



PLANNING COMMITTEE

DATE:	Wednesday, 6 June 2018
TIME:	6.00 pm
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

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

Councillor Cawthron
Councillor Everett
Councillor Fowler
Councillor Hones
Councillor McWilliams

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

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

For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686585.

DATE OF PUBLICATION: Tuesday 29 May 2018

AGENDA

1 Apologies for Absence and Substitutions

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

2 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.

3 A.1 - Planning Application - 17/01537/OUT - Land to the south of Long Road and to the west of Clacton Road, Mistley, CO11 2HN (Pages 1 - 14)

Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003';

4 A.2 - Planning Application - 17/00535/DETAIL - Land to the south of Long Road and to the west of Clacton Road, Mistley (Pages 15 - 30)

Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).

5 A.3 - Planning Application - 17/02204/FUL - Crown Business Centre, Old Ipswich Road, Ardleigh, CO7 7QR (Pages 31 - 46)

The construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping (Amended description).

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, 26 June 2018.

Information for Visitors

FIRE EVACUATION PROCEDURE

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

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

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

Your calmness and assistance is greatly appreciated.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME May 2017

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

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

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

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

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

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

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

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

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

WHICH MATTERS ARE COVERED BY THIS SCHEME?

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

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

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

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

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

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

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

OR

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

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

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

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

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

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

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

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

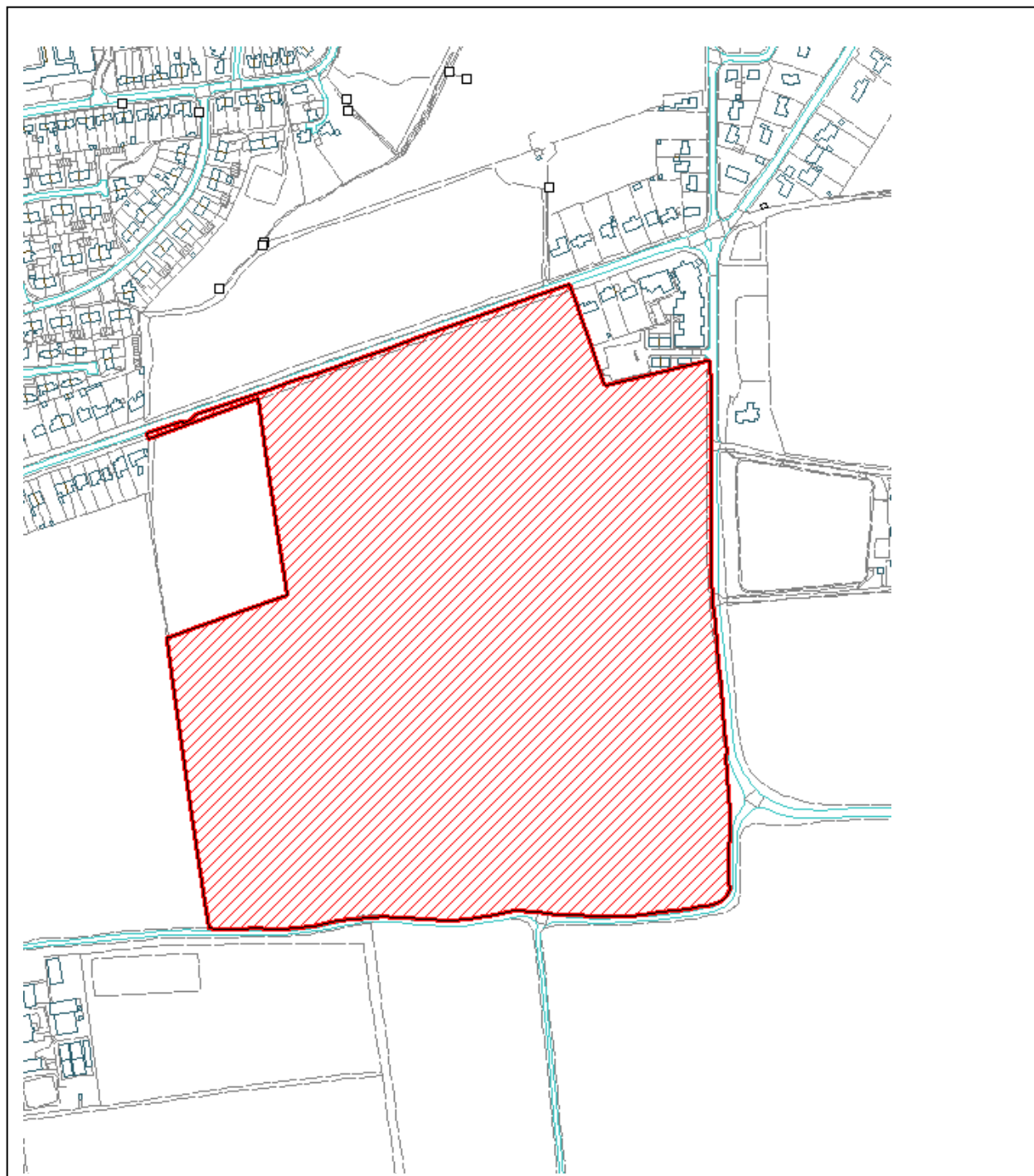
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PLANNING COMMITTEE

6th JUNE 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 17/01537/OUT - LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD, MISTLEY, CO11 2HN



DO NOT SCALE

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Application:	17/01537/OUT	Town / Parish: Mistley Parish Council
Applicant:	Mr Winsborough - Tendring Farms Ltd	
Address:	Land to The South of Long Road and to West of Clacton Road, Mistley, CO11 2HN	
Development:	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003';	

1. Executive Summary

- 1.1 The site benefits from extant outline planning consent for 300 homes and 2 hectares of employment land. Planning permission was granted subject to a number of planning conditions including that any detailed plans for the site needed to be in general conformity with the submitted parameter plans. These broadly identified, the location of housing, commercial development and open space as well as the height of development.
- 1.2 This planning application seeks to vary the parameter plans to allow certain amendments to the scheme layout. It follows from a similar application for variation of the parameter plans that was refused by planning committee on 10th August 2017. The current application seeks to address the reasons for refusal by complying more closely with the original outline consent. Accordingly there would be:
 - Nominal reduction in the overall amount of approved open space;
 - Nominal enlargement in approved developed area;
 - Re-distribution of approved height limits across the site to include buildings between 1 – 2.5 storeys;
 - Re-location within the site of the approved employment land;
 - The approved access point onto Clacton Road to be moved further north.
- 1.3 There would be no changes to the total number of homes or the amount, or use class of employment land, as this could only be achieved through a whole new planning application for the site.
- 1.4 There has been one representation from a member of the public. Mistley Parish Council has expressed concerns that the two-storey height is inappropriate being out of character for the area; and for having an adverse visual impact, being the highest point in Mistley.
- 1.5 The Council's Principal Trees and Landscape Officer has not raised objection. The amended plans would still allow for some 26% open space which is more than double what is required by the Local Plan policies and the green spaces would still be positioned and landscaped to minimise the visual and landscape impact of the development.
- 1.6 Natural England has not raised objection, as previous concerns that the reduction in open space might lead to greater recreational disturbance of protected habitats at the Stour Estuary, have been overcome.
- 1.7 The proposal to relocate the 2 hectare employment site from the south-west corner of the site to the south-east corner of the site is un-controversial and would be a positive change

in terms of ensuring more direct access to the highway and reducing any conflict with the residential development. This was established in the context of 17/00534/OUT.

- 1.8 It is hereby recommended that the application be approved. If the Committee endorses this recommendation, outline planning permission for the site will be re-issued in full, with planning condition 4 amended to correspond with the new parameters plans. The s106 agreement for the original application which secures affordable housing, education, health and off-site highway contributions would also still apply.

Recommendation: Approve

That the Head of Planning be authorised to grant outline planning permission for the proposed development (up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure) but with a variation to condition 4 of the decision notice to require the development to be in general conformity with the revised parameters plans.

All other planning conditions are to remain unchanged from the outline planning permission 15/00761/OUT as well as the completed s106 legal agreement to secure education contributions, affordable housing, open space and open space maintenance contribution, healthcare contributions and contributions towards highway improvements to the crossing at Manningtree Station.

Conditions:

- 1 Submission of Reserved Matters;
- 2 Submission of Reserved Matters;
- 3 Commencement of development;
- 4 Reserved Matters in general conformity with approved indicative drawings;
- 5 Maximum no of dwellings and employment land;
- 6 Phasing Plan and Programme;
- 7 Details of materials;
- 8 Landscaping implementation;
- 9 Replacement planting within 5 years;
- 10 Accordance with Tree Constraints Plan;
- 11 Public Open Space Management Plan;
- 12 Boundary details;
- 13 Foul water strategy;
- 14 Surface Water drainage scheme;
- 15 Scheme to minimise off site flooding;
- 16 Drainage maintenance scheme;
- 17 Highway Improvements;
- 18 Sustainable Transport information;
- 19 Ecological Mitigation Scheme;
- 20 Archaeological Investigation;
- 21 Construction Method Statement;
- 22 Refuse/Recycling Details;
- 23 Cycle Storage;
- 24 Broadband Connection;
- 25 Recruitment Strategy.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan, it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.

Status of the Local Plan

- 2.3 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.

2.4 Tendring Adopted Local Plan Adopted 2007 Policies

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
HG3	Residential Development within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM1	Access for All
COM8	Provision and Improvement of Outdoor Recreational Facilities
COM8a	Proposed New Recreational Open Space
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6a	Protected Species
TR1a	Development Affecting Highways
TR3a	Provision for Walking
TR5	Provision for Cycling

TR6 Provision for Public Transport Use

2.5 Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017

SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP3 Green Infrastructure
HP4 Safeguarded Local Greenspace
HP5 Open Space, Sports and Recreation Facilities
LP3 Housing Density Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL6 Strategic Green Gaps

3.0 Relevant Planning History

14/30366/PREAPP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.	10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Withdrawn
16/00818/OUT	Resubmission of outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved 18.07.2016
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused 10.08.2017
17/00535/DETAIL	Application for phase one reserved matters for access, appearance, landscaping, layout and scale for 96 residential units and 163m ² of retail space following outline planning permission 15/00761/OUT.	Current

17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 500 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Current
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No; 001, Illustrative Masterplan - Drawing No; 002 and Landscape Plan - Drawing No; 003.	Current
18/00021/REFUSE	Planning Appeal in respect of 17/00534/OUT Variation of Condition 4 of application 15/00761/OUT	Current

Note: This current application follows from 17/00534/OUT which sought permission for a similar Variation of Condition 4. That particular application was refused by Planning Committee on 12.08.2017 for the following reasons:

1. *Policy QL9 of the Saved Tendring District Local Plan 2007 states that 'all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if amongst other criteria, the development relates well to its site and surroundings particularly in relation to siting, height, scale, massing form, design and materials and the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features'. Furthermore, Policy EN1 of the Tendring Local Plan 2007 states that 'the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted'. These criteria are also contained within Policies SPL3 and PPL3 of the merging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.*

The above policies are consistent with the National Planning Policy which states at paragraph 17 that one of the core principles of planning is to 'contribute to conserving and enhancing the natural environment and reducing pollution'.

