



PLANNING COMMITTEE

DATE: Tuesday, 11 December 2018
TIME: 6.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ.

MEMBERSHIP:

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

Councillor Cawthron
Councillor Everett
Councillor Fowler
Councillor Hones
Councillor McWilliams

Most Council meetings are open to the public and press.

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

For further details and general enquiries about this meeting, contact Charlotte Cooper on 01255686007.

DATE OF PUBLICATION: Tuesday, 4 December 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 13 November 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 OHL (Pages 11 - 36)

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 37 - 52)

18 dwellings and provision of a 0.2ha village green.

7 A.3-18/00352/DETAIL- Allotment Field Adjacent to Great Oakely Primary School, Beaumont Road, Great Oakley, Essex CO12 5BA (Pages 53 - 70)

Reserved matters for Phase 1 (23 dwellings) following outline approval for 15/01080/OUT - Outline planning permission for the erection of 51. no 2/3/4 bed dwellings to Passivhaus standards.

8 A.4 - 17/00790/FUL - Land to the Rear of 59 and 61 London Road, Little Clacton, CO16 9RP (Pages 71 - 86)

Proposed development for 30 no. detached bungalows including associated roads and access.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 15 January 2019.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 13TH NOVEMBER, 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
Also Present:	Councillors Turner (Except minutes 84 -85), Bray (except minutes 84 - 85), Coley (except minutes 82 - 85), Davis (except minutes 84 - 85), Land (except minutes 78 - 85), Nicholls (except minutes 78 - 85) and Talbot
In Attendance:	Ewan Green (Corporate Director (Planning and Regeneration Services)), Cath Bicknell (Head of Planning), Susanne Chapman-Ennos (Planning Team Leader), Matthew Lang (Planning Officer), Charlotte Parker (Solicitor (Property, Planning and Governance)) and Charlotte Cooper (Leadership Support Officer)

73. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

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

74. MINUTES OF THE LAST MEETING

The minutes of the last meetings of the Committee, held on 16 October 2018 and 22 October 2018, were approved as a correct record and signed by the Chairman.

75. DECLARATIONS OF INTEREST

Councillor White declared that, with regards to application 18/01230/FUL – 55 Colne Way, Point Clear Bay, St Osyth, Clacton-on-Sea, CO16 8LL, this is his home ward, however he would participate whilst the committee deliberated and reached its decision.

Councillor Fowler declared that, with regards to application 18/01693/FUL – 34 Low Road, Dovercourt, Harwich, CO12 3TS, the applicants are personally known to her and she therefore would not participate whilst the committee deliberated and reached its decision.

Councillor Everett declared that, in relation to application 18/01230/FUL – 55 Colne Way Point, Clear Bay, St Osyth, CO16 8LL, he is pre-determined on this application and will not participate whilst the Committee deliberated and reached its decision.

Councillor Cawthron declared that, due to the fact that he was absent when application 17/02162/OUT – Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before the committee, he would not participate whilst the Committee deliberated and reached its decision.

Councillor Brown declared that, due to the fact that he was absent when application 17/02162/OUT - Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before

the committee due to a declaration of predetermination, he would not participate whilst the Committee deliberated and reached its decision.

Councillor Heaney declared that due to the fact she was not present when application 17/01229/OUT – Land Adjacent and to the Rear of 755 and 757 St Johns Road, Clacton-On-Sea, CO16 8BJ, was first before the Committee, she would not participate whilst the Committee deliberated and reached its decision.

76. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were no questions submitted on this occasion.

77. A.1 - 17/02162/OUT-LAND SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ

Councillor Cawthron had previously declared that, due to the fact that he was absent when application 17/02162/OUT – Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before the committee, he would not participate whilst the Committee deliberated and reached its decision.

Councillor Brown had previously declared that, due to the fact that he was absent when application 17/02162/OUT - Land to the South of Thorpe Road, Weeley, CO16 9AJ, was first before the committee, he would not participate whilst the Committee deliberated and reached its decision.

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

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

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

- (1) Three letters of objection have been received, as well as an additional letter from Holmes and Hills, the solicitors acting on behalf of the applicant. However these letters are not considered to have raised any issues that are not dealt with in the Officer Report.

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

- Argument that the development should be granted planning permission in advance of the conclusion of the Local Plan examination can only be given limited weight due to the large number of outstanding objections to the particular policy; this is supported by 5 year housing supply being met and exceeded.
- Disproportionate scale of growth in relation to the size and character of the existing settlement in Weeley.

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

Councillor Heaney had previously declared that due to the fact she was not present when application 17/01229/OUT – Land Adjacent and to the Rear of 755 and 757 St Johns Road, Clacton-On-Sea, CO16 8BJ, was first before the Committee, she would not participate whilst the Committee deliberated and reached its decision.

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 (SCE) in respect of the application.

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve **[to be revised to 'no later than 1st March 2019]**, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant and subject to the completion of viability testing):
 - On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
 - Provision of land on-site for a new healthcare facility together with a financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
 - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
 - Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
 - Financial contributions to create additional secondary school places;
 - New neighbourhood centre; and
 - Financial contributions towards off-site ecological mitigation.
[Also the routing of bus services through the development – as advised on the 30th May 2018 update sheet]
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
 - (i) **Conditions:**

1. Standard 3 year time limit for submission of first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
 2. Standard 2 year limit for commencement of development following approval of reserved matters.
 3. Details of appearance, layout, scale and landscaping (the reserved matters).
 4. Layout and phasing plan/programme.
 5. Compliance with approved access plans.
 6. Development to be in accordance with the approved parameters plans.
 7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
 8. Highways conditions (as recommended by the Highway Authority) relating to:
 - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
 - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
 - bus services to be routed through the development;
 - residential travel plans;
 - improvements at existing St. John's Rd/Jaywick Lane junction;
 - signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
 - improvements to St. Johns Rd/Peter Bruff Avenue junction;
 - improvements at St. John's roundabout;
 - road safety assessments to be completed for all the above measures;
 - no discharge of surface water onto the highway;
 - wheel cleaning facilities; and
 - car parking spaces and garages.
- [The Highway Authority's recommended conditions are revised to cover:**
- **The need for a construction management plan;**
 - **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
 - **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
 - **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
 - **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
 - **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
 - **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**
 - **Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;**
 - **Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);**
 - **Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and**
 - **Residential travel plan and residential travel pack.]**
9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.
11. Foul water drainage strategy.
12. Archaeological assessment/trial trenching.
13. Contaminated land investigation and remediation.
14. Piling restrictions.
15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.
16. Hard and soft landscaping plan/implementation.
17. Tree protection measures.
18. Construction Environmental Management Plan.
19. Landscape and ecology mitigation/management plan.
20. Details of dog walking routes (part of ecological mitigation).
21. Broadband connection.
22. Local employment arrangements.
23. Details of water, energy and resource efficiency measures.

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

79. A.3 - 17/01181/OUT-LAND TO SOUTH OF LONG ROAD AND WEST OF CLACTON ROAD, MISTLEY, CO11 2HN

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 (SCE) in respect of the application.

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

- (1) An additional letter has been received from Councillor Baker, Bradfield Parish Council retain an objection to the application, and Lawford Parish Council reiterate its objection to the proposed development. However the issues identified have been dealt with in the Officer Report and do not raise any further issue.
- (2) Amendment to Report – Paragraphs 1.2 and 6.11 should refer to 485 dwellings rather than 500
- (3) Amendment to Recommendation – it is advised that Section A of the recommendation is amended in respect of on-site Council Housing / Affordable housing to 18 gifted units and 55 affordable homes. This also updates the information provided at paragraph 6.63.

Parish Councillor Frances Fairhall, representing Mistley Parish Council, spoke against the application.

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

Councillor Turner, spoke on behalf of Councillor Baker (the local ward member for the adjacent ward), against the application.

Sam Brampton, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Brown 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:-

- Increase in density results in harm to landscape and out of character with surrounding area.
- Insufficient affordable housing not in accordance with Policy LP5 of the Emerging Plan which requires 30%.

80. A.4 - 18/01230/FUL- 55 COLNE WAY POINT, CLEAR BAY, ST OSYTH, CO16 8LL

Councillor White had previously declared that, with regards to application 18/01230/FUL – 55 Colne Way, Point Clear Bay, St Osyth, Clacton-on-Sea, CO16 8LL, this is his home ward, however he would participate whilst the committee deliberated and reached its decision.

Councillor Everett had previously declared that, in relation to application 18/01230/FUL – 55 Colne Way Point, Clear Bay, St Osyth, CO16 8LL, he is pre-determined on this application and will not participate whilst the Committee deliberated and reached its decision.

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 refusal.

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

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

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

Reason for Refusal: The proposed removal of the condition sought would be contrary to national and local planning policy as;

1. It would effectively allow the creation of a new dwelling in Environment Agency Flood Zone 3. As such in the absence of a Flood Risk Assessment the flood risk resulting from the proposed development cannot be fully assessed and no sequential test or exception test can be performed to show the proposed all year round use of the chalet would be safe for its lifetime. In the light of the advice from the Environment Agency that the property is in an area at high risk of flooding due to its situation within Flood Zone 3 the proposal would be contrary to Paragraph 155 of the National Planning Policy Framework ("the NPPF") as development in an area at risk of flooding which is not safe whether now or in the future and which cannot be directed away to an area of lower risk.

2. The property is also in an area where climate change is likely to result in rising sea levels and the proposal cannot be guaranteed to be safe for its lifetime again contrary to Paragraph 155 of the NPPF and in the light of the advice in the UK Marine Policy Statement and paragraph 166 of the NPPF the proposal would leave future occupiers vulnerable to the additional risk of flooding and coastal change resulting from climate change and rising sea levels.

3. Policy QL3 of the saved Tendring District Local Plan 2007 provides that flood risk is to be taken into account in all stages in the planning process to avoid inappropriate development in areas at risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of development outweigh the risks of flooding.

4. The entire surrounding area is at high risk of flooding as the holiday dwelling and its area is entirely within Flood Zone 3 and in relation to the removal of the condition its use as a dwelling all year round would give rise to a use which was "highly vulnerable" under the Environment Agency's use system. This would therefore be contrary to policy QL3 of the saved Tendring District Local Plan 2007.

