



PLANNING COMMITTEE

DATE: Tuesday 2 July 2019
TIME: 6.00 pm
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)
Councillor Bray (Vice-Chairman)
Councillor Alexander
Councillor Cawthron
Councillor Codling

Councillor Fowler
Councillor Harris
Councillor McWilliams
Councillor Placey

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 01255686585.

DATE OF PUBLICATION: FRIDAY 21 JUNE 2019

AGENDA

1 Apologies for Absence and Substitutions

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

2 Minutes of the Last Meeting (Pages 1 - 24)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 11 June 2019.

3 Declarations of Interest

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

4 Questions on Notice pursuant to Council Procedure Rule 37

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

5 A.1 - Planning Application - 18/01888/FUL - Mulleys Farm, Bentley Road, Little Bromley, Manningtree, CO11 2PL (Pages 25 - 38)

Change of use of agricultural and storage buildings to mixed open use (B1, B2 and B8) and the erection of an extension following the removal of a lean-to structure.

6 A.2 - Planning Application - 18/01800/DETAIL - Oakwood Park, Land to the East of Thorpe Road, Clacton-on-Sea, CO15 4TL (Pages 39 - 66)

Approval of reserved matters (relating to appearance, access, landscaping, layout and scale) for 250 dwellings pursuant to Condition 1 of planning permission 12/01262/OUT (as varied by planning permission 15/01781/OUT).

7 A.3 - Planning Application - 18/02012/FUL - Land adjacent to 8 The Crescent, Frinton-on-Sea, CO13 9AP (Pages 67 - 80)

Proposed dwelling.

MEETING OVERRUN DATE

In the event that all business is not concluded, the meeting will reconvene on **Wednesday 3 July 2019 at 6.00 p.m.** in the Council Chamber, Council Offices, Thorpe Road, Weeley to consider any remaining agenda items

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 30 July 2019.

Information for Visitors

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

Welcome to this evening's meeting of Tendring District Council's Planning Committee. This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting). The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.

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**

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 11TH JUNE, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
Also Present:	Councillors Broderick (except items 11 and 12), Chapman (except items 11 and 12), Land (except items 9 - 12), Scott (except items 11 and 12), Wiggins (except items 11 and 12) and Winfield (except items 11 and 12)
In Attendance:	Cath Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Graham Nourse (Planning Manager), Ian Ford (Committee Services Manager & Deputy Monitoring Officer), Charlotte Parker (Solicitor (Property, Planning and Governance)), Alison Newland (Planning Team Leader) and Michael Pingram (Planning Officer)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence submitted or substitute members appointed on this occasion.

2. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 9 April 2019, were approved as a correct record and signed by the Chairman.

3. DECLARATIONS OF INTEREST

Members of the Committee declared that they had been lobbied on various planning applications by letter and/or email. With one exception, Members had not read any of those communications and, in most cases, had forwarded them on to either the Planning Officers or the Council's Solicitor.

Members confirmed that they were not pre-determined on any of the planning applications now before them for decision.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37

There were none on this occasion.

5. A.1 - PLANNING APPLICATION - 18/02118/FUL - CROWN BUSINESS CENTRE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR

It was reported that this application had been referred to the Committee as it represented a departure from the Tendring District Local Plan 2007 and the Tendring

District Local Plan 2013 – 2033 and Beyond Publication Draft as the application site was located outside any Settlement Development Boundary.

Members were reminded that the principle of B1 and B8 commercial development on this site had been established by the granting of application 17/02204/FUL at the meeting of the Committee held in July 2018 which had given permission for the erection of 79 small B1 and B8 commercial units and five commercial office blocks with B1 use with associated car parking and landscaping.

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

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

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

- (1) a further letter of objection received from Martin Robeson Planning Practice together with an Officer response;
- (2) amendments to the Officer report; and
- (3) amendments to the proposed planning conditions.

Martin Robeson, of Martin Robeson Planning Practice, acting on behalf of Lodge Park a nearby business park, spoke against the application.

Ed Kemsley, the agent acting on behalf of the applicant, spoke in support of the application.

