



## PLANNING COMMITTEE

**DATE:** Tuesday 12 February 2019  
**TIME:** 6.00 pm  
**VENUE:** Council Chamber, Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

<b>Councillor White (Chairman)</b>	<b>Councillor Cawthron</b>
<b>Councillor Heaney (Vice-Chairman)</b>	<b>Councillor Everett</b>
<b>Councillor Alexander</b>	<b>Councillor Fowler</b>
<b>Councillor Baker</b>	<b>Councillor Hones</b>
<b>Councillor Bennison</b>	<b>Councillor McWilliams</b>
<b>Councillor M Brown</b>	

**Most Council meetings are open to the public and press.**

**Agendas and Minutes are published on the Council's website [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk). Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.**

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

**For further details and general enquiries about this meeting, contact Katie Sullivan on 01255686585.**

DATE OF PUBLICATION: FRIDAY 1 FEBRUARY 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 - 6)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday 15 January 2019.

### **3 Declarations of Interest**

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

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

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

### **5 A.1 - Planning Application - 18/01307/DETAIL - Land to the East of Tye Road, Elmstead, CO7 7BB (Pages 7 - 22)**

Reserved matters application for 32 dwellings, land for a community facility and associated parking and infrastructure.

### **6 A.2 - Planning Application - 18/02001/FUL - 34 Low Road, Dovercourt, Harwich, CO12 3TS (Pages 23 - 28)**

Proposed single storey side extension.

### **7 A.3 - Planning Application - 18/01869/FUL - Oakley Cottage, Pesthouse Lane, Great Oakley, Harwich, CO12 5BB (Pages 29 - 34)**

Construction of single storey annex.

### **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 March 2019.*

# **Information for Visitors**

## **FIRE EVACUATION PROCEDURE**

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

# Tendring District Council



## PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME May 2017

This Public Speaking Scheme is made pursuant to Council Procedure Rule 38 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

### TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Usually any public meeting of the Council's Planning Committee, which are normally held every 4 weeks in the Council Chamber at the Council Offices, Thorpe Road, Weeley CO16 9AJ beginning at 6.00 pm. In some instances, the Planning Committee may be held at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE and the public are encouraged to check the venue on the Council's Website before attending.

### WHO CAN SPEAK & TIME PERMITTED? All speakers must be aged 18 or over:

1. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
2. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
3. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes is allowed;
4. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes is allowed;
5. In accordance, with Council Procedure Rule 34.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 34.1;
6. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes is allowed; and

7. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative maybe requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

#### **WHICH MATTERS ARE COVERED BY THIS SCHEME?**

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

#### **HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?**

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

#### **DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?**

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

## **HOW DO I ARRANGE TO SPEAK AT THE MEETING?**

You can:-

Telephone the Committee Services Officer ("CSO") (01255 686585) during normal working hours on any weekday after the reports and agenda have been published,

**OR**

On the day of the Planning Committee meeting, you can arrive in the Council Chamber at least 15 minutes before the beginning of the meeting (meetings normally begin at 6.00pm) and speak to the DSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraph 1 above), the right to speak under that category will be on a "first come, first served" basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is NOT formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

## **WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?**

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading "WHO CAN SPEAK?"
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application
- Committee Members may ask Officers relevant questions and may move, debate and vote

Normally, the Committee then determines the matter, but sometimes the Councillors decide to defer determination, to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report will identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council's website will confirm this information.

## **WHAT SHOULD I SAY AT THE MEETING?**

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

### **WHO DO I CONTACT FOR MORE INFORMATION?**

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services, Council Offices, Thorpe Road, Weeley,  
CLACTON-ON-SEA, Essex CO16 9AJ Tel: 01255 686161 Fax: 01255 686417  
Email: [planningservices@tendringdc.gov.uk](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

It always helps to save time if you can quote the planning application reference number.

**Monitoring Officer**  
**Tendring District Council**  
**in consultation with Head of Planning and**  
**Chairman of the Planning Committee**  
**(Council Procedure Rule 38)**  
**May 2017**

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY 15 JANUARY 2019 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chairman), Alexander, Baker, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillors Nicholls and Scott (except minutes 99 – 100)
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor (Property, Planning and Governance)), Susanne Chapman-Ennos (Planning Team Leader), Michael Pingram (Planning Officer) (except minutes 99 - 100) and Katie Sullivan (Committee Services Officer)

**94. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

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

**95. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Tuesday 11 December 2018, were approved as a correct record and signed by the Chairman.

**96. DECLARATIONS OF INTEREST**

Councillor Scott, present in the public gallery, declared an interest in relation to Planning Application 18/01775/FUL by virtue of the fact that he was the local Ward Member.

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

Councillor Heaney declared that, due to the fact that she was not present at the meeting where Planning Application 18/00194/FUL was previously before the Committee, she would not participate whilst the Committee deliberated on that application and reached its decision.

**97. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were no questions submitted on this occasion.

**98. A.1 - 18/01775/FUL - LAND ADJACENT TO WIVENHOE ROAD, CO7 8AD**

Councillor Scott, present in the public gallery, had earlier declared an interest in relation to Planning Application 18/01775/FUL by virtue of the fact that he was the local Ward Member.

It was reported that this application had been referred to the Planning Committee as one of the applicants was employed by Tendring District Council and worked within the Planning Department.

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

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

Parish Councillor Ernie Osbourne, representing Alresford Parish Council, spoke against the application.

Councillor Scott, the local Ward Member, spoke against the application.

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

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 outbuildings and extensions and means of enclosure along the site boundaries.

**99. A.2 - 18/00194/FUL - LAND NORTH OF TOKELY ROAD , FRATING, CO7 7AG**

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

Councillor Heaney had earlier declared that, due to the fact that she was not present at the meeting where Planning Application 18/00194/FUL was previously before the Committee, she would not participate whilst the Committee deliberated on that application and reached its decision.

Members recalled that this application had originally been considered at Planning Committee on 26 June 2018 when it had been resolved that the application be approved subject to the completion of a Section 106 agreement and a series of planning conditions.

It was reported that, following the Committee's decision, there had been positive progress in preparing the Section 106 agreement which had now included necessary additional requirements and that it was nearing completion.

It was further reported that the Committee had originally given until 26 December 2018 for the Section 106 agreement to be completed, however, an extension was now sought to allow more time for the completion.

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 and advice provided by Officers, it was moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning be authorised to grant planning permission for the development subject to:-

- a) By 26 March 2019 the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
- 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 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.

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

Members recalled that this application had originally been considered at Planning Committee on 31 October 2017 when it had been resolved that the application be approved subject to the completion of a Section 106 agreement and a series of planning conditions.