81. A.5 - 18/01281/DETAIL- LAND AT THE JUNCTION OF HEATH ROAD AND PARSONAGE LANE TENDRING, CO16 ODE

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

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

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

- (1) Amended set of recommended conditions.

Parish Councillor Ted Edwards, representing Tendring Parish Council, spoke against the application.

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

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Hones and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Juliet balconies and colour out of character with surrounding area.
- Juliet balconies poor design contrary to Policy QL9.

82. **A.6 - 18/01489/FUL - LAND ADJACENT TO 28 ASHLYNS ROAD, FRINTON-ON-SEA, CO13 9EU**

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

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

Alan Eldret, a local resident, spoke against the application.

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

Peter Le Grys (on behalf of Zoe Manning), 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 Everett 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:-

- Contrary to Policies FW5 and PPL11 – out of character with the area.

83. **A.7 - 18/01571/OUT - LAND EAST OF PORK LANE, GREAT HOLLAND, CO13 0JE**

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 (SCE) in respect of the application.

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

- (1) Additional representation – a letter of objection and comments from the Council's Public Open Space Team have been received. The recommendation has been amended accordingly.
- (2) Additional letter of objection received, the majority of the points raised have been addressed within the main body of the report. An additional flood related issue has been raised, however the site does not fall within a recognised flood zone.

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

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

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

- Contrary to Policy QL1 and Policy HG13 of the Saved Local Plan and LP8 of the Emerging Plan..
- Lack of Ecology Survey.

84. A.8 - 18/00379/OUT - 820 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BS

Members were made aware that this application had been removed from the agenda prior to the meeting. This is due to the fact that the applicant has withdrawn their amended proposals as they have decided to revert back to a previously approved proposal for 14 dwellings on the site, subject to a section 106 legal agreement, for affordable housing and public open space.

85. A.9 - 18/01693/FUL- 34 LOW ROAD, DOVERCOURT, CO12 3TS

Councillor Fowler had previously declared that, with regards to application 18/01693/FUL – 34 Low Road, Dovercourt, Harwich, CO12 3TS, the applicants are personally known to her and she will not participate whilst the committee deliberated and reached its decision.

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

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

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

- (1) Additional comments from the applicant in response to the objections raised have been received.

Sharon Wotton, a local resident, spoke against the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Hones to approve this application as set out in the officer report.

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

The meeting was temporarily suspended during the debate while one of the Members left the Council Chamber for a comfort break; it resumed immediately on his return.

Following further discussion by the Committee, it was moved by Councillor Everett and seconded by Councillor Cawthron 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:-

- Contrary to Policy HG14.

The meeting was declared closed at 11.00 pm

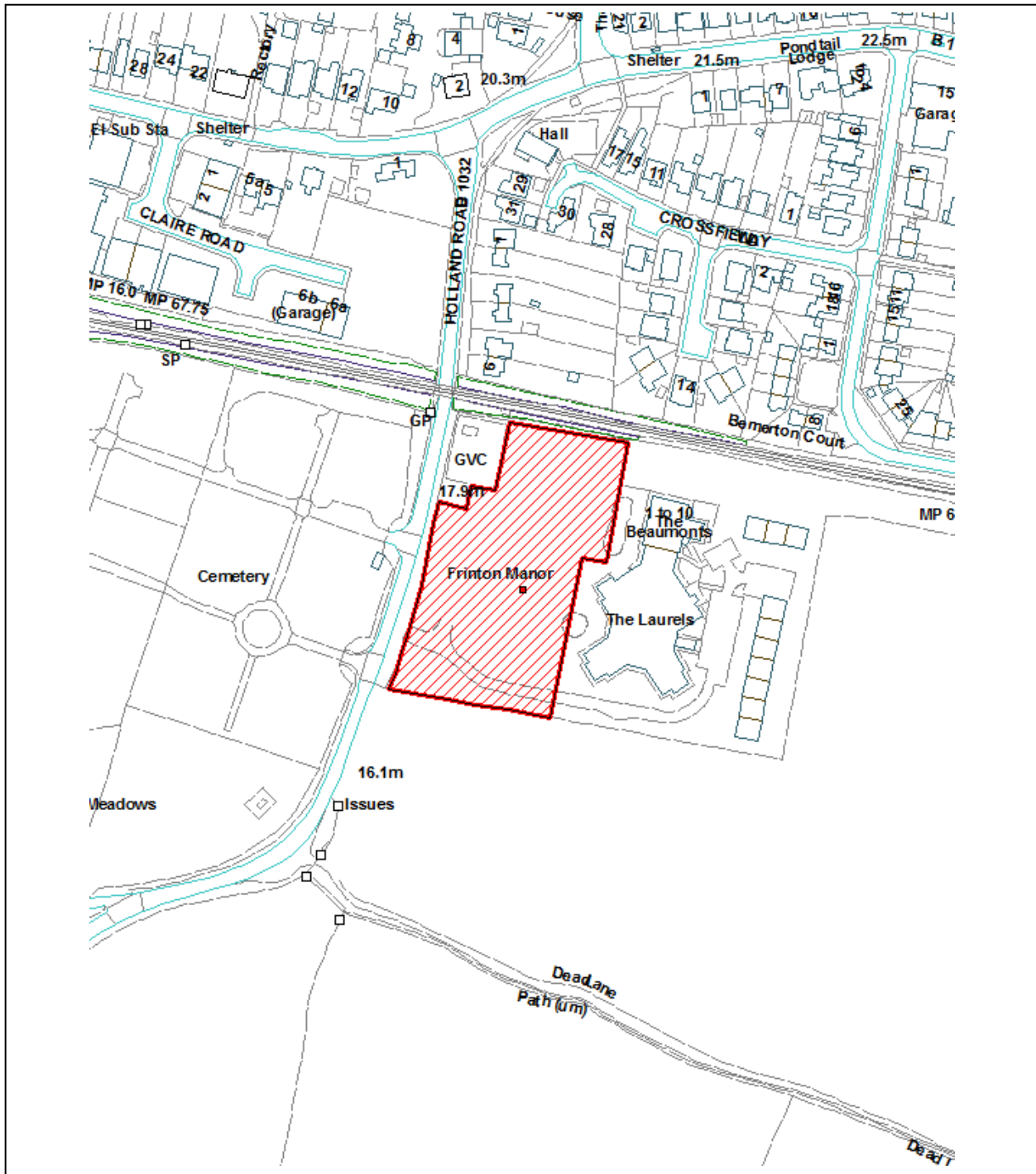
Chairman

PLANNING COMMITTEE

11th December 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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Application:	17/01988/FUL	Town / Parish: Frinton & Walton
Applicant:	Beaumont Retirement Living	
Address:	Land to the East of Kirby Road Great Holland CO13 0HL	
Development:	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 application was deferred by Planning Committee on 16th October 2018 in order for more information to be obtained on the following:**
- **Street Scene**
 - **Site Layout (including but not limited to the west boundary treatment)**
 - **Waste Bins**
 - **Car Parking**
 - **Drainage Details**

Updates to the original report are shown in bold.

- 1.3 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.
- 1.4 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 1.5 Officers are content that subject to the imposition of reasonable planning conditions and S106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the 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.
- 1.6 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

Recommendation: That the Head of Planning is authorised to grant outline planning permission for the development subject to:-
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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 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. 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.10 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.11 In relation to housing supply, the NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.12 At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line 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	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.

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.

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.

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.

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.

Waste Management

No comments to make.

Anglian Water

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.

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.

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; **difficult and poor access onto a narrow busy road and further pressure on poor infrastructure.**
- 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; **following the decision of the Committee to defer the application Plots 3-5 have been amended so that they now face onto the proposed access road and are located further from the western boundary with Holland Road.** A continuous frontage layout is proposed within the heart of the site. **Furthermore, a proposed bus stop is now shown within the site along Holland Road.**
- 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 6no additional visitor spaces (4no.

additional spaces have been added in response to Members concerns). 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 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 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, **including the Town Council** 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 **in terms of size and layout but exceeds the standards in respect of the number of spaces provided.**
- 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. **To demonstrate how the proposal relates to the surrounding area street scene elevations have been provided to showing the relationship with the adjacent care home and additional landscaping is now proposed between the two buildings.**

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.

To address concerns raised by Members the proposal has been amended (back to how it was originally proposed) with Plots 3-5 facing onto the proposed access road with back gardens adjacent to the western boundary of the site. This allows for a planting to be retained/provided along the boundary with Holland Road, this will reduce the impact of the development on the surrounding area.

- 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. **No further drainage details have been submitted, however, it is considered (as set out above) that this issue can be dealt with by condition and therefore a reason for refusal on these grounds cannot be substantiated.**

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.

Members raised concern regarding the disposal of waste and bin storage, in particular in relation to the proposed apartments. The plans show that each individual dwelling will have bin storage in the rear garden which will then be collected from the front of the property. The apartments are provided with a communal bin store adjacent to the apartment building where residents rubbish would be stored; this would then be emptied at regular intervals. The agents have confirmed that this is a usual set up and works on other schemes they have dealt with. If there are any issues, a warden would be available to assist.

