



PLANNING COMMITTEE

DATE: Tuesday, 15 January 2019
TIME: 6.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)	Councillor Cawthron
Councillor Heaney (Vice Chairman)	Councillor Everett
Councillor Alexander	Councillor Fowler
Councillor Baker	Councillor Hones
Councillor Bennison	Councillor McWilliams
Councillor M Brown	

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 Katie Sullivan on 01255 686585

DATE OF PUBLICATION: Tuesday, 8 January 2019

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 8)

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

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 - 18/01775/FUL - Land Adjacent to Wivenhoe Road, CO7 8AD (Pages 9 - 18)

Residential development of 1 dwelling

6 A.2 - 18/00194/FUL - Land North of Tokely Road , Frating, CO7 7AG (Pages 19 - 36)

Erection of 67 dwellings

7 A.3 - 17/01338/FUL - Cliff Hotel 22 Marine Parade, Dovercourt, CO12 3RE (Pages 37 - 54)

Demolition of Cliff Hotel, function hall and ancillary outbuildings. Provision of a new 'Art Deco' style apartment block consisting of basement parking, 20 apartments and a bar/restaurant together with a 61 bed hotel to rear with ancillary parking

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, 12 February 2019.

Information for Visitors

FIRE EVACUATION PROCEDURE

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 11TH DECEMBER, 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

Present:	Councillors White (Chairman), Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, VE Guglielmi, Hones and McWilliams
Also Present:	Councillor Michael Bush (except minute 93), Councillor Daniel Land and Councillor Fred Nicholls
In Attendance:	Cath Bicknell (Head of Planning), Graham Nourse (Planning Manager), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Chapman-Ennos (Planning Team Leader) (except minute 93) and Charlotte Cooper (Leadership Support Officer)

86. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Heaney, (with Councillor VE Guglielmi as her substitute)

87. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 13 November 2018, were approved as a correct record and signed by the Chairman.

88. DECLARATIONS OF INTEREST

Councillor Cawthron declared that, with regard to application 17/00790/FUL – Land to the rear of 59 and 61 London Road, Little Clacton, CO16 9RP, he rented an apartment from a property management company, of which the applicant was a senior figure within that company; he had only spoken to the applicant around four times in around the same number of years. However, although this could potentially be a Personal Interest there was no personal relationship and he would therefore participate whilst the Committee deliberated on the application and reached its decision.

Councillor Brown declared as a point of information that, with regard to application 17/00790/FUL – Land to the rear of 59 and 61 London Road, Little Clacton he is a ward councillor for Little Clacton, however he would participate whilst the Committee deliberated the application and reaches its decision.

Councillor VE Guglielmi had not been present when applications 17/01988/FUL – Land to the East of Kirby Road, Great Holland, CO13 OHL, and 18/00678/DETAIL – Land to the South of Station Road, Wrabness, CO11 2TH had originally been before the Committee and could therefore not participate whilst the Committee deliberated and reached its decision on those items.

Councillor Bush (present in the audience) declared, as a point of information that he is the Ward Councillor for application 18/00352/DETAIL – Allotment field adjacent to Great

Oakley Primary School, Beaumont Road, Great Oakley, Essex, CO12 5BA, and that registered to speak on this item as the Ward Councillor

89. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were no questions submitted on this occasion.

90. A.1-17/01988/FUL - LAND TO THE EAST OF KIRBY ROAD, GREAT HOLLAND, CO13 OHL

Councillor VE Guglielmi had not been present when application 17/01988/FUL- Land to the East of Kirby Road Great Holland, CO13 OHL, had first been before the Committee and therefore did not take part in the Committee's discussion and decision-making on this application.

Members recalled that this application had originally been before the Committee at its meeting held on 16 October 2018, when the application had been deferred in order for more information to be obtained on: Street Scene, Site Layout (including but not limited to the West boundary treatment), Waste Bins, Car Parking and Drainage Details.

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

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

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

a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:

1. Affordable Housing – On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);

2. Public amenity areas - To be transferred to a Management Company and laid out before transfer;

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

(i) Conditions:

1. Standard 3 year time limit for implementation.

2. Development to be carried out in accordance with the approved plans.
3. The development to be occupied by over 55's only.
4. Samples/details of external finishing and surface materials to be submitted.
5. Details of Boundary treatments to be installed to be submitted.
6. Access drive to be constructed as a shared use route measuring no less than 6 metres in width.
7. Provision of a 500mm wide overhang strip adjacent to the carriageway.
8. No unbound material to be used within 6m of the highway;
9. No discharge of surface water onto the highway;
10. Parking and turning facilities to be provided prior to occupation of dwellings: spaces and garages to meet ECC standards;
11. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.
12. Construction Method Statement to submitted and be adhered to throughout the construction period, to provide for:
 - i. Safe access to/from the site
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities
 - vi. The erection and maintenance of security hoarding
 - vii. Measures to control the emission of dust and dirt during construction
 - viii. A scheme for recycling/disposing of waste resulting from construction
 - ix. Delivery and construction working hours
 - x. Site lighting
 - xi. Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
13. Submission and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context prior to the commencement of the development.
14. Submission and implementation of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies prior to the commencement of the development of each phase.
15. Submission and implementation of a foul water strategy prior to commencement of development.

16. Submission of contaminated land/remediation survey and report.
17. No piling to be undertaken without prior written agreement.
18. Submission of noise and odour mitigation (if necessary) in respect of the sewage pumping station.
19. External lighting scheme, to minimise light pollution and impact upon bats.
20. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.
21. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.
22. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details to be carried out during the first planting and seeding season (October - March inclusive).
23. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species, to include ecological enhancement measures as set out in section 10 of the Preliminary Ecological Appraisal.
24. Vegetation clearance to take place outside of the bird nesting period (i.e. outside of March to August inclusive), or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.

91. A.2 - 18/00678/DETAIL - LAND SOUTH OF STATION ROAD, WRABNESS, CO11 2TH

Councillor V E Guglielmi had not been present when application 18/00678/DETAIL – Land to the South of Station Road, Wrabness, CO11 2TH had first been before the Committee and therefore did not participate whilst the Committee deliberated and reached its decision on this item.

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

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

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

Additional comments received from Wrabness Parish Council.

Following discussion by the Committee, it was moved by Councillor Bennison, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent

authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. In accordance with the approved plans
2. 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.
3. Removal of permitted development rights for loft conversions
4. Officers securing a garage for the affordable dwelling

92. A.3-18/00352/DETAIL- ALLOTMENT FIELD ADJACENT TO GREAT OAKELY PRIMARY SCHOOL, BEAUMONT ROAD, GREAT OAKLEY, ESSEX CO12 5BA

Councillor Bush (present in the audience) had earlier in the meeting declared as a point of information that he was the Ward Councillor for this application.

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

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

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

Further comments received from Great Oakley Parish Council and the Officer response thereto.

Councillor Bush, the local Ward Member, spoke in support of the application.

Bob Tomlinson, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, and seconded by Councillor Cawthron to defer the application. However, following further discussion by the Committee, Councillor Everett and Councillor Cawthron withdrew the motion.

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

Conditions;

1. 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.
6. Conditions relating to waste collection and street lighting

93. A.4 - 17/00790/FUL - LAND TO THE REAR OF 59 AND 61 LONDON ROAD, LITTLE CLACTON, CO16 9RP

Councillor Cawthron had earlier in the meeting declared, as a point of information, he rented an apartment from a property management company, of which the applicant was a senior figure within that company; he had only spoken to the applicant around four times in around the same number of years. However, as there was no personal relationship he would participate whilst the Committee deliberated and reaches its decision on this application.

Councillor Brown had earlier in the meeting declared, as a point of information, that, he was the ward councillor for Little Clacton, however he would participate whilst the Committee deliberated and reaches its decision on this application..

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

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

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

Four additional objections which had been received and the Officer responses thereto.

Ronald Cross, a member of the public, spoke against the application.

Parish Councillor John Cutting, representing Little Clacton Parish Council, spoke against the application.

Tim Snow, the agent on behalf of the applicant, spoke in support of the application.

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - 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 Section 106 planning obligation.