Members were informed that during the six months that had been given to complete the Section 106 agreement, a viability report had been submitted and independently assessed. The report had concluded that the scheme generated a deficit and on that basis, the residualised land value would be negative and the scheme was therefore not viable.

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 and advice provided by Officers, it was moved by Councillor Fowler, seconded by Councillor Baker and unanimously **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 Committee's resolution to approve the grant of planning permission, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 to deal with a viability review if groundworks not commenced within 2 (two) years from the date the decision notice is issued or such other appropriate trigger as recommended by the Council's Solicitor during the course of approving the agreement on behalf of the Council.

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

Conditions:

1. 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.
8. Archaeological investigation and report works, including historic building recording.
9. Site lighting strategy.
10. Broadband.
11. Accordance with approved plans.
12. Contaminated land.

The meeting was declared closed at 7.25 pm

**Chairman**

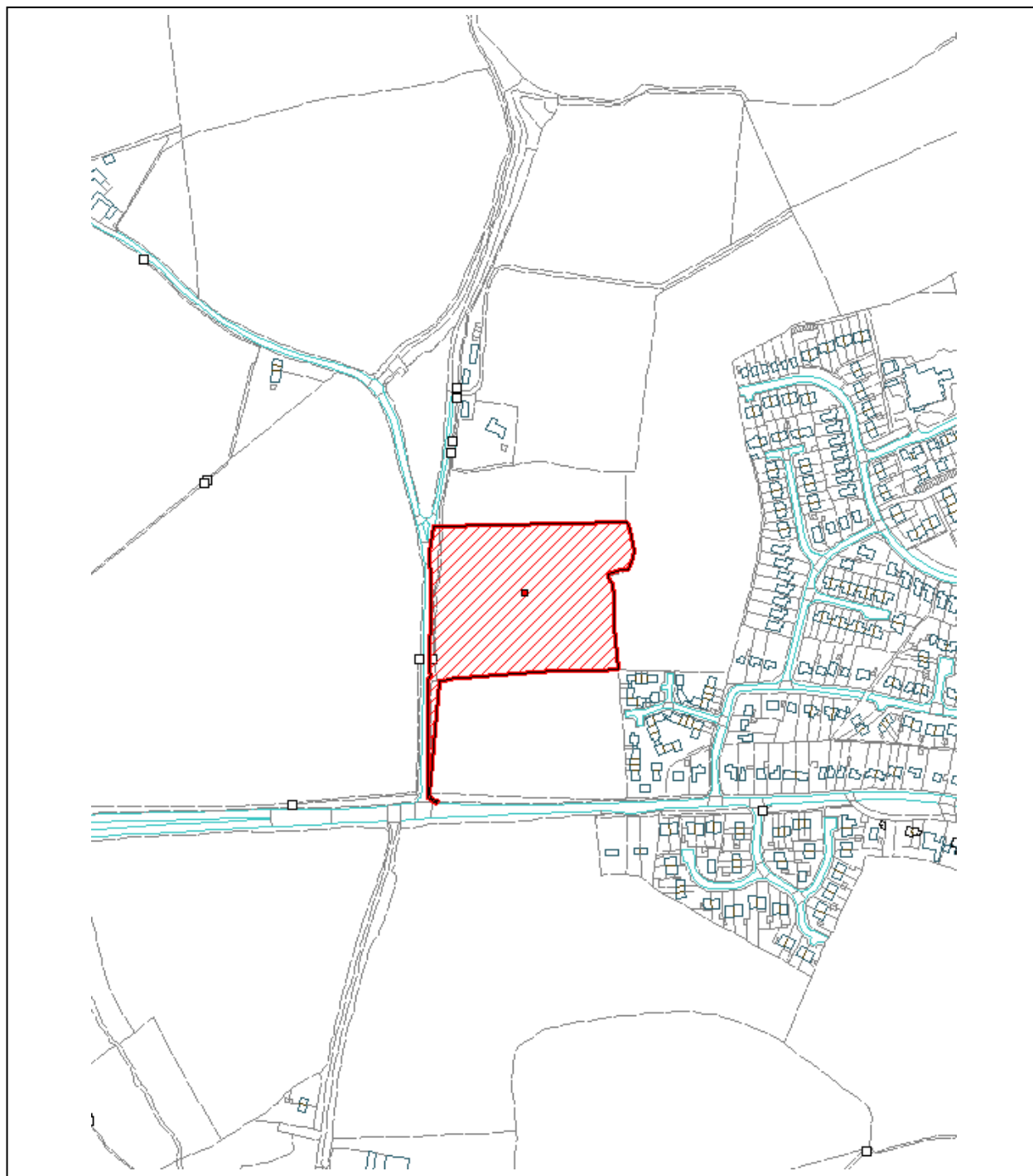
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## PLANNING COMMITTEE

12 FEBRUARY 2019

### REPORT OF THE HEAD OF PLANNING

#### **A.1 PLANNING APPLICATION - 18/01307/DETAIL - LAND TO THE EAST OF TYE ROAD, ELMSTEAD, CO7 7BB**



DO NOT SCALE

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<b>Application:</b>	18/01307/DETAIL	<b>Town / Parish:</b> Elmstead Market Parish Council
<b>Applicant:</b>	Mr Williams	
<b>Address:</b>	Land to The East of Tye Road Elmstead CO7 7BB	
<b>Development:</b>	Reserved matters application for 32 dwellings, land for a community facility and associated parking and infrastructure.	

## 1. Executive Summary

- 1.1 The application is referred to Planning Committee because at the time the outline application was determined a request was made by Members for all reserved matters application to be determined by Planning Committee.
- 1.2 Outline application 16/00219/OUT sought consent for the erection of up to 32 dwellings, land for a community facility and associated parking and infrastructure. This application was granted at appeal in April 2017, with all matters of detail reserved. Application 17/00927/DETAIL granted consent for the reserved matters in relation to access only. This application seeks consent for the remaining reserved matters: appearance, landscaping, layout and scale.
- 1.3 The site is situated to the east of Tye Road and the western edge of Elmstead. The application site is roughly rectangular in shape and measures 2.4 hectares. It is currently managed as an arable field and is bounded by a continuous mixed native hedgerow with individual mature trees.
- 1.4 As established through the granting at appeal of outline application 16/00219/OUT, the principle of residential development for up to 32 dwellings, land for a community facility and associated parking and infrastructure on this site is acceptable. Details of access have also been approved under application 17/00927/DETAIL.
- 1.5 The detailed design, layout, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety and the application is recommended for approval.