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

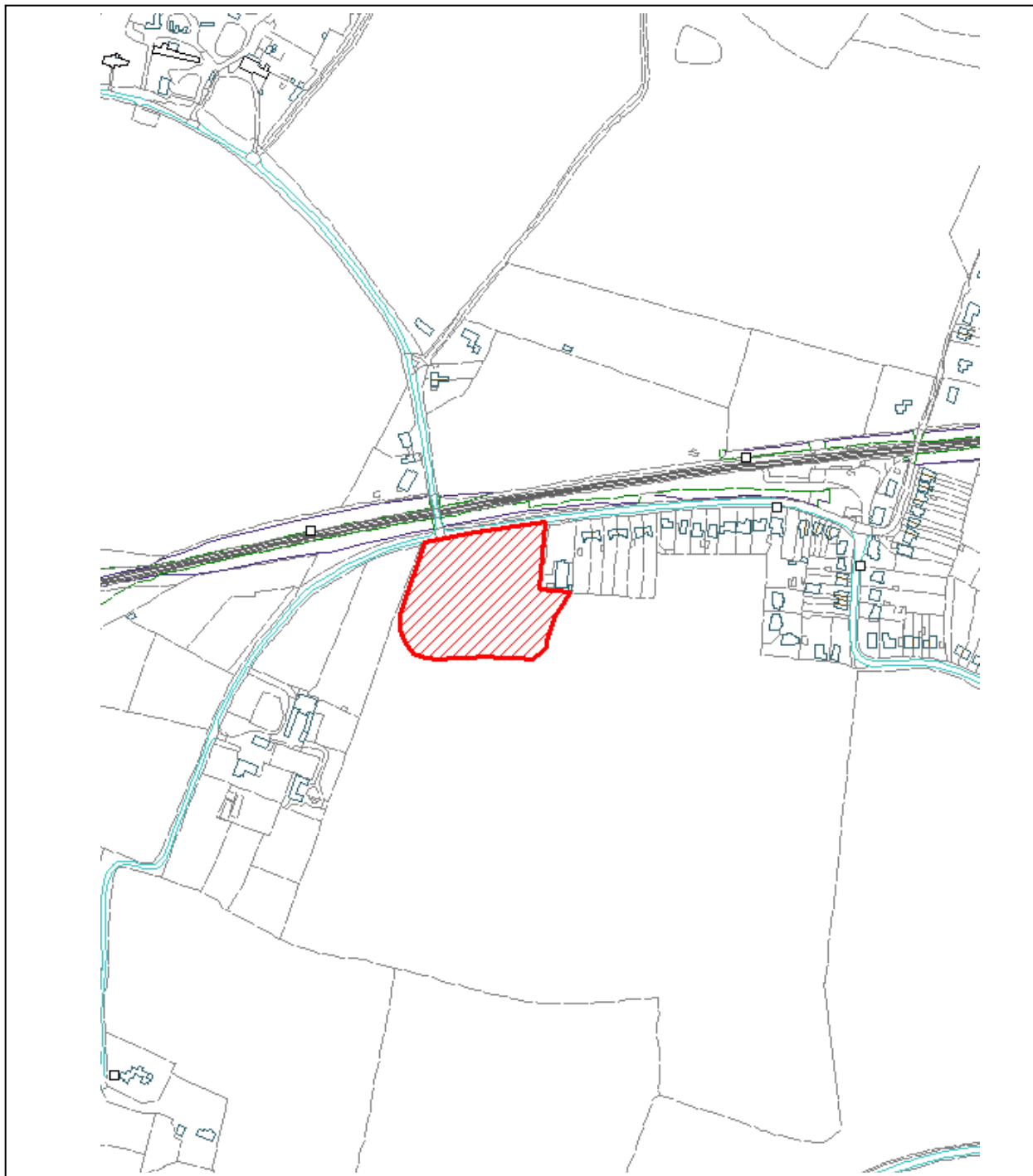
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PLANNING COMMITTEE

11th December 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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Application:	18/00678/DETAIL	Town / Parish: Wrabness Parish Council
Applicant:	Bennett PLC & James Macaulay	
Address:	Land South of Station Road Wrabness CO11 2TH	
Development:	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 22nd 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 application was deferred by Planning Committee on 16th October 2018 for negotiations with the developer to take place regarding:**
- **S106 Highway Improvements, particularly the footpath to the front of the proposed development**
 - **Open Space Management**
 - **Affordable dwelling requires a garage**
 - **Low level lighting only**
 - **Location of the garage closest to the Village Hall**

Updates to the original report are shown in bold.

- 1.4 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.
- 1.5 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.
- 1.6 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 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 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 village green with all other matters reserved.	Approved	19.09.2016

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.

Anglian Water Services Ltd	No comments received
Tree & Landscape Officer (original comments)	<p data-bbox="526 324 1447 392">There are no trees or other significant vegetation on the application site. The land is in agricultural use.</p> <p data-bbox="526 425 1447 492">It would appear that there has been no information provided relating to soft landscaping proposals for the application site.</p> <p data-bbox="526 526 1447 627">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.</p> <p data-bbox="526 660 1447 828">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.</p> <p data-bbox="526 862 1447 996">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.</p> <p data-bbox="526 1030 1447 1097">This information should be provided prior to the determination of the application.</p>
Tree & Landscape Officer (amended comments)	<p data-bbox="526 1131 1447 1265">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</p> <p data-bbox="526 1299 1447 1400">The inclusion of the perimeter landscape buffer will help to ensure that the development is partially screened and consequently sits comfortably in its setting.</p>
ECC SuDS Consultee	<p data-bbox="526 1433 1447 1500">Having reviewed the documents which accompanied the planning application, the following points require additional clarification:</p> <ul data-bbox="574 1512 1447 2076" style="list-style-type: none"> <li data-bbox="574 1512 1447 1904">• 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. <li data-bbox="574 1915 1447 2076">• 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.

A further letter has been received from Wrabness Parish Council which states that the Parish Council has reviewed this deferred application and requests the following additional comments are taken into account in the determination of the application:

- **A Village Green would be a good feature next to the Village Hall. The Parish Council has long campaigned through the planning process for the allocation of a 0.2 hectare Village Green to address an acknowledged shortfall of public open space.**
- **The submitted details are unsatisfactory as a proposed surface water drainage infiltration basin is shown sited on the 0.2 hectare Village Green. This drainage feature compromises the recreational potential of the modest Village Green area, which is currently flat. The drainage basin is also unwelcome sited so close to the Village Hall. The surface water drainage arrangements to serve the 18 home development should be so designed to avoid encroachment onto the 0.2 hectare Village Green.**
- **Three years ago the Parish Council was informed in writing that the landowner was planning the development of the 18 homes and if successful would like to off the proposed 0.2 hectare Village Green to the Parish as a gift. The Parish Council is shocked to recently discover that a subsequent S106 agreement between the landowner and the District Council provides for the Village Green to remain under the control of a management company. This outcome is not what was offered or expected.**
- **For the avoidance of any doubt the Parish Council would like the opportunity to have and manage the new Village Green next to the Village Hall for the benefit of all. It is requested that this matter be vigorously pursued by the District Council and the landowner as the two parties to the Agreement who have this matter jointly in their gift.**

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 five 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 while 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 **The proposed affordable dwelling (Plot No. 1) is the only dwelling within the site that is not provided with a garage (albeit that sufficient parking provision is provided in for the form of two off-street parking spaces). Members requested that a garage be provided for this unit. The plans have not been amended to include this request and**

the agent advised that this is not a requirement of the S106 to provide a garage, and it is accepted nationally that affordable homes are not provided with garages as standard. The Councils Housing Department has confirmed that it is very rare for garages to be provided for affordable homes. Policy LP5 of the Emerging Plan state that 'there should be no noticeable difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s)'. The design of the dwellings appear the same and therefore it is considered that the difference would not be significantly different to justify a reason for refusal on these grounds, especially as the Emerging Plan can only be given limited weight.

- 6.16 For the above reasons it is considered that the detailed design and appearance of the proposed dwellings is acceptable.

Layout

- 6.17 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.
- 6.18 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
- 6.19 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. **The garage for Plot 18 which was located on the boundary with the Village Hall has now been moved so that it is 2 metres from the boundary.**
- 6.20 In conclusion there is no objection to the layout of the proposed development.

Scale

- 6.21 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

- 6.22 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.
- 6.23 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. **However, the submitted layout plan shows a 2 metre footpath along the entire frontage of the site and the agent has confirmed this will be provided. As this is shown on the layout plan there is no need for this to form a separate condition as there will be a condition to ensure the development is carried out in accordance with the approved plans.**

- 6.24 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.
- 6.25 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.
- 6.26 The proposal is therefore acceptable in terms of highway safety.

Landscaping/Biodiversity

- 6.27 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.
- 6.28 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.
- 6.29 The inclusion of the perimeter landscape buffer will help to ensure that the development is partially screened and consequently sits comfortably in its setting.
- 6.30 It is considered that the proposed landscaping is acceptable.

Impact on residential amenity

- 6.31 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

- 6.32 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

- 6.33 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.
- 6.34 At the Planning Committee on 16th October 2018 Officers were asked to negotiate with the developer regarding the management of the open space, as the Parish Council have now requested that it is managed by them. This application is a reserved matters application, which seeks to deal with the outstanding details following the grant of outline consent (15/01737/OUT). The details of the management of the Open Space was dealt with at the outline stage and the S106 agreement states that it is to be managed by a Management Company, as at the time the Parish Council stated within their comments that 'the public consultation meeting convened in the village has overwhelmingly rejected the offer of public open space linked to the development of 18 houses and the application offers no allotment provision'. It is not possible to insist that this legal agreement be amended. However, the agent has confirmed that they are willing to negotiate the future management of the open space; although this would have to take place outside of the application process and cannot be used as a reason to refuse this application.**
- 6.35 The proposed layout of the open space has been amended so that the footpath, fencing and oak tree on the boundary with the Village Hall have been removed. The infiltration basin cannot be relocated; the agent has confirmed that it is a shallow basin which does not need to be fenced off and will only become wet in times of exceptional rainfall. On this basis it is considered that the details of the proposed open space is acceptable.**
- 6.36 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. **Since the Planning Committee on 16th October 2018 further consultation has taken place with Essex County Council Highways who have confirmed that they wouldn't look to have street lighting in this location due to the number of units and some of the roads being of shared use.**