The meeting was declared closed at 8.15 pm

Chairman

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PLANNING COMMITTEE

15 January 2019

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION – 18/01775/FUL – LAND ADJACENT 2 WIVENHOE ROAD, ALRESFORD, CO7 8AD



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Application:	18/01775/FUL	Town / Parish: Alresford Parish Council
Applicant:	Mr and Mrs K Pope	
Address:	Land adjacent 2 Wivenhoe Road, Alresford, CO7 8AD	
Development:	Residential development of 1 dwelling	

1 **Executive Summary**

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

Recommendation: Approval

Conditions:

1. Standard time limit
2. Approved plans
3. Details of boundary treatments
4. Details of how retained trees will be protected during construction
5. Soft landscaping details
6. Soft landscaping implementation scheme
7. Removal of Permitted Development rights for boundary treatment

2 **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007:

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN29 Archaeology

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL7 Archaeology

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing 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

01/01197/FUL	01/01877/FUL Change of use from agricultural to domestic	Approved	20.09.2001
06/01419/TPO	1 No. Oak - -remove all epicormic growth. Crown lift to 6 metres over road.	Approved	29.09.2006
13/00833/OUT	Outline application for 5 new dwellings.	Refused	14.11.2013
15/01686/FUL	Construction of a new single storey low impact sustainable dwelling. The proposal will incorporate the provision of a driveway and double garage.	Approved	11.02.2016
18/01381/FUL	Residential development of 3 dwelling houses.	Refused	24.10.2018

4 Consultations

ECC Highways Dept

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Tree and Landscape Officer

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

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

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

It appears that, with the exception of the coniferous hedge to the west of the existing site access all trees on the southern boundary will be retained and physically protected for the duration of the construction phase of any development for which planning permission may be granted. It is apparent from the site layout that good separation exists between the trees and the development.

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

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

With regard to boundary treatment it will also be necessary to secure details of fencing or new planting abutting the open countryside. Close board or panel fences would not be appropriate. Post and rail fences with native hedging planted directly adjacent would be in keeping with the character of the area.

Essex County Council Archaeology

The proposed development lies adjacent to recorded cropmark evidence which may indicate prehistoric or later activity, however the area of the proposed house lies beyond this and is of a scale that is unlikely to impact on any significant archaeological remains. There is no recommendation for this application.

UU Open Spaces

Current Position

There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford.

Recommendation

Although there is a deficit of equipped play in Alresford, it is not felt that this development will have any impact on the current facilities.

5 Representations

1.1 Alresford Parish Council objects for the following reasons:

- The site lies outside the approved village envelope, as defined on the last approved Local Plan. The current draft Local Plan being insufficiently advanced to be a material consideration.
- A previous proposal for 3 dwellings was recently refused as the site lies outside the village boundary amongst other reasons.
- Approval was only granted for a single dwelling on this site some 2 years ago, because the proposal was for a unique, bespoke designed eco-house, which would be largely hidden over the greater position of the site from external view.

1.2 The current proposal effectively replaces this with a large conventionally designed house, on a site (as stated) outside the village limits which unlike the approved dwelling will be plainly visible from Wivenhoe Road and other external views.

1.3 There have also been 6 letters of objection received, with the following concerns:

- The access point is not suitably located;
- The site has previously been refused for multiple dwellings;
- Highway safety concerns;
- The site is substantially outside of a Settlement Development Boundary;
- Pressure to existing infrastructure;
- Scale not in-keeping with surrounding properties or rural landscape;
- Visual impacts; and
- Does not overcome reasons for refusal within 18/01381/FUL.

6 Assessment

Site Context

1.1 The site is situated to the south of the junction of Wivenhoe Road and St Osyth Road in Alresford, and is currently laid to grass. Along the north boundary of the site there is mature trees and hedgerow which provide screening.

1.2 The site is currently accessed via an entrance to the western side of the site adjacent to No. 2 Wivenhoe Road. Wivenhoe Road is a residential street, with a mix of dwelling of different styles and designs. On the opposite side of the St Osyth Road there is a cluster of residential properties.

1.3 The site falls adjacent to, but outside of, the Alresford Settlement Development Boundary within the Adopted Tendring Local Plan 2007 but falls inside the Settlement Development Boundary for Alresford within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

- 1.4 This application seeks planning permission for the erection of one residential dwelling, to be detached and two storeys in height, with a single storey double garage.

History

- 1.5 Under planning reference 13/00833/OUT, an application for five dwellings was refused on the grounds that it would represent a significant extension of ribbon development located outside of any defined settlement limit, and would not constitute a minor infill but instead a harmful intrusion into the rural street scene. This decision was upheld at appeal (reference APP/P1560/A/14/2212508).
- 1.6 Since these decisions, the application site has been included within the Settlement Development Boundary for Alresford within the Emerging Plan. Under planning reference 15/01686/FUL, planning permission was therefore granted for a single detached dwelling.
- 1.7 More recently, under planning reference 18/01381/FUL, the Planning Committee determined to refuse an application on this site for three dwellings. The reasons for this refusal was the proposed dwellings, by respect of their large size and siting behind the existing building line within spacious open plots, would appear as a prominent and incongruous feature, and would therefore represent a form of ribbon development that would not appear in-keeping with the surrounding semi-rural street scene.

Differences to recent proposal for three dwellings

- 1.8 For ease of reference, a summary of the changes in comparison to recent planning application 18/01381/FUL are as below. The design of the dwelling will largely be in-keeping with Plot 1 from the previous application, subject to the amendments below:
- The previous garage/car port/storage area has now been replaced with a single storey double garage;
 - Two additional rooflights, one to each side elevation; and
 - One first floor window to the west side elevation to serve bedroom 1 has been removed.

Principle of Development

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

Layout, Design and Appearance

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

- 1.12 The submitted plans show there is to be one detached dwelling, which will be two storeys and serve four bedrooms. Whilst the layout shows the proposed dwelling will be set slightly back from the adjacent properties, it is only a marginal amount (approximately 2 metres). The dwelling will therefore help to build upon the existing strong linear pattern of development running west to east along Wivenhoe Road, and therefore the layout is acceptable.
- 1.13 In terms of the dwellings height, it is noted there are a mixture of single storey, 1.5 storey and two storey properties in the vicinity and therefore the principle of a two storey dwelling is acceptable, whilst its width of 17 metres is similar to that of Number 2 Wivenhoe Road and its depth of 11 metres is only slightly larger than adjacent properties to the west.
- 1.14 In terms of the design of the dwelling, key features have been incorporated to ensure the bulk is reduced; namely the inclusion of front and rear dormers, a front gable, a canopy, a brick plinth and a single storey side element. The use of materials is also considered acceptable in this semi-rural location. Therefore the dwelling is considered to be of good design and will assimilate well within its surroundings.
- 1.15 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied demonstrates that this is comfortably achieved.

Impact on Neighbouring Amenities

- 1.16 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.17 The only adjacent neighbour potentially impacted by the proposal is Number 2 Wivenhoe Road, located to the west of the site. However, there is an approximate separation distance of 13 metres which will ensure the dwelling will neither appear imposing nor result in significant loss of light.
- 1.18 In respect of potential overlooking, it is noted there are no first floor side elevation windows to the western elevation, whilst the three first floor rear elevation windows will only have views to further rear of the neighbouring garden, an area less likely to be regularly occupied.

Tree and Landscaping Impacts

- 1.19 The application site is set to grass and is well screened by a number of trees of a mixed species to the northern boundary with the highway. The development can be implemented without harm being caused to these trees, but they should be retained for the contribution they make to the amenity of the locality and for their screening value.
- 1.20 There is a line of Cupressocyparis Leylandii situated to the left hand side of the existing access that would be removed if the proposal was implemented; however whilst these have some visual amenity value they do not merit protection by means of a Tree Preservation Order.
- 1.21 A large Oak tree is situated in the highway in front of 2 Wivenhoe Road that is covered by Tree Preservation Order 10/46; however the tree is unlikely to be affected by the development proposed.

- 1.22 The submitted information states that, with the exception of the coniferous hedge to the west of the existing site access all trees along the southern boundary will be retained and physically protected for the duration of the construction phase of any development approved.
- 1.23 A condition is recommended to be attached to secure details of the steps that will be taken to physically protect retained trees, whilst a further condition is recommended to secure details of boundary treatments abutting the open countryside. Post and rail fencing with native hedging directly adjacent would be in-keeping with the areas character.

Archaeological

- 1.24 The proposed development lies adjacent to recorded cropmark evidence which may indicate prehistoric or later activity; however the area of the proposed dwelling lies beyond this and is of a scale that is unlikely to impact on any significant archaeological remains.