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

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P (000) 010 Rev. A, P (000) 111 Rev. H, P (000) 112 Rev. B, P (000) 113 Rev. A, P (000) 211 Rev. A, P (000) 212 Rev. A, P (000) 213 Rev. A, P (000) 311 Rev. A, P (000) 312 Rev. A, P (000) 313 Rev. A, P (000) 314 Rev. B, P (000) 315 Rev. A, P (000) 316 Rev. A, P (000) 317 Rev. A, P (000) 318 Rev. A, P (000) 319 Rev. A and P (000) 402 Rev. B.

Reason - For the avoidance of doubt and in the interests of proper planning.

3. No above ground development shall commence on any phase until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for that Phase, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To ensure a satisfactory standard of landscaping and the protection of retained trees.

4. Any trees dying, being removed or being seriously damaged as a result of the failure to comply with condition 3 shall be replaced in the next planting season (October - March inclusive) with others of similar size and species unless the Local Planning Authority agrees in writing to a variation.

Reason - To enable new and existing landscaping to be protected and retained in the interests of visual amenity.

5. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment by Hallwood Associates (Ref. 10024 APIII 3.0) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of retained trees in the interests of visual amenity and good arboricultural practice.

6. No above ground development shall commence on any phase until a Landscape Management Plan has been submitted to, and approved in writing by the Local Planning Authority for that phase. The Landscape Management Plan(s) shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

7. No above ground development shall commence on any phase until details have been submitted to the Local Planning Authority showing boundary treatment (walls fences, hedgerows) for that phase. The approved details shall be implemented as approved prior to occupation of the first unit of development and maintained in the approved form.

Reason - To ensure a satisfactory form of boundary treatment.

8. No occupation of any phase of the development shall take place until the following have been provided or completed:

- a) A minimum 2m wide footway from the proposed site access along the eastern side of Old Ipswich Road to the pedestrian access to the Crown Inn Public House, then crossing to the existing footway on the western side of Old Ipswich Road utilising the central island;
- b) A travel plan which once approved shall be complied with at all times.

Reason - To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

9. No phase of the development shall take place before an Environmental Construction Method Statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement.

Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

10. No phase of the approved development shall take place until a detailed surface water drainage scheme for that phase, 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 in consultation with Essex County Council's SuDS Team. The scheme shall subsequently be implemented prior to occupation.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

11. No phase of the approved development 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 for that phase. All phases of the development shall subsequently be implemented as approved.

Reason – To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

12. No phase of the approved development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance

activities/frequencies of that phase, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason - To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

13. 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.

Reason - To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

14. No floodlighting shall be installed in any phase of the development until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out and maintained in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area

15. The development hereby permitted shall be carried out in accordance with the Environmental Noise Survey and Noise Impact Assessment produced by paceconsult (ref. PC-18-0328-RP1) unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect neighbouring development from intrusive commercial noise.

16. No phase of the development shall be occupied until a scheme showing the provision to be made for disabled person in that phase has been submitted to and approved by the Local Planning Authority. Each phase of the development shall be carried out in accordance with the approved details.

Reason - to ensure there is suitable access within the site for disabled persons.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights are hereby removed in respect of Schedule 2 Part 7 Class H (Industrial Buildings) relating to those buildings lying within 20m of the southern boundary of the site.

Reason - To protect the amenity of neighbouring occupiers to the south.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), permitted development rights are hereby removed in respect of Schedule 2 Part 7 Class F (Office buildings) and relating to those buildings lying within 20m of the southern boundary of the site.

Reason - To protect the amenity of neighbouring occupiers to the south.

19. Unless otherwise authorised in writing by the Local Planning Authority there shall be no external storage, stacking or deposition of goods on the site.

Reason - The external storage of goods would detract from the visual amenity of the area.

20. No phase of the development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings within the Phase shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason - To prevent environmental and amenity problems arising from foul water.

21. The development hereby permitted shall be carried out in accordance with the Extended Phase 1 Habitat Survey produced by D F Clark Bionomique Ltd (Ref. DFCEP 3059) unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the proposal does not adversely affect protected species.

22. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

Reason - To ensure that loose materials are not brought out onto the highway.

Informatives

1. Please be advised that no works to the TPO trees shall take place unless consent has been granted under the terms and conditions of the TPO, by the Local Planning Authority.
2. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.
3. The Highway Authority has advised that there is and will not be any future proposal for the roads or footways of this development site to be offered for adoption into the highway network and that all rights and responsibilities will remain private in perpetuity.

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

Members were reminded that the Committee, at its meeting held on 18 September 2018, had decided to grant planning permission subject to a legal agreement under the

provisions of Section 106 of the Town and Country Planning Act 1990 (as amended being completed within 6 months) in order to secure the following:

- Affordable Housing – 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole District;
- Education – Early Years and Childcare - £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787;
- Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
- Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance

It was reported that whilst progress had been made on the legal agreement it had not been completed within the given timescale and therefore an extension of time until 11 September 2019 was now being sought.

Members were further informed that since the previous consideration of the application by the Committee and in accordance with Natural England advice there was now a requirement to seek a financial contribution (referred to as a RAMS contribution) in order to mitigate against any adverse impact the proposal might have on European Designated Sites. The Officer's recommendation had been updated to reflect this need and the applicant had agreed to pay that contribution.

It was confirmed that the proposed development had not been amended and all other aspects remained the same as set out in the original Officer's report to Planning Committee dated 18th September 2018 which was attached as an appendix to the Officer's report to this meeting.

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

The Chairman confirmed that there would be no public speaking allowed on this application.

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

(1) within 3 (three) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- Affordable Housing Provision: 3 units to be gifted to the Council and 8 units to be transferred to a Registered Provider; to be prioritised for households with an Alresford connection first, then households from neighbouring parishes and then the whole District;
- Education – Early Years and Childcare £131,170; Primary Education £385,081; Secondary Education £389,995 and Secondary School Transport £59,787;

- Healthcare – Financial contribution of £27,800 towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery;
- Public Open Space and Equipped Play Areas – to be transferred to the Council and laid out before transfer, with a financial contribution towards future maintenance; and a
- Financial Contribution of £10,273.20 (£122.30 per dwelling) towards RAMS.

(2) the conditions and informatives previously approved by the Committee, at its meeting held on 18 September 2018.

7. **A.3 - PLANNING APPLICATION - 19/00144/DETAIL - MICHAELSTOWE FARM, DOVERCOURT, CO12 4TF**

It was reported that this application was before the Committee as at the time that the outline application had been approved a request had been made by Members for the reserved matters application to be brought to the Committee for its determination.

The Committee was aware that Unilateral Undertakings had already been completed to secure a financial contribution towards RAMS of £122.30 per dwelling and a payment towards enhancements to the Ramsey War Memorial Play Area.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of amendments to the Officer report.

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

Conditions and Reasons

1 The development hereby permitted shall be carried out in accordance with the following approved drawing no's:

15, 17, 25, 27, 29, 31, 33, 16A, 18A, 26A, 28A, 30A, 32A, 34A, 39A, 40A, 42, 14B, 44, 10C, 11C, 13D, 19A, 20B, 21B, 22C, 23A, 24B, 35C, 36C, 37B, 38C, 41B, 43A, 45A and 46A.

Reason - For the avoidance of doubt and in the interests of proper planning.

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

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel and underbody washing facilities
- e. dust suppression

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

- 3 The approved scheme of landscaping shown on drawing no. 13D, shall be implemented no later than the first planting season following commencement of the development (or within such extended period or phased arrangement as the Local Planning Authority may allow) and shall thereafter be retained and maintained for a period of five years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason - To ensure the effective implementation of the approved landscaping scheme, in the interests of visual amenity.

- 4 Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the roof of the bungalows on plots 4 and 5 shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of visual amenity and to protect existing and future resident's privacy.