Conclusion

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

Background Papers

None

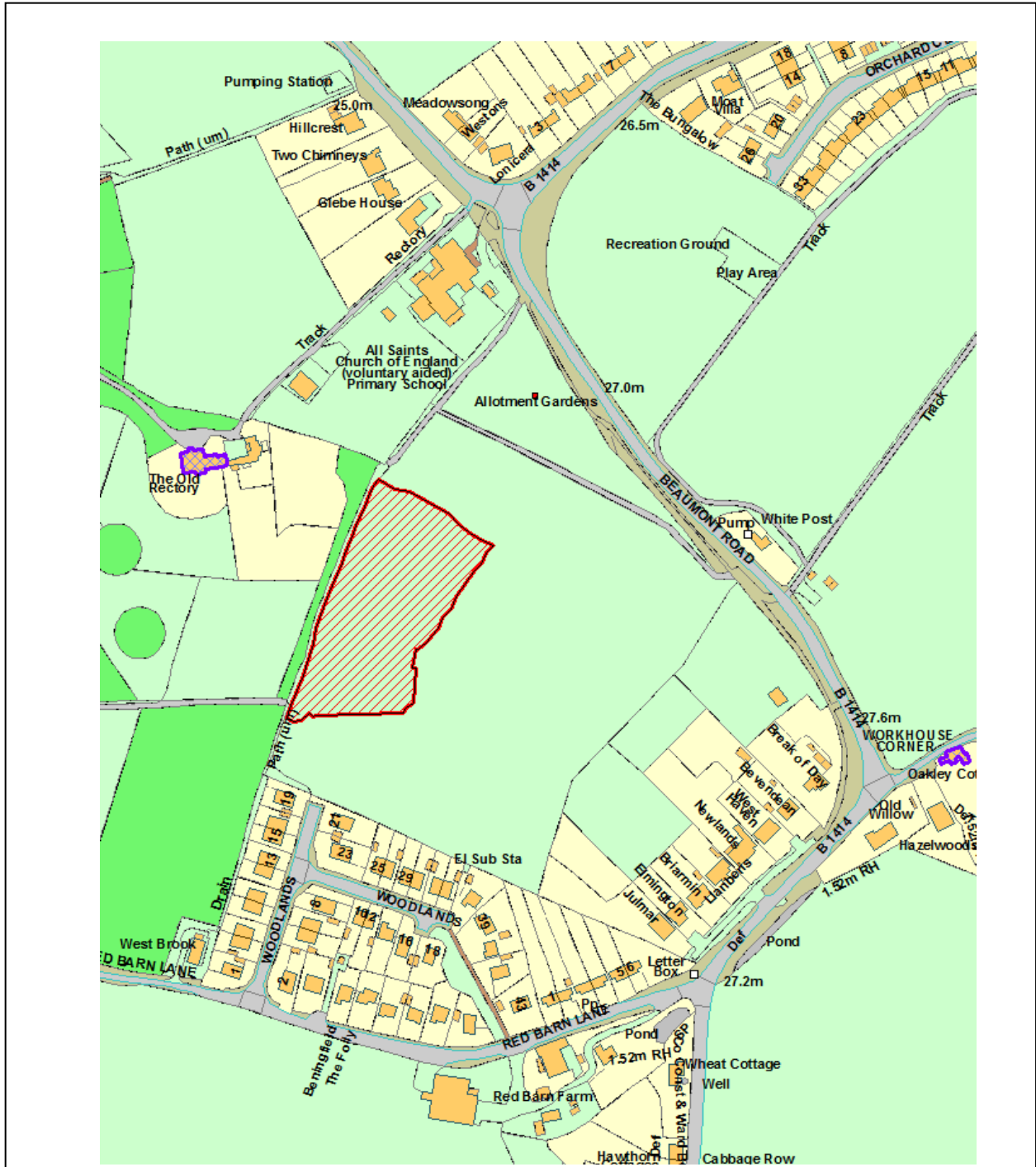
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PLANNING COMMITTEE

11th DECEMBER 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATIONS – 18/00352/DETAIL - ALLOTMENT FIELD ADJACENT GREAT OAKLEY PRIMARY SCHOOL BEAUMONT ROAD GREAT OAKLEY, Essex, CO12 5BA



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Application:	18/00352/DETAIL	Town / Parish: Great Oakley Parish Council
Applicant:	Mr Thompson - George Thompson (Great Oakley) Ltd	
Address:	Allotment Field adjacent Great Oakley Primary School Beaumont Road Great Oakley Essex CO12 5BA	
Development:	Reserved matters for Phase 1 (23 dwellings) following outline approval for 15/01080/OUT - Outline planning permission for the erection of 51. no 2/3/4 bed dwellings to Passivhaus standards.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee due to the request of Members at the meeting of 15 December 2015, who asked that the proposal be referred to them irrespective of the recommendation, as it is a significant development in a smaller rural settlement. The development also represents a departure from the adopted Development Plan, being located outside the settlement development boundary in the Tendring District Local Plan 2007.
- 1.2 The application follows the grant of a hybrid planning application (15/01080/OUT) that sought full planning permission for public open space, including a village green and children's play area; the provision of a village hall, doctors surgery and village shop; and outline planning permission for 51no dwellings built to Passivhaus Standard.
- 1.3 The application site is situated to the south western end of the village of Great Oakley. It comprises of an agricultural field which is classed as Grade 2 agricultural land and covers an area of approximately 1.4 hectares. The site is flanked to the north east with allotments, beyond which, on the opposite side of Beaumont Road, is the village sports field. All Saints Primary School and 'Oakey Dokey's Nursery' are to the north west. An existing footpath runs along the western border of the site, providing a pedestrian link between the school and the Woodlands residential development to the south. To the east of the site are the properties which front onto Beaumont Road and the area of land which was granted outline planning permission for 17 no dwellings (15/00987/OUT).
- 1.4 The submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 6 imposed upon the grant of outline planning permission 15/01080/OUT on 31 March 2016. The proposal is for the construction of the first of two phases of the residential element of the site, being for 23 custom-build Passivhaus dwellings, comprising a mix of 2, 3 and 4 bedroom units, including 3no affordable housing units to be gifted to the Council. The scheme, named Oakley Orchards, which would consequently contribute to the Council's self/custom build land supply, with 38 people currently on the Council's register.
- 1.6 Overall it is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of house types with well-designed public and private spaces. The public realm through additional landscaping, including high quality boundary treatments and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.

Recommendation: Approve

Conditions:

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

2. Adherence to Plot level Exterior Finish Materials and Colours schedule.
3. Each vehicular parking space to have minimum dimensions of 2.9 metres x 5.5 metres.
4. Laying out of parking and turning areas prior to occupation of dwelling/s that they would serve.
5. The recommendations made in the Arboricultural Method Statement (AMS) and shown on the Tree Protection Plan to be adhered to during construction.

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. 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.
- 2.9 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). 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 planned approach.

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

Relevant policies include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant policies include:

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

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role.

Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

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

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

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

SPL1: Managing Growth: Identifies Great Oakley as a 'Smaller Rural Settlement'.

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

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

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

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

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

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

LP7: Self-build and Custom-built Homes: Sets out the circumstances under which aspirational or self-build homes could be built outside of settlement development boundaries, but within a reasonable proximity of the District's more sustainable urban settlements and rural service centres.

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 (2018)

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

3. Relevant Planning History

00/01741/OUT - Sought planning permission for change of use of 0.8 hectares of field from agricultural use to plot for a new village hall building and car parking for use by hall/school/recreation field. This application was closed on 31/12/2002 as it was considered to be inactive.

15/01080/OUT - Hybrid application consisting of: Outline planning permission sought for the erection of 51. no 2/3/4 bed dwellings to Passivhaus standards; and Full planning permission sought for public open space, including a village green & children's play area & the provision of a village hall, doctors surgery & village shop – Approved 31/3/16.

17/00923/OUT - Variation of Condition 2 of planning permission 15/01080/OUT - to permit changes to the layout and design of the surgery/shop (the full element of the hybrid permission) – Approved 8/9/16.

4. Consultations

Anglian Water	They have reviewed the foul drainage strategy and flood risk assessment, along with the surface water drainage information and conclude that the proposal would not have detrimental effects upon the public foul and surface water sewerage network.
Building Control and Access Officer	Fire Service access to be provided in accordance with B5 of Approved Document B Vol 1.
Environmental Protection	No objection subject to the submission of a Construction Management Scheme to be secured by condition. Officer note: This is covered by condition 17 on 15/01080/OUT.
ECC Highways	The Highway Authority is currently in liaison over appropriate agreements under s278 and s38 of the Highways Act 1980 whereby appropriate highway infrastructure can be secured: 1) Access onto Beaumont Road; and 2) Access road to the Community Hall and Car Park. They have assessed the highway and transportation impacts of the proposal and do not wish to raise an objection to the proposal. Officer note: Recommended conditions have been covered by condition 11 of 15/01080/OUT, and it would be unreasonable to impose additional ones concerning the access onto the highway as access has already been approved.
Essex Police	Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development; the Design

& Access Statement makes comment to the importance of effective lighting, security and that all windows and door sets are to be Secure By Design compliant.

Open Spaces and Play

It is noted that this application includes provision for additional open space and play facilities which is welcomed, and they are satisfied with the open space allocation, design and layout. They also note that future management of the open space and play facilities would be put with a management company, so no further involvement from Public Realm is required.

Principal Tree and Landscape Officer

The main body of the application site is in agricultural purposes and there are no trees or other significant vegetation in the main body of the land.

On the boundary of the application site there are several large and prominent trees. Several of these trees make a positive and significant contribution to the character and appearance of the area.

The trees on the eastern boundary are afforded protection by Tree Preservation Order ref TPO/15/08 entitled 'Land North of Break of day and Newlands, Beaumont Road, Gt Oakley'. The western boundary is also well populated with established trees.

A Tree Survey and Report carried out by DF Clarke was submitted with the outline planning application and provides an accurate description of the health, condition and viability of the trees on the boundary and shows the extent to which they are a constraint on the development potential of the land.

The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

Section 3.10.1 of the tree report states that:- Following planning consent a detailed arboricultural method statement may be required and should be developed with other members of the design team:

If the information contained within and recommendations made in the Arboricultural Method Statement (AMS) and shown on the Tree Protection Plan are followed and adhered to for the duration of the construction phase of the development then the development of the land can take place without causing significant harm to the trees identified in the AMS. It is clear that some works will be required to reduce the impact of low overhanging branches but this will not significantly affect the amenity value or long term viability of retained trees.

In terms of new planting the information provided relating to soft landscaping provided is sufficient to secure an adequate level of new planting.