**Recommendation:** Approve

**Conditions:**

- In accordance with approved plans
- Materials
- Turning facility to be provided prior to first occupation and retained
- No unbound material within 6 metres of the carriageway
- Details of proposed private drive
- Notwithstanding approved plan, gates to be inward opening only and set back at least 6 metres from footway or carriageway
- Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.
- Details of cycle parking
- Timing of landscaping



## 2. **Planning Policy**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR1 Transport Assessment

TR3A Provision for Walking

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

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

- 2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.3 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:

- 2.4 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**

16/00219/OUT	Outline planning application for residential development of up to 32 dwellings, land for a community facility and associated parking and infrastructure.	Allowed at Appeal	27.07.2016
16/01950/OUT	Outline planning application for residential development of up to 32 dwellings and associated open space, car parking and infrastructure.	Withdrawn	26.04.2017
17/00927/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT.	Approved	12.03.2018
18/00681/DETAIL	Reserved matters application for construction of new access to serve housing development approved under 16/00219/OUT (amendment to application 17/00927/DETAIL).	Refused	31.07.2018
18/01307/DETAIL	Reserved matters application for 32 dwellings, land for a community facility and associated parking and infrastructure.	Current	

#### 4. Consultations

Tree & Landscape Officer In terms of the potential impact of the development proposal on the Oak trees on the land afforded protection by Tree preservation Order TPO/16/04 the details contained in the soft landscaping proposals plans states that all tree protection will be in accordance with the Tree Survey and report submitted with the outline application. In this respect the protected trees will not be harmed by the development proposal.

With regard to soft landscaping the information provided by the applicant shows a good level of new tree, shrub and hedge planting that will both soften and enhance the appearance of the development.

The creation of the new vehicular access from Tye Road will result in the removal of part of the Blackthorn Hedgerow although, taking into account new planting proposals this will not have a significant detrimental impact on the character of Tye Road or surrounding area.

With regard to the proposed access road and pedestrian link to the adjacent eastern development this will result in the removal of a small part of the group on mixed species. This issue was recognised at the outline planning stage and was not considered to have a detrimental impact on the integrity of the group of trees or the appearance of the area.

The information provided relating to soft landscaping is comprehensive and provides a good level of tree, shrub and hedgerow planting. The proposed soft landscaping will enhance the appearance of the development and help to ensure that it sits comfortably in its setting.

ECC Highways Dept From a highway and transportation perspective the impact of the proposal has been assessed and this Authority does not wish to raise an objection to the above application subject to the following conditions:

Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with Tye Road shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Preliminary Site Plan, drawing no. 4115-0001 P18 to a carriageway width of 5.5 metres with 2 metre width footways on both sides of the junction.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access.

Prior to first occupation of the development, the road junction at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the north (bend) and 2.4 metres by 160 metres to the south as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway.

Prior to first occupation of the development the size 3 vehicular turning facility shown in principle in the Preliminary Site Plan, drawing no. 4115-0001 P18 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.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the adjacent carriageway.  
Reason: To avoid displacement of loose material onto the carriageway in the interests of highway safety.

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.  
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.  
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

All single garages should have a minimum internal measurement of 7m x 3m. All double garages should have a minimum internal measurement of 7m x 5.5m.  
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway.  
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety.

There shall be no discharge of surface water onto the Highway.  
Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

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 footway or where no provision of footway is present, the carriageway.  
Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splays.  
Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

Prior to occupation of the proposed dwelling, 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.

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

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

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

Building Control and  
Access Officer

No comments at this time

Environmental Protection

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.

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)

ECC SuDS Consultee

Having reviewed the documents which accompanied the reserved matters planning application, acting on behalf of ECC we do not object to the approval of reserved matters. However, at this time we cannot recommend discharge of condition no. 8 due to outstanding information required to form part of the detailed drainage design scheme.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

This proposal falls below the scale at which Natural England would offer bespoke advice on this issue. However, we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation, consulting with Natural England where necessary. You should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Anglian Water Services Ltd

Records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

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

Have reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that this proposal may result in an increased risk of flooding in the downstream network. They note a pumped regime will be implemented, but no confirmed pump rate has



been provided for the site to conduct an accurate assessment at this time.

Have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

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

Essex Police – Designing out Crime

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 59 of the National Planning Policy Framework has been achieved, however the proposed site plan does show the dwellings seem to be positioned well for good natural surveillance while protecting the vulnerable rear of the properties by having the gardens backing directly onto other gardens. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security on each property, garden gates sited as near as possible to the front of the property.

It is recommended that the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

## 5. Representations

### 5.1 Elmstead Parish Council (comments on original proposal)

- Preliminary site plan 0001 P11 shows a possible link in the south-east corner to the adjacent development which has outline planning permission (14/01238/OUT). The landowner of the adjacent site is in the process of selling it but has confirmed to the Parish Council that he will be retaining a strip of land between his site and the above site, so there is no possibility of any link. In these circumstances we request that a revised plan be drawn up to show the site layout without this link road feature, especially as the Design and Access Statement refers to the layout relying 'strongly' on this feature.
- Following on from the above it is therefore imperative that the footpath as described in condition 1 of the approved planning application 17/00927/DETAIL is provided by the developer. This footpath is crucial for safe pedestrian access to the village, as there will be no other pedestrian link.

- The title of the application includes land for a community facility but none has been specified on plan 0001P11. There is a white area to the north east and we have asked the development if this is land for the community facility and whether it will be gifted to the Parish Council. This is unclear on the current plan and application documents. We have been advised by the developer that in the event of the access to the southeast being unavailable he feels this land would be inaccessible to the local community and therefore is unlikely to offer the facility. This seems extraordinary in view of the application title including reference to community land.
- The Parish Council objects to the parking arrangements where 'parking courts' are indicated there are out of date and have been proven to create anti-social areas within estates. Some residents will prefer to park on the road nearer their houses and will do so, causing potential hazards and preventing access to emergency vehicles. We therefore request a re-design of the parking provision. We request 2 parking spaces per property to be located on each premises, rather than parking courts. We feel that parking courts are only included due to over-development of the site. There should also be more visitors parking.
- A further feature which indicates overdevelopment is that several of the homes have plots which appear to be undersized according to the Local Plan currently in place. We understand that all houses of 2 or more bedrooms should have gardens of 100 sq.m as a minimum. Plots 13, 12, 15, 19, 20 and 32 all show gardens considerably less than this minimum.

#### 5.2 Elmstead Parish Council (comments on amended plans)

- The council thinks that the emphasis for affordable housing should be for 1 and 2 bedroom homes which are suitable for first time buyers. To be in keeping with the development these could be 1 or 2 bedroom houses. The council is concerned that the new plans have removed the 2 x 1 bedroom homes previously included.