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. A.4 - PLANNING APPLICATION - 19/00120/FUL - TAMARISK, 19 THE STREET, KIRBY-LE-SOKEN, CO13 0EE

The Committee was aware that an Unilateral Undertaking had already been completed to secure a financial contribution towards RAMS of £122.30 per dwelling and a

contribution towards providing improved facilities at the nearest play area at Halstead Road.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of amendments to the Officer report.

Lucille Cowell, the applicant, spoke in support of the application.

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

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 096/1a, 096-2, 096-3, 096/4, 096-5, 096-6, 096/8, 096-9, 096/10, and the documents titled 'Site Location Plan', 'Phase 1 Habitat Survey', 'Great Crested Newt Assessment', 'Arboricultural Report' and 'Planning Statement'.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 Prior to the first occupation of the development, the proposed road junction at its bell mouth junction with The Street shall be constructed at right angles to the highway boundary and to the existing carriageway as shown in principle in the Proposed Block Plan, drawing no.096/1 to a carriageway width of 5.5 metres straight for at least the first 10 metres with 2 metre width footway on both sides with the proposed footway to connect to the existing footway at its junction with The Street.

Reason - To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

- 4 Prior to first occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such

vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

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

- 5 No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 6 There shall be no discharge of surface water onto the Highway.

Reason - To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- 7 Prior to first occupation of the development the size 3 vehicular turning facility shown in principle in the Block Plan, drawing no. 096/1a shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 8 Prior to first occupation of the development vehicle parking shall be provided in accordance with the EPOA Parking Standards as shown in principle in the Proposed Site Plan, drawing no.096/1a constructed ready for use. The vehicle parking area and associated turning area shall be retained in the agreed form at all times.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

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

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

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

- 10 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in

ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 11 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason -To enhance the visual impact of the proposed works.

- 12 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 13 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.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

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

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits.

- 15 No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction of the first floor extension have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - The application relates to land adjacent to a listed building and conservation area and therefore suitable external facing and roofing material are necessary in order to preserve and enhance the historic character and integrity of that building.

- 16 Before any work is commenced drawings to a scale of not less than 1: 20 fully detailing the new windows, rooflights, doors and their surrounds to be used and indicating; materials, cross sections for glazing bars, sills, heads etc at a scale of 1:20, method of opening and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application and is adjacent to both a listed building and conservation area and therefore such details are necessary in order to preserve and enhance the historic character and integrity of the area.

- 17 No development hereby permitted shall commence until the specific requirements of paragraphs numbered 1 to 3 below have been satisfied. If unexpected contamination is found after development has commenced, no further development shall be carried out on that part of the site affected by the unexpected contamination until the requirements of paragraph 4 have been complied with in relation to such contamination.

1. Site Characterisation - An investigation and risk assessment, in addition to any assessment provided within the planning application, shall be carried out in accordance with a scheme to assess the nature and extent of any contamination of the site. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments; and

(iii) an appraisal of options for remediation and a proposal with preferred option(s). This appraisal shall be conducted in accordance with the Environment Agency Model Procedures for the Management of Land Contamination (CLR 11).

2. Submission of Remediation Scheme - A detailed Remediation Scheme to ensure that the site is suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and

historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works of remediation to be undertaken, remediation objectives and criteria, timetable of works and related site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the use of the land after remediation.

3. Implementation of Approved Remediation Scheme - The Remediation Scheme required under paragraph 2 above shall be carried out in accordance with its terms prior to the commencement of any works of construction on site unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing a minimum of two weeks prior to commencement of the remediation scheme works of the date that the remediation works will commence. Following completion of the measures identified in such approved Remediation Scheme, a verification report to demonstrate the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority.
4. Reporting of Unexpected Contamination - In the event that contamination is found which was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken in accordance with the requirements of paragraph 1 above and, where remediation is necessary, a new Remediation Scheme shall be prepared in accordance with the requirements of paragraph 2 above and submitted to and approved in writing by the Local Planning Authority. Following completion of all necessary measures identified in such Remediation Scheme as may be approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority in accordance with paragraph 3 above. In such circumstances, no further works of development shall be carried out to that part of the site until such time as the requirements of this paragraph have been satisfied.