5. Representations

5.1 Great Oakley Parish Council state that they continue to support the application.

5.2 Five letters of representation have been received from third parties, three objecting to the scheme, one supporting and one providing neutral comments. The objections received raise the following points that are relevant to this reserved matters application:

- The proposal would give rise to noise and disturbance;
- Concerns over capacity of GP surgery and school resulting from new residents.

5.3 The letter of support states that after reviewing the plans and the layout of the whole site they were pleased to see that the area adjacent to Woodlands is proposed to be a green area which would look lovely, along with the houses which would be of a high quality. They look forward to seeing the village grow with an additional lovely looking estate, whilst hoping that the mud track between Woodlands and the primary school is changed to a well lit road.

5.4 The final letter raises concerns with regard to the capacity of the GP surgery and school, as well as highway safety impacts, but state that they have made neutral comments as they don't live in the village.

6. Assessment

Site Context

6.1 The application site is situated to the south western end of the village of Great Oakley. It comprises of an agricultural field which is classed as Grade 2 agricultural land and covers an area of approximately 1.4 hectares. The site is flanked to the north east with allotments, beyond which, on the opposite side of Beaumont Road, is the village sports field. All Saints Primary School and 'Oakey Dokey's Nursery' are to the north west.

6.2 An existing footpath runs along the western border of the site, providing a pedestrian link between the school and the Woodlands residential development to the south. To the east of the site are the properties which front onto Beaumont Road and the area of land which was granted outline planning permission for 17 no dwellings (15/00987/OUT).

Proposal

Summary

6.3 The submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 6 imposed upon the grant of outline planning permission 15/01080/OUT on 31 March 2016.

6.4 The description of the outline aspect of the proposed development for 15/01080/OUT, and as approved by the Council was for 51no dwellings built to Passivhaus Standard. This application essentially amounts to the first of two phases of residential development, within the western half of the whole site, being for 23 dwellings.

6.5 Revisions have been made to the application as originally submitted, and include amended drawings as well as additional/revised documents, in totality the application submission comprises:

- Planning application forms;
- Site Context Plan;
- Phasing Plan;
- Location Plan;
- Topographical Survey;
- Site Layout Plan;
- Affordable Housing Plan;
- Elevations and Floor Plans for each unit;

- Street Elevations/Site Sections;
- Carports - Elevations and Floor plans;
- Exterior Finish Guide and Colour Palette;
- Construction and Highway plans;
- Drainage and power network plans;
- Drainage calculations;
- Landscape plans, sections and specifications;
- Arboricultural method statement;
- Tree protection plans;
- Open Space Plan, Specification & Management Plan;
- Planning Statement;
- Design and Access Statement;
- Design planning & custom build additional information; and
- Density and Layout addendum.

6.6 These revisions to the original submission are summarised thus:

- Minor amendments to the plot curtilages resulting in a net addition of 312m² of private on-plot amenity space;
- Re-orientation of homes on 7 plots to improve access and provide better outlook;
- Removal of 6 carports/conversion to on-plot or allocated parking;
- Changes to fenestration on several plots to minimise overlooking, including making some windows obscure through the use of stained glass;
- Minor changes to colour selection for exterior finishes.

Background to Custom Build

6.7 The Housing and Planning Act 2016 placed a duty on Councils to grant sufficient suitable development permission of serviced plots of land to meet the demand for self/custom build housing. Since 1 April 2016 English local planning authorities have had to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area. Currently there are 38 people on the Council's register.

6.8 Furthermore, the National Planning Policy Framework in paragraph 61 requires Councils to plan for a mix of housing based on the needs of different groups in the community which includes people wishing to build their own homes as a Self-Build or Custom-Built home. As recognised with the emerging Local Plan (ELP), the majority of the new homes that will be built in Tendring up to 2033 will be on sites specifically allocated for development which tend to be acquired by volume house builders and local developers who will aim to deliver new housing to meet the needs of the mass market. However this leaves few opportunities for the construction of individual properties of bespoke and more innovative architectural design, larger more spacious properties for the higher end of the market and self-build 'grand designs' for people wanting to build a home to live in themselves.

6.9 Consequently, ELP Policy LP7 sets out the circumstances under which aspirational or self-build homes could be built outside of settlement development boundaries, but within a reasonable proximity of the District's more sustainable urban settlements and rural service centres.

Oakley Orchards

6.10 The original outline planning permission for this site was for the erection of 51 no 2/3/4 bed dwellings to Passivhaus standards, but this reserved matters application goes one step further in specifying that the dwellings would form a custom build development, named Oakley Orchards, which would contribute to the Council's self/custom build land supply.

6.11 The initial approach to the Phase 1 reserved matters for Oakley Orchards considered reserving appearance on dwellings and making final reserved matters on each plot as customised.

However, following further consideration and discussions with Officers, it was agreed that this led to uncertainties and that full details of appearance were to be considered in this application.

- 6.12 For this scheme, the submitted plot sheets (floor plans and elevations of each dwelling) and palette of finishes will form de-facto 'plot passports' for new home owners. Where new home purchasers wish to make small amendments to the external appearance of the building, an application for non-material amendment/s for that plot could be submitted to approve the new details. Where the home purchaser wishes to make more significant changes, including changes to fenestration, an application to vary approved plans (a minor material amendment) would need to be submitted to the local planning authority.
- 6.13 For Oakley Orchards the design team have worked with specialist builders of bespoke homes to design homes which aim to reflect Essex and rural village life. The timber-framed homes would be partially constructed off-site and using/re-using sustainable materials as much as possible. This approach minimises waste, speeds up construction, reduces noise and disturbance to existing residents during the build, and ensures high quality and energy efficiency in buildings.
- 6.14 Serviced Plots at Oakley Orchards would be purchased from the developer and future home owners would contract directly with the builders to build their home to suit their lifestyle/customise to their needs and requirements.
- 6.15 With regard to the amendments to the scheme the design principles and layout fundamentals remain unchanged with key design principles still being: community focused design, rural non-uniform appearance, highest energy efficiency standards, resident ownership and management of communal spaces, and custom build approach to delivery. During planning consideration the applicant states that it has been useful to also highlight the constraints and objectives in the phasing design: As well as the desire to not elongate the communal orchards, the presence of the water mains easement and the location for undergrounding electric cables were also defining factors for the southern limit to homes in phase 1.
- 6.16 The objectives which guided the housing mix in phase 1 were to deliver the affordable homes (plots 33, 34 & 35) early and to include more 2 bed (and 2 bed with study) homes than were proposed in the outline. This is in response to specific local families who have shown an interest in accessing smaller homes which would suit their budget and lifestyle. The basic house types are as initially submitted; all exceed space standards and would provide generous natural light. Detailed elevations and floorplans have been produced for each plot. Building Heights and boundary treatments have not been amended, although some plots have had their curtilage expanded where this could be achieved without significant loss of communal space.
- 6.17 The use of carports ensures that garaging space is not converted to other uses, however, in order to improve visual amenity and increase on-plot private space, some carports have been removed or reduced from double to single width. The applicants cite surveys of new build estates which find only 20-30% of garages are used for parking with most being used for storage and/or increased living space.
- 6.18 As explained in the Design and Access statement, the development layout reflects the applicant's community responsive design which prioritises neighbours over vehicles and introduces large areas of common greens and nature-based SUDS and edible landscapes. The result is a smaller areas of private curtilage in some cases, with an increase of public and communal green space and an overall layout which is broadly consistent with the permitted outline illustrative proposed block masterplan, but differs in layout detail.
- 6.19 The main planning considerations for this reserved matters application are:
 - Design and Layout;
 - Living Conditions; and
 - Planning Obligations.

Design and Layout

- 6.20 Paragraph 124 of the NPPF states that 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. Furthermore, Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.
- 6.21 The scheme proposes to provide 7no 2 bedroom houses, 8no 3 bedroom houses and 8no 4 bedroom houses created from 6no house types, at a net density of 24 dwellings per hectare (comparable to 26 dwellings per hectare as illustrated at the outline stage) . The layout of the site has evolved since illustrative proposed block masterplan at the outline stage was approved, and as with the matters of appearance, scale and landscaping, has been the subject of discussions between Officers and the applicant, both pre-application, as well as having been revised further during the processing of the current application. The scheme would also meet the Council's parking standards.
- 6.22 The theme of a Passivhaus scheme has already been mooted and approved by way of the grant of the outline permission; and the concept of a custom-build, community focussed development constitutes an evolution of this. As stressed by the applicant, this is not intended to be a typical volume housebuilder layout, and for Essex it would in many ways be a unique development where there would be a strong emphasis on communal living. All dwellings would have their own front door and private facilities enabling independent day to day living, however the layout proposed is far more organic in its approach. Each home is designed to have a distinct primary entrance and an open porch that is easy to see from the main approach to the house. This entrance also provides both a transition space between the private and shared realm and clear 'ownership' markers, thus encouraging residents to 'populate' these areas and bring the streetscape to life. Rear and side entrances provide convenience and add interest to rear elevations, along with timber joinery (no uPVC proposed), metal rainwater goods), bespoke balconies and balustrades, as well as glazing highlights with coloured/stained glass panels.
- 6.23 The proposed layout would contain three clusters, each with a variety of houses arranged around a communal green space. These spaces would contain only low-speed lanes so that it is safe for children to 'spill out' of the houses to play. Houses of varying sizes and scales are to be placed alongside each other, as is typical of traditional villages; and in order to benefit from passive solar energy, the individual houses are proposed to be orientated and designed so that they can utilise glazed elements to heat the homes in winter and cool them in them summer.
- 6.24 The scale of the proposed dwellings is quite typical of new housing currently being constructed within the district, however, much like the layout, their appearance would again be quite unique, with the aforementioned custom-build stance enabling future occupants to make further choices in how their dwelling looks and operates internally (through the appropriate planning process). Notwithstanding this, the proposed contemporary designs of the homes for Oakley Orchards seek to respect the Essex vernacular. A plot level exterior finish materials and colours schedule has been included with the application which denotes that elevations would be finished in either brick, cladding or render (with an option list of specified colours), whilst roofs would be handcrafted plain clay tiles.
- 6.25 Overall it is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of house types with well-designed public and private spaces. The public realm through additional landscaping, including high quality boundary treatments and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.