This development will frame the southern extent of the settlement and is prominent in views from the south. It is within the Bromley Heaths Landscape Character Area (LCA); an exposed and windswept plateau that corresponds with the highest part of the district. The development has the potential to be highly visible over long distances.

Substantial boundary and integral landscaping, as well as the sensitive use of varied building heights will be necessary to produce a development to blend with the landscape in scale, colour and design and address the juxtaposition of the built development with the local landscape character of this exposed rural setting. The landscape and building height

parameters proposed would fail to ensure that the development would protect the districts landscape as required by policies QL9, EN1, SPL3 and PPL3 cited above.

The application site has extant outline permission for up to 300 dwellings and 2Ha employment development. The permission (15/00761/OUT) is conditioned to comply with parameter plans that accommodate this development while providing significantly more landscaping and a more appropriate approach to building heights that would ensure the development relates well to its site and surroundings and better protect the distinctive local landscape character.

4. Consultations

Environmental Protection	N/A
Regeneration Policy Section	N/A
Tree & Landscape Officer	No comments on the amended illustrative Masterplan.
Anglian Water Services Ltd	N/A
Babergh District Council	Babergh District Council does not wish to raise an objection to the application because it is considered that the proposal will not impact on Brantham because of the distance and location of the development.
Department For Environment Food and Rural Affairs (DEFRA)	N/A
Essex Bridleways Association	N/A
Essex County Council Archaeology	Unable to comment as a programme of archaeological trial trenching and excavation secured by condition has not yet taken place.
ECC Highways Dept	It is noted that this application only concerns condition No4. Providing it is understood that conditions 5 and 17 of application 15/00761/OUT remain valid, this Authority raises no objections.
Essex County Fire Officer	N/A
Environment Agency	N/A
Essex Wildlife Trust	N/A
Natural England	Natural England currently has no comment to make on the variation of condition 4. Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.
The Ramblers Association	N/A
ECC SuDS Consultee	N/A
NHS East Essex CCG	N/A

5. Representations

- 5.1 Mistley Parish Council has commented that the two-storey height would be inappropriate and out of character for the area; they have also expressed concern that development would have an adverse visual impact on roads at the highest point in Mistley.
- 5.2 A single objection has been received from a member of the public expressing concern that extra houses, particularly larger ones would place a strain on community services and infrastructure

6. **Assessment**

- 6.1 The principal issue is the extent to which the current application has succeeded in addressing the reason for refusal relating to a similar application for Variation of Condition 4 Ref: 15/00761/OUT having regard to all associated material considerations.

The Application Site

- 6.2 The site comprises a 23 hectare agricultural enclosure, lying immediately to the south of Long Road, to the west of Clacton Road and to the north of Dead Lane. The site is an approximate square in shape rising gently from its northern boundary towards the south but then falling to a relatively flat plateau over the southern part of the site. With limited boundary hedging and vegetation, the site is very exposed to public view from within Long Road and Clacton Road.
- 6.3 To the west of the site, planning permission has been granted for major mixed-use development including up to 360 dwellings. The northern edge of the site abuts Long Road which passes through the open gap between the built-up areas of Lawford and Mistley. To the north of Long Road is an area of open space, with long distance views over the built up area towards the Stour Estuary. The site abuts a small number of dwellings and an assisted living complex to the north east while to the south open countryside predominates beyond the site boundaries.

The Proposal

- 6.4 Outline planning permission 15/00761/OUT was granted in July 2016 on the site for up to 300 dwellings and up to 2 hectares of employment land (including use classes A2: financial and professional services; A3: restaurants and cafes, B1: business use and D1: non-residential institutions), with associated public open space and infrastructure.
- 6.5 Condition 4 of the outline planning permission requires that the subsequent reserved matters applications will be in general conformity with the following indicative drawings: 1648 01 A - Outline Landscape Master Plan; 2014-426-13 Rev. A - Parameter Landscape Plan, and; 2014-426-11 Rev. A - Parameters Massing Plan.
- 6.6 This is an application to vary that condition and replace each of these plans with an amended master/parameter plan. During the course of determination, a further Amended Illustrative Masterplan Ref: PL17006/04 has been received.
- 6.7 The main differences between the approved masterplan/parameter plans and the proposed amended plans are as follows:
 - 1) There would be a slight reduction in open space/green infrastructure particularly to the north-east part of the site in comparison to the approved outline application. There is however more open space/green infrastructure in comparison to the similar Variation of Condition 4 application that was Refused in 2017. The emerging Local Plan takes forward

Policy COM6 of the 2007 Adopted Local Plan, that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable space should be less than 0.15 hectares. In this instance the open space/green infrastructure wraps completely around the area to be developed and maintains significantly more than the 10% minimum threshold of open space required by the Local Plan;

2) The area devoted to residential development is, as a consequence of the proposed reduction in open space/green infrastructure, nominally larger than shown on the original plan, although not to the extent proposed in the context of the earlier application for Variation of Condition 4. It is understood that the proposed increase in developable area has been necessitated by the need to balance the viability of the project in respect of the number of dwellings that can be successfully integrated into the scheme while adhering to spatial standards particularly in respect of garden sizes for the individual houses.

3) The development would retain the characteristic of lower rise (1 & 2-storey) buildings to the periphery of the site with 2.5-storey buildings located centrally. The only difference to this approach would be to the south west where a 2.5-storey cluster would abut the commercial area. Overall this accords more accurately with the original outline approval. By contrast the Variation of Condition 4 application that was Refused in 2017 had proposed 2.5 storey development across the entire site.

4) The employment area or 'commercial zone' on the proposed plan is to be relocated to the south-east corner of the site, whereas in the original plan it was to be located in the south-west corner. There would be no change to the area of developed employment land or approved use classes.

5) The access point onto Clacton Road would be some 60 metres further north than was indicated on the original plans.

- 6.8 There have been no changes in planning policy or other material circumstances since the original grant of planning permission that might affect the principle of development. Consequently, this assessment focusses only on the specific changes to the parameters plans being proposed.

Green infrastructure

- 6.9 The current proposal retains the deep landscape buffer to the north of the site fronting Long Road and a narrower buffer including attenuation ponds and swales fronting Clacton Road to the east. Whereas the interconnecting green area to the north east of the site would be reduced in area it would retain its amenity function as a green link. Crucially, an accessible landscape corridor would be provided around the site perimeter, unlike the Variation of Condition 4 application that was Refused in 2017 which brought development up to the western site boundary at the expense of landscaping. In the context of the outline permission, landscape provision amounted to approximately 9 hectares (39%) of site area. The previous application Ref.17/00534/OUT for Variation of Condition 4 to change the parameter plans would have reduced this level of provision to approximately 6 hectares (26%). The current proposal for approximately 7.5 hectares (32.5%) of site area strikes a balance that officers consider to be an acceptable compromise that is still significantly in excess of the Local Plan requirement for 10% green infrastructure, particularly as it would concentrate landscape provision within areas intended to benefit the wider landscape setting of the development.
- 6.10 The reduction in the area of green infrastructure from the original plans to the proposed plan raises questions over the potential character of the development, its landscape and

visual impact, its ecological value and as identified by English Nature, its ability to guard against potential increase in recreational disturbance at the Stour Estuary. These were all key issues in the determination of the original outline planning application.

- 6.11 Policy QL9 in the adopted Local Plan and Policy SPL3 in the emerging Local Plan require developments to respect and enhance views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy EN1 of the adopted Local Plan and Policy PL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the District's landscape; requiring developments to incorporate features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.12 With limited boundary hedging and vegetation, the site is visually very exposed when viewed from key vantage points on entry into the settlement from the south along Clacton Road and from the east along Long Road, as well as across open countryside to the south. In addition there is a current sense of openness to either side of Long Road which would be interrupted but not necessarily lost. There are also some long distance views at the northern part of the site over the settlement of Manningtree and Mistley towards the Stour Estuary that would be affected but again would not be lost as a result of development.
- 6.13 With the original outline application, the applicants submitted a Landscape and Visual Impact Assessment and indicative landscape plan which Officers considered acceptable. It was acknowledged that whilst the character of the location would change considerably, there would be scope for a comprehensive package of open space and landscaping that would help to mitigate the visual impact of the development and potentially bring about some environmental enhancements. The applicant also submitted a Tree Survey and Report that demonstrated, to Officers' satisfaction, that development could take place without harm being caused to the trees and other vegetation on the land.
- 6.14 The revised plan with a reduced area of open space will naturally lead to a development with a slightly different, less verdant character. However, the green spaces are still substantial, and when landscaped will help to minimise visual and landscape impacts. Officers do not believe that the narrower green spaces now proposed would lead to the development being unacceptable in visual and landscape terms. Moreover, officers consider that the current application addresses in particular the potential detrimental impacts that may have arisen had the predecessor Variation of Condition been approved.
- 6.15 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as a site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistley does abut, the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI). As the application site is located within 2 kilometres of the Stour Estuary consideration needs to be given to potential indirect effects on the designated area that might result from the proposed development.
- 6.16 In response to the original outline planning application, Natural England highlighted specific concerns about the potential for 'recreational disturbance' to the protected habitat that might arise from the development and the associated increase in population and activity. Recreational disturbance is a significant problem for such habitats and can have a harmful effect, in particular, on rare populations of breeding and nesting birds. Notable concerns

include, in this instance people walking their dogs either within or close to the protected areas. Such activities can easily frighten birds that are breeding and nesting and can have an extremely detrimental impact on their numbers.

- 6.17 Natural England, in advising the Council on the potential impacts on the development and the need, or otherwise, for 'Appropriate Assessment' to comply with the Habitat Regulations, accepted the conclusions of the assessments submitted with the original outline application which cited, in particular, the considerable amount of recreational and informal open space to be proposed as part of the development – based on the indicative masterplan and parameters plan. In the context of the previous application for Variation of Condition 4, with a reduction in the site area being proposed for green infrastructure, Natural England initially submitted a holding objection with concerns over the absence of sufficient information to assess the potential impact of the revised proposal. Pursuant to issue of an addendum to the original Habitats Regulation Assessment, Natural England confirmed that it no longer objected and that 'Appropriate Assessment' would not be necessary. In comparison to the previous Variation of Condition 4, application, there would be an increase in green infrastructure.
- 6.18 In this instance Natural England has not raised objection.