Highway Safety

- 1.25 Essex County Council Highways have been consulted and they raise no objections.
- 1.26 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 1.27 The proposed double garage will not adhere to the above measurements; however there is significant room to the front and side of the plot to accommodate the necessary parking.

Legal Obligations

- 1.28 The Council's Public Open Space and Play Team confirm there is a current deficit of 1.91 hectares of equipped play and formal open space in Alresford, however it is not felt the development will impact upon the current facilities and no contribution is requested.

Conclusion

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

Background Papers

None.

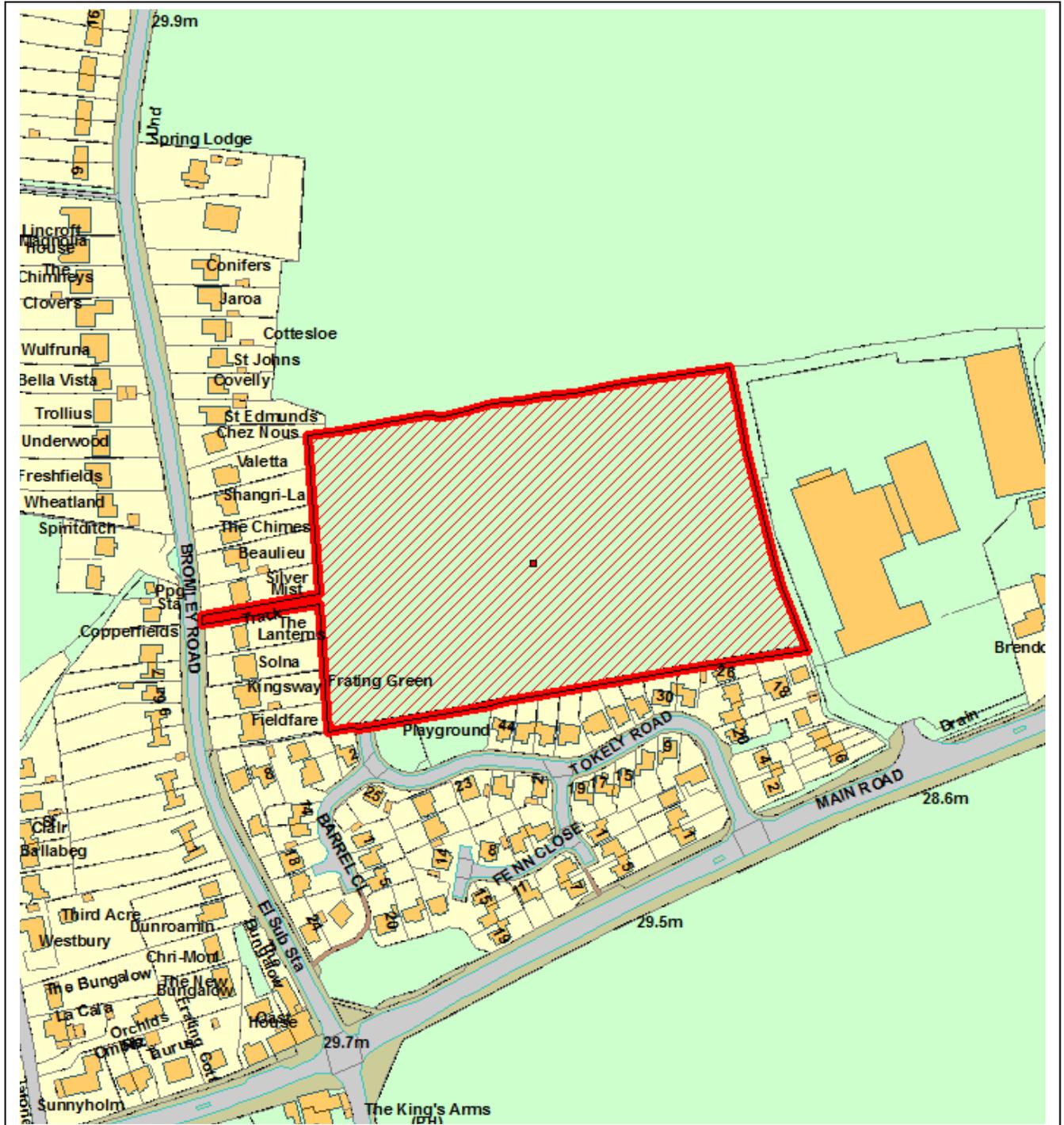
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PLANNING COMMITTEE

15 January 2019

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 18/00194/FUL - LAND NORTH OF TOKELY ROAD, FRATING, CO7 7GA



DO NOT SCALE

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Application:	18/00194/FUL	Town / Parish: Frating Parish Council
Applicant:	Ms Sophie Lejeune - Sanctuary Housing	
Address:	Land North of Tokely Road Frating CO7 7GA	
Development:	Erection of 67 dwellings	

On 26th June 2018, the Planning Committee resolved to grant planning permission for the above development, subject to the completion of a S106 agreement and a series of planning conditions as set out below. Following the Planning Committee's decision there has been positive progress in preparing the S106 agreement, which now includes necessary additional requirements and it is nearing completion.

Originally the Planning Committee gave until 26th December 2018 for the S106 agreement to be completed; the reason for this report is to request a further two months until 26th February 2019 to allow for the completion of the S106 agreement.

The original report to the Planning Committee on 26th June 2018 is replicated below with the relevant updated indicated in bold.

1. Executive Summary

- 1.1 The site lies to the north of Tokely Road, to the east of Bromley Road, and to the west of an industrial estate. Open farmland lies to the north. Although outside of the settlement boundary, as defined by the 2007 Adopted Local Plan, the site has been included within the settlement boundary in the context of the emerging Local Plan.
- 1.2 The site benefits from an extant planning permission allowed at appeal Ref: 14/01371/OUT for 49 dwellinghouses, in conjunction with areas of open space. The current proposal seeks to increase site density to provide 67 dwellinghouses, without significant reduction in the extent of open space provision. The development would be accessed off Tokely Road with a separate shared cycleway and pedestrian access onto Bromley Road and 30% of the dwellings would be affordable.
- 1.3 Consultee response is awaited from ECC SUDS which will be reported to planning committee as an 'update'. All other consultee responses have been positive and subject to conditions, there are no outstanding issues or objections in principle.
- 1.4 Although the Parish Council and members of the local community have expressed a range of concerns relating to the sustainability of a development of this scale, the cumulative impact of surface water and foul water drainage and the impact of vehicular movements, particularly during the construction phase, all such matters have been satisfactorily addressed and where appropriate would be subject to conditions.
- 1.5 Officers consider that the development would be sympathetic to the character and appearance of neighbouring residential development and that the Council's spatial standards would be met with there being no loss of amenity to neighbouring residential occupiers.
- 1.6 The application accords with the provisions of the NPPF and the Development Plan for Tendring having regard to adopted and emerging Local Plan Policies. As such the proposal

represents sustainable development and should be approved subject to conditions and the entering into of a S106 agreement to secure affordable housing and planning contributions.

Recommendation: Approve

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

- a) **By 26th February 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):
- Affordable housing
 - **Provision of** Open space and open space maintenance contributions
 - Children's play space contribution
 - Education Contribution – **a financial contribution of £311,732 towards local primary provision; £315,710 towards secondary school provision and £48,399 towards secondary school transport costs**
 - **Healthcare – a financial contribution of £23,667**
- 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).

Conditions:

1. Time limit for commencement of development (Full permission)
2. Details – Compliance with all plans
3. Landscaping details submission and approval
4. Landscaping implementation and retention
5. Tree protection/replacement
6. Landscape Management Plan
7. Levels
8. Principal and secondary means of access
9. Access/carriageway specification
10. Details and provision of bicycle storage
11. Permeable surfacing
12. Walls fences and boundary treatments
13. Sustainable Urban Drainage (Where SUDS required and scheme not agreed)
14. Foul water strategy
15. Lighting Scheme
16. Materials
17. Access for the disabled
18. Garage/car spaces (to be retained)
19. Glazing – obscured (flank wall windows)
20. Construction Management Plan
21. Parking provision – prior to occupation
22. Permitted Development Rights restriction

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM24 Health Care Provision

COM26 Contributions to Education Provision

COM29 Utilities

COM30 Electricity Supply

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

TR1A Development Affecting Highways

TR2 Travel Plans

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

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

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

14/01371/OUT	Outline application with all matters reserved (except for principal means of access) for a residential development comprising up to 49 dwellings (including up to 40% affordable housing), open space and vehicular access from Tokely Road.	Allowed at Appeal	24.12.2014
16/01152/DETAIL	Reserved matters application for details of layout, appearance, scale and landscaping pursuant to appeal decision APP/P1560/W/15/3014909 (TDC planning ref	Approved	01.12.2016

14/01371/OUT) relating to a residential development of 49 dwellings.

