Determinati on	20.01.1998
98/00063/LBC	Proposed installation of new trunking infrastructure for computer services, run at high level through	Determinati on	05.08.1998

main corridors, in Clacton Town Hall

98/01054/LBC	Erection of insulated partition wall to form new print room adjacent to housing interview rooms. Relocation of existing print room partition wall. Removal of existing partition wall in adjacent office in ground floor	Determination	28.10.1998
03/00399/FUL	Installation of 1 No. 0.6 metre transmission dish and 2 No. 200mm square panel antennas	Approved	11.06.2003
03/00400/LBC	Installation of 1 No. 0.6 metre transmission dishes and 2 No. 200mm square panel antennas	Approved	11.06.2003
03/00689/LBC	Demolition of existing access ramp and construction of new disabled access ramp.	Approved	11.06.2003
03/00833/FUL	Temporary location of a portacabin on part of the Town Hall car park from 9/6/03 until 11/8/03 (9 weeks) for use as a temporary Tourist Information Centre (TIC)	Approved	11.06.2003
03/00868/LBC	Renovations to the Essex Hall - licenced bar/meetings room, to include removal and renewal of a suspended ceiling.	Approved	11.06.2003
03/00925/LBC	Internal alterations for new TIC	Approved	11.06.2003
03/01495/LBC	New plant on flat roof to serve new air conditioning unit.	Approved	03.09.2003
03/01543/FUL	Extension to time limited planning permission given for the temporary location of a portacabin for use as a Tourist information Centre from 31/8/03 to 16/11/03.	Approved	26.09.2003
04/00090/LBC	Demolition of existing access ramp and construction of two new disabled access ramps.	Approved	10.03.2004
04/01001/LBC	Fit 1 No. ceiling fan.		22.07.2004
18/01498/LBC	Proposal to remove a number of partition walls to provide open plan offices for each department within the council - this includes widening	Current	

existing openings in three of the four corner turret towers to include these areas into the open plan. At ground floor level the work will include the removal of false ceilings & restoring the council chambers to near their original layout. The external facades remain unchanged.

#### **4. Consultations**

Building Control and Access Officer      No comments at this stage.

#### **5. Representations**

5.1 No representations received.

#### **6. Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal; and
- The impact upon the character, fabric and appearance of the listed building.

##### Site Context

6.2 Clacton Town Hall is situated on the western side of Station Road on the northern edge of Clacton Town Centre. The building accommodates Tendring District Council Offices along with the Princes Theatre and is a Grade II Listed Building. Construction work was completed in the early 1930's in a neo Georgian style. The buildings' listing is as follows;

*Town hall with incorporated theatre which originally housed a library as well. Completed in 1931 to the designs of Sir Brumwell Thomas in Neo-Georgian style. Brown brick in English bond with stone dressings and hipped or mansard pantilled roofs. Square on plan with central vestibule, theatre behind, council chamber and committee rooms to the south and originally library to the north, now theatre bar. Pediment has deeply carved stone wreath flanked by swags. Engaged Composite fluted columns and Doric piers at sides. Three round-headed arches with keystones and impost blocks and decoration of carved swags above. Steps to street and three round headed entrances behind with double doors. Flanking wings are of one storey and attics five bays with stone parapet, cornice and plinth. Curved dormers with 12 pane sashes and 18 pane sashes below. These wings terminate in one bay corner pavilions with hipped roofs and 18 pane sashes with Diocletian windows above, set in moulded architraves with brackets flanked by pilasters. South front is similar but with central five-light curved bay. North front similar but with central door case with cornice, moulded architrave, double door and rectangular fanlight with intersecting arches originally the library entrance. West front has central fly tower to theatre with blank square windows opening above roof level of theatre and central tall round headed opening with impost blocks, an architectural feature ingeniously disguising a utilitarian scenery door. The interior has entrance vestibule with coffered barrel-vaulted ceiling, theatre of five bays with coffered barrel-vaulted ceiling, round headed arches to sides and cambered proscenium arch with carved municipal coat of arms, council chamber, committee rooms and mayor's parlour with original joinery and corridors with round headed arches and marble floors.*