Reason - To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18 The recommendations as highlighted within Section 6 of the submitted Phase 1 Habitat Survey shall be implemented prior to occupation of the dwelling and maintained in perpetuity thereafter.

Reason - In order to enhance the development of the site for local wildlife.

Informatives

All rainwater goods should be black and of cast metal, and all electrical and telephone services to the development should be run underground.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

9. **A.5 - PLANNING APPLICATION - 18/02072/FUL - 85 SALISBURY ROAD, HOLLAND-ON-SEA, CO15 5LS**

It was reported that this application had been referred to the Committee by Councillor Winfield, a local Ward Member, as he considered the proposed development to be contrary to planning policies HG9, HG14, TR1A and that, in addition, the roots of neighbouring mature trees were in danger of being damaged during the construction period.

The Committee was aware that Unilateral Undertakings had already been completed to secure a financial contribution towards RAMS of £122.30 for the one dwelling proposed and a payment towards enhancements to the safety surface at the Hereford Road Play Area.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of amendments to the Officer report.

Chris Pitak, a local resident, spoke against the application.

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

James Thomas, the agent acting on behalf of the applicant, spoke in support of the application.

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

Contrary to Policy HG14 (i) development would not be appropriate in its setting and would create a cramped appearance.

10. **A.6 - PLANNING APPLICATION - 19/00179/FUL - FOLKARDS LANE, BRIGHTLINGSEA, CO7 0SJ**

The Committee was aware that Unilateral Undertakings had already been completed to secure a financial contribution towards RAMS of £122.30 for the one dwelling proposed

and a payment towards the provision of new play equipment at the nearest play area at Bayard's Recreation Ground, Regents Road, Brightlingsea.

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

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

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

- (1) a further letter of objection received together with an Officer response; and
- (2) an amendment to the Officer report.

John Pearce, an agent acting on behalf of a local resident, spoke against the application.

Mark Potter, acting on behalf of the applicant, spoke in support of the application.

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

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers 01B, 03A, 04A and 05A.

Reason - For the avoidance of doubt and in the interests of proper planning.

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

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

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

- 4 Prior to the commencement of any above ground works, a scheme of hard and soft landscaping works for the site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason - To enhance the visual impact of the proposed works.

- 5 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To enhance the visual impact of the proposed works.

- 6 All surfaces within the Root Protection Areas of the trees to be retained as set out within the Arboricultural Impact Assessment and Preliminary Method Statement and Appendices Reference No. TPSarb9550119 dated 28th January 2018 shall be constructed using no dig technology.

Reason - To ensure the protection and longevity of the protected trees in the interests of visual amenity.

- 7 No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

- 8 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting and in the interests of highway safety.

- 9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location.

- 10 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) England Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than the boundary treatments shown on the approved drawings, no provision of fences, walls, gates or other means of enclosures, shall be erected on any part of the site forward of the front elevation of the dwellings hereby approved except in accordance with details that shall previously be approved in writing by the Local Planning Authority.

Reason - In the interests of visual amenity.

- 11 The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

- 12 Prior to occupation of the proposed dwelling, the private drive shall be constructed to a maximum width of 4.5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the existing access.

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner and clear of the limits of the highway, in the interests of highway safety.

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

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

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

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

Reason - To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety.

- 16 The development shall be carried out in strict accordance with Arboricultural Impact Assessment and Preliminary Method Statement and Appendices Reference No. TPSarb9550119 dated 28th January 2018.

Reason - To ensure the protection and longevity of the protected trees in the interests of visual amenity.

- 17 All new parking areas and areas of hardstanding shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the site area.

Reason - In the interests of sustainable development and to minimise the risk of surface water flooding.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Highways Informatives

1. The private road is less than 3 metres in width without any passing places and no scope to provide any passing places. Should the application be approved the developer/ future home owner should be obligated to contribute to any future maintenance or ongoing costs for the repair and upkeep of the private road.
2. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-de-sac which is more than 20 metres long must have a turning head of a least Size 3.
3. On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.
4. Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

11. A.7 - PLANNING APPLICATION - 19/00638/FUL - 16 THE SPENNELS, THORPE-LE-SOKEN

It was reported that this application had been referred to the Committee as the applicant was an Officer of the Council.