18/00194/FUL

Erection of 68 dwellings.

Current

4. Consultations

Anglian Water Services Ltd

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. An Informative is recommended.

Wastewater Treatment

The foul drainage from this development is in the catchment of Great Bromley Water Recycling Centre that will have available capacity

Foul Sewerage

A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures to prevent flooding downstream. Request a condition requiring the drainage strategy covering the issues to be agreed.

Surface Water Disposal

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). Request a condition requiring a drainage strategy covering the issues to be agreed.

Building Control and Access Officer

Fire tender access must be provided to within 45m of any point on the floor plan of all dwellings. No other comments at this time.

Essex County Council Archaeology

An archaeological evaluation has been completed for the above site as a condition on an earlier application 14/01371/OUT. The evaluation did not reveal any significant archaeological remains and no further work was required. A report has been received and approved by this office; therefore there are no recommendations for conditions on the above application.

ECC Highways Dept

The Highway Authority has assessed the details of this application and taken regard to the following points;

- 1) The existing 2014 permission for up to 49 units
- 2) The level of traffic associated with the previous application which has been accepted
- 3) The level of intensification created by the current proposal for 68 units

Previously the Highway Authority accepted the proposal providing the following aspects were satisfied;

- 1) Parking and turning facilities to standard
- 2) Road construction details
- 3) A 5.5m carriageway with 2x2m footways
- 4) A 3m wide cycleway/footway

The current proposal only aims to increase the number of units on site by 19 dwellings.

The Parish have asked for a scheme of traffic calming and speed reduction on Tokely Road to mitigate against the proposed increase in traffic. This would entail the developer entering into a legal agreement to construct the traffic calming measures within the highway, and a full Traffic Regulation Order (TRO) to amend the speed limit.

In order to impose these conditions, they would need to satisfy the tests within the National Planning Policy Framework that they were necessary to make the scheme viable, and were reasonable and within scale.

This Authority does not consider a full scheme of traffic calming, and a TRO would be reasonable to cater for the traffic associated with 19 houses.

Regarding the construction phase, it is agreed that accessing the site through the existing housing estate would not be ideal and that, if feasible, a separate Haul Road either across the adjacent field or along the route of the proposed cycleway/footway would be beneficial.

If an appropriate width is achievable and the lorries access the site along the cycleway/footway it would have to be constructed to a suitable standard prior to commencement and then removed and the cycleway/footway constructed immediately the lorries are no longer accessing the development site; some form of enforceable condition would be required to secure the conversion from haul route to cycleway/footway.

A construction management plan would also have to include robust information re on-site wheel washing facilities, road sweeping regimes, and the duties of the banksman.

ECC Schools Service

A development of this size can be expected to generate the need for up to 6.1 early years & childcare (EY&C), 20.4 primary school, and 13.6 secondary school places.

Early Years and Childcare

The proposed development falls within the Thorrington, Frating, Elmstead and Great Bromley ward. There are 8 childcare providers in this ward (5 childminders and 3 preschools). As of summer 2017 the data showed that there were 12 vacant places within the pre-schools, we would therefore not request a contribution on this occasion.

Primary Education

The village of Frating does not have its own primary or secondary school, however, this development sits within the priority admissions area of Great Bentley Primary School which has 210 places. The School is full and, according to the forecasts included in the Essex County Council document

'Commissioning School Places in Essex 2017-2022', 62 additional spaces will be required for the academic year 2021/22. There are a number of other schools that are a similar distance from Frating included Alresford, Elmstead and St Georges (Gt Bromley) primary schools, that are part of the Tendring Group 3, school place planning area. Across the group, a need for 125 additional places is forecast.

An additional 20.4 places would be provided at an estimated total cost of £311,732 at April 2018 prices. This equates to £15,281 per place and so, based on demand generated by this proposal set out above, a developer contribution of £311,732, index linked to April 2018, is sought to mitigate its impact on local primary provision.

Secondary Education

For secondary school education, the proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to Commissioning School Places in Essex, by the academic year commencing September 2021 it will require 99 additional places. Looking across the Tendring district as a whole, by the same year, 436 additional places are forecast to be needed. As set out in Essex County Council's '10 Year Plan' to meet the demand for school places, a project to expand Colne Community School is being considered for September 2019.

An additional 13.6 places would be provided at an estimated total cost of £315,710 at April 2018 prices. This equates to £23,214 per place and so, based on demand generated by this proposal set out above, a developer contribution of £315,710, index linked to April 2018, is sought to mitigate its impact on secondary provision.

The secondary school is in excess of the statutory walking distance from the proposed development and therefore ECC is obliged to provide free transport to the school resulting in long term cost to ECC. The cost is estimated £3.65 per pupil for secondary school transport for 195 days per year; an academic year. It is the practice of Essex County Council to seek costs for a 5 year period. Based on 13.6 pupils the transport contribution would be £48,399, index linked to April 2017.

Environmental Health & Protection

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

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

- Noise Control
 - 1) The use of barriers to mitigate the impact of noisy

- operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
 - 3) The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
 - 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
 - 5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Local Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.
 - 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- Emission Control
 - 1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the Local Planning Authority. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose
 - 2) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
 - 3) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
 - 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
 - Dust Control
 - 1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.
 - Lighting Control
 - 1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does

not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

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

Arch. Liaison Off, Essex Police

Essex Police have commented in respect of the potential for Designing Out Crime in pursuance of the guidance offered within Sections 58 & 69 of the National Planning Policy Framework (NPPF). Insufficient detail has been submitted at this stage in respect of matters including lighting and the boundary treatment of individual properties. Informative to be attached advising the developer to seek the detailed advice from Essex Police in order to achieve 'Secured by Design' status.

ECC SuDS Consultee

Essex County Council SUDS team has reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, and has issued a holding objection to the granting of planning permission based on an Inadequate Surface Water Drainage Strategy.

In line with the discharge hierarchy, infiltration should be proposed in the first instance. In line with the comments set out in the pre app response sent on 30th January 2017, we generally expect infiltration to be considered where rates are greater than 1×10^{-6} , unless it is demonstrated with good reason that it is not viable. The infiltration rates included in the Flood Risk Assessment are considered to indicate infiltration may be possible on site.

Tree & Landscape Officer

The site is currently in agricultural use and has no trees or other vegetation in the main body of the land. There are a number of important trees situated on the boundary of the application site. The applicant has submitted a Tree Survey and Report that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. The main purpose of the tree survey is to establish the extent of the constraint that the trees are on the development potential of the land. A site layout shows the positions of the Root Protection Areas (RPA's) of the trees and the positions of the proposed dwellings. It shows the areas of conflict between trees and development. These are not considered to be significant obstruction to the development of the land.

In section 5 of the Arboricultural Method Statement (AMS) forming part of the Arboricultural Impact Assessment (AIA) reference is made to the Tree Protection Plan (TPP) Ref: PRI21550-03 attached as Appendix 1 which is to be read in conjunction with the AMS. This document has not been attached and is required prior to the

determination of the application.

The site layout shows indicative soft landscaping proposals. If planning permission is likely to be granted then a detailed soft landscaping scheme should be secured by a planning condition.

NHS England

It is noted that the full application shows an increase in the number of dwellings from the outline application and therefore North East Essex CCG has re-assessed the Assessment of Development Impact on Existing Healthcare Provision.

The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. This GP practice does not have capacity for the additional growth resulting from this development. The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

The development could generate approximately 150 residents and subsequently increase demand upon existing constrained services.

The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of refurbishment, reconfiguration, extension, or potential relocation or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives at The Hollies, The Green, Great Bentley; a proportion of the cost of which would need to be met by the developer.

NHS England calculates the level of contribution required, in this instance to be £23,667. Payment should be made before the development commences.

UU Housing Consultation 30% Affordable Housing agreed

UU - Open Space Consultation Contribution required in respect of play-space provision.