## Proposal

- 6.3 This listed building consent proposes the following changes;
- Removal of modern suspended ceiling, sections of service pipework and ductwork along with modern partitions within the original Council Chamber.
  - Refurbishment and restoration of plaster detailing to wall and ceilings within the original Council Chamber.
  - Removal of dividing partitions in the long rooms to the left and right of the entrance hall.
  - Plastering/blocking up of inside face of doors to long rooms leaving doors and door frames in place.
  - Alterations within toilets to right of entrance hall providing improved access for disabled people.
  - Removal of original/modern partitions to rooms off the rear corridors of the ground floor.
  - First floor removal of modern partitions to make longer rooms.
  - Existing openings to the four square corner tower rooms (one at ground floor and 3 at first floor) are to be increased in width and floor levels raised slightly to be the same level as the open plans area.
- 6.4 The alterations listed above are part of the Council's Office Transformation Project and are necessary to meet the requirements of other departments moving to the Town Hall. The project aims to streamline the economic running of Council affairs.

## Impact upon Listed Building

- 6.5 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 includes that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.6 Paragraph 194 of the National Planning Policy Framework 2018 ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by saved policy EN22 of the Tendring District Local Plan (2007) draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.7 Paragraph 194 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A Heritage Statement has been submitted with the application. The Heritage Statement, in conjunction with the submitted Design and Access Statement, outlines the history of the Listed Building, the proposed works involved and the impact they would have to the Listed Building.
- 6.8 As stated above the sole planning issue is whether the proposals have appropriate regard to the preservation or enhancement of the special character, fabric and appearance of the listed building.
- 6.9 In this regard the first point to note is that no external alteration or repair is proposed. All external elevations of the building are to remain as they are. In respect of the proposed internal alterations the majority of the work concerns the removal of mainly modern partitions and carefully managed alterations to the existing structure.

- 6.10 The supporting documents confirm that the widened openings to the square tower rooms will preserve the existing character by keeping the level of the opening either at the existing door height or slightly higher and by retaining the moulded picture rails and cornicing detailing. This assists in protecting the neo-Georgian styling of these rooms. The openings will be bridged by beams concealed behind plasterwork. As stated above, the floors of the affected square tower rooms are to be raised to provide same level floors throughout these open plan areas. To protect the original floors this work will be carried out using boarded flooring on pedestals so as not to disturb the original fabric of the building.
- 6.11 The proposals to the original Council Chamber (currently Housing Dept. offices) are entirely acceptable as the removal of the modern suspended ceiling, services and partitions will expose the original plaster detailing to the walls and ceiling.

#### Conclusion

- 6.12 Overall the changes proposed are considered to accord with the requirements of local and national planning policies which seek to safeguard the special nature of listed buildings. In many cases the work proposed enables original features to be enhanced and where alterations are proposed to original fabric matching materials including architraves, skirting and picture rails will be used to maintain the building's neo-Georgian styling.