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

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

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

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: MW/02/19 received 5th May 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12. A.8 - PLANNING APPLICATION - 19/00320/FUL - THE GROVE FLATS, GROVE AVENUE, WALTON-ON-THE-NAZE, CO14 8QY

It was reported that this application had been referred to the Committee as the applicant was the Council.

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

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

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

Conditions and Reasons

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Location Plan', 'Site Plan' and 'Proposed MUGA Elevation Plan' of planning permission 17/01790/FUL, and drawing numbers GAEWP2-IW-XX-XX-DR-B-SK4 Revision P3 and GAEWP2-IW-XX-XX-DR-B-SK4A Revision P3 of planning permission 19/00320/FUL.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting

levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority. The lighting shall be retained in accordance with the approved details.

Reason - To secure an orderly and well-designed development sympathetic to the character of the area and in the interests of residential amenity.

- 3 Prior to the first use of any external lighting or floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety.

- 4 The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

- 5 The Multi-Use Games Area hereby permitted shall not be used for any pre-arranged competitive matches.

Reason - For the avoidance of doubt and due to the fact that no parking facilities are available in this location for vehicles associated with visiting teams.

- 6 Noise Control -

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- 2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

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

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

Reason - In the interests of protecting existing residential amenities.

7 The floodlights shall at no time be operating between the hours of 21:00 and 08:00.

Reason - In the interests of the protection of existing neighbouring amenities.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The meeting was declared closed at 8.11 pm

Chairman

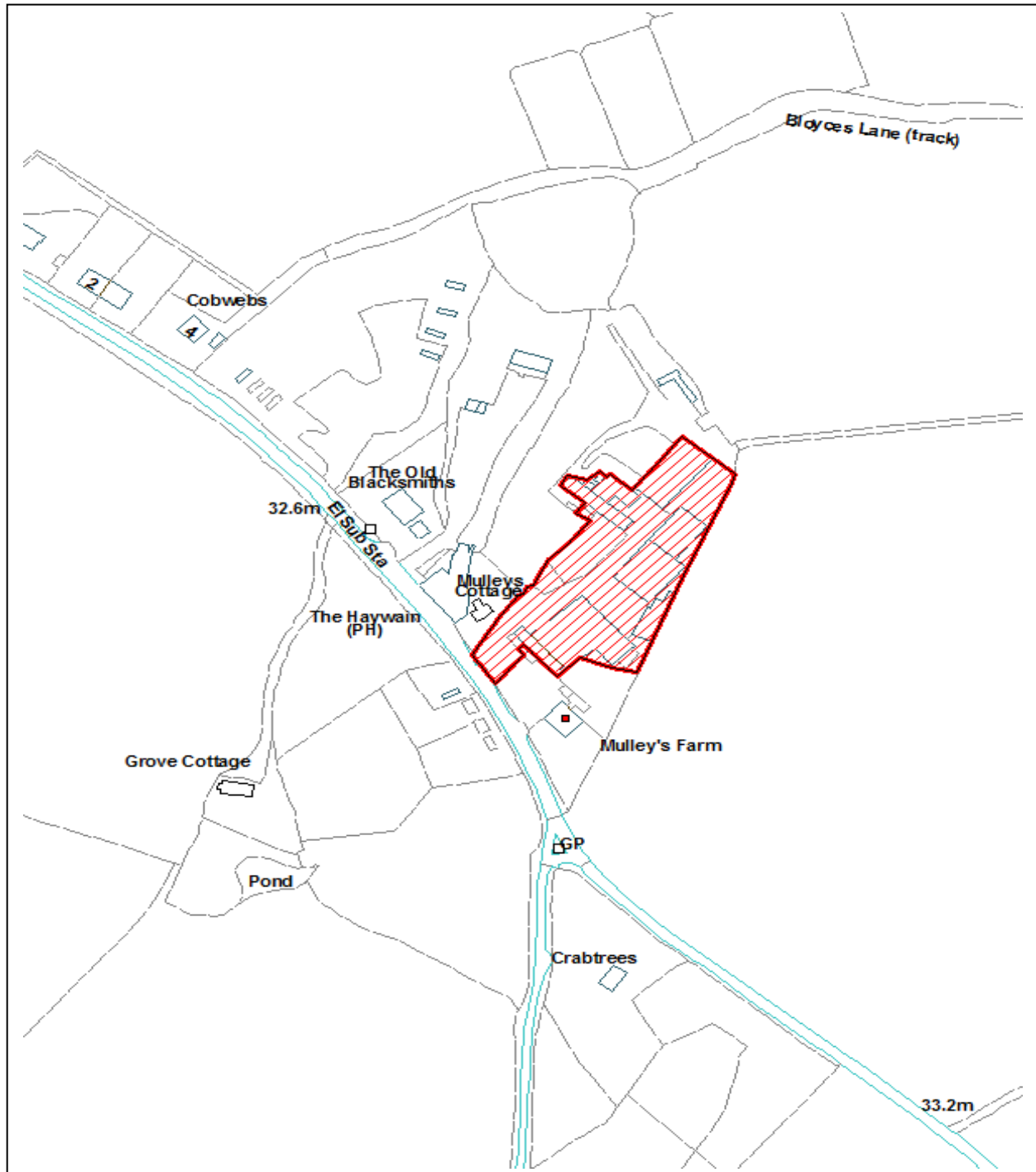
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PLANNING COMMITTEE