5. Representations

1.7 Seventeen letters of have been received from the local community raising concerns which can be summarised as follows:

- Site access is next to a children's play area – what precautions are to be taken in respect of delivery vehicles?
- Tokely Road is too narrow and is unsuitable for construction access and heavy construction traffic will damage Tokely Road;
- Additional vehicles will result in traffic congestion and visibility issues as a result of blind bends and parked cars within Tokely Road and will be detrimental to road safety;

- Access should be from Bromley Road;
- Drainage issues with storm water and AWA foul water pumping station in Bromley Road will be compounded;
- Inadequate amount of existing shops and amenities; and schools and doctor's surgeries oversubscribed and struggle to cope with existing demand;
- A survey carried out by the Rural Community Council of Essex (RCCE) 2010 found that there was no requirement for affordable/social housing in the parish;
- Unreliable and sparse public transport;
- Very few employment opportunities in Frating – the development would encourage more car journeys to work;
- Visual impact on character of the area;
- Construction will need to be properly managed with wheel wash and other facilities and proper supervision; and
- Overlooking of houses lining Bromley Road, exacerbated by maisonette style development and lack of screening along boundary, while property along the southern boundary would be too close to existing estate - development should be moved further from existing property.

1.8 One letter of support has been received which can be summarised as follows:

- Would provide an opportunity to rejuvenate the village;
- Increase in population would stimulate local infrastructure, public transport and amenities; and
- Provision of affordable housing is a social responsibility.

1.9 An objection has been received from Frating Parish Council which can be summarised as follows:

1.10 The Parish Council objected to the previous application for 49 houses which was allowed at appeal and are still of the opinion that the current proposal is even less sustainable and represents overdevelopment. Facilities and employment opportunities within Frating are limited and although there is a bus service between Frating and Colchester 98% of journeys would be made by car.

1.11 Of greatest concern is the number of vehicles that would need to use Tokely Road, to access the development (2 cars x 68 hoses = 136 additional movements) and effectively a doubling of current levels, with the primary concern being the safety of children particularly due to a sharp bend in the road.

1.12 In respect of sewerage, the system is old, was extensively repaired in 2012 and cannot cope with volumes at peak times. An additional 68 properties will cause further failure with sewage flooding into properties in Bromley Road. There is also concern that soakaways for surface water drainage will add substantially to the existing surface water system.

1.13 In respect of residential amenity, there is concern that the proposed new dwellings to the west of the site will be much nearer to existing houses fronting Bromley Road and would be two storey resulting in loss of privacy to the existing houses.

1.14 In the event of permission being granted, the Parish Council has requested imposition of conditions in respect of:

- Traffic calming measures on Tokely Road to include: 20mph speed limit, and rumble strips;
- Construction vehicles to park only on the application site and not within Tokely Road;

- Wheel wash facility to be provided;
- Construction noise to be controlled; and
- Construction hours of operation to be limited.

6. Assessment

Site and Surroundings

- 1.15 The application site comprises an agricultural field measuring approximately 2.76 hectares in area.
- 1.16 The site is enclosed by the rear gardens of predominantly single storey residential properties fronting Bromley Road to the west, and to the south by a children's playground and the rear gardens of predominantly two-storey residential property fronting Tokely Road, which in turn forms part of a residential estate that opens onto Main Road A133. Commercial premises are located to the east of the site, while open farmland adjoins to the north.
- 1.17 In accordance with the Adopted Local Plan 2007, the site lies outside of the settlement boundary of Frating. However in accordance with Policy SPL2 'Settlement Development Boundaries' of the emerging Local Plan, the settlement boundary has been extended to incorporate the site.
- 1.18 The site benefits from an extant outline planning consent Ref: 14/01371/OUT allowed at Appeal on 15th February 2016 for 'Residential development comprising up to 49 dwellings (including up to 40% affordable housing), open space and vehicular access from Tokely Road'.

The Principle of Development

- 1.19 The principle of residential development outside of the development boundary and including the loss of agricultural land was established by grant of permission 14/01371/OUT for the site. At the time, the Council acknowledged that although there were limited facilities in the village and most journeys would be car derived, overall Frating is a sustainable location for residential development as it benefits from good accessibility, being located on the Colchester to Clacton bus corridor, and within some 30minutes travelling of each major centre with access to job opportunities, and travel for education, shopping, leisure and services. In accordance with Policy SPL1 of the emerging Local Plan Frating is identified as a Smaller Rural Settlement. Elmstead Market and Great Bentley, both identified as Rural Service Centres, are significantly closer and provide essential day to day shopping and services. Furthermore, a large Employment Area has been allocated within Frating in the Local Plan, which in turn would provide potential, albeit specialized, job opportunities.

Proposal

- 1.20 Full planning permission is sought for the erection of 67 dwellings. This is an amended description following deletion of one house in the south west corner of the site which officers contended would have given rise to an unsatisfactory spatial environment. The scheme would also provide public open space that would be linked to the existing playground abutting the site together with boundary buffer zones. Vehicular access would be taken from an existing 'hammerhead' on Tokely Road, with an existing access from Bramley Road dedicated for shared pedestrian and cycle use. The scheme as amended would comprise:

Dwellings

- 2 detached 2 bedroom bungalows

- 8 pairs semi-detached (16 total) 2 bedroom 2-storey houses
- 15 pairs semi-detached (30 total) 3 bedroom 2-storey houses
- 1 pair semi-detached (2 total) 4 bedroom 2-storey houses
- 2 detached 3 bedroom 2-storey houses
- 7 detached 4 bedroom 2-storey houses
- 1 block (4 units) 1 bedroom 2 storey maisonettes
- 1 block (4 units) 2 bedroom 2-storey maisonettes

Open Space

- 11% site area Village Green (Extension to existing children's play area/community sports field) and Public Space
- 8% site area Perimeter Buffer Zones

Affordable Housing

21 Affordable units would be provided representing 30% of the total development, with 15 units affordable rented and 6 units being shared ownership. The accommodation would be as follows:

<u>Tenure</u>	<u>Unit</u>	<u>No. of units</u>	<u>Rooms</u>
Affordable Rent	Flat	4	2 bed
Affordable Rent	Flat	4	1 bed
Affordable Rent	House	7	2 bed
Shared Ownership Sale	House	6	2 bed
Shared Ownership Sale	Bungalow	2	1 bed
Shared Ownership Sale	Bungalow	1	2 bed

1.21 The application is supported by the following documents:

- Transport Assessment
- Flood Risk Assessment
- Affordable Housing Statement
- Arboricultural Impact Assessment
- Tree Report
- Updated Ecological Assessment
- Design and Access Statement

Considerations

1.22 The main planning considerations are:

1.23 Whether the proposed intensification of development having regard to the previously approved scheme for 49 residential units would represent sustainable development having particular regard to:

- Design and layout
- Landscaping
- Drainage and flooding
- Impact on the highway network
- Residential Amenity
- Planning Contributions/Affordable Housing

Design and Layout

1.24 In comparison to the approved outline application, this proposal for full planning permission would retain much of the open space land previously approved, amounting to 11% of the

site. While there would be some erosion of the public space adjoining farmland to the north, the Village Green, linking to existing open space play areas, would be retained and a dedicated landscape buffer space amounting to 8% of the site would be provided along the southern, eastern and western boundaries where the site adjoins existing development and along much of the northern boundary adjoining farmland. The buffer zone would be omitted only for a small section of the western boundary as this is not so crucial where low rise (bungalow) development has been proposed.

- 1.25 In general terms, density increase would occur within the original envelope of development, as a result of reduction in plot size and the inclusion of a number of maisonettes. The resulting density representing 25dph would be more in accordance with that of existing residential development throughout Tokely Road.
- 1.26 The functional needs of development including waste storage, cycle storage, ease of servicing and circulation and access for people with mobility impairments would be met. Within individual plots, garden space would be policy compliant, while the orientation of the dwellings would not lead to loss of residential amenity as might arise through overbearance, overshadowing or overlooking. A variety of house types would be provided.
- 1.27 Parking would be provided within the curtilage of each site except in the case of the proposed maisonettes and a small number of dwellinghouses, where forecourt parking would be provided and all dwellings would be accessible in respect of refuse collection and emergency service vehicles.
- 1.28 The requirements of Local Plan Policy QL10 'Designing New Development to meet Functional Needs' and Emerging Plan Policy LP4 'Housing Layout', would be satisfied.