#### 5.3 One letter of objection has been received which raises the following concerns:

- Affordable housing for first time buyers is needed; the proposed 3 and 4 bed homes do not achieve this.
- The possible link road is still shown – but the final plans for the adjacent development north of Meadow Close have already been submitted showing no such link, either for vehicle or pedestrians, the road is redundant and therefore should be absorbed into the adjacent play area.
- The title of the application indicates land for community use and whilst there are areas of public open space there is now no provision of land for community use.

## 6. **Assessment**

### Site Context

- 6.1 The site is situated to the east of Tye Road and the western edge of Elmstead. The application site is roughly rectangular in shape and measures 2.4 hectares. It is currently managed as an arable field and is bounded by a continuous mixed native hedgerow with individual mature trees.
- 6.2 To the north of the site is a detached residential property and land which is subject to a current appeal for a further 18 dwellings (18/00512/OUT). To the east of the site is a development site to the north of Meadow Close which was subject to an outline planning

permission (14/01238/OUT) for 20 dwellings that was granted; the reserved matters application (18/01810/DETAIL) is currently under consideration.

### Planning History

- 6.3 Outline planning permission for 32 dwellings, land for a community facility and associated parking and infrastructure was granted at appeal on 6<sup>th</sup> April 2017 (16/00219/OUT). This application was subject to a legal agreement and a number of conditions, including that details of the access, appearance, landscaping, layout and scale be submitted. The legal agreement secured the following:
- The construction of an estate road (including footways) to an adoptable standard from Tye Road to the eastern boundary of the site.
  - A financial contribution of £12,218.00 towards Primary Education
  - The provision of 25% on site affordable housing; and
  - The laying out of the open space in accordance with details agreed by the Council and transfer to a Management Company to be maintained in accordance with agreed details.
- 6.4 Following this approval a reserved matters application for details of access only was submitted (17/00927/DETAIL). This application was approved by Planning Committee on 27<sup>th</sup> February 2018, subject to a condition requiring the footpath and highway works to be provided prior to development commencing. A further application was submitted (18/00681/DETAIL) to vary the timing of the footpath and highway works from prior to development commencing to prior to any dwelling being occupied. This application was refused by Planning Committee on the basis that the construction traffic generated by the development would result in an adverse impact on pedestrian safety along Tye Road. This concern was overcome by a condition imposed on 17/00927/DETAIL which required the proposed footpath to be constructed prior to commencement of development and therefore to construct the footpath prior to first occupation would result in an adverse impact on pedestrian safety.

### Proposal

- 6.5 This application seeks approval of the reserved matters (appearance, landscaping, layout and scale) relating to outline planning permission 16/00219/OUT which granted permission at appeal for the erection of 32 dwellings, land for a community facility and associated parking and infrastructure.
- 6.6 The proposal seeks permission for 32 dwellings; 17 no. 2 bed dwellings; 6 no. 3 bed dwellings and 9 no. 4 bed dwellings. Out of the dwellings proposed 3 are bungalows; 3 are one and a half storey and the remaining 26 are two storey in height.
- 6.7 The access points to the site remain as approved under 17/00927/DETAIL; a single point of vehicular access serves all dwellings and there is a separate pedestrian access onto Tye Road. Throughout the site there are 3 areas of open space an area to the north of the access (which includes a pumping station); an area to the south of the access and adjacent to the southern boundary of the site, which forms part of the drainage solution and a Local Area of Play in the south-east corner of the site.
- 6.8 The legal agreement secured at outline stage (referred to above) will still apply, together with all the conditions that were imposed by the Planning Inspector and outline stage and those imposed on the reserved matters application for the access (17/00927/DETAIL).

### Principle of Development

- 6.9 The principle of development on the site for 32 dwellings, land for a community facility and associated car parking and infrastructure has been established by the granting of outline

consent at appeal (16/00219/OUT). The details of the access have also been agreed under application 17/00927/DETAIL.

- 6.10 It is noted that the description of development refers to a community facility; however, as advised at the time of the outline consent, given the scale of development the provision of community facilities apart from open space could not have been insisted on and therefore was not secured by the legal agreement at outline stage.

#### Appearance

- 6.11 The detailed design of the dwellings is varied with different roof forms, heights and materials, which will provide visual interest throughout the development. The proposed materials are a mixture of red and buff facing brick, plain tiles, natural slate and pantiles; these are considered appropriate in principle. However, a condition is recommended to require samples of materials to be submitted to ensure high quality materials are used.
- 6.12 The surrounding area is very rural in nature with no residential dwellings within the immediate vicinity of the site. The proposed dwellings are all fairly traditional in appearance and detailing, with Plots 29-32 in particular using design features of other dwellings on the edge of Elmstead. The other dwellings are of good design and are not out of character with the surrounding area.
- 6.13 For the above reasons it is considered that the detailed design and appearance of the proposed dwellings are acceptable.

#### Layout

- 6.14 Each of the proposed dwellings has their own private amenity space. Policy HG9 of the Saved Local Plan requires 75 sq.m of private amenity space for 2 bed dwellings and 100 sq.m of private amenity space for dwellings with 3 or more bedrooms. All dwellings are provided with garden areas which meet or in many cases exceed this standard.
- 6.15 All of the proposed dwellings address the street and create an active street frontage. There are some dwellings that have side elevations facing the street, but these have been designed so that they also create an active frontage (with side entrance doors and windows).
- 6.16 The layout provides the majority of parking within the curtilage of the proposed dwellings there are a few areas where parking courts are used. Whilst these are not an ideal solution they are small clusters and are located in areas where they would not be prominent within the street scene.
- 6.17 In conclusion there is no objection to the layout of the proposed development.

#### Scale

- 6.18 The proposal includes a mix of single storey bungalows, one and a half storey dwellings and two storey dwellings. It is noted that the nearest development (Meadow Close) comprises of bungalows however, there is sufficient distance for 2 storey development on the site not to appear out of character with the surrounding area.

#### Highway Safety/Parking

- 6.19 Essex County Council Highways have been consulted on the application and raise no objection subject to conditions set out above, which cover details of the access; vehicular visibility; turning facilities; no unbound materials; sizes of parking spaces and garages; the width of private drives; no surface water discharge onto the highway; location of gates;

location of boundary planting; cycle parking; provision of residential travel packs and a construction method statement.