2 JULY 2019

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION – 18/01888/FUL – MULLEYS FARM, BENTLEY ROAD, LITTLE BROMLEY, MANNINGTREE, CO11 2PL



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Application: 18/01888/FUL

Town / Parish: Little Bromley Parish Council

Applicant: Mrs Cooper

Address: Mulleys Farm Bentley Road Little Bromley Manningtree CO11 2PL

Development: Change of use of agricultural and storage buildings to mixed open use (B1, B2 and B8) and the erection of an extension following the removal of a lean-to structure.

1. Executive Summary

- 1.1 Councillor Stock has called for the application to be determined by Planning Committee due to the impacts to neighbouring properties through noise disturbances, and also harm to a listed building.
- 1.2 National and local plan policies support the proposed development for an expansion to the established business in a rural location providing the proposal can be accommodated without an adverse impact on the landscape character of the countryside, without harming the amenity of local residents, and satisfactory vehicular access and adequate car parking is provided.
- 1.3 The single storey side extension will not appear prominent and will result in a neutral impact to the existing street scene, while also being sited with sufficient distance to neighbouring properties and the nearby listed building to ensure no harm.
- 1.4 Following concerns raised with regard to the noise impacts of the proposal, a noise assessment has been submitted. The assessment concludes that the noise levels from the use of the site are marginally above the existing ambient noise levels and are not considered significant. Therefore, subject to the installation of acoustic fencing and noise control measures, the buildings can operate used for metal fabrication without causing significant impact or disturbance to local residents.
- 1.5 Essex Highways Authority have raised no objections, while there is considered to be sufficient parking provision for the flexible use being proposed.

Recommendation:

That the Head of Planning be authorised to grant planning permission for the development subject to the conditions stated in section 8.2.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework February 2019
National Planning Practice Guidance

Tendring District Local Plan 2007

COM22 Noise Pollution
EN23 Development Within the Proximity of a Listed Building

ER7	Business, Industrial and Warehouse Proposals
ER11	Conversion and Reuse of Rural Buildings
EN1	Landscape Character
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
TR1A	Development Affecting Highways

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

PPL9	Listed Buildings
SP4	Providing for Employment and Retail
SPL3	Sustainable Design

Status of the Local Plan

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

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

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

3. Relevant Planning History

03/01778/FUL	Rear extension	Approved	21.10.2003
05/01218/FUL	Temporary permission for siting of caravan whilst rebuilding of Mulley Cottage is carried out.	Approved	17.10.2005
07/02031/FUL	Change of use of 3 No. agricultural buildings to storage (B8 Use), retention of 3 No. agricultural buildings in storage (B8 use) and retention of 2 No. former agricultural buildings for use by Brick Logic (B2	Approved	11.07.2008

Use). As amended by letter and attached plan dated 7th May 2008 and amplified by letter dated 20 May 2008 and External Lighting plan received on 10 June 2008.