Residential area

- 6.19 The original outline planning permission is for up to 300 dwellings and that number is bound by condition. To increase that figure, a new planning application would be required, which would have to be assessed on its own merits at the relevant time. This application does not seek to increase the quantum of dwellings. Theoretically, the increase in developed area would lend the scheme to a reduction in housing density, or development of slightly larger houses. A new outline application for the site seeking up to 500 dwellings is currently awaiting determination and this will obviously need to justify the impact of higher density development in this location.
- 6.20 In accordance with the approved scheme, the total site area is approximately 23 hectares of which approximately 12 hectares would have been for 300 homes, 2 hectares would have been for employment uses and 9ha would have been green infrastructure. The original quantum of open space was therefore particularly generous and a net density would have been achieved of around 25 dwelling per hectare (or 14 dwellings per hectare over the larger site). In the current scenario, whereas the residual area for development would increase, the number of dwellings would remain the same. Net density would therefore decrease (at the expense of green infrastructure) while gross density over the entire site would remain at 14 dwellings per hectare. In either instance, although this is a relatively low housing density, it was one that was originally considered to be wholly appropriate for this semi-rural, edge of settlement location.

Development height

- 6.21 The approved parameter plans for the original application showed zones within the site where different storey heights would apply. The development would have comprised predominantly of 2 storey high development across the majority of the site, with 1 storey occupying a small part of the site to the west and up to 2.5 storeys on those parts of the site surrounding a central open space. The revised plan shows a redistribution of these areas and in general retains the 2.5 storey elements to central locations other than for a single high rise cluster adjoining the (re-located) employment area. The building heights as currently proposed would consequently be similar to that of the original outline application which envisaged lower rise development to the site periphery. As such the current proposal would be considerably less intrusive than that proposed under the terms of the former

Variation of Condition 4 application which sought to establish 2.5 storey (13m high) development across the wider site.

- 6.22 The current proposal would allow the Local Planning Authority to exercise the same level of control over the development, up to a maximum of 2.5 storeys (13m) in height as per the outline permission. Crucially, the Council would be entitled to withhold planning permission at reserved matters stage if the height of development were to be considered inappropriate or harmful to the character and appearance of the area, particularly as a result of height and massing.

Employment area

- 6.23 The original parameter plans showed the 2 hectares of employment land in the south-western corner of the site whereas the revised plan moves it to the south-eastern corner. Subject to the detailed design of the commercial units being acceptable given the visually exposed nature of this corner of the site, the principle of locating the employment uses closer to the highway and in a position allowing better separation from the separate approved housing site to the west. This element of the application was considered within the context of 17/00534/OUT and held not to be an issue.

Access via Clacton Road

- 6.24 The revised parameter plan shows the access point onto Clacton Road being approximately 60 metres further north than shown on the original version. The currently proposed position is now shown as being roughly equidistant to the junctions of Clacton Road/Dead Lane and Clacton Road/Long Road/Trinity Road/New Road. This element of the application was considered within the context of 17/00534/OUT and held not to be an issue, notwithstanding that at the time Mistley Parish Council raised concerns that moving the position of the junction would give rise to greater risk of queuing traffic.
- 6.25 As part of the original outline planning application, details were approved for the position and dimensions of the junction onto Long Road, but the junction onto Clacton Road was not approved in detail at that stage. The Highway Authority has not commented specifically on the re-positioning of the junction in response to this application for revised parameters plans, although it has stated that conditions 5 (no more than 300 dwellings and 2ha of employment land) and 17 (provision of highway related improvements) of application 15/00761/OUT should still be regarded as valid. The Highway Authority has also provided detailed comments on the associated reserved matters application for the first phase of the development (which is currently under consideration) indicating no objection in principle.

Conclusion

- 6.26 This application seeks a variation to the parameters plans that will guide the approved development of up to 300 homes and 2 hectares of employment land at Long Road/Clacton Road, Mistley. There is no proposal to increase the number of homes, the height of development or the amount or nature of commercial development. Although officers are aware of a separate application seeking an increase in housing, this will need to be determined on its own merits and need not influence the determination of this application.
- 6.27 Although the proposal would result in a reduction in the amount of open space on the site compared with what was originally proposed, the reduction is considered to be acceptable particularly as the quantum of open space would still significantly exceed the 10% threshold required by Local Plan policy and would be located in positions that mitigate the visual and landscape impact of the development whilst still providing a considerable area for formal and informal recreation and ecological enhancement.

- 6.28 The repositioning of the access point along Clacton Road does not give rise to concern in respect of highway capacity or safety, and the re-positioning of the employment land to the south-eastern corner of the site is considered to be pragmatic in terms of securing more direct access from the highway network and in protecting future residential amenity.
- 6.29 The amended parameter landscape plans would ensure that there would be sufficient space for substantial boundary and integral landscaping. The parameter building heights plan would ensure that varied building heights would be incorporated to produce a development that would blend with the landscape in terms of scale and address the juxtaposition of the built development with the local landscape character within this exposed rural setting. The landscape and building height parameters proposed would ensure that the development would protect the districts landscape as required by policies QL9, EN1, SPL3 and PPL3.
- 6.30 The application is considered to have successfully addressed the Reasons for Refusal in respect of the similar application for Variation of Condition 4 Ref: 17/00534/OUT. As such the application is recommended for approval. If the Committee accepts the recommendation, an outline planning permission will be granted with the relevant planning condition amended to reflect the change to the plans. The s106 legal agreement will also continue to apply to the new consent.

Background Papers

None

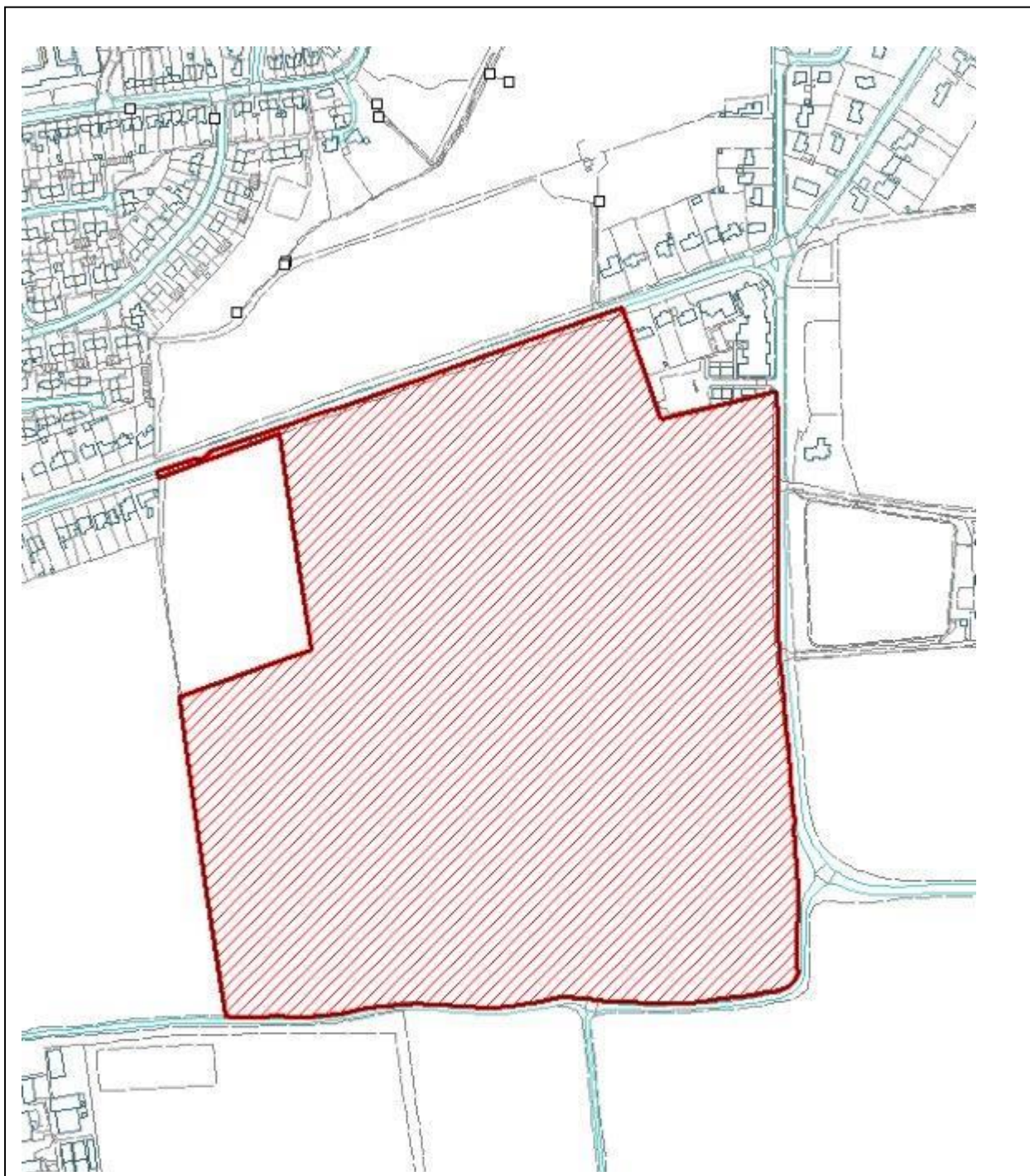
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PLANNING COMMITTEE

6th JUNE 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/00535/DETAIL- LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD, MISTLEY, CO11 2HN



DO NOT SCALE

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Application:	17/00535/DETAIL	Town / Parish: Mistley Parish Council
Applicant:	Mr Winsborough - Tendring Farms Ltd	
Address:	Land to The South of Long Road and to West of Clacton Road, Mistley, CO11 2HN	
Development:	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT)	

1. Executive Summary

- 1.1 The site benefits from extant outline planning consent for 300 homes and 2 hectares of employment land. Planning permission was granted subject to a number of planning conditions including that any detailed plans for the site needed to be in general conformity with the submitted parameter plans. These broadly identified, the location of housing, commercial development and open space as well as the height of development.
- 1.2 Application 17/01537/OUT for amendment of the parameter plans (Variation of Condition 4 of 15/00761/OUT) is to be presented to planning committee prior to this Reserved Matters application. In order that this application for Reserved Matters can be approved it will first be necessary to approve the application for amendment of the parameter plans. This is because the Reserved Matters application has been amended in order to relate to the amended parameter plans.
- 1.3 The Reserved Matters application for Phase 1 relates to development of 96 residential units on the northern part of the site, which equates to approximately one third of the housing quota for the entire site and includes extensive landscaped areas adjoining Long Road and Clacton Road. An access off Clacton Road is also a reserved matter, details of the site access off Long Road being approved at Outline stage. The approved commercial development would form part of a future Phase of site development on land to the south. Although it was initially proposed to incorporate a small amount of retail development into the Phase 1 scheme, this has now been deleted from the proposal.
- 1.4 Although there have been representations from Mistley Parish Council and from four members of the public, the issues raised were largely dealt with at Outline planning stage and are considered not to be material to determination of this application.
- 1.5 The Council's Trees and Landscape Officer has not raised objection to the landscape strategy included in the Design an Access Statement, particularly as the amended plans would still allow for more than double the open space that is required by Local Plan policies and the green spaces would still be positioned and landscaped to minimise the visual and landscape impact of the development. However more comprehensive landscape details have been requested and this will be subject to condition.
- 1.6 Concerns that the reduction in open space might lead to recreational disturbance of protected habitats, particularly those in the vicinity of the Stour Estuary, have been mitigated by ensuring that the layout would incorporate a satisfactory amount of amenity land for the benefit of future occupiers of the development. Consequently Natural England has not raised objection.