- 6.20 As this is a reserved matters application some of the recommended conditions have been dealt with by either the outline application or the previous reserved matters application for access. The outline application is subject to conditions regarding the submission of a construction method statement and details of surface water drainage. The details of the proposed access have been dealt with under application 17/00927/DETAIL therefore it is not necessary to impose conditions regarding details of the access and vehicular visibility.
- 6.21 The submitted plan shows that all parking spaces and garages meet the required standard and therefore it is not necessary to impose further conditions apart from that requiring the development to be carried out in accordance with the approved plans. The provision of residential travel packs, if considered necessary should have been imposed at outline stage; it is not considered reasonable to impose such a condition at this time. All the remaining conditions recommended by highways cover turning facilities; no unbound materials; the width of private drives; location of gates; location of boundary planting and cycle parking are included within the above recommendation.
- 6.22 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 spaces per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally.
- 6.23 All of the proposed dwellings have at least 2 off-street parking spaces, either in the form of a garage or designated off-street parking space. Some of the proposed dwellings have parking provision in excess of the standards with space for 3 or 4 cars. A total of 7 visitor parking spaces are provided which is one less than the required 0.25 spaces per dwelling as set out in the parking standard. However, as there are dwellings with parking provision in excess of the standards the level of parking provision is considered acceptable.
- 6.24 There is no separate visitor parking provided around the development, however, many of the proposed dwellings have off-street parking provision in excess of that required by the standards. All have the required 2 off-street parking spaces but especially the larger houses have spaces for up to 3 or 4 cars. It is therefore considered that the level of parking provision is acceptable.
- 6.25 No details of any cycle storage has been provided at this stage, however, a condition is recommended to cover this. The garages are of a sufficient size to provide cycle parking and all dwellings have space within the garden area for a shed. It is therefore considered that adequate cycle parking can be provided.
- 6.26 For the above reason the application is considered acceptable in terms of highway safety.

#### Landscaping/Biodiversity

- 6.27 In terms of the potential impact of the development proposal on the Oak trees on the land afforded protection by Tree Preservation Order TPO/16/04 the details contained in the soft landscaping proposals plans states that all tree protection will be in accordance with the Tree Survey and report submitted with the outline application. In this respect the protected trees will not be harmed by the development proposal. The information provided relating to soft landscaping is comprehensive and provides a good level of tree, shrub and hedgerow planting. The proposed soft landscaping will enhance the appearance of the development and help to ensure that it sits comfortably in its setting.

- 6.28 To safeguard the ecological value of the site, a condition for a mitigation scheme was conditioned. At the time of the outline consent Natural England raised no objection as the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) was not published and even now it is only an emerging document and therefore it is considered unreasonable to request such information/contribution.

#### Impact on Residential Amenity

- 6.29 It is considered that the proposal would result in no material harm to residential amenity of existing occupiers. The relationship between the proposed dwellings is also considered acceptable with adequate separation to provide good standards of privacy and light.

#### Drainage

- 6.30 With regard to foul water drainage Anglian Water have raised concern that the impact on the public foul sewerage network has not been adequately addressed at this stage and recommend imposing a condition. A similar condition was imposed on the outline consent and this will still apply and will need to be discharged prior to the commencement of development. Surface water drainage was also dealt with as a condition on the outline consent.

#### Affordable Housing

- 6.31 The legal agreement with the outline application secured the provision of 25% on site affordable housing. The site plan indicates the position of these dwellings; they will be 4 no. 2 bed dwellings; 3 no. 3 bed dwellings and 1 no. 4 bed dwelling. This mix has been agreed by the Council's Housing Department.
- 6.32 Policy LP5 of the Emerging Plan states that 'to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings and to ensure positive integration between the residents of council housing and market housing, there should be no noticeable difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s)'. The affordable housing is located to the east of the site in a cluster of 8 units, which complies with the above policy. In terms of the design of the affordable housing units, they would not appear any different to other dwellings proposed especially as a terrace of properties is also provided at the front of the site (albeit a different design). It is appreciated that these units have some of the smaller gardens within the development and do not have curtilage parking, however, the gardens meets the standards set out in Policy HG9 and they are not the only dwellings within the site to not have curtilage parking.