6.26 Therefore, in totality it is considered that the scale, layout, density, height and massing of the proposed buildings and overall elevation designs would reflect the area's local distinctiveness, whilst being in broad harmony with the character and appearance of the surrounding area.

Living Conditions

6.27 NPPF para. 127 f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

6.28 As highlighted above, the scheme before Members is the result of discussions between Officers and the applicant during the lifetime of the application, and a number of amendments ensure that there would be no direct mutual looking between habitable room windows and areas of private amenity space. Furthermore, outlook from a number of windows serving plots 20, 21, 26, 27, 31 and 32 has been enhanced so that neighbouring dwellings do not appear overbearing from future residents' point of view. In addition, the layout of the proposed development is such that passive solar gain (sunlight) is maximised, along with good levels of daylight within habitable spaces to be achieved.

6.29 As shown on the submitted site layout plan, each house would be provided with a private garden/sitting out area, although not all of these (6no) would be wholly in accordance with the 100 sq.m., with a shortfall of between 32sq.m. for plot 15 to 12sq.m. for plot 16. Essex Design Guide (EDG) standard for houses of three or more bedrooms. However, the 2018 version of the EDG also highlights that whilst every home should have the benefit of some individual private or communal private amenity space, homes in larger developments can also benefit from access to a generous provision of public space that has been designed to meet the needs of a wide range of people. Of the 1.4 Ha site area, 33.6% (4,800m²) of this would be landscaped public open space, including 1,440m² as communal orchard greens and herb garden, therefore Officers consider that this amounts to a generous over-provision which mitigates the slight under-provision of private amenity space.

6.30 The open space clusters are to be arranged to create a central green public area, which is planned to be a bright, planted area which runs north to south, and would be signposted as a permissive path in addition to the existing Public Right of Way, thereby connecting the new development to the wider community and users of the Village Hall and community hub. It is proposed to be enlivened with a swale containing running water which would lead to the SUDs ponds, and the winding central area widens to form an enclosed 'outdoor room'. This is proposed to be a place in its own right i.e. not merely a movement corridor; and tree planting would quickly give an established natural character to this area, and communal orchards and the herb garden provide an opportunity to participate in growing and harvesting to further enhance the living environment of the site.

6.31 In conclusion on this issue it is considered that the proposal would provide acceptable living conditions for future residents, and as such their amenities would be protected with the proposal in compliance with the NPPF and the development plan.

Planning Obligations

Affordable Housing Plan

6.32 Part One of Schedule 2 of the S106 agreement attached to 15/01080/OUT required the applicant to submit an Affordable Housing Plan with the first application for the approval of reserved matters. Such a plan has been submitted and identifies a terrace of 3no dwellings at plots 33,34 & 35 to be gifted to the Council.

6.33 Pursuant to the advice of the Housing team, the plans for the affordable units have been amended to provide 2no double bedrooms as opposed to a double and 2no single bedrooms.

Further, they have raised no objections to the fencing and car ports relating to them as they do not want the council properties to be different from the others on the site and support the principle of a tenure-blind development. This will need to be confirmed in writing to the applicant by the Council in due course.

Open Space Plan, Specification & Management Plan

- 6.34 Schedule 3 of the S106 agreement required the applicant to submit an Open Space Plan, Open Space Specification and Open Space Management Plan with the first application for the approval of reserved matters to the Council. In response to this, the applicant has submitted an Open Space Delivery and Specification Statement, in addition to Landscape plans, sections and specifications.
- 6.35 The terms of this submission confirm that the management of the residential area open space (as well as part of the community area) will be the responsibility of a Resident-owned Community Interest Company (CIC) and that home owners will be charged a proportionate management fee to cover landscape maintenance, maintenance of unadopted roads, and operations services such as dog waste bins which will likely be required in communal areas. The terms provide an undertaking for the present owner to take responsibility for maintenance whilst the development is being built. Once completed the Resident-owned CIC will be able to commission alternative maintenance and will set their maintenance charges. The terms also clarify that the Parish Council would be a shareholder of the CIC.
- 6.36 Officers consider this to be an acceptable solution, particularly bearing in mind the custom-build nature of the proposal. However, as with the Affordable Housing Plan, in order to discharge this obligation, it will be necessary for the Council to approve this in writing prior to commencement of development.

Conclusion

- 6.37 The application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 6 imposed upon the grant of outline planning permission 15/01080/OUT on 31 March 2016. The proposal is for the construction of the first of two phases of the residential element of the site, being for 23 custom-build Passivhaus dwellings, comprising a mix of 2, 3 and 4 bedroom units, including 3 no affordable housing units to be gifted to the Council. The scheme, named Oakley Orchards, which would consequently contribute to the Council's self/custom build land supply, with 38 people currently on the Council's register.
- 6.38 It is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of house types with well-designed public and private spaces. The public realm through additional landscaping, including high quality boundary treatments and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.
- 6.39 Further, it is considered that the proposal would provide acceptable living conditions for future residents of the scheme, and as such their amenities would be protected with the proposal being compliant with the NPPF and the development plan.

Background Papers

None

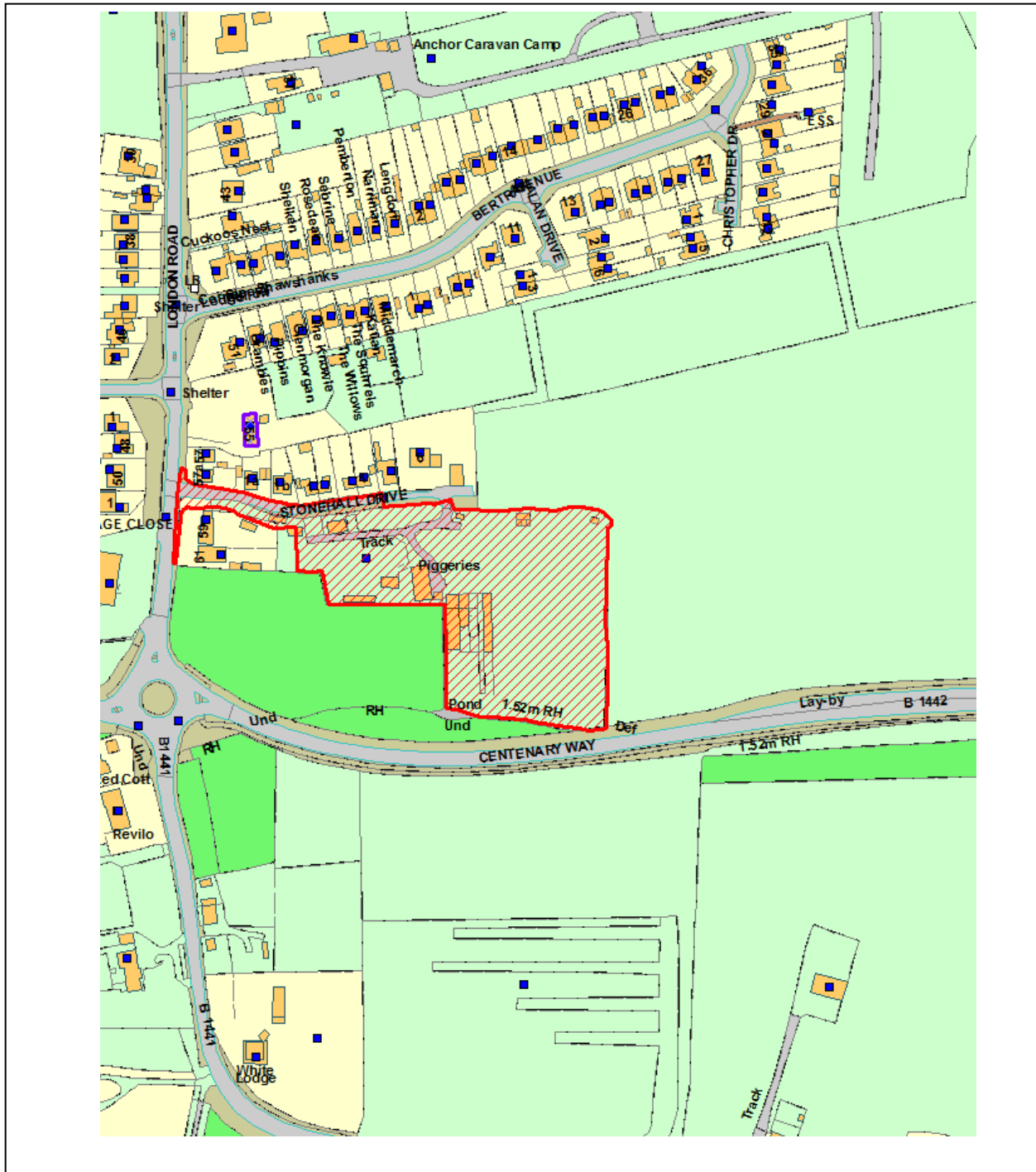
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PLANNING COMMITTEE

11th December 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 17/00790/FUL - LAND TO REAR OF 59 & 61 LONDON ROAD, LITTLE CLACTON, CO16 9RB



DO NOT SCALE

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Application:	17/00790/FUL	Town / Parish: Little Clacton Parish Council
Applicant:	Mr K Kandiah	
Address:	Land to rear of 59 & 61 London Road Little Clacton	
Development:	Proposed development for 30 no. detached bungalows including associated roads and access.	

1. Executive Summary

- 1.1 This application is before the planning committee as it represents a departure from the Adopted Tendring District Local Plan 2007.
- 1.2 The application is for the construction of 30 bungalows (19 x 3 bed & 11 x 2 bed) including the upgrade of Stonehall Drive to adoptable highway standards.
- 1.3 The site lies outside the defined settlement development boundary of the saved Local Plan but has been included within the settlement development boundary forms part of an allocated housing site within the Publication Draft Local Plan – June 2017.
- 1.4 Due to a lack of significant objection to the changes to the settlement development boundary and the allocation of the land for housing purposes within the Publication Draft Local Plan, appreciable weight can be attributed to that Draft Policy.
- 1.5 The development is acceptable ‘in principle’ being in accordance with the emerging Local Plan, and a sustainable location adjoining a Rural Service Centre.
- 1.6 Subject to the applicant entering in to a Section 106 agreement to cover the provision of open space contributions and a mechanism to review viability matters at a later stage if development has not commenced, the proposal is considered to be acceptable with no material harm to visual or residential amenity, or highway safety, and the application is therefore recommended for approval.