- 1.7 Essex County Council Highways are satisfied that all of their requirements would be met in terms of access subject to retention of relevant conditions and legal agreements.
- 1.8 It is considered that in respect of Access, Appearance, Layout, Scale and Landscaping, the application has demonstrated that the development would be of high quality, would respond well to its surroundings and would be sustainable and as such, Reserved Matters can be agreed subject to imposition of conditions.
- 1.9 If the Committee endorses this recommendation, conditions would be imposed relating directly to the reserved matters under consideration, while conditions attached to the outline approval would still apply. The legal agreement for the original application which secures affordable housing, education, health and off-site highway contributions would also still apply.

Recommendation: Approve

That the Head of Planning be authorised to grant approval of Phase 1 reserved matters in respect of access, appearance, landscaping, layout and scale for detailed planning permission for 96 residential units subject to conditions as set out below.

All other planning conditions are to remain unchanged from the original outline planning permission as amended/superseded by planning permission 17/01537/OUT for Variation of Condition 4 of 15/00761/OUT as well as the completed s106 legal agreement to secure education contributions, affordable housing, open space and open space maintenance contribution, healthcare contributions and contributions towards highway improvements to the crossing at Manningtree Station.

Conditions:

1. Development in accordance with outline permission except as modified by this permission;
2. Development to be in accordance with the approved plans;
3. Site levels;
4. Estate Roads and Footway details to be submitted and approved
5. Estate Roads and Footways implementation and management
6. Vehicular access to dwellings to be constructed prior to occupation
7. No loose surfacing to parking areas, shared vehicular courts or vehicular accesses
8. Landscaping (Hard and Soft) details to be submitted and approved
9. Landscaping (Hard and soft) implementation and management
10. Open Space to include 'The Green' and Village Square' details to be submitted and approved
11. Open Space to include 'The Green' and 'Village Square' implementation, and retention
12. Lighting details to be submitted and approved
13. Removal of PD Rights
14. Obscure glazing to flank wall windows of House Type '4'.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.

2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan, it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

Status of the Local Plan

2.3 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.

2.4 Tendring Adopted Local Plan Adopted 2007 Policies

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
HG3	Residential Development within Defined Settlements
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM1	Access for All
COM2	Community Safety
COM8	Provision and Improvement of Outdoor Recreational Facilities
COM8a	Proposed New Recreational Open Space
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6a	Protected Species
TR1a	Development Affecting Highways
TR3a	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

2.5 Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017

HP1	Improving Health and Wellbeing
HP3	Green Infrastructure
HP4	Safeguarded Local Greenspace
HP5	Open Space, Sports and Recreation Facilities
LP2	Housing Choice
LP3	Housing Density Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL6	Strategic Green Gaps

3. Relevant Planning History

14/30366/PREAPP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.	10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Application appealed on the grounds of non-determination. Appeal withdrawn/application retrieved from Pins and re-submitted as 16/00818/OUT
16/00818/OUT	Resubmission of outline application 15/00761/OUT with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved 18.07.2016. Note: The approved application has retained the reference 15/00761/OUT. All S106 matters and subsequent applications refer to outline planning permission 15/00761/OUT.
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused 10.08.2017
17/00535/DETAIL	Application for phase one reserved matters for access, appearance, landscaping, layout and scale for 96 residential units and 163m ² of retail space following outline planning permission 15/00761/OUT.	Current
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 500 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Current

B8; D1 uses), with associated public open space and infrastructure.

17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No; 001, Illustrative Masterplan - Drawing No; 002 and Landscape Plan - Drawing No; 003.	Current
18/00021/REFUSE	Planning Appeal in respect of 17/00534/OUT Variation of Condition 4 of application 15/00761/OUT	Current

Note: This current Reserved Matters 17/00535/DETAIL, is interdependent upon approval of 17/01537/OUT which seeks permission for Variation of Condition 4 to amend the parameter plans approved under outline planning permission 15/00761/OUT

4. Consultations

Environmental Protection	No comments received
Regeneration Policy Section	No comments received
Tree & Landscape Officer	The applicant has provided confirmation that the trees with the greatest visual amenity value will be retained and physically protected during the period of development. In terms of the proposed changes to the open space the response provided by the applicant recognises that the application will result in a change that reduces the open space footprint and changes the character suggested with the outline application. However the response goes on to say that the quality and functionality will not be affected. Taking into account the information provided, especially relating to the amount of open space to be provided in relation to that required by the Local Plan: it is considered that an overall provision of open space, in the region of 25% of the development, is acceptable both in terms of amount and quality.
Anglian Water Services Ltd	No comments received
Babergh District Council	Babergh District Council does not wish to raise an objection to the application because it is considered that the proposal will not impact on Brantham because of the distance and location of the development.
Department For Environment Food and Rural Affairs (DEFRA)	No comments received
Essex Bridleways Association	No comments received
Essex County Council	The application seeks approval of reserved matters for application 15/00761/OUT. A full archaeological condition was

Archaeology	applied to the 2015 application on the basis of the high archaeological potential identified on the HER and through a programme of geophysics survey. A programme of archaeological trial trenching and excavation was recommended to satisfy this condition. This work has not yet taken place and Condition 20 of 15/00761/OUT has not been discharged. Until this work is completed the above application cannot be approved. Unable to comment as a programme of archaeological trial trenching and excavation secured by condition has not yet taken place.
ECC Highways Dept	<p>The Highways Officer initially responded that:</p> <ol style="list-style-type: none"> 1) The junction with Long Road should be to standard showing an access measuring 6.75m in width and providing 2x2m footways, visibility splays measuring 2.4m x 120m. 2) The initial junction just south of the main access point should only be a 'cross road' style if accompanied by a central island. Otherwise, this junction should be staggered. 3) The 6.75m wide carriageway should extend throughout the phase to be linked in with future phases and the adjacent site whereupon a suitably constructed bus route will be available in the future. 4) The 2m footways as shown are sporadic all Footways should be continuous throughout the development. 5) For properties in close proximity to the highway, a 0.5m clearance should be provided in order to avoid structural oversail. 6) Carriageways should provide centre-line radii of no less than 13.6m 7) Apart from the main spine road, all carriageways should measure 5.5m in width. <p>Following submission of amended drawings and clarification from the applicant the Highway Officer has responded that: 'All items are now shown or are controllable via existing conditions'.</p>
Essex County Fire Officer	No comments received
Environment Agency	No comments received
Essex Wildlife Trust	No comments received
Natural England	No comments received
The Ramblers Association	No comments received
ECC SuDS Consultee	No comments received
NHS East Essex CCG	No comments received
Cadent Gas	Has not objected but has advised that a mains supply running along the eastern site boundary may need diversion due to construction of the access from Clacton Road.
National Grid	Has not raised objection but has provided guidance/informative

5. Representations

- 5.1 Mistley Parish Council has expressed concerns in respect of access in and out of the site and the effect of increase in traffic in the local area and specifically:

- (1) There has been no confirmation that there will not be a 'rat run' between the access from Clacton Road to the access to Long Road;
- (2) Drawing 200 indicates that there will be access to the commercial area from Dead Lane;
- (3) Long Road access needs a filter lane for vehicles coming from the west and turning into the development;
- (4) There is a need to provide a right turning access for vehicles travelling south from the north into the access in Clacton Road; and
- (5) Although access for pedestrians and cycles on-site is possible, there is no provision for cyclists off-site.

5.2 Four letters of objection have been received from members of the public. Matters raised include:

- (1) Brown fields should be used first. Green fields should only be used as a very last resort. If not, they'll continue to decay and be a scar in our landscape;
- (2) Infrastructure should be addressed first. Trains are overcrowded and roads cannot take any additional traffic. Most pavements are too narrow for a family with young children. Cyclists, including in particular children travelling to school, are every day put into danger by the lack of safe cycle paths and the bad condition of the roads. The developers and Government should pay for this;
- (3) The area was designated as a green wedge between Lawford, Mistley and Manningtree;
- (4) Objection to the proposed access onto Clacton Road – Other estates only have one main entrance so I don't see why a separate entrance onto Clacton Road is required. Vehicles crossing the road will be dangerous. This junction will cause congestion and the increase in in traffic will lead to environmental problems.
- (5) The retail element will compete unfairly with the High Street which is already suffering from closures. Officer Note: The proposed retail element has been deleted from the application.

6. **Assessment**

The Application Site

- 6.1 The site comprises an agricultural enclosure, covering an area of approximately 23 hectares, lying immediately to the south of Long Road, to the west of Clacton Road and to the north of Dead Lane. The site rises gently from its northern boundary towards the south but then falls to a relatively flat plateau over the southern part of the site. With limited boundary hedging and vegetation, the site is very exposed to public view from vantage points within Long Road and Clacton Road.
- 6.2 To the west of the site, planning permission has been granted but not yet implemented for major mixed-use development including up to 360 dwellings in accordance with 15/00876/OUT. The northern part of the site adjoining Long Road together with land to the north of Long Road is designated in the emerging Local Plan as a 'Strategic Green Gap' which passes between the built-up areas of Lawford and Mistley. To the north of Long Road, long distance views can be had over the built up area towards the Stour Estuary. A small number of dwellings and an assisted living complex lie in proximity to the junction of Long Road with Clacton Road, to the north east of the site. To the south, open countryside predominates.

The Proposal

- 6.3 Outline planning permission 15/00761/OUT was granted in July 2016 on the site for up to 300 dwellings and up to 2 hectares of employment land (including use classes A2: financial and professional services; A3: restaurants and cafes, B1: business use

and D1: non-residential institutions), with associated public open space and infrastructure.

6.4 This application for Phase 1 relates to the northern section of the site and includes 96 dwellinghouses, extensive areas of open space to the north and north east, and an access onto Clacton Road, the details of the Long Road access having been determined at outline stage. The approved commercial/employment elements would fall within a later phase of development. The residential element represents approximately one third of those (up to 300) for which outline permission has been granted. The proposed 96 dwellings would comprise:

- 15 One and Two bedroom apartments within a single block
- 6 Two bedroom terraced houses (2 terraces of 3 houses)
- 24 Three bedroom terraced houses (8 terraces of 3 houses)
- 22 Three bedroom semi detached houses (11 semi-detached pairs Types 1 & 2)
- 23 Four bedroom detached houses (Types 1, 2, 3 & 4)
- 6 Five bedroom detached houses

The apartments and two terraces of two-bedroom houses would have dedicated surface car parking. All other dwellings would have both detached garaging and surface parking. Cycle storage would be provided as would bin and recycling storage facilities.