#### Conclusion

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

#### Background Papers

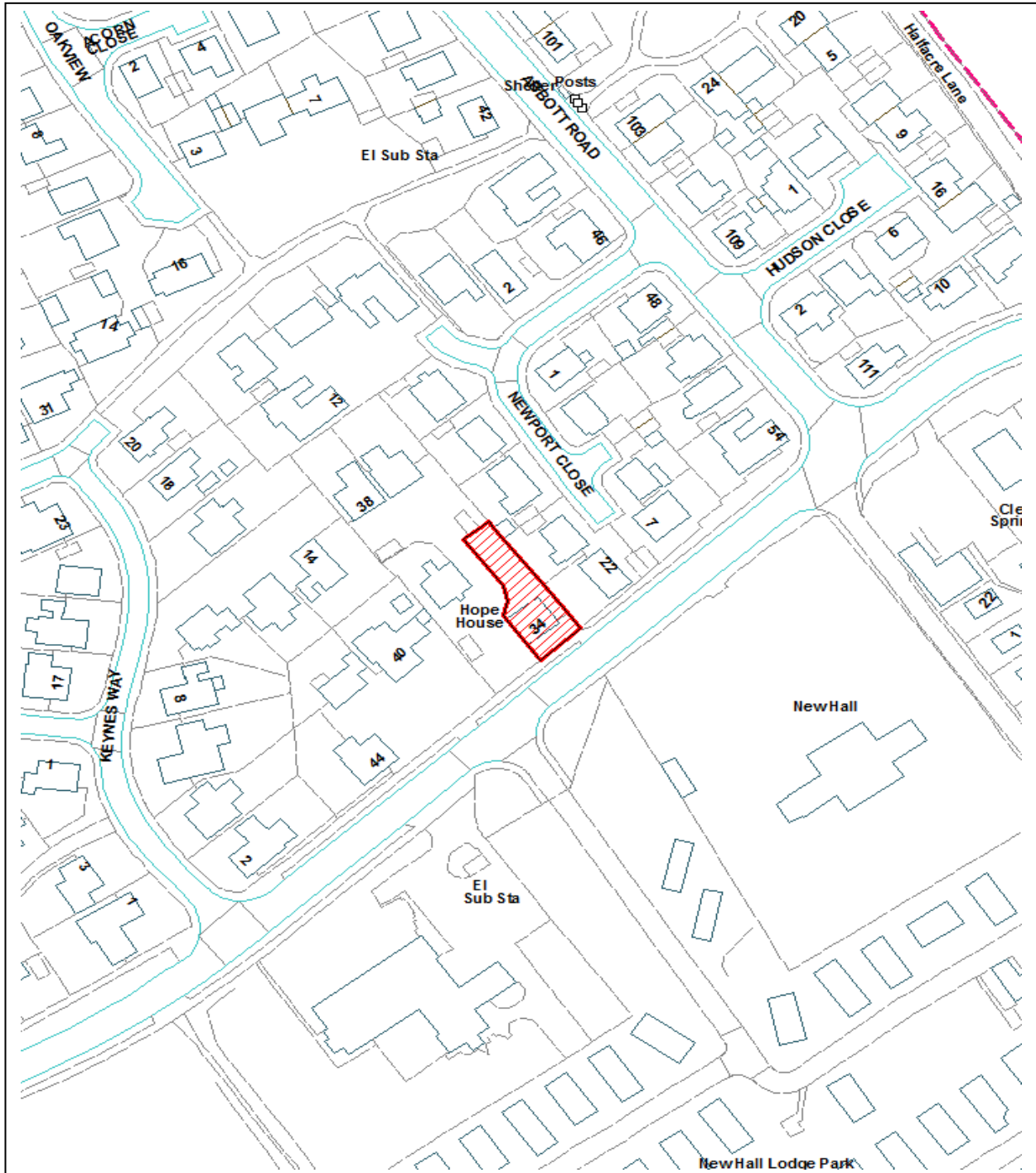
None

## PLANNING COMMITTEE

12 FEBRUARY 2019

### REPORT OF THE HEAD OF PLANNING

#### **A.2 PLANNING APPLICATION – 18/02001/FUL - 34 LOW ROAD, DOVERCOURT, HARWICH, CO12 3TS**



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<b>Application:</b>	18/02001/FUL	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	Mr & Mrs Ivan Henderson	
<b>Address:</b>	34 Low Road Dovercourt Harwich CO12 3TS	
<b>Development:</b>	Proposed single storey side extension.	

## 1. **Executive Summary**

- 1.1 The application has been referred to Planning Committee as the applicants are Cllr Ivan Henderson who is a County and District Councillor and Cllr Jo Henderson who is a District Councillor.
- 1.2 The application is a resubmission of a previous scheme refused by planning committee under reference 18/01693/FUL which sought permission for a side extension 5.6m in height. Members chose to recommend the scheme for refusal as it was contrary to Saved Policy HG14.
- 1.3 This new application seeks permission for the erection of a single storey side extension 2.7m in width and 3.8m in height at 34 Low road Dovercourt which is sited within the development boundary of Harwich and Dovercourt.
- 1.4 It is noted that planning permission would not normally be required for an extension of this size however permitted development rights for enlargements have been removed on the original planning permission for the house under condition 12 of planning permission 07/01455/FUL and therefore an application is required.
- 1.5 The proposal will be sited to the side of 34 Low Road and will be of a design and size which is appropriate to the existing house refraining it from having a harmful impact to the local areas appearance and character.
- 1.6 The proposal will be noticeable to the neighbouring property to the north east known as "22 Newport Close," however will be sited sufficient distance away from this house which will prevent it from resulting in such a significant loss of light and outlook to this neighbour.

**Recommendation:** Approve

**Conditions:**

1. Time Limit
2. Approved Plans

## 2. **Planning Policy**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

**Tendring District Local Plan 2007**

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs



QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

HG14 Side Isolation

HG9 Private Amenity Space

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

SPL3 Sustainable Design

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

- 2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.3 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

05/01741/FUL	4 New Dwellings	Refused	06.12.2005
06/00530/FUL	2 New dwellings.	Refused	17.05.2006
07/01455/FUL	3 new dwellings with detached garages, new access drive and crossover (existing Hope House to be retained).	Approved	14.11.2007
18/01693/FUL	Proposed single storey side extension.	Refused	21.11.2018
18/02001/FUL	Proposed single storey side extension.	Current	

#### **4. Consultations**

None Required

#### **5. Representations**

5.1 Harwich Town Council have no objections to the proposal.

5.2 Two letters of objection have been received which can be summarised below:

- Loss of light due to height of proposal
- Loss of outlook due to height, close proximity and removal of hedge.
- Contrary to Saved Policy HG14 of Tendring District Local Plan 2007.

#### **6. Assessment**

The main planning considerations are:

- Site context;
- History;
- Proposal;
- Design and Appearance;
- Impact to Neighbours; and,
- Highway Safety.

##### Site Context

6.1 The application site comprises of a south east facing detached chalet bungalow which is of a brick construction with two dormer windows sited to the front of the house. An access serving the properties to the rear is positioned between the host dwelling and its associated garage. The application house has a rear garden which shares boundaries with neighbouring dwellings in Newport Close and Low Road.

6.2 The site is located within the settlement boundary of Dovercourt within the Adopted Local Plan 2007 and Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

##### Proposal

6.3 This application seeks planning permission for the erection of a single storey side extension 2.7m in width and 3.8m in height.

##### History

6.4 This application is a resubmission of an earlier scheme refused at planning committee under reference 18/01693/FUL which failed to comply with the requirements of Saved Policy HG14 of the Adopted Local Plan 2017.

6.5 The application site is of a recent construction with planning permission for the erection of 3 new dwellings with detached garages, new access drive and crossover (existing Hope House to be retained), approved under planning permission 07/01455/FUL in 2007.

6.6 Condition 12 of planning permission 07/01455/FUL removed permitted development rights for enlargements to the house without having first received planning permission. This condition states;

- 6.7 “Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling, no provision of buildings, enclosures, swimming or other pool shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - To ensure the size of the garden areas remain acceptable and to protect the residential amenity of adjoining residents.”

#### Design and Appearance

- 6.8 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.9 Policy HG14 of the Tendring District Local Plan (2007) states that, extensions to dwellings over 4m in height should retain appropriate open space between dwellings and the side boundaries to safeguard the amenities and aspect of adjoining residents. As a guideline a minimum distance of 1 metre will be sought. Where circumstances warrant it, a greater distance will be sought.
- 6.10 The proposal will be sited to the side and therefore a noticeable feature when viewing the property from Low Road.
- 6.11 The proposed extension will be set back from the front wall of the dwelling by 0.45m and from the front of the site by 5m which reduce its prominence within the streetscene.
- 6.12 The proposed extension will be 1.9m lower in height than the host dwelling and will continue the same eaves height as the house to ensure its consistency with the host dwelling. The enlargement will be constructed from materials which match the host dwelling and will incorporate similar design elements such as same roof type and matching openings to ensure its consistency with the main dwelling.
- 6.13 The neighbouring dwelling of 22 Newport Close sited to the north east is orientated away from the dwelling with its rear garden boundary being shared with the application site. The neighbouring dwelling is positioned 9m away from its rear boundary resulting in a large open space being formed between the two properties.
- 6.14 The height of the proposed extension has since been lowered to under 4m in line with Saved Policy HG14 of the Adopted Local Plan 2007.
- 6.15 The site is of a large enough size to accommodate the proposal still retain sufficient private amenity space in line with requirements of Saved Policy HG9.