Recommendation: Approve

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):
 - Public Open Space Contribution;
 - Viability Review Mechanism
- 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 commencement
 2. Accordance with approved plans
 3. Details of construction materials.
 4. Visibility splays on upgrade Stonehall Drive junction with London Road
 5. Parking and turning areas provided prior to occupation
 6. No unbound material in first 6m of access
 7. Vehicular access/Stonehall Drive specification (5.5m width access, 2x2m wide footways, pedestrian crossing facilities and kerb radii measuring 10.5)
 8. Private drive width of 6m
 9. Details of estate road construction
 10. Timings of estate road/carriageway provision
 11. Residential travel packs
 12. Compliance with contamination report
 13. Hard and soft landscaping plan/implementation
 14. Soft landscaping maintenance plan
 15. Construction method statement (including working hours, dust suppression, parking of construction vehicles and timings/access arrangements for Stonehall Drive upgrade).
 16. Details of boundary treatments
 17. Ecological mitigation measures
 18. Ecological enhancement measure
 19. Four conditions as required by ECC Suds
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

National Policy:

The National Planning Policy Framework
National Planning Policy Guidance

Local Plan Policy:

Tendring District Local Plan (2007)

QL1 Spatial Strategy
 QL2 Promoting Transport Choice
 QL3 Minimising and Managing Flood Risk
 QL9 Design of New Development
 QL10 Designing New Development to Meet Functional Needs
 QL11 Environmental Impacts and Compatibility of Uses
 QL12 Planning Obligations
 HG1 Housing Provision
 HG3A Mixed Communities
 HG4 Affordable Housing in New Developments
 HG6 Dwelling Size and Type
 HG7 Residential Densities
 HG9 Private Amenity Space

HG14 Side Isolation
COM1 Access for All
COM6 Provision of Recreational Open Space for New Residential Development
EN1 Landscape Character
EN6 Biodiversity
EN6A Protected Species
TR1A Development Affecting Highways
TR3A Provision for Walking
TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Strategy for North Essex
SP3 Meeting Housing Needs
SP6 Place Shaping Principles
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP5 Open Space, Sports & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable and Council Housing
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

Supplementary 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 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 the plan-led approach.

3. Relevant Planning History

17/00790/FUL	Proposed development for 30 no. detached bungalows including associated roads and access.	Current
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4. Consultations

ECC SuDS	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:
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Condition 1

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

Condition 2

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

Condition 3

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

Condition 4

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

Environment Agency	No objections to the development proposal.
Natural England	Natural England has no comments to make on this application.
Building Control and Access Officer	No comments at this stage.
Tree & Landscape Officer	<p>There are several buildings on the application site some of which in use and others that are in a derelict or semi-derelict condition. The main body of the land contains several small scrubby trees, the most significant of which are a group of Aspen. Otherwise the site is overgrown with rank and ruderal vegetation with encroaching brambles gradually spreading across the site.</p> <p>The most important vegetation is that which is contained in the boundary hedgerows as these strong landscape features act as a good screen.</p> <p>There are no trees on the application site that merit retention or protection by means of a tree preservation order. It would be desirable to retain boundary vegetation for its screening value.</p> <p>In terms of the site layout the proposed density appears to compromise the objective of securing the retention of existing boundary hedgerows or allowing for sufficient space to secure replacement planting. A decrease in the density may make room for more planting to be carried out to both soften and enhance the appearance of the development and to help assimilate, the built form, it into its setting. This is particularly important on the boundary with the open countryside.</p> <p>Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping to enhance the appearance of the development.</p>
Anglian Water Services Ltd	The foul drainage from this development is in the catchment of Clacton Holland Water Recycling Centre that will have available capacity for these flows. Request a condition securing a drainage strategy.
ECC Highways Dept	This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

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

- The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall provide, but not be limited to, the following aspects;

- Carriageways measuring no less than 5.5m in width.

- 2x2m Footways on both sides of the access road.

- Appropriate pedestrian crossing facilities where the new road joins the existing highway.

- Kerb radii measuring 10.5m.

- Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 6 metres.

- Prior to 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.

- The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

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

- Any double garages should have a minimum internal measurement of 7m x 6m

- Any tandem garages should have minimum internal measurements of 12m x 3m
All garages shall be retained for the purposes of vehicle parking in perpetuity.

- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Essex Wildlife Trust	No comments.
ECC Schools Service	Please be advised this is below the threshold for requesting education contributions.
Waste Management	No comments.
Environmental Protection	Environmental protection are satisfied that the contaminated land report submitted addresses any concerns on the site and will require a condition so that the recommendations made are implemented during the construction phase of any properties approved.

Please condition the following: Construction and demolition noise/dust/light:

Site Clearance, Demolition & Construction In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is conditioned

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

Noise Control

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

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

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

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

details of the techniques to be employed which minimise noise and vibration to nearby residents.

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

Emission Control

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

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

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

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

Lighting Control

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

Housing Dept.

Housing Department are looking for 30% affordable housing on this scheme. Specific tenure and mix to be agreed.

Open Spaces

There is a deficiency of equipped play areas in Little Clacton and as such a contribution towards the London Road Play Area is justified and relevant to the development.

5. Representations

5.1 Little Clacton Parish Council provides the following comments;

Regarding this proposed development of 30 detached bungalows with roads and access. Whilst the Motel site adjacent has permission for 40 dwellings this would produce a hard landscape on entering the Village. It would create a cluster development of cramped proportions. This proposal is outside the Proposed Development Plan, an area within the Green Gap contrary to policy EN 2 and causing hard landscaping on Centenary Way our Border with Clacton on Sea. We have sufficient land supply for the next 5 years so

developments which are not sustainable or suitable can now be refused without fear of costs through appeals. Little Clacton Parish Council strongly recommend refusal.

5.2 10 letters of objection have been received outlining the following concerns;

- Significant disruption to the residents of Stonehall Drive.
- Devalue nearby properties and greatly increase traffic congestion.
- Not in keeping with the character of the area and therefore the development would destroy the character and charm of Stonehall Drive.
- Semi-rural character of the lane will be destroyed.
- Upgrade of road could be considered an enhancement but in reality it would have a detrimental impact upon the standard of life currently enjoyed by existing residents.
- Extra strain on local infrastructure.
- Loss of privacy for existing residents.
- Invasive and disruptive increase of foot and car traffic.
- Overdevelopment of the site.

5.3 1 letter of objection has been received from the owners of the adjacent allocated housing site to the south-west of the application site. This objection outlines the following points;

- The proposed development is not in accordance the local plan as it falls within a green gap which contravenes saved policy EN2. As such approval of this scheme would set a precedent for further erosion of green belt land.
- Number of units is disproportionate in relation to the character and nature of the village envelope.
- Upgrading of Stonehall Drive would in effect create five access points onto London Road within a short distance. A viable alternative access point exists which would enable the development of the existing motel site and part of the application site with a smaller development that would be more in keeping with the character of the village. The alternative access point would also reduce need to upgrade Stonehall Drive thereby decreasing the impact upon existing residents.
- Discussions with the applicants have been held to promote a joint development utilising the motel site access but to no avail.
- The extant permission for the motel complex could be implemented at short notice.
- There is only one protected tree just off centre of the site and not numerous protected trees.
- There exists an opportunity to develop a smaller area of the application site in conjunction with the motel site resulting in a more sympathetic development in keeping with the character of the village.

6. Assessment

The main planning considerations are:

- Site Context
- Development Proposal
- Principle of Development
- Design/Layout
- Landscape Impact/Tree Considerations
- Residential Amenity
- Highway Safety
- Ecology
- Flooding/Drainage
- Legal Obligations

Site Context

- 6.1 The application site comprises of an area of 1.4 hectares and is situated towards the southern edge of Little Clacton, to the east of London Road, and consists of undeveloped land and areas containing redundant barns and piggeries. The land is relatively flat and was originally in agricultural use. Some of the land has been mowed whilst other areas have become overgrown. The site also contains areas of hard standing and concrete.
- 6.2 The site has access from either the site owner's houses at 59 and 61 London Road or from Stonehall Drive that is also within their ownership. Stonehall Drive is a private, unmade road, with a right of access over it for the existing properties. Stonehall Drive currently serves 9. no properties and the field beyond. The properties are two storeys with the exception of no. 6 which is a bungalow. No.'s 59 and 61 London Road to the west are also bungalows.
- 6.3 The site also lies to the north of Centenary Way with open countryside beyond the site to the east. The site wraps around another area of undeveloped land that occupies the corner of London Road and Centenary Way. This land has an extant planning consent for development as a motel and conference centre.
- 6.4 The application site lies outside, but abutting to the western boundary, the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary and is allocated for residential development in the emerging plan.

Development Proposal

- 6.5 This planning application seeks permission to erect 30 no. bungalows on the site along with the upgrade of Stonehall Drive to adoptable standards. The development contains a mixture of two and three bedroom bungalows (11x2 bed and 19x3 bed) served via an access from the upgraded Stonehall Drive and a private cul-de-sac spur road.
- 6.6 To the south-eastern corner of the site an attenuation pond is proposed to facilitate a sustainable urban drainage scheme.

Principle of Development

- 6.7 Whilst the site is located outside the settlement development boundary (SDB) of the saved Tendring District Local Plan (2007) and within a Local Green Gap, it has been included within the settlement development boundary (and outside of the Local Green Gap) within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), and it forms part of a specific housing allocation outlined within emerging local plan.
- 6.8 With more work required to demonstrate the soundness of the emerging 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.
- 6.9 In this instance the allocation of this site for residential development in the publication draft of the emerging Local Plan attracted 3 objections from local councillors and the parish council. The objection comments raised are summarised below;
- Development of this corner of the village would represent over-development and it impinges on the on Green Gap;
 - Creates a hard edge to the village and would causes significant highway problems; and
 - The housing gain from this development is considered insignificant in the grand scheme of the local plan.