6.5 The application needs to be determined having regard to application 17/01537/OUT which seeks Variation of Condition 4 of outline permission 15/00761/OUT for amendment of parameter plans. Accordingly both 17/01537/OUT and this application 17/00535/DETAIL are to be presented to the same planning committee. 17/01537/OUT is to be determined first, as should that application be refused, that would negate consideration of this Reserved Matters application.

6.6 The application has been amended during the course of determination. A proposed commercial element comprising 168square metres of retail floor space has been deleted from the initial proposal as that would have been contrary to the terms of the outline permission which did not include any retail floor space. The description of development has been amended accordingly. There has also been minor amendment to the layout of development.

6.7 It is considered pertinent for the purposes of this assessment to re-assert the main differences between the approved outline masterplan/parameter plans and the plans submitted in accordance with Variation of Condition 4 of 17/01537/OUT and currently pending determination. These are as follows:

1) There would be a slight reduction in open space/green infrastructure particularly to the north-east part of the site in comparison to the approved outline application. There is however more open space/green infrastructure in comparison to the similar Variation of Condition 4 application, currently subject to appeal, that was Refused in 2017. The emerging Local Plan takes forward Policy COM6 of the 2007 Adopted Local Plan, which requires that open space provision should be included as part of all residential developments involving sites of 1.5 hectares in size or greater, and should comprise at least 10% of the gross site area and that no single area of usable space should be less than 0.15 hectares. In this instance the open space/green infrastructure wraps completely around the area to be developed and maintains significantly more than the 10% minimum threshold of open space required by the Local Plan;

2) The area devoted to residential development is, as a consequence of the proposed reduction in open space/green infrastructure, nominally larger than shown on the original plan, although not to the extent proposed in the context of the earlier application for Variation of Condition 4. It is understood that the proposed increase in developable area has been necessitated by the need to balance the viability of the project in respect of the number of larger dwellings that can be successfully integrated into the scheme while adhering to spatial standards particularly in respect of garden sizes for the individual houses.

3) The development would retain the characteristic of lower rise (1 & 2-storey) buildings to the periphery of the site with 2.5-storey buildings located centrally. The only difference to this approach would be to the south west (subject to later Phased Reserved Matters applications) where a 2.5-storey cluster would abut the commercial area. Overall this accords more accurately with the original outline approval. By contrast the Variation of Condition 4 application that was refused in 2017 had proposed 2.5 storey development across the entire site.

4) The employment area or 'commercial zone' on the proposed plan is to be relocated to the south-east corner of the site, whereas in the original plan it was to be located in the south-west corner. There would be no change to the area of developed employment land or approved use classes.

5) The access point onto Clacton Road would be some 60 metres further north than was indicated on the original plans.

- 6.8 There have been no changes in planning policy or other material circumstances since the original grant of planning permission that might affect the principle of development. Should 17/01537/OUT for Variation of Condition 4 to amend the parameter plans be approved, that will be a material consideration as this application for Reserved Matters, depends on that application being approved. All other aspects of the outline approval, including the remaining conditions will however, still pertain.

Analysis

- 6.9 The principal issues are:

The extent to which the reserved matters application would:

- Comply with the terms and conditions of the outline approval having particular regard to compliance with the parameter plans;
- Would conform with National Planning Policy and the requirements of the Development Plan for Tendring District;

In respect of:

- Access;
- Appearance;
- Landscaping;
- Layout; and
- Scale;

Access

- 6.10 In accordance with the outline approval, principal means of access to the residential development was to have been gained approximately midway along its Long Road frontage while a secondary access would have been gained, approximately midway along its Clacton Road frontage. Although the Long Road access was approved at outline stage, approval of the Clacton Road access was retained as a Reserved

Matter on the basis that further design work was required. As part of that process, the Clacton Road access would be moved some 60m further north, in accordance with the amended parameter plans accompanying 17/01537/OUT Variation of Condition 4.

- 6.11 The Highway Authority has supported the variation and the details submitted with the Reserved Matters application showing a 6.75m wide carriageway and 2.0m wide footway together with visibility splays of 2.4m x 215m in each direction along Clacton Road. Concerns that were raised at outline stage in respect of impact on the adjoining highway network and specifically related to highway improvements, would still be addressed within the context of Condition 17 (provision of highway related improvements) of 15/00761/OUT which in turn would be subject to a S278 Highways Agreement. Financial contribution to highways improvements by a separate S106 Agreement.
- 6.12 In respect of internal access provision this has been determined by three route types: primary, secondary and tertiary. The primary route connects the two entrances into the development from Long Road and Clacton Road. Secondary and tertiary routes then allow perforation into the wider scheme. The road layouts have been designed in such a way as to discourage the development being used as a 'rat-run' (a particular concern of the Parish Council), by the introduction of hard landscape design techniques aimed at traffic calming. As a general rule, the layout would incorporate 2.0m wide pavements to the frontages of all rows of houses. The only exception is where smaller scale housing lies within short truncated cul-de-sac parking courts. In all respects, the road system throughout the development would be compliant with highway design standards in respect of bend radii, private driveway accesses and access for emergency and refuse collection and would provide a satisfactory standard of vehicular access throughout the development, while maintaining a safe and legible environment for pedestrian and cyclists and proximity to bus stops.

Appearance

- 6.13 Details have been submitted showing a range of 2-storey house types ranging from 2 & 3 bedroom terraces of three, 3 bedroom semi detached and 4 & 5 bedroom detached properties, together with a 2.5 storey, 1 & 2 bedroom apartment block that frames the 'Village Square'.
- 6.14 The houses would be of traditional gabled construction featuring natural clay tile roof coverings terminating in overhanging eaves, above brick, painted lime render, tile hung or weatherboard clad elevations. Detailing would include corbelled eaves course throughout with certain buildings featuring water tabling to roof verges, first floor corbelled jetties, bay windows and exposed brick relieving arches. Doors and windows would be of timber construction with small pane sliding sash or casement windows aiding privacy. All buildings would incorporate traditional chimney stacks. The specification of building materials falls to be determined under Condition 7 of the outline approval. The proposed detached garaging and storage buildings would relate sympathetically to the design of the houses. The streetscene would be varied and the resulting development would have a semi-rustic appearance complementary to the vernacular of this part of Essex.
- 6.15 Accordingly, the appearance of the development would make a positive contribution to the quality of the local environment and would protect local character in accordance with Local Plan Policy QL9 'Design of New Development' and Emerging Local Plan Policy SPL3 'Sustainable Design'. The appearance of the development would be acceptable subject to imposition of conditions to secure appropriate standards of detailed design including material specification.

Landscaping

- 6.16 Phase 1 would incorporate the oblong shaped 'Green Gap' land fronting Long Road, which would comprise a landscaped amenity buffer measuring approximately 300m wide by 80m deep. This would then turn through the north east corner of the site to link with a square shaped area of amenity land measuring approximately 110m x 110m abutting the Clacton Road site frontage. A narrower 10m wide strip would be retained between the western boundary of the site and rear garden boundaries forming the edge of the area to be developed. The southern edge of Phase 1 is not shown to be landscaped as it would merge with later phased development further to the south. The landscaping layout accords with the amended parameter plans that form part of application 17/01537/OUT.
- 6.17 In accordance with Adopted Local Plan Policies EN1 and EN2, the quality of the district's landscape and its distinctive local character would be protected and the designated Green Gap kept open and free from development. In accordance with emerging Local Plan Policies HP3 and HP4 there would be a net gain in green infrastructure and Local Greenspaces would be safeguarded.
- 6.18 The northern tract of land, identified as the 'Village Green' on the application drawings would incorporate leisure trails, play areas, a woodland backdrop, a flight pond water feature, and a variety of screen and amenity planting. This would in turn provide a gateway to the development and setting for the nearest residential properties. This area wraps around the north eastern corner of the site opening onto and merging with an area of more open land to the east which would be more sparsely planted to facilitate varying forms of outdoor leisure activity. The somewhat narrower landscape belt along the western edge of the site would be sufficient for a buffer zone between this site and the adjoining development site to the west. It would also be sufficiently wide enough to incorporate a leisure route that would link to future phases of the development to the south.
- 6.19 Towards the centre of the residential area, a 'Village Square' with specimen trees and terraced areas would provide a focal point for the community. Although the area surrounding the square would comprise residential development to accord with the outline permission, it is understood from supporting statements that there are aspirations to incorporate café and dining experiences into the Village Square for the benefit of residents.
- 6.20 As set down in the Planning Statement for Phase 1, the 'Public Vision' seeks to ensure that a landscape led approach is achieved. The significant open space to the north would therefore be intended for public recreation and leisure with sufficient landscape cover to provide a screening effect but not so much as to lose the openness of the Green Gap. By contrast the central space would introduce a higher proportion of hard landscaping and would provide a more formalized focal point for the community.
- 6.21 Street trees are shown throughout Phase 1 with emphasis being on the north-south orientated tree lined avenue stemming from the Long Road access. A structured tree planting strategy provides clear transitions between the hierarchy of streetscapes and public spaces. It is intended that a mix of native and ornamental trees throughout the development would help to provide contrasting seasonal colours and textures. The central route through the site would feature tall dominant species to emphasise the avenue, while narrow, winding estate roads and the Village Square would incorporate species that would provide areas of shade, and seasonal interest.
- 6.22 The proposed landscape strategy would concentrate landscape provision within areas intended to benefit both the landscape setting of the development and

the resident community. While the level of landscaping detail is considered sufficient to address in principle, landscape and visual impact, which was a key issue in determination of the original application, and provide a basic conceptual landscape design, further, more technically precise, and detailed drawings showing planting layouts and specification would in this instance need to be submitted and approved prior to commencement of development, to ensure a high quality landscaped environment and provide the necessary degree of screening. Detailed layout drawings showing hard landscaping would also need to be agreed.

- 6.23 The landscape and tree officer has advised that the impact of the reserved matters application on the surrounding landscape would be acceptable and would not result in tree loss or harm to retained trees. Trees are in any event protected by a separate condition on the outline approval. However the officer has confirmed that further landscape details need to be provided. This can be subject to condition.
- 6.24 In accordance with Planning Practice Guidance, conditions requiring such details can be imposed at Reserved Matters stage as they relate directly to a specific reserved matter. It is consequently recommended that conditions be imposed to secure an acceptable hard and soft landscaping scheme for Phase 1 of development and to ensure its implementation and where necessary, replacement within 5 years should planting not survive.