#### Impact on Neighbours

- 6.16 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried

- 6.17 Since the refusal of the previous application the height of the proposed enlargement has been lowered to less than 4m and therefore complies with Saved Policy HG14.
- 6.18 The proposal will not result in a loss of residential amenities to the neighbouring dwellings to the South West or North West of the site as it will be sited sufficient distance away from these houses and screened by the host dwelling.
- 6.19 The application site shares a boundary with 22 Newport Close sited to the east of the site. Currently situated along this boundary is an existing hedge and fencing. The hedge has not been shown on the submitted plans and it is presumed that this will be removed to accommodate the proposal and as a result the proposal will appear as a noticeable feature to this neighbour.
- 6.20 The occupants of 22 Newport Close have provided comments objecting to the scheme stating that the proposal will be of the same height as the existing house resulting in a significant reduction of light and outlook.
- 6.21 The plans show that the proposal will be 1.9m lower in height compared to the host dwelling matching the design of the existing house.
- 6.22 This neighbouring dwelling at 22 Newport Close is sited 9m from its rear boundary shared with the application site.
- 6.23 As a result of the reduced height and its distance from the neighbouring dwelling it is considered that the proposal would not result in a significant loss of light or outlook to this neighbour.
- 6.24 The plans show that there are no windows proposed along this side elevation and therefore the proposal would not result in a loss of privacy to this neighbour.

#### Highway Safety

- 6.25 The application dwelling has an existing garage positioned to the other side of the existing access which serves the houses to the rear. The proposal is to the side of the house away from this garage and would not infringe upon any existing parking arrangements at the site.

#### Conclusion

- 6.26 In conclusion as the proposal represents no visual harm or significant loss of residential amenities to neighbouring properties it is recommended for approval.

#### Background Papers

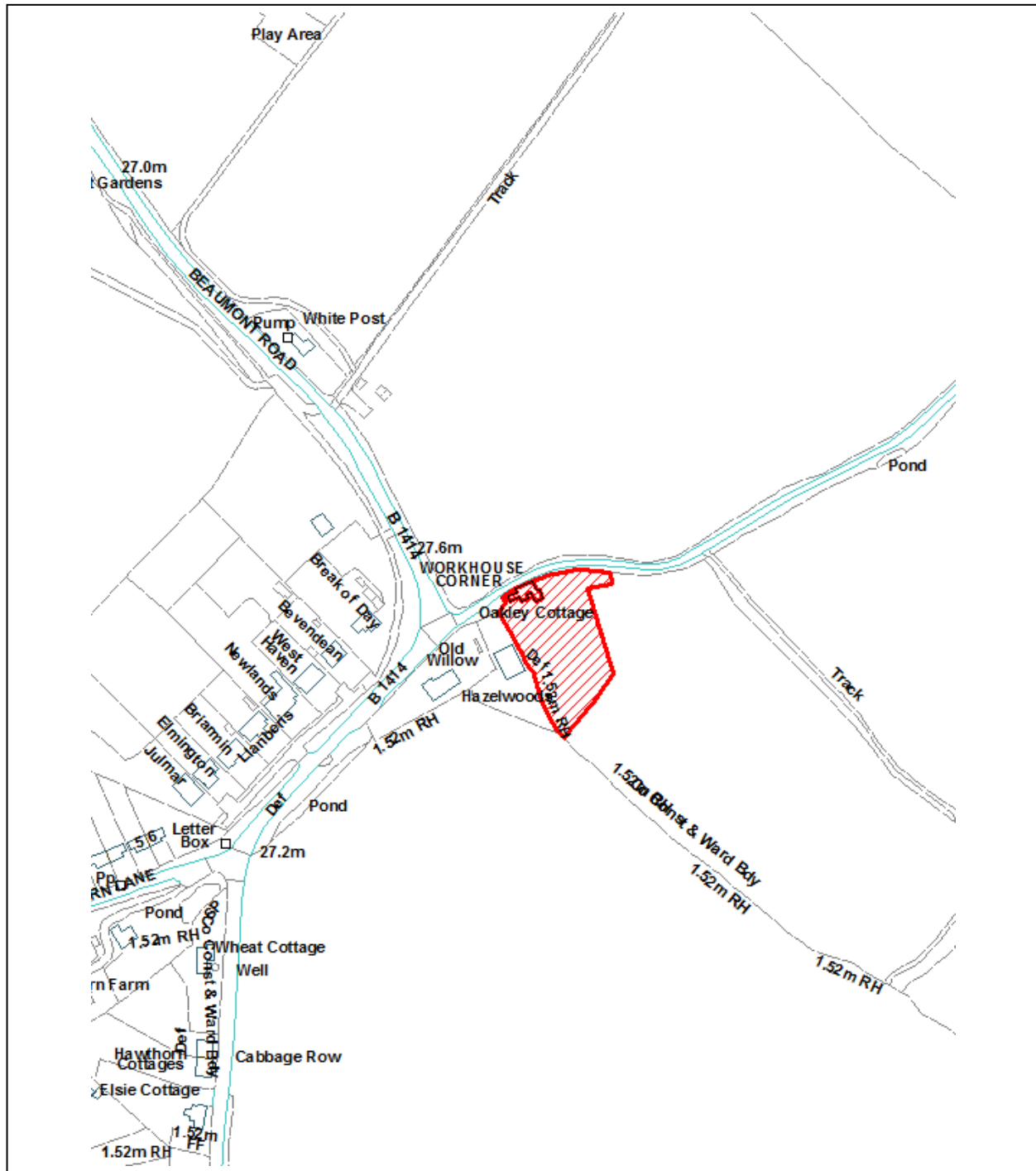
None.

## PLANNING COMMITTEE

12 FEBRUARY 2019

### REPORT OF THE HEAD OF PLANNING

#### **A.3 PLANNING APPLICATION - 18/01869/FUL - OAKLEY COTTAGE, PESTHOUSE LANE, GREAT OAKLEY, HARWICH, CO12 5BB**



DO NOT SCALE

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<b>Application:</b>	18/01869/FUL	<b>Town / Parish:</b> Great Oakley Parish Council
<b>Applicant:</b>	Mr & Mrs Higgins	
<b>Address:</b>	Oakley Cottage Pesthouse Lane Great Oakley CO12 5BB	
<b>Development:</b>	Construction of single storey annex.	