- 6.10 In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached a relatively advanced stage of the plan-making process; the objections to the site allocated are noted, although 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 residential development can carry a reasonable level of weight in the determination of this planning application.
- 6.11 Little Clacton is categorised, along with six other villages, as a 'Rural Service Centre' in recognition of its size and range of services and facilities. This is the third most sustainable category of settlement following 'Strategic Urban Settlements' and 'Smaller Urban Settlements' which are the primary focus for development. The approach to growth in Rural Service Centres is to specifically allocate land for development to help achieve a fair and proportionate distribution of growth across the district. The allocated sites in these centres aim to make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.
- 6.12 This proposal for 30 dwellings is of scale suggested for sites in Rural Service Centres and as such would not be considered a disproportionate level of growth for this location. In conclusion, a residential development in this location has the potential to perform well, in principle, against the presumption in favour of sustainable development given its location adjoining a Rural Service Centre, its inclusion in the emerging Local Plan for housing and its proportionate scale to the existing settlement pattern and size.

Design/Layout

- 6.13 The general character of Little Clacton is that of detached and semi-detached properties on reasonably well-sized plots fronting the highway. The southern part of the village is more diverse with the estate of bungalows off Leys Drive being a clear break from the traditional linear form of the settlement.
- 6.14 The proposed layout for the site shows 30 units comprising 19 x 3 bed bungalows and 11 x 2 bed bungalows. The development would involve upgrading Stonehall Drive with some properties fronting the newly upgraded road and the others accessed via a new road off Stonehall Drive and a further private drive extending southwards. 10 of the properties would be accessed via the private drives at the end of the new access road with properties arranged in a cul-de-sac formation and backing onto the southern and western boundaries of the site.
- 6.15 In general terms, the layout is successful in achieving the established urban-design and secured-by-design principle of positioning properties front to front and back to back. With significant vegetation along the eastern and southern edge of the site, the development would be relatively well contained within the landscape and not particularly visible from views from the east or south. Given the site's containment within the landscape, the general density of property in the village and the more diverse settlement form in the southern part of Little Clacton, the general approach to the layout of the development and the types of properties would appear acceptable.
- 6.16 It must also be noted that due provision in the layout has been made for a possible link in the future for vehicle or pedestrians to the remainder of the allocated housing site located to the south-west of the site. This site is in separate ownership and has an extant permission for a motel complex with access onto London Road. Notwithstanding this point the proposed bungalows on the application site boundary will not unduly restrict the future development of the other site given normal policy requirements for gardens sizes, density and highway standards are met.

- 6.17 Amendments have been made to reduce the number of units from 32 to 30 to create a more spacious development and to incorporate an attenuation area within the south-eastern boundary of the site. The density is around 20.6 dph and each dwelling is provided with at least the minimum private amenity space required by saved Policy HG9 with most properties exceeding this level.
- 6.18 There are a variety of different bungalows designs across the development, which although relatively plain incorporate visual interest through the use of differing facing materials, bay windows and open faced porches. The majority of the bungalows have hipped roofs creating some uniformity across the development and subject to a condition requiring approval of external materials the detailed design is considered acceptable.

Landscaping/Trees

- 6.19 The main body of the land contains several small scrubby trees, the most significant of which are a group of Aspen. Otherwise the site is overgrown with rank and ruderal vegetation with encroaching brambles gradually spreading across the site. The most important vegetation is that which is contained in the boundary hedgerows as these strong landscape features act as a good screen.
- 6.20 The Council's Trees and Landscaping Officer has confirmed that there are no trees on the application site that merit retention or protection by means of a tree preservation order, but does state that the density of the development should be decreased to make room for more planting to enhance and soften the appearance of the development. Partly in response to these comments and to accommodate the attenuation basin the density has been reduced and additional planting can be secured to the southern and eastern boundaries of the site around the green space accommodating the drainage feature.

Residential Amenities

- 6.21 The proposed dwellings are all bungalows of 5.0-6.5 metres high with hipped roofs so there will be no harm in terms of loss of light or privacy to existing properties on Stonehall Drive or those fronting London Road to the west. Furthermore, the degree of separation to the existing dwellings to the west (38 metres) and those fronting Stonehall Drive to the north (19 metres) is sufficient to avoid any loss of outlook.
- 6.22 A condition will be imposed requiring a construction method statement to control hours of construction, location of storage and parking areas and access arrangements for existing residents during the upgrade of Stonehall Drive, in the interests of residential amenity.

Highway Safety

- 6.23 The upgrades proposed to Stonehall Drive will improve the access into and out of the Drive as well as providing footpaths linking to the main road footpaths. The roads have been designed in accordance with Essex County Councils Highway Standards and it is intended that the roads will be offered for adoption by the Highway Authority.
- 6.24 Essex County Council Highways have reviewed the plans and have no objections but have requested a range of conditions in order to secure safe access and satisfactory standard of parking.
- 6.25 Although the development would be traffic generating, and this is a concern that has been raised by local residents, the Highway Authority has not objected in respect of the impact of development on the surrounding highway network from the perspective of road safety or congestion.

- 6.26 Each property is provided with a garage with minimum internal dimensions of at least 7 metres x 3 metres and a minimum of one additional parking space of 5.5 metres x 2.9 metres. Several of the properties have parking provision in excess of 2 no. spaces and there is provision for visitor's parking at key points throughout the development.
- 6.27 Site access, parking provision and the impact of development on the surrounding highway network are all considered acceptable.

Ecology

- 6.28 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.
- 6.29 In this respect a Preliminary Ecological Appraisal and Bat Scoping Survey has been submitted and contains the following findings;
- A total of nine buildings were inspected as part of the Bat Scoping Survey. None of the buildings were found to be suitable for roosting bats.
 - Considerations with regards to sensitive lighting design in the final scheme will be required to ensure no impact on foraging bats.
 - The improved grassland and scrub habitat on site are considered suitable for reptiles. Therefore, a survey is required to determine presence. Surveys for reptiles can only be undertaken between April and October under suitable weather conditions.
 - Although no badger setts were confirmed on site, vegetation clearance should be undertaken in a methodical and sensitive manner to avoid any direct harm to Badgers. Should any setts be noted during scrub clearance works, all works should cease and an ecologist contacted immediately.
 - It is recommended that any vegetation clearance work or building demolition work is undertaken outside of the bird nesting season.
- 6.30 The appraisal also contained recommendations for enhancement opportunities within the final development scheme namely; fruit and berry trees to provide a local food source for birds and foraging bats; log piles for invertebrates, holes in fencing for connectivity for foraging hedgehogs and the provision of bat/bird boxes within the development.
- 6.31 The Reptile Survey and Outline Mitigation Report, as requested in the findings of the preliminary ecological appraisal, found a total of 43 artificial cover objects (ACOs) distributed throughout the 0.6 hectares of potentially suitable habitat on site. The ACOs were checked on seven occasions in a 3 week period. A maximum count of one adult Common Lizard was noted on site on a single occasion. No other reptile species was noted on site during the survey.
- 6.32 Consequently, the survey concludes that given the maximum count of Common Lizard, it is anticipated that there is a very low population of Common Lizard present within a localised area of the site. It is considered likely that controlled clearance of the vegetation will suffice in ensuring no direct harm.

- 6.33 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/enhancement measures outlined in the submitted reports/surveys being secured through the imposition of appropriate conditions.

Drainage Considerations

- 6.34 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.
- 6.35 In this instance the discharge from each plot, or pair of plots, will be controlled with an orifice plate, or similar. This will allow 1 in 30-year storm volumes to pass through the system, with the water volumes attributable to events of severity up to 1 in 100 years (+ climate change) being controlled. This will allow storage within the individual plots and allow some infiltration to take place. Highway surface water within the main part of the site will be drained via trapped gullies in accordance with the Highway Authority's specification and connect to the Anglian Water surface water sewer. The Anglian Water surface water sewer shall be laid beneath the carriageway using oversized pipes to incorporate storage and ensure self-cleansing velocity is achieved on a relatively shallow site with a critical outfall level. For storm events exceeding 1 in 30-year events, permeable paving and an attenuation pond will be provided.
- 6.36 Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

Legal Obligations

- 6.37 The scale of the development attracts affordable housing provision at 30% of a mix and tenure to be agreed and a public open space contribution to go towards enhancements to the London Road Play Area. ECC Schools and the NHS confirm that the proposal falls below the threshold for education and health contributions.
- 6.38 The application is accompanied by a viability report (prepared by MRA) which states that the development would not be financially viable if affordable housing provision was sought due to significant construction costs including the upgrading of Stonehall Drive, removal of existing structures/large quantities of asbestos and additional drainage measures. This report has been independently assessed by the VOA who has confirmed the following;
- 'We conclude that it is not financially viable to provide any on-site affordable housing. However, we have a difference of opinion on Benchmark Land Value (BLV) where I am at £350,000 and MRA is at £490,000. Both these figures are significantly lower than our original figures in light of the publication of the new NPPF in July which outlined that an EUV + (Existing Use Value plus a premium) approach must be used to establish the BLV. However, even by adopting the higher of the 2 BLV figures above, I am of the view that the £65,000 could still be provided should the developer be willing to accept a lower profit of 16.40%. This figure is within the range identified in the NPPF (15-20%) and therefore reasonable'.
- 6.39 In view of the VOA's findings a public open space contribution will be sought in line with the requirements of saved policy COM6 which confirms that on sites of less than 1.5 hectares in size a financial contribution toward off-site provision should be made. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped

play areas in Little Clacton and as such a contribution towards the London Road Play Area is justified and relevant to the development.

Conclusion

- 6.40 The proposal for 30 bungalows is considered to represent sustainable development, on the edge of a Rural Service Centre, and in an area benefiting from planning permission for residential development at Oakwood Park to the immediate north and as proposed allocations for residential and employment development within the emerging Local Plan.
- 6.41 Subject to completion of the S106 legal agreement the application is recommended for approval.

Background Papers

None