Layout - Residential area

- 6.25 The original outline planning permission is for up to 300 dwellings and that number is reinforced by condition. This application does not seek to increase the quantum of dwellings, although the nominal increase in developed area would lend the scheme to a reduction in housing density, or development of slightly larger houses. A new outline application for the site seeking up to 500 dwellings is currently awaiting determination and this will obviously need to justify the impact of higher density development in this sensitive location.
- 6.26 In accordance with the approved scheme, the total site area is approximately 23 hectares, including 12 hectares for residential development (up to 300 homes), 2 hectares for employment uses and 9ha for green infrastructure. The original quantum of open space was therefore particularly generous and a net density would have been achieved of around 25 dwelling per hectare in respect of the 'developed' area (or 14 dwellings per hectare over the larger site). This density was one that was originally considered to be wholly appropriate for this semi-rural, edge of settlement location.
- 6.27 In the current scenario, whereas the residual area for development would increase, the number of dwellings would remain the same. Net density would therefore decrease (at the expense of green infrastructure) while gross density over the entire site would remain at 14 dwellings per hectare. In either instance, this is a relatively low housing density in keeping with the semi-rural nature of the site and far lower than the minimum density that is generally required under Policy HG7 of the adopted Local Plan and Policy LP3 of the emerging Local Plan.
- 6.28 The relatively low density of development would allow for a generous standard of road and footway width, ensuring that the internal road layout can safely and comfortably accommodate emergency services and waste collection services. All of the houses would benefit from a combination of garaging and surface parking, while the apartment block would have surface parking only. Parking would in all instances be compliant with parking standards. Residential amenity for future residents would be acceptable having regard to privacy, avoidance of overshadowing or overbearance, while garden sizes would be compliant with standards and would be

satisfactorily orientated to take advantage of optimum levels of sunlight. Details of boundary treatment is subject to a separate outline planning condition.

Scale

- 6.29 The principal consideration relates to the height of development. The approved parameter plans for the original application showed zones within the site where different storey heights would apply. That development would have comprised predominantly of 2 storey high development across the majority of the site, with 1 storey development occupying a small part of the site to the west and other small zones of up to 2.5 storeys surrounding a central open space.
- 6.30 The revised parameter plan, to be read in conjunction with this application, shows a redistribution of these areas with the 2.5 storey elements still located centrally other than for a small high rise cluster adjoining the (re-located) employment area which is to form part of a later development phase.
- 6.31 The building heights currently proposed as part of the Reserved Matters Phase 1 development comprise predominantly 2 storey development with a small area of 2.5 storey development around the 'Village Square'.
- 6.32 The emphasis on two-storey development within Phase 1 can be justified due to the generous depth of amenity land adjoining Phase 1 and on the premise that lower rise development would feature in later phases of development towards the southern periphery of the site where landscape impact would arguably be more pronounced and the need to respond to local landscape context, greater.
- 6.33 The Council is entitled to withhold planning permission at reserved matters stage if the height of development were to be considered inappropriate or harmful to the character and appearance of the area, particularly as a result of height and massing. In this instance, the scale of development is considered acceptable and in accordance with the amended parameter plans.

Other Matters

- 6.34 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as a site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistley does abut, the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI).
- 6.35 Consideration therefore needs to be given to the extent to which potential indirect effects on the designated area that might result from the increased level of human activity arising from the proposed development can be mitigated. In this instance the layout of development, and dedication of landscaped green areas would ensure the provision of on-site recreational routes and extensive areas of green space, sufficient for the purposes of mitigation. Consequently Natural England has not raised objection.

Conclusion

- 6.36 The application satisfies the requirements of the NPPF and the Development Plan for Tendring having regard to Access, Appearance, Landscaping, Layout and Scale and should be approved subject to conditions as set out in this Report.

Background Papers

None

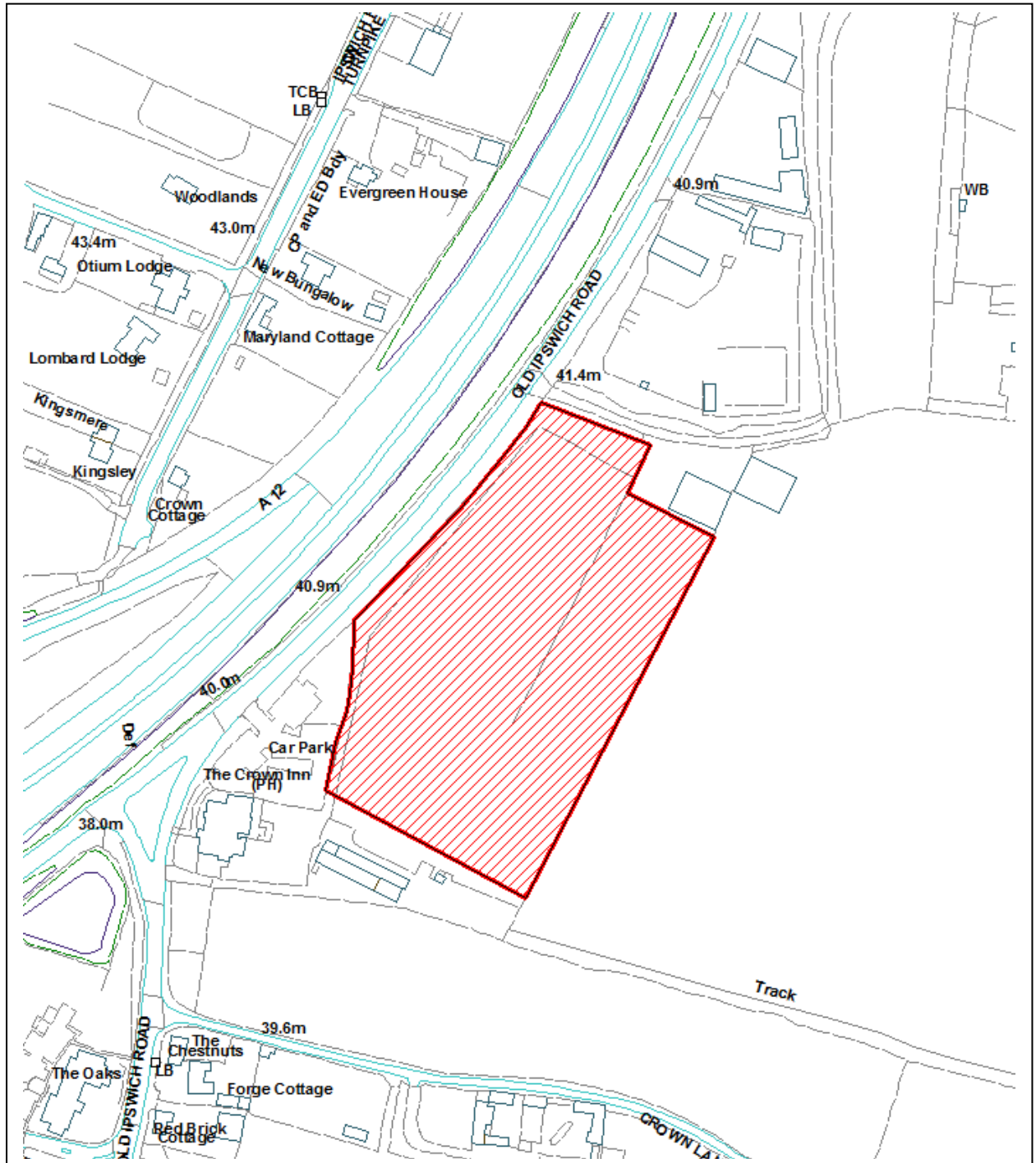
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PLANNING COMMITTEE

6TH JUNE 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 17/02204/FUL - CROWN BUSINESS CENTRE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR



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Application:	17/02204/FUL	Town / Parish: Ardleigh Parish Council
Applicant:	Mr Jon Cooper - Evolve Business Centre (Colchester) Ltd	
Address:	Crown Business Centre, Old Ipswich Road, Ardleigh, CO7 7QR	
Development:	The construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping (Amended description).	

1. Executive Summary

- 1.1 The site benefits from an extant consent for mixed use development for a hotel and 4000sqm of B1 development. The current application seeks to retain the B1 use, add B8 (storage) use and substitute the hotel element with B1(a) office development. There would be no significant increase in the scale or intrinsic character of development on the site and there is significant levels of existing commercial development in the immediate area. The principle of commercial development in this out-of-settlement location is consequently considered to have been established.
- 1.2 Although Ardleigh Parish Council has raised objection in respect of the perceived impact development would have on the local highway network and have queried the level of parking, ECC Highways Department has not raised objection subject to conditions that would secure highway improvements and while parking is compliant with or in excess of standards. The Parish has also objected to the scale of development and to the viability of office development in this location. In respect of scale it is considered that the development would not be overbearing, nor appear out of keeping, and although viability is in itself not a pre-requisite for commercial development, the indicators are that sufficient demand would exist.
- 1.3 The proposal would satisfy Development Plan requirements in respect of design and layout, impact on local character having regard to landscape and surrounding built form and impact on amenity.
- 1.4 Consultees have not raised objection subject to imposition of conditions, and as such there are no outstanding issues in respect of the highway network, site drainage, potential flooding, archaeology, ecology and protected trees.
- 1.5 The proposal represents sustainable development, compliant in all respects with the NPPF and with Development Plan for Tendring, the issue of location having been addressed and mitigated separately. As such planning permission should be granted.

Recommendation: Approve

Conditions:

- 1 Time limit for commencement
- 2 Compliance with plans
- 3 Site Levels
- 4 Landscape details
- 5 Planting and Replacement
- 6 Tree protection – Compliance with Report

- 7 Landscape Management Plan
- 8 Boundary treatment
- 9 Highway Improvements Schedule
- 10 Construction Method statement
- 11 Archaeology Evaluation/Fieldwork/Post excavation Assessment
- 12 Suds 1 Surface Water Drainage Scheme
- 13 Suds 2 Offsite flooding
- 14 Suds 3/4 Maintenance Plan and Monitoring
- 15 Artificial Lighting
- 16 Materials
- 17 Scheme for control of noise emanating from the site
- 18 Scheme for access for the disabled
- 19 Scheme for Renewable Energy/Energy Conservation
- 20 Removal of PD Rights (Industrial buildings)
- 21 Removal of PD Rights (Offices)
- 22 No external Storage
- 23 Foul Drainage Strategy

2. Planning Policy

NPPF National Planning Policy Framework

NPPG National Planning Policy Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL4 Supply of Land for Employment Development

QL9 Design of New Development

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

ER7 Business, Industrial and Warehouse Proposals

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN13 Sustainable Drainage Systems

EN13A Renewable Energy

TR1A Development Affecting Highways

TR1 Transport Assessment

TR2 Travel Plans

- TR5 Provision for Cycling
- TR7 Vehicle Parking at New Development

Tendring District Local Plan 213-2033 and Beyond

- SP1 Presumption in Favour of Sustainable Development
- SP4 Providing for Employment and Retail
- SP7 Development and Delivery of New Garden Communities in North Essex
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- PP7 Employment Allocations
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- PPL10 Renewable Energy Generation
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Status of the Local Plan

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

matters reserved for the residential development of 0.2 ha of land to create 4 detached dwellings with associated garaging and parking (following demolition of existing Crown Business Centre B1a offices and driving range shelter).