#### Background Papers

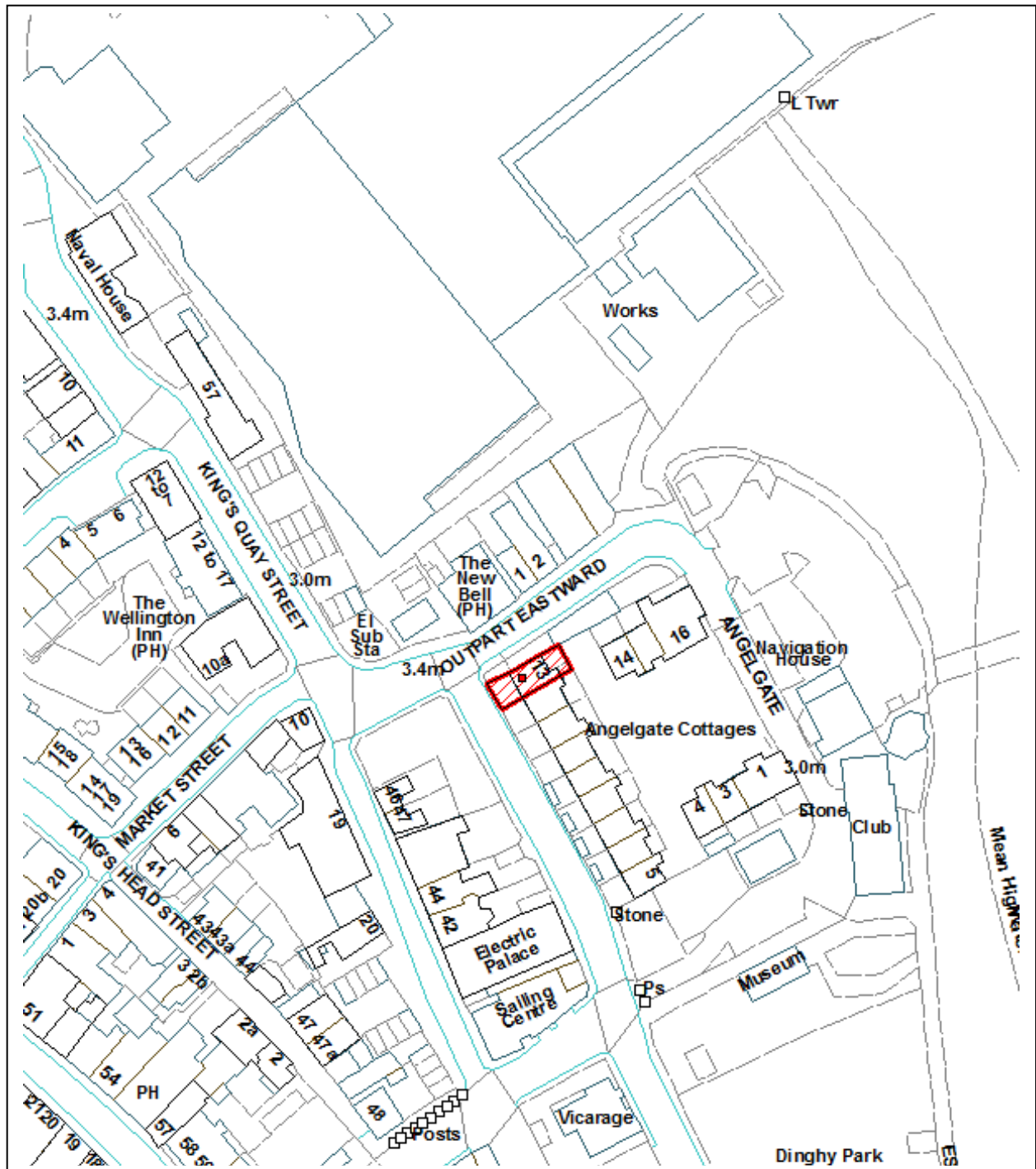
None

## PLANNING COMMITTEE

16<sup>th</sup> October 2018

### REPORT OF THE HEAD OF PLANNING

#### **A.7 PLANNING APPLICATION - 18/01318/LBC – 13 ANGEL GATE, WELLINGTON ROAD, HARWICH, CO12 3EJ**



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<b>Application:</b>	18/01318/LBC	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	Mr Barry Eldridge	
<b>Address:</b>	13 Angel Gate, Wellington Road, Harwich, CO12 3EJ	
<b>Development:</b>	Replacement ground floors. Internal damp proofing and re-plastering works. Replacement kitchen and bathrooms, with new electrical ventilation and heating systems. Lowering external ground levels. Overhaul of existing sash windows and replacement front and rear doors. External repointing and replacing eroded bricks and inappropriate OPC pointing.	

## 1. **Executive Summary**

- 1.1 This listed building consent application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The listed building consent seeks permission for external and internal changes to 13 Angel Gate in line with proposed works to renovate the property, including; replacement internal ground flooring, re-render the rear elevation, de-bonding of the side and rear boundary walls, replacement front and rear external doors and two additional extraction fans to the rear elevation.
- 1.3 Having regard to the supporting documents and the submitted heritage statement it is evident that the works do not harm the special character, fabric and appearance of the listed building, with the majority of the works seeking to repair or replace like for like.
- 1.4 The proposed alterations are therefore considered to meet the requirements of the Council's saved and draft planning policies relating to the protection of listed buildings and the relevant paragraphs of the National Planning Policy Framework (2018).

### **Recommendation: Approval**

#### **Conditions:**

- 1). Time Limit – Listed Buildings
- 2). Approved Plans

## 2. **Planning Policy**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN22 Extensions or Alterations to a Listed Building

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



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

N/A

### **4. Consultations**

N/A

### **5. Representations**

- 5.1 Harwich Town Council has no objection to the application.
- 5.2 There have been no other letters of representation received.

### **6. Assessment**

- 6.1 The main planning considerations are:
  - Site Context;
  - Proposal; and
  - The impact upon the character, fabric and appearance of the listed building.

## Site Context

- 6.2 The application site is 13 Angel Gate, which is located to the north-eastern section of Wellington Road within the parish of Harwich. The property is end of terrace and forms part of 16 houses, all of which are Grade II Listed. The site also falls within the Harwich Conservation Area, whilst there are numerous other listed buildings within the surrounding area.