Landscaping

- 1.29 Given that the site would be enclosed on three sides by existing development and views into the site would be limited, there would be no harm to the wider landscape. There are no issues in respect of trees within adjoining curtilages and no trees have been identified for protection within the site. This was established in the context of 14/01371/OUT.
- 1.30 Landscaping within the buffer zones and within public open space, together with proposed street trees and trees within parking courts would be subject to condition requiring details to be submitted, approved and the approved scheme to be implemented and retained. Overall, 19% of the site would be dedicated as open space and as landscaped buffer zones. The amount of land that would be dedicated for open space would be in excess of that required by policy and would satisfy the environmental dimension of sustainable development.

Drainage and Flooding

- 1.31 Essex County Council SUDS as Lead Flood Authority initially issued a holding objection pending submission of details that would allow consideration of the discharge hierarchy stating:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on an inadequate Surface Water Drainage Strategy.

The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Full Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be

made of the flood risks arising from the proposed development. In particular, the submitted strategy fails to fully consider the discharge hierarchy.

In line with the discharge hierarchy, infiltration should be proposed in the first instance. In line with the comments set out in the pre app response sent on 30th January 2017, we generally expect infiltration to be considered where rates are greater than 1×10^{-6} , unless it is demonstrated with good reason that it is not viable. The infiltration rates included in the Flood Risk Assessment are considered to indicate infiltration may be possible on site.

- 1.32 By way of response, the applicant has submitted an addendum to their Drainage Strategy. At the time of Report preparation, a further consultation response from the SUDS team is awaited. An update will be provided to committee and In the absence of any formal response, imposition of a condition is recommended requiring submission of a full Drainage Strategy.

Impact on the Highway Network

- 1.33 The Highway Authority has determined that the impact of development on the surrounding highway network would be acceptable.
- 1.34 In response to issues raised by residents, Essex County Council has determined that in accordance with NPPF guidance, the additional 18 units hereby proposed, would be insufficient to warrant traffic calming measures in Tokely Road.
- 1.35 Although the feasibility of utilising alternative access arrangements during the construction phase has been explored, it has not been possible to establish any alternative to that proposed. A robust Construction Management Plan would therefore be needed to ensure that the impact upon Tokely Road residents during the construction phase would be minimal. This would be achieved by condition that would secure such matters as wheel wash facilities on site, debris on roads, air and noise pollution, hours of operation, construction workers vehicle parking and construction traffic protocols.

Amenity

- 1.36 In respect of the impact of development on the occupants of neighbouring property, the rear elevations of the proposed dwellinghouses on the western edge of the development are arranged so as to be no closer than 13m from the common boundary with property bordering Bromley Road, which in turn benefit from long rear gardens. Separation between rear elevations would in this case be in excess of 26m, which would be sufficient to avoid serious overlooking. Although two dwellings in the south west corner of the site would be erected much closer than this to the western boundary, these would be bungalows where floor levels would be low and boundary screen fencing sufficient to defeat overlooking. On the southern boundary, the proposed two storey housing, although between 9.5m to 10.5m from the common boundary, lies 'flank-on', with fenestration limited to non-habitable rooms that would be conditioned for obscure glazing. This separation distance would incorporate part of the 6m deep perimeter buffer. Consequently the spatial relationship between existing dwellings and those proposed would be satisfactory. It can be concluded that sufficient consideration has been given to protect the neighbouring residential environment.
- 1.37 The orientation of dwellings within the site and their layout, design and relationship with adjoining property, would ensure that a satisfactory residential environment would be provided without loss of amenity to future residents in compliance with policy requirements.

Planning Contributions

- 1.38 Contributions to be secured by S106 Legal Agreement are required in respect of affordable housing, public open space (and maintenance), and children's play space.

Other Matters

- 1.39 Concern has been expressed by the Parish Council and by residents that the proposal would represent overdevelopment of the site that would overburden existing infrastructure, particularly drainage and sewerage systems, and result in road safety issues within Tokely Road and as such would represent unsustainable development. Residents within Bromley Road have also expressed concerns that the development would be much nearer than originally approved and would result in loss of privacy.
- 1.40 All such matters have been addressed within the body of this report and officers are satisfied that where necessary concerns can be mitigated and that refusal of permission on the aforementioned grounds would be unsustainable.

Background Papers

None.

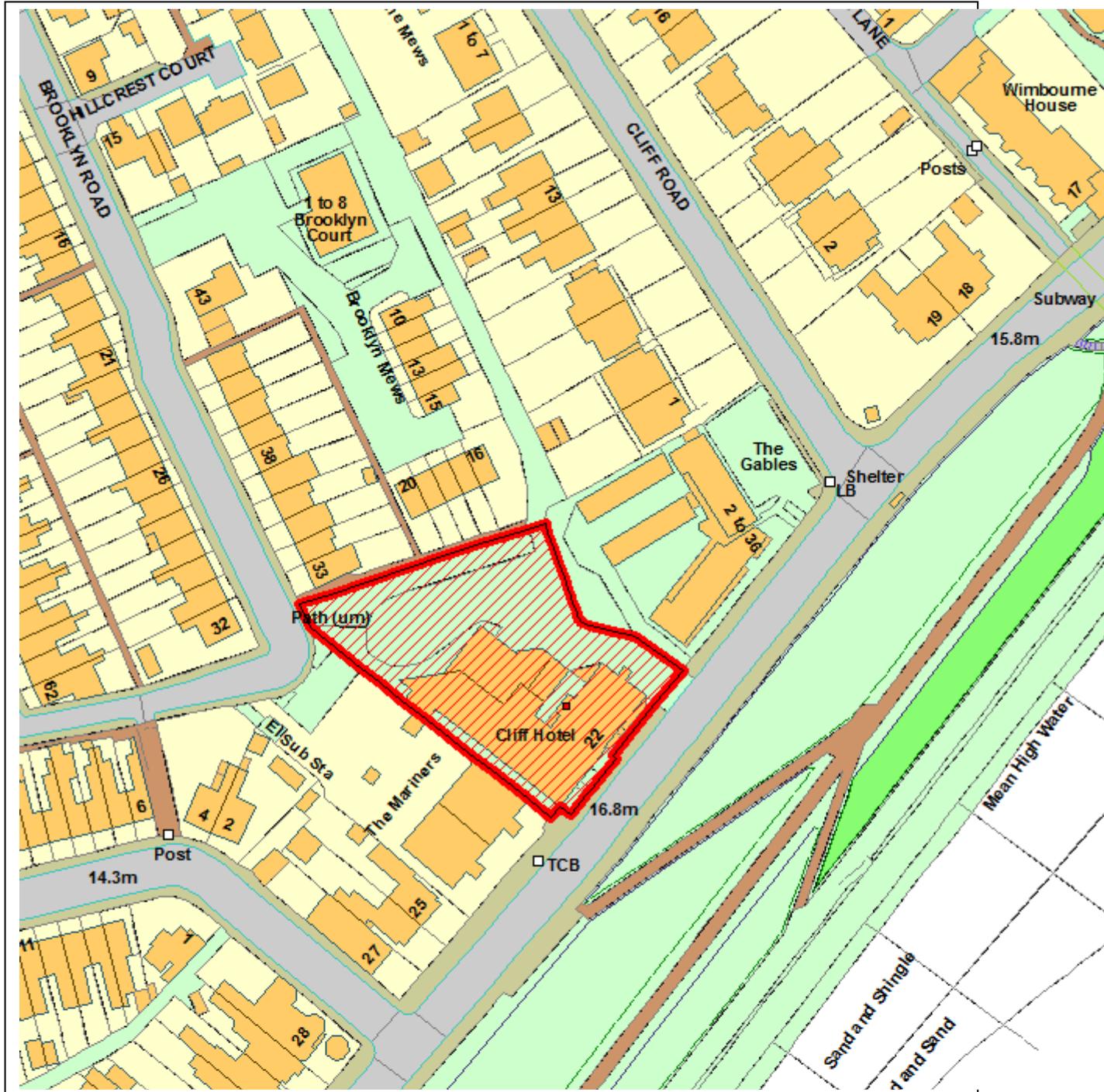
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PLANNING COMMITTEE

15 January 2019

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/01338/FUL - CLIFF HOTEL, 22 MARINE PARADE, DOVERCOURT, CO12 3RE



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Application:	17/01338/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr Carl Richardson - Cliff Hotel Trading Company Ltd	
Address:	Cliff Hote,l 22 Marine Parade, Dovercourt, CO12 3RE	
Development:	Demolition of Cliff Hotel, function hall and ancillary outbuildings. Provision of a new 'Art Deco' style apartment block consisting of basement parking, 20 apartments and a bar/restaurant together with a 61 bed hotel to rear with ancillary parking.	