15/00985/OUT	Mixed Use development incorporating a hotel and approximately 4,000sqm B1 floor space with associated access arrangements	Approved
17/02204/FUL	The construction of 91 small B1, B2 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping.	Current

4. Consultations

Anglian Water Services Ltd	Wastewater Treatment – Due to lack of information, Anglian Water were initially unable to assess the impact of development on the water recycling centre; Foul Sewerage Network – Condition to be imposed requiring drainage strategy to be agreed; Surface Water Disposal – Remit of Lead Local Flood Authority/Internal Drainage Board/Environment Agency. Not AWS; Trade Effluent – Not applicable;
Highways England	Following the submission of additional information, offer no objection.
ECC Highways Dept	Having regard to the fact that the proposed increase in traffic over and above that already permitted by application 15/00985/OUT is minimal, this Authority would not wish to raise any objections to the proposal as submitted provided the items already secured by Condition 4 in the previous permission decision notice are carried forward. Officer Note: Condition 4 of 15/00985/OUT required: <ul style="list-style-type: none"> a) Provision of a priority junction off Old Ipswich Road; b) Upgrading of two bus stops to ECC specification; c) A minimum 2m wide footway from the application site along the eastern side of Old Ipswich Road to the pedestrian access to The Crown Public House, then crossing to the western side of Old Ipswich Road utilising the central island; d) A Travel Plan.

Regeneration	No comment received
Environmental Protection	Environmental Protection have no comments to make on this application
Natural England	Natural England considers that the proposed development is unlikely to damage or destroy the interest features for which Bullock Wood Site of Special Scientific Interest (SSSI) has been notified. We therefore have no objections and do not request any conditions. Standing Advice to be attached by way of Informative to any grant of permission.
Essex Wildlife Trust	We can confirm that we have no comments to make in respect of this application.
Tree & Landscape Officer	<p>In order to show the extent of the constraint that the trees on the land are on the development potential of the application site the applicant has provided a detailed tree survey and report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: <u>Recommendations</u>.</p> <p>It is important to note that Section 5 of the tree report makes reference to an enquiry made by Hallwood Associates to Colchester Borough Council to establish whether or not the application site is within a conservation area or if it is affected by a Tree Preservation Order ' the conclusion being that the site was not in a conservation area and the trees were not protected ' this is partially incorrect.</p> <p>The application site is situated within the administrative boundaries of Tendring District Council. It is not in a conservation area but is affected by Tendring District Council Tree Preservation Order 98/13/TPO Colchester Driving Range.</p> <p>It is therefore important for the applicant to note that none of the works identified in the tree report, insofar as they relate to protected trees, should be carried out: unless planning permission has been granted or consent has been granted under the terms and conditions of the TPO.</p> <p>In terms of the findings of the tree report it is accepted that the contents provide an accurate description of the health and condition of the trees on the land. The report identifies those trees that will be retained and those that would need to be removed in order to facilitate the development proposal. It also identifies where specialist construction techniques would need to be used to avoid causing harm to trees by way of disturbance of the ground within their Root Protection Areas.</p> <p>Although the development of the land would necessitate the removal of two trees covered by the TPO it is considered that the replacement planting, in prominent locations, will adequately compensate for the loss of the existing trees. The removal of the third small Oak and a section of hedgerow to allow access would not be significantly harmful to the appearance of the area.</p> <p>In terms of the future screening of the development the site</p>

layout plan shows the cutting back and retention of the tall conifer hedge on the boundary with the Old Ipswich Road. It is my view that the hedge is not in good condition and that it will not be improved by the proposed cutting back, on the application side of the hedge, to facilitate the development of the land.

Although not beneficial in the short term the screening and enhancement of the site would be best served by the removal of the conifer hedge and its replacement with a new hedge comprising indigenous species. A greater than usual proportion of evergreen species could be included in the planting scheme to provide a degree of screening during the autumn and winter months.

Should planning permission be likely to be granted then a soft landscaping condition should be attached to secure detail of new planting, including trees to soften, screen and enhance the appearance of the development.

If the requirements of the tree report are adhered to then it is considered that the development of the land could take place without causing harm to the retained trees or without having a negative impact on the local tree population.

ECC SuDS Consultee

The County Council does not object to the granting of planning permission subject to imposition of conditions in respect of: Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Following further infiltration testing if this is found to be viable, limiting discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. If following further testing it is found infiltration is unviable, run off should be limited to the 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and

highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Condition 2

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

Condition 3

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

Condition 4

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

Essex County Council
Archaeology

The planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The site lies immediately adjacent to Wick Quarry where archaeological investigations are ongoing and over the last 10 years have revealed multi-period archaeological evidence. Of significance are the remains of an extensive Late Iron Age (mid-1st century BC to mid-1st century AD) settlement spanning the head of an east-west valley which includes a large D shaped enclosure and annexe which was likely used for industrial activity.

The medieval and later remains relate to a field system and enclosures predating the existing field pattern. Many of the features predate the present-day Wick Farm, whose farmhouse is a Grade II listed building dating to the mid-18th century, and a moated enclosure to the south of the farm is thought to have been the site of the original medieval farmstead. A brickworks, dating from 1750 is recorded adjacent to the western boundary of the site, which closed in 1860.

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

RECOMMENDATION: A Programme of Archaeological evaluation subject to the following condition:

Condition 1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Following the completion of this initial phase of archaeological

work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

Condition 2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

Condition 3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

Environmental Protection No comments

Essex Police –
Designing Out Crime
Unit. 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) - the published documents do not provide sufficient detail to allow an informed decision to be made at this stage. The applicant is advised to contact Essex Police direct for advice in achieving Secured by Design certification.

5. Representations

- 5.1 Ardleigh Parish Council object to the planning application on the basis that:
- The density proposed is unacceptable. The design and layout of the applications is on a massive scale. The blocks nearest the road allows for 3 storeys of office accommodation and the associated lighting with these blocks would be too much.
 - Parking allocations do not appear to be adequate for such an extensive build and Old Ipswich Road is already used as a parking area. Vehicles are parked along the road and under the A12 bridge, often in breach of double yellow lines.
 - The traffic associated with this site would place an undue strain on the Ardleigh Crown interchange AND you would expect to see a significant increase in traffic using Wick Lane and Crown Lane North. Both of these lanes cannot take increased traffic and Wick Lane has been recently visited by the TDC planning committee and deemed to be inappropriate for additional traffic. Wick Lane is also an ancient and protected lane. Vehicle movements from the A12 onto the slip road would require the traffic to pass close to a listed building.

- It should be noted that there is no evidence that further office accommodation is needed as the office development on the other side of the road, Apex 12, is not fully let or occupied. The availability of more office units does not create jobs.

6. **Assessment**

Site and Surroundings

- 6.1 The site extends to 2.3ha in area, and lies on the eastern side of Old Ipswich Road, in the north-west corner of the borough. It is broadly rectangular in shape and measures approximately 260m on a north south axis and 120m on an east west axis. The land is level and comprises mown grassland that has in the past been used as a 'low-key' golf driving range. The only buildings associated with this use comprise some shipping containers used for storage purposes that are located within the adjoining Crown Business Park site.
- 6.2 A row of mature deciduous trees, subject to a TPO, lie on a south-north axis through the middle of the site, possibly on the line of a former boundary. Tall, mesh 'catch' fencing associated with the golf range lines the western and northern site boundaries.
- 6.3 To the north - The site abuts a narrow belt of native species trees beyond which is an access road leading to two large industrial sheds (Crow Farm), located towards the north east corner of the site.
- 6.4 Further north, a number of commercial buildings and compounds including a Council depot, line the eastern side of Old Ipswich Road. The predominant use comprises commercial activity associated with nearby gravel extraction.
- 6.5 To the west - A row of dense mature conifers lie just within and define the western boundary of the site. Old Ipswich Road, a 'B' category road with grass verges runs parallel to the western boundary. Further to the west of and parallel with Old Ipswich Road, is an elevated section of the A12, Colchester to Ipswich Trunk Road.
- 6.6 To the south - A range of small single storey business units (Crown Business Park) with an area of surface car parking shared between the business units and the golf driving range lies adjacent to the southern boundary. The Business Centre is accessed to the west off Old Ipswich Road and immediately to the south of The Crown Hotel, a public house and restaurant, close to a slip road onto the A12. Further to the south, sporadic mixed uses, including a small number of houses and garaging within Tendring District and a contemporary Business Park (Apex 12) and hotel within Colchester Borough, line Old Ipswich Road. The road then crosses a projecting finger of Ardleigh Reservoir before joining the A12 interchange with the A120, immediately to the north of Colchester Town.
- 6.7 To the east - The site boundary is defined by a post and wire fence. An earth bund just outside of this boundary delineates the limit of land further to the east designated for an extension to Ardleigh Reservoir and currently subject to aggregate extraction. Although the site is exposed to long range views from the east, in landscape terms, public views of the site are limited to partially glimpsed views through hedgerows skirting Crown Lane to the south west and a public footpath which has been temporarily diverted during mineral extraction operations.
- 6.8 The site is undesignated in respect of adopted and emerging Local Plans.
- 6.9 Access - The existing site access is via Crown Business Park to the south. A redundant access lies midway along the western boundary with the Old Ipswich Road. Access onto the A12 and A120 trunk roads lies nearby.