The buildings' listing is as follows;

*"16 houses, former coastguard cottages. 1858. Red Flemish-bond brickwork with Gault dressings and large storey-height diaper patterns of black headers. Roofs are of C20 imitation slate with hipped ends. PLAN: U-plan form, 2-storey courtyard group with long NW-SW terrace of 9 units, shorter detached terrace to NE of 3 units and terrace of 4 units to east. EXTERIOR: standard unit has eaves cornice of paired brick dentils, a raised Gault brick band at first-floor level and projecting contemporary porch with lean-to roof, shared by pair of adjoining units. First floors have 2 grouped double-hung sash windows with 2 vertical glazing bars with segmental-arched brick heads and keystones. The ground floors have 2 similar but narrower windows, each with a central vertical glazing bar and stone sills with rectangular corbels. Each porch has semicircular arch-headed door, on each flank and 2 grouped semicircular-headed, cross pattern glazing bar casements with decorative brick aprons and false sills below. All arches have brick keystones and the spandrels rendered. Very large ridgeline stacks, one for each 2 units. No.16 at NE corner is larger unit with similar detail but a pyramidal roofed main block. SUBSIDIARY FEATURES: walled yards to rear each with contemporary outhouse."*

## Proposal

- 6.3 This listed building consent proposes the following changes;
- Rebuild lower 6 no. course to door jambs;
  - Replace 12 stretchers and headers to front porch;
  - New airtech extract fan for ground floor kitchen and first floor bathroom following installation of new ventilation system;
  - A reduction to the ground floor levels which will also incorporate replacement front and rear external doors and frames to match;
  - Replacement of south-west elevation sashes and decaying timber;
  - Strip and recover hip slope with new artificial slate to the north-west side elevation and replace lead flashings;
  - Replacement/re-pointing to external brickwork to those eroded like for like;
  - Re-render rear elevation with sand/lime mix; and
  - De-bond the side and rear boundary walls from the main elevations with hidden stainless steel ties for lateral support.

The works are in relation to a wider project to address dampness and condensation concerns within the property. The works are to involve a replacement kitchen and bathroom, and a new heating system.

## Impact upon Listed Building

- 6.4 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 includes that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 6.5 Paragraph 194 of the National Planning Policy Framework 2018 ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by saved policy EN22 of the Tendring District Local Plan (2007) draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.6 Paragraph 194 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A Heritage Statement has been submitted with the application. The Heritage Statement, in conjunction with the submitted Design and Access Statement, outlines the history of the Listed Building, the proposed works involved and the impact they would have to the Listed Building.
- 6.7 As stated above the sole planning issue is whether the proposals have appropriate regard to the preservation or enhancement of the special character, fabric and appearance of the listed building.
- 6.8 The proposed works will see a number of internal and external alterations. The external alterations will predominantly involve replacement works, for example like for like front and rear external doors, or repair works in the case of the repointing of the chimney stack and replacement slates to the north-west elevation hipped roof. The works are minor in nature and are seeking to preserve or enhance the building and are therefore acceptable. The two proposed extraction fans and covers to the rear elevation do not enhance the building, however are minor in nature, are easily removable and will therefore not be a significantly harmful addition to the buildings historic character. Other alterations include rebuilding six courses to door jambs to the front porch area and an overhaul of existing sash windows to the rear elevation in order to replace decaying timber; all works are to be like for like, thereby maintaining the character of the building.
- 6.9 The main internal alteration is the replacement flooring at ground level, which will see the existing levels reduced 100mm to allow for insulation provision and to revert to its original levels upon construction. Given that the works are replacement only and will see the ground level reduced to the size it was originally, and that the existing floor is predominantly concrete and of no historic merit, there is not significant identifiable harm to the historic character of the building.

#### Conclusion

- 6.10 The impact of the proposed works will be minor and beneficial, will assist in the long-term preservation of the asset, and will not detrimentally affect the building's special architectural and historic interest and significance.
- 6.11 The scope and strategy of the proposed works are considered commensurate and appropriate to the building's value as a grade II designated heritage asset and in accordance with a sustainable approach to conservation, as outlined within the NPPF and local planning policy.
- 6.12 It is concluded that the works, therefore, accord with national and local planning policies and conservation and wider heritage principles. Approval of this proposal would enhance the listed building and represents compliance with the duty within the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, to protect and enhance the special character and setting of the listed building.

Background Papers  
None