On 31st October 2017, the Planning Committee resolved to grant planning permission for the above development, subject to the completion of a S106 agreement and a series of planning conditions as set out below. 6 months was given to complete the S106 agreement, however, during this time a viability report was submitted and independently assessed. This concluded that the scheme generates a deficit and on this basis, the residualised land value would be negative and the scheme is therefore not viable.

The original report to the Planning Committee on 31st October 2017 is replicated below with the relevant updates indicated in bold, which are in relation to the outcome of the viability report and the new NPPF which came into force in July 2018.

1. Executive Summary

- 1.1 This is a full planning application seeking approval for the demolition of the Cliff Hotel and all ancillary buildings and erection of a new 'Art Deco' style apartment block consisting of 20 residential apartments and a 61 bed hotel. The proposed scheme provides a wider frontage to Marine Parade and the overall footprint of the new building extends further to the rear of the site than the existing structure. The application has been called into committee by Cllr Calver and due to the public interest shown in this application.
- 1.2 The application site measures 2.52 hectares and is located within the existing urban area of Dovercourt. It is in a location where new hotel and residential development would normally be supported.
- 1.3 The proposed development has attracted 64 objections from local residents although Harwich Town Council recommends support in principle for the development. Objections raised relate predominantly to highway impact, access and impact on existing residential amenity. However officers consider, in this case, that the proposed development does address these matters through careful design and layout and the scheme is recommended for approval **subject to a s106 agreement to secure an open space contribution and a contribution to the Park Pavilion.**

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):-

- **Off-site open space/play equipment.**
- **Financial contribution to the Park Pavilion**

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 in her discretion considers appropriate).

(i) Conditions:

1. Standard 3 year time limit;
2. Highways conditions (as recommended by the Highway Authority);
3. SUDS and drainage (surface water and foul drainage) conditions.
4. Hard and soft landscaping plan/implementation;
5. Ecological mitigation - wildlife/tree protection measures;
6. Construction methods plan;
7. Details of lighting, materials and refuse storage/collection points; and
8. Archaeological investigation and report works, including historic building recording;
9. Site lighting strategy, and;
10. Broadband.
11. Accordance with approved plans.
12. Contaminated land.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

2.1 The National Planning Policy Framework (**July 2018**) 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 does not 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 **objective**;
- a social **objective**, and;
- an environmental **objective**.

2.3 These **objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)**. Where relevant policies in Local Plans are either absent or out of date, **planning permission should be granted unless; the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly**

and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2.4 Section 5 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

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

2.6 Paragraph 127 of the NPPF makes the following statement in respect of design:

Planning policies and decisions should ensure that developments:

- a) ***Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;***
- b) ***Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***
- c) ***Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***
- d) ***Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***
- e) ***Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
- f) ***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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.***

2.7 Paragraph 92 notes:

Planning policies and decisions should aim to achieve health, inclusive and safe places which:

- a) ***Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;***
- b) ***Are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and***

c) Enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

2.8 In respect of heritage assets, including locally listed buildings, paragraph 193 of the NPPF provides the following guidance:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Local Plan Policy:

2.9 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy defines Harwich and Dovercourt as a town.

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.

ER7: Business, Industrial and Warehouse Proposals

Seeks to ensure proposals are compatible with locality, causes no unacceptable impact to amenity, ensure satisfactory access can be gained to premises.

ER16: Tourism and Leisure Uses

Seeks to ensure development is accessible, sufficient parking provision, no adverse impact on amenity.

ER24: Protection of Hotels and Guest Houses

Changes of use of hotels within the main coastal resorts will not be permitted unless it can be proven that the current land use is no longer viable.

ER25: New Hotels and Guesthouses

Supports proposals for new hotels, considers previous use of site, character of surrounding area, parking and highways, design implications.

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 have 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.

COM2: Community Safety

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

COM21: Light Pollution

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

COM23: General Pollution

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

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward 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.

EN6: Biodiversity

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

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.

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.

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.

SP4: Infrastructure and Connectivity

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

SP5: 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 Harwich and Dovercourt as a town within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

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 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.

HP4: 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 broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs.

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.

PP8: Tourism

Supports economic growth in tourism.

PP9: Hotels and Guesthouses

Supports proposals for new hotels and guesthouses. Change of use or redevelopment to non-hotel use is not supported.

PP12: Improving Education and Skills

Requires the impacts of development on education provision to be addressed at a developer's costs and 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.

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.

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.

Other 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 with the plan-led approach.

3. Relevant Planning History

02/00428/FUL	Two-storey extension to provide 14 guest bedrooms	Approved	20.06.2002
05/01235/FUL	Erection of 8 self contained flats	Withdrawn	08.09.2005
06/01150/FUL	Erection of 7 self contained flats	Withdrawn	31.07.2006
17/01338/FUL	Demolition of Cliff Hotel, function hall and ancillary outbuildings. Provision of a new 'Art Deco' style apartment block consisting of basement parking, 20 apartments and a bar/restaurant together with a 61 bed hotel to rear with ancillary parking.	Current	

4. Consultations

Arch. Liaison Off, Essex Police	Satisfied that proposed design that the relevant considerations of Sections 58 & 69 of the NPPF have been appropriately addressed.
Essex County Council Archaeology	Request submission of Heritage Statement as existing building is of local significance. The building is a late Victorian purpose built seaside hotel with later additions. Recommended that if approved a condition securing a programme of historic building recording is required.
Building Control and Access Officer	No adverse comments at this time.
Regeneration	The Regeneration Team fully supports this application which will see the redevelopment of this redundant hotel into a new 61 bedroom hotel, (giving the site an additional 34 bedrooms) a bar and restaurant and 20 apartments. It is envisaged that the development would also create up to 34 new full and part time jobs.
Waste Management	Communal bin storage areas should be constructed with secure access doors with access on level hard standing ground with vehicular access.
Tree & Landscape Officer	The application site is not well populated with trees although there are a few Sycamores on the perimeter of the land that have some visual amenity value.

Taking into account the historical use of the land as a car park and the propensity of Sycamore to self-seed it is likely that the trees on the land have germinated and become established along the perimeter fence lines from wind blown seeds.

Nevertheless the single specimen Sycamore shown in the proposed car park close to the north eastern corner is in reasonable condition and has a softening impact of the appearance of the area.

There are also two other Sycamores, just 'off-site', by the 'dog-leg' along the same north eastern boundary. These two trees are also reasonable specimens

The trees that are situated on the northern boundary also provide a pleasant softening effect on the surrounding.

In terms of the desire to achieve a well designed car park area with an appropriate level of soft landscape it would not be unreasonable to take a practical view on the amenity value of the trees on the land. Whilst it would be desirable for them to be retained they are not of such quality that they should unduly shape the layout of the car park.

In this respect it is possible that a well-designed car park with new tree and shrub planting would be the best way to secure the maximum amount of soft landscaping for the site and consequently provide the greatest benefit in terms of the visual amenity value of the locality

Should planning permission be granted then a condition should be attached to secure details of tree retention (where appropriate) and soft landscaping to both soften, screen and enhance the appearance of the development.

ECC Highways Dept

Whilst it is recognised the parking provision for this scheme does not accord with the current policy standards, the site is in close proximity to public transport routes, and a range of services within walking distance.

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 vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

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

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

Supplementary Guidance in February 2011.

' Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the highway.

Reason: To enable vehicles using the access to stand clear of the highway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent highway in the interest of safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate bicycle parking is provided in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

' Prior to occupation 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.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

INF01 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF02 Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority

against such compensation claims a cash deposit or bond may be required.

INF03 - Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

ECC Schools Service

Confirm no education contributions required.

ECC SuDS Consultee

Initial objection on grounds that no surface water drainage strategy has been submitted. At the time of writing this information has now been provided by the applicant and the response from the Lead Local Flood Authority awaited. The Committee will be provided with an update.

UU - Open Space Consultation

Require financial contribution towards improvements in play equipment to Cliff park.