Proposal

- 6.10 Permission is sought for the construction of 91 small B1 & B8 use commercial units with ancillary facilities, associated car parking and landscaping; and the construction of 5 commercial office blocks with B1 use with associated car parking and landscaping .
- 6.11 The development has been modelled on the Evolve Business Concept, which seeks to respond to a gap in the market for new/start-up and small businesses, that require flexible, affordable sub 1000sqft self contained workspace, particularly those requiring B1a office and B1 light industrial uses. The model is intended to counter the loss of office space to residential partly as a result of relaxation of permitted development legislation.
- 6.12 Five, detached, two-storey office blocks, would be located within the western part of the site. Each building would house eight 95sqm office units arranged over 2 floors. Toilet facilities would be provided on each floor adjacent to a central stairwell. Surface parking for approximately 200 cars and 14 disabled car parking spaces, together with motorcycle and cycle parking areas would be provided throughout this part of the development. Free standing refuse and recycling enclosures would also be provided.
- 6.13 The buildings would be constructed using dark grey coloured 'Dura' clad elevations to first floor elevations above white rendered ground floor elevations, all below a shallow pitch grey aluminium roof. Full height timber cladding would be used for feature walling. Windows and doors would be dark grey or black coloured aluminium, with two storey high curtain glazing in certain locations.
- 6.14 A central landscape area would separate the 5 detached buildings from the smaller mews style units to the east. This landscaped area would support the more robust examples of retained TPO trees.
- 6.15 The 91 small units would be arranged in tight 'Mews' formation to the rear (east) of the site, behind the central landscaped area and backing on to a gravel extraction site that is designated for future expansion of Ardleigh Reservoir. The flank of this part of the site would lie just to the north of the Crown Business Park which benefits from an extant consent for residential development of 4 detached houses.
- 6.16 The business units would be two-storey to eaves and arranged in two rows facing the other with vehicular access central between the rows and single bay surface parking in front of each unit. The units would range in size from approximately 37 sqm floor area to 103m sqm floor area. They would be constructed using full height, light grey coloured 'Dura' clad elevations below dark grey coloured shallow pitch corrugated roofing incorporating roof-lights. Windows would be timber, while there would be double width entrance doors, also in timber. Openings would be to the frontages of the units only. Communal toilets, refuse storage facilities, and ancillary space would be provided within this part of the development, rather than within individual units. The units would provide flexible accommodation as occupants would chose whether to exchange upper floors for mezzanines or have them removed altogether should headroom be paramount.
- 6.17 It was initially proposed to incorporate B2 heavy industrial use into the description of development. Subsequent to advice from officers this element has been deleted and the application amended accordingly.
- 6.18 The application is supported by the following documents;
- Planning Statement

- Concept, Sales and Marketing – Evolve Business Centres
- Design and Access Statement
- Arboricultural Impact Assessment
- Extended Phase 1 Habitat Assessment
- Traffic Statement
- Drainage Report
- Flood Risk Assessment
- SuDS Checklist Rev A

Analysis

- 6.19 The main planning considerations are:
- Sustainability and the principle of commercial development in this (countryside) location outside a settlement boundary
 - Design and Layout
 - The impact of development on local character
 - Landscape considerations (including retention of protected trees)
 - The impact of development on (residential) amenity
 - The impact of development on the highway network

The Principle of Development

- 6.20 The development would be located in the countryside where, such development would not normally be permitted. In order to make provision for new employment, the Council has allocated land for Class B1 light industrial uses (but not Class B1a office use) in accordance with Policy ER1 of the adopted Local Plan, at a number of strategic locations throughout the district, there being a presumption that office use should be directed towards town centres. This is reinforced by Policy ER2 which states that 'within these (employment) areas, Class B1a uses will not be permitted'.
- 6.21 The emerging Local Plan however adopts a more flexible approach by not segregating B1(a) Office use from the wider 'B' use classes. Policy PP7 of the emerging Local Plan seeks to establish allocations of employment land that incorporate both B1(a) and B1 uses. The policy states that additional sites suitable for small and medium sized businesses will be considered on a site by site basis. However the policy stipulates that such sites should be within the settlement boundaries and in close proximity to public transport nodes.
- 6.22 Although development in this location would normally be deemed contrary to policy, the site benefits from an extant consent for commercial development comprising a hotel and office complex. The current proposal relates to exactly the same site and proposes a similar extent of built development. As such the principle has been established that commercial development is acceptable in this location.
- 6.23 Old Ipswich Road is characterised by other forms of commercial development particularly heavy industrial and quarrying development to the north and recent hotel and business centre development to the south, and is well connected to the highway network. There would be no loss of agricultural land and the existing golf course facility is very low key and not an employment generating use or valuable leisure resource. Such considerations give further weight to the proposal.

Design and Layout

- 6.24 Policy SPL3 ‘Sustainable Design’ of the Emerging Local Plan requires that in order to make a positive contribution to the local environment and protect or enhance local character, all new development should be well designed, relate well to the site particularly in relation to siting, height, scale, massing, form, design and materials, should respect skylines and maintain or enhance important site features of landscape ecological or amenity value integrate soft landscaping.
- 6.25 In respect of practical requirements, emerging Policy SPL3 expands upon the core principles of Adopted Local Plan Policy QL9. The proposal would provide a good standard of access, including access for people with mobility impairments. Consideration has been given to minimising impact on climate change, reducing flood risk while taking the opportunity to create amenity and enhance biodiversity as a result and in mitigating the likely-hood of adverse impact on the environment.
- 6.26 The scale, massing and height of the development would not be so intrusive as to impact detrimentally upon skyline vistas, long range views or upon the surrounding landscape. The standard of design would be high, utilising aesthetically simple architectural forms, textures and colours to provide an identity that would not be significantly at odds with its surroundings, while juxtaposing built form with new landscape provision and existing protected site trees.

The impact of Development on Local Character

- 6.27 The character of this countryside location is influenced by the variety of development in relatively close proximity to the site. This includes some residential development, but predominantly commercial ribbon development, straddling Old Ipswich Road and by the proximity of the site to the A12 Ipswich Road.
- 6.28 The site is relatively well screened. There is a dense, mature conifer screen to the western boundary, mature native tree planting to the north and built development comprising the Crown Hotel and Crown Business Centre to the south. Local character will be enhanced when the planned reservoir extension directly to the east of the site is completed, as this will provide opportunity for landscape reinforcement and further screening. Ultimately the development should integrate well with its surroundings and not appear anomalous or out of place. A similar high quality bespoke, contemporary office development to the south, on the opposite side of Old Ipswich Road has responded positively to its semi woodland setting and is considered to have provided an acceptable bench mark for this particular form of commercial enterprise in the area.

Landscape Considerations, Biodiversity and Ecology

- 6.29 Although the Tree and Landscape Officer has indicated a preference for substitution of the conifer screen that dominates the western site boundary with native species planting, it is understood that the preferred option of the applicant is to retain this form of screen planting. The existing site is dominated by a row of mature deciduous trees running centrally through it. The trees are subject to a Tree Preservation Order and the tree officer has commented that the loss of poorer examples of the protected trees would be acceptable. The planning layout drawings, show the proposed provision of a reasonably substantial landscape belt within the site. This would contribute positively to the character of the site and its surroundings and provide opportunity to screen the long linear rows of starter units towards the rear of the site.
- 6.30 Landscape details have not been submitted with the application and consequently this together with boundary treatment will need to be addressed by means of condition. It is considered that subject to a sympathetic scheme, landscape content would enhance the setting of development and given the sterile nature of the existing

land use, contribute positively to future biodiversity. Consultees have not requested conditions in respect of site ecology.

Amenity

- 6.31 Although there are a small number of residential curtilages in the vicinity, none are so close as to be affected by the development. Although the development would be traffic generating, and this is an obvious concern that has been raised by the Parish Council on behalf of local residents, the Highway Authority has not objected and given the proximity of the site to major road intersections, this would not be a turning issue.
- 6.32 Planning permission was granted Ref: 15/00985/OUT for redevelopment of the Crown Business Centre and the erection of 4 detached dwellinghouses. That permission is still extant although it is tied by condition No 4, which required that a quantum of commercial floor space be provided prior to occupation. Obviously, if this proposal currently under consideration were to be approved and be preferred in lieu of the mixed use (hotel and office) development, the residential consent in its present form could not be implemented. This however does not sterilise future redevelopment of the Crown Business Centre site for such purposes as the principal of small-scale residential development has been established. Nevertheless, regard should be given to the relationship between the two sites
- 6.33 Light industrial and office uses are rarely perceived as being noise or fume polluters and consequently this is considered not to be an issue. The commercial buildings would lie to the north and consequently would not overshadow the approved residential site. The nearest commercial buildings would comprise of the flank of the mews style units which would not have fenestration and would be conditioned to remain as such. The nearest of the larger office buildings would have fenestration but would lie some 16m from the common boundary which is considered acceptable in respect of potential for overlooking and resulting loss of privacy. In any event there would be scope for landscape screening to both sides of the common boundary to further reinforce screening. This would in addition help to reduce disturbance arising from movements of vehicles within the site. A condition would also be imposed to ensure that artificial lighting would not be intrusive.
- 6.34 Although the Crown Hotel also adjoins the site, this comprises commercial premises and residential amenity is not paramount.

Highway and Parking Considerations

- 6.35 The highway officer has asked for imposition of a condition identical to that proposed in the context of the original consent Ref: 15/00985/OUT for 'Mixed Use Development incorporating a hotel and approximately 4000sqm B1 floor space with associated access arrangements'.
- 6.36 The condition relates to access and the provision of a range of highway improvements that would improve pedestrian accessibility. Such matters would be secured by a separate S278 Highways Agreement.
- 6.37 In respect of on-site parking provision for the 5 frontage units, and in accordance with ECC Parking Standards 4,000sqm of B1 (light industrial) floor spaces would require a maximum of 130 car parking spaces and 6 disabled car parking spaces. 202 car parking spaces and 14 disabled car parking spaces in addition to motorcycle and cycle parking have been proposed. Given that this is a semi-rural location and that B1(a) offices, would reasonably require a higher parking quota than light industrial use, the higher standard herein proposed is considered acceptable.

- 6.38 In respect of on-site parking provision for the mews style units, 1 vehicle parking space is proposed for each of the 96 units with a further 18 undedicated (visitor) spaces. This lower ratio of parking accords with the maximum parking standard and is considered acceptable.

Flood Risk and Drainage Issues

- 6.39 A Flood Risk Assessment and Drainage Report have been submitted. It has been confirmed that the site is located in Flood Zone 1 and there are no records of on-site flooding or off-site impact relating to the site.
- 6.40 Essex County Council SuDS in their role as Local Lead Flood Authority team has assessed the supporting documents and have not raised objection subject to conditions requiring submission 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 of the development. Safeguards against off site flooding during the construction phase and requirements for future maintenance are also to be conditioned.

Other matters

- 6.41 In respect of Archaeology, Essex County Council has been consulted. Although the site has been identified as having archaeological interest, subject to conditions that would ensure site investigation prior to commencement of works, no objection is raised.
- 6.42 It is noted that the site is in close proximity to the boundary with Colchester. The Borough Council did not raise objection in respect of the previous mixed use development subsequently approved for this site, although at the time the viability of the scale of the B1 use was queried. In this instance although the quantum of B1 floor space would be greater, the applicant has made the case that this is a niche form of development for which there is growing demand. Officers are of the view that the site is well located to service future demand as may arise from the Development and Delivery of New Garden Communities in North Essex as set out in Strategic Policy SP7 of the emerging Local Plan, and that the proposal represents a significant level of inward investment into the Borough that would provide substantial employment opportunities.

Conclusion

- 6.43 The development would satisfy the criteria and policies set out within the National Planning Policy Framework for sustainable development. Although the development would lie outside of a settlement boundary, taking all material circumstances and mitigation into account, supported by the existence of an extant consent for commercial development, the indication is that planning permission should be granted.

Background Papers

None

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