## 1. Executive Summary

- 1.1 This application is referred to the Planning Committee as the applicant is a Tendring District Council employee.
- 1.2 The application seeks planning permission for the construction of a single storey annex.
- 1.3 The proposal represents no visual harm or detrimental impacts to neighbouring amenities or the setting of the listed building.

**Recommendation:** Approve

**Conditions:**

1. Time Limit
2. Approved Plans
3. Ancillary Use to Oakley Cottage, Pesthouse Lane, Great Oakley

## 2. Planning Policy

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG14 Side Isolation

EN23 Development Within the Proximity of a Listed Building

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

SPL3 Sustainable Design

PPL9 Listed Buildings

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

- 2.1 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.3 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

09/00081/LBC	Proposed single storey extension to the rear.	Refused	30.04.2009
09/00085/FUL	Erection of single storey extension.	Approved	30.04.2009
09/00487/FUL	Change of use from agricultural land to garden.	Approved	03.08.2009
09/00580/FUL	Proposed single storey side/rear extension to form bathroom and kitchen extensions.	Approved	05.08.2009
09/00581/LBC	Proposed single storey side/rear extension to form bathroom and kitchen extensions.	Approved	05.08.2009
13/00680/FUL	Erection of dwelling following demolition of outbuilding.	Approved	25.09.2013
14/00329/DISCON	Discharge of condition 03 (landscaping), 05 (materials) and 09 (construction method statement) of planning permission 13/00680/FUL.	Approved	04.04.2014
14/00481/DISCON	Discharge of condition 03	Approved	16.04.2014

(landscaping) of planning permission 13/00680/FUL.

14/00492/FUL	Cart lodge and wood store.	Refused	23.05.2014
14/00493/LBC	Cart lodge and wood store.	Approved	
15/01168/FUL	Proposed cartlodge and woodstore.	Approved	17.02.2016
18/01869/FUL	Construction of single storey annex.	Current	

#### **4. Consultations**

Not Required

#### **5. Representations**

- 5.1 Great Oakley Parish Council have commented on this application and have requested that a legally binding covenant should be included in any planning consent preventing the separation of the "Annex" from the main property in perpetuity to prevent it from subsequently being sold off separately.
- 5.2 No letters of representation have been received.

#### **6. Assessment**

The main planning considerations are:

- Site Context
- Planning History.
- Principle of development
- Design and Appearance
- Impact upon neighbouring amenities
- Heritage Impact

##### Site Context

- 6.1 The site is located on the southern side of Pesthouse Lane at the junction with Beaumont Road. The application relates to the Grade II Listed Oakley Cottage. The cottage dates from the 17th/18th century and is timber framed, mainly plastered with a facade of red brick in stretcher bond, with a thatched roof. Adjacent to the cottage is a detached bungalow approved under planning application reference number 13/00680/FUL. Access to Oakley Cottage and the new dwelling are via the shared access off Pesthouse Lane.

##### Planning History

- 6.2 Planning permission was granted under reference 15/01168/FUL for the erection of a cartlodge and wood store in a similar position to the proposed.



### Listed Building Reference 7/35

- 6.3 Cottage. C17/C18. Timber framed, mainly plastered with facade of red brick in stretcher bond, with thatched roof. 2 bays facing SE with internal stack at right end, and C20 external stack against it. C19/C20 single-storey extension to right. C18/C19 outshut at rear, forming a catslide. One storey with attic. 2 C20 casements. C20 glazed door in glazed lean-to porch or conservatory. Clasped purlin roof. Reportedly documented from 1631, not examined.

### Principle of development

- 6.4 The site is outside the Settlement Development Boundary (SDB). Saved policy HG12 states that proposals for an extension to an existing dwelling outside the SDB will be permitted provided that, among other things, the extension is of a size, scale and height in keeping with the character of the locality, is well related and in proportion to the original dwelling, retains sufficient space around the dwelling to protect its setting and would not adversely affect adjoining properties. The principle is acceptable subject to the proposal complying with the following considerations.

### Design and Appearance

- 6.5 QL9, QL10 and QL11 of the Tendring District Local Plan (2007) seeks that all new development should make a positive contribution to the quality of the local environment and protect or enhance the local character and that development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby property.
- 6.6 The annexe is considered to be of a size and scale typically associated with an annexe.
- 6.7 The annexe will be visible from the street scene; however the proposal will be set back by approximately 25 metres from Pesthouse Lane.
- 6.8 The annexe is single storey in nature, of a traditional design and will be constructed from a brick plinth, timber cladding with a slate roof which is in keeping with the neighbouring dwelling 'Hazelwood's'.
- 6.9 The annexe will be restricted to ancillary accommodation by condition as the level of accommodation proposed could amount to a "dwelling" in its own right. Adequate garden area remains for the host property. The development is therefore considered acceptable in terms of design and appearance.

### Impact upon neighbouring amenities

- 6.10 There are no neighbours located to the east of the site however there is a neighbouring dwelling to the west.
- 6.11 The proposal will be visible to the neighbouring dwelling 'Hazelwoods'. However, the annexe maintains 4 metres to the neighbouring boundary which complies with Policy HG14 and as the proposal incorporates a pitched roof which will slope away from the neighbouring dwelling, it is considered that the annexe will not cause any significant impact upon neighbouring amenities.

### Heritage Impact

- 6.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act imposes a statutory duty on the Local Planning Authority to have special regard to the desirability of

preserving a listed building or its setting or any features of special architectural or historic interest.

- 6.13 Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.14 Paragraph 189 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is reflected by saved policy EN23 of the Tendring District Local Plan (2007) and emerging Policy PPL9 of the Tendring District Council Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Both these policies also confirm that development should be of a scale, design and use that respects the listed building and its setting.
- 6.15 The proposed annexe is sited within the curtilage of Oakley Cottage, a Grade II Listed Building.
- 6.16 Accordingly the applicant has submitted a Heritage Statement to justify how the proposed works will not adversely affect the Listed Building.
- 6.17 The principle of a structure in this location has been previously approved by the granting of application no. 15/01168/FUL as well as the proposal being single storey in nature and constructed from materials that are considered to be sympathetic to the setting of the listed building.
- 6.18 Furthermore, the proposal will be sited approximately 25 metres from the Listed Building, the site is well set back and main views of the Listed Building will be retained. Therefore, there is no significant harm identified to the setting of the Listed Building, and the proposal is therefore acceptable against this criteria.

#### Conclusion

- 6.19 Overall, the proposed annex in this location is acceptable, and the proposal represents no visual harm or detrimental impacts to neighbouring amenities.

#### Background Papers

None