5. Representations

- 5.1 Harwich Town Council have no objection to the application so long as all of the national and local planning policies and protocols are met in terms of height, density and parking availability, and that particular attention is paid to ensuring there is no increased risk of surface water flooding in the Brooklyn Road area as a result of the nature of the development. Furthermore, Harwich Town Council believes that should approval be given, either to the proposed development or an amended form of the proposed development, a condition should be included to prohibit use of the new vehicular access onto Brooklyn Road to anything other than the emergency services and refuse collection vehicles. In the opinion of The Council, the refuse collection area should be screened and include a wash-down facility. The Council also requests that the Development Management Plan includes a provision under which all vehicles involved in the demolition and building access the site through the existing vehicular access onto Marine Parade. HTC requests that this application is determined by the Planning Committee and not by Officers using delegated authority.
- 4.2 The Harwich Society supports the art deco design but raised concern in relation to inadequate parking and impacts on Brooklyn Road.
- 4.3 65 letters of representation received raising the following Issues:
- Overdevelopment of the site
 - Overbearing impact
 - Visually intrusive
 - Loss of amenity and privacy
 - Access and parking issues associated with site access, impact on Brooklyn Road, impact on neighbouring vehicular access.
 - New building set too close to 'The Mariners'
 - Surface water drainage issues
 - **When the Mariners' planning permission was approved, some 20 years ago, the building line was forced back to match that of 25 and 26 Marine Parade.**
 - **Lack of parking**
 - **The proposal is for an art deco style frontage which is inconsistent with any other building in Marine Parade or nearby Dovercourt.**

6. Assessment

6.1 The main planning considerations are:

- Location and Site
- Proposed Scheme
- Policy Issues
- Issues raised in representations

Location and Site

6.2 The existing site is occupied by the Cliff Hotel a five storey Victorian Hotel with existing vehicular access from Marine Parade and pedestrian access to Brooklyn Road to the rear of the site. The main car park area is also provided to the rear of the property. The locality is predominantly residential in character with apartment developments (The Mariners and The Gables) set on either side of the application site. The application site measures 2.52 hectares in area and as noted by the landscape officer has a number of self-seeded trees set to the rear of the site.

6.3 The site is located in close proximity to Harwich town centre and is located within the main Dovercourt seafront area. The site is close to both regular bus and train services and close to a range of local services. The site is located within the existing settlement development boundary.

Proposed Development

6.4 The existing building is of late Victorian design and is considered by the applicant to be in poor repair no longer being fit for purpose and an alternative concept for the site is therefore proposed. The proposed design consists of an 'Art Deco' style design of similar height to the existing building. The design 'borrows' some of the original Cliff Hotel features including horizontal decorative banding and balconies, with 20 two bed apartments located to the front of the new building. To the rear a 61 bed hotel will be established. One parking space per apartment is proposed along with additional parking for hotel guests. The level provided is considered acceptable to the Highway Authority taking into account the location of the premises close to public transport facilities.

6.5 The front part of the building facing onto Marine Parade forms the highest part of the new building and rises in a series of tiers to eventually form a central tower. The building is then stepped down towards the rear of the new building. Window openings have been positioned in a manner which does not cause overlooking to adjacent property. Proposed materials include white render finish to the main walls, powder coated aluminium double glazed windows, balustrades consisting of Grey/Green toughened glass (with similar privacy screens). A slate grey single ply membrane is proposed as the roof finish. The design is attractive and would enhance the existing appearance of the locality.

6.6 The footprint of the new building is in fact set further back from the highway than the existing which actually increases the outlook from the adjoining apartment blocks. Vehicular access will be provided to the north east side of the building leading to undercroft parking space for the apartments and hotel use. A total of 57 parking spaces will be provided which is an increase of 39 spaces compared to existing parking provision. Lift and stairways lead from the car park to upper levels. Access will be provided from Brooklyn Road but this will be restricted to delivery vehicles only. The upper ground floor of the new building includes a new restaurant bar which will be open to the public as well as hotel residents. Alongside the restaurant, apartments are provided, overlooking Marine Parade. The hotel accommodation is entirely separate and located to the rear of the restaurant and apartment areas. This is then repeated on floors above. The building steps down from six floors at the front to just four floors to the rear of the building taking into

account the slight slope of the site and the proximity to adjoining property. The overall design concept is considered appropriate to this locality and would become a landmark design within the street frontage.

- 6.7 It is proposed that the new development will employ a total of 34 employees working either within the new hotel or restaurant.

Planning Policy and Assessment

- 6.8 In relation to planning policy the scheme is considered to comply with the NPPF which seeks to promote sustainable design and transport.
- 6.9 The adopted Local Plan, policy QL1 directs most new development to the larger urban areas of the district including Harwich and Dovercourt. The principle of providing both a new hotel facility and additional housing is therefore acceptable both in terms of the existing and emerging Local Plan policy and is also consistent with the National Planning Policy Framework in terms of the location for sustainable development.
- 6.10 In respect of policy specific to tourism and hotel provision the following policies are relevant: Policy ER16 sets out criteria for new leisure and tourism development in general. The main requirements are a) that it is accessible; b) there is suitable vehicular access and public transport access; c) there is no undue disturbance by reason of noise; d) no adverse impact on agricultural holdings or irreversible loss of high quality agricultural land and where appropriate results in improvement to damaged land or despoiled landscapes. Policy ER24 seeks to protect existing hotels from changes of use unless existing sites are found unviable. Policy ER25 is supportive of new hotel and guesthouse provision. Similarly policy PP9 of the Publication Draft Plan also supports new hotel provision but does suggest that part changes of use perhaps should not be supported.
- 6.11 In this case the existing hotel is in poor structural repair and in terms of its design and layout does not reflect the requirements of the present day in terms of hotel provision. Although accepting it is considered a building of 'local interest', the building is not listed nor within a conservation area. The poor condition of the building is considered to detract from the appearance of the locality and is considered beyond economic repair. Although there will be an element of residential use within the new building this plays a role as enabling development for the scheme and is considered acceptable in the context of this site. Although acknowledging the historic role played by the hotel over many years replacement with a well-designed new building is considered acceptable in principle and therefore conforms with adopted and emerging Local Plan policy.
- 6.12 In normal circumstances the proposal for 20 apartments would generate an affordable housing contribution. In this case the applicant considers that the cost of demolition and necessary site remedial works make the scheme unviable with an affordable housing element included. ~~The applicant has indicated that they may be able to make an alternative financial contribution through s106 towards the Park Pavilion. A viability assessment has been submitted to the Council and is currently being assessed. Members will be updated at committee in respect to the outcome of this assessment. If it is concluded that the viability assessment is accurate then an affordable contribution will not be sought but a financial contribution secured towards the Park Pavilion.~~ The viability report submitted by the applicant has been independently assessed. This concluded that the scheme generates a deficit and on this basis, the residualised land value would be negative and the scheme is therefore not viable. On the 31st October 2017 the Planning Committee resolved to grant planning permission for the proposal subject to a S106 agreement to secure a financial contribution towards off-site open space/play equipment and a financial contribution to the Park

Pavilion. Given the outcome of the viability report it is Officer's view that no financial contributions should be sort.

- 6.13 An objection has been raised by the Lead Local Flood Authority on grounds that no surface water drainage strategy has been submitted. The applicant has now submitted this information and a final response is awaited from the County Council. This will be reported to Committee.

Issues raised in representations

- 6.14 The comments of the Town Council are noted – although accepting the development in principle they have raised concern with regard to the use of Brooklyn Road for non-emergency vehicles. This issue has also been raised by some local residents. The rear access from Brooklyn Road is proposed for use by delivery vehicles only and is not to be used by residents or hotel guests. The Highway Authority have not raised objection to the proposed access points or to the level of parking proposed. It would not therefore be reasonable to consider refusal of the scheme on grounds of access or car parking.
- 6.15 In terms of the design, scale and massing of the new building and the impact on adjoining property, although accepting that the footprint of the new building is larger than existing it will be set further back from Marine Parade than the existing building and will improve outlook from adjoining property to the street frontage. The rear part of the building which extends into the current car park area is set further into the site away from the south boundary than the existing building – the new building is set some 4.5 metres in from the southern boundary. Some hotel windows are located to the south elevation but only have an oblique view of the rear face of the adjoining apartment block - The Mariners. Impact on existing amenity is not compromised by this arrangement. The north facing elevation is set some 27 metres from other property located to the north and again existing amenity is maintained.
- 6.16 In conclusion the proposed scheme is considered to present a well-designed development which makes effective use of the site area. It results in provision of additional housing assisting with housing supply and will retain a large part of the site in hotel use. The proposed scheme is considered to comply with planning policy and is recommended for approval.

Background Papers

None.

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