4. Consultations

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The site has previously had approval for B2 and B8 use back in 2008; the proposed extension will not impact on the highway therefore:

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

1. Prior to first occupation of the development the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

2. Prior to first occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1

3. The proposed development shall not be occupied until such time as the vehicle parking has been identified for staff and delivery vehicles, has been set aside marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the site unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining road does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8

4. The existing access within the proposed formal

parking area shown on the parking plan (DWG 60146) shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

5. Areas within the curtilage of the site for the purpose of the reception and storage of building materials (for the extension) shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

Informative 1: The internal access arrangements being sufficient width throughout to permit opposing vehicles to pass and incorporating a vehicular turning space of sufficient dimensions to cater for articulated heavy goods vehicles and should be maintained free of obstruction at all times.

Informative 2: Any work affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

5. Representations

5.1 Little Bromley Parish Council object to the application for the following reasons:

- The site is not connected to a mains sewer;
- Access road is too narrow and not suitable for large commercial vehicles; and

- Impact to neighbouring property.

5.2 There have been 11 letters of objection received, with their comments summarised below:

- Not a mains sewer on site;
- Highway safety concerns;
- Noise and light pollution;
- Harm to structure of adjacent listed building;
- Increase in traffic movements;
- Access not suitable for large commercial vehicles;
- Anti-social working hours; and
- Noise Assessment is not accurate enough and is flawed.

6. **Assessment**

Site Context

- 6.1 The application site is Mulleys Farm, which is located to the eastern section of Bentley Road within the parish of Little Bromley. The site measures approximately 0.51 hectares and contains a number of buildings. The character of the surrounding area is rural, with agricultural land notably to the east, south and west. There is however a small area of built form adjacent to the north of the site, which includes The Haywain Public House.
- 6.2 The site is not situated within a recognised Settlement Development Boundary in both the Saved Tendring Local Plan 2007 and Emerging 2013-2033 Tendring Local Plan Publication Draft.

Site History

- 6.3 Under planning reference 07/02031/FUL, planning permission was granted for the change of use of the site so that the buildings usage included 6 x B8 Storage and Distribution use and 2 x B2 General Industry use.
- 6.4 It is important to note that a condition was attached to this decision to restrict the two buildings B2 General Industry use only to a company known as 'Brick Logic'. This was because the B2 General Industry use was considered at that time to have the potential to cause disturbance to nearby residents. This occupier has since vacated the premises and the buildings therefore reverted to its original agricultural use.
- 6.5 Therefore the site in its current form has planning permission for B8 Storage and Distribution use, except for two buildings to the north-east of the site which have a restricted B2 General Industry use.

Description of Proposal

- 6.4 This application seeks retrospective planning permission for the change of use of nine individual buildings (with one of the existing eight buildings being sub-divided) on site to a mixed open use of B1 Business, B2 General Industry and B8 Storage and Distribution. The site has been operating in this manner since September 2016.
- 6.5 The application also seeks retrospective consent for the erection of a single storey extension to the side elevation of the building located to the south-western corner of the site.
- 6.6 The proposal states the following opening hours of:

- Monday to Friday – 7am to 6pm
- Saturday – 7am to 12pm
- Sunday and Bank Holidays – Closed

These hours are in accordance with the operating hours previously approved under planning permission 07/02031/FUL.

Principle of Development

- 6.7 Paragraph 80 of the National Planning Policy Framework (2019) states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.8 Paragraph 83 of the 2019 (NPPF) states that planning policies and decisions should help build a strong, competitive economy by enabling the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 of the 2019 (NPPF) states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surrounding, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 6.9 The preamble of saved Policy ER7 of the adopted Tendring District Local Plan 2007 explains how the Council wishes to support the growth of existing firms and will grant permission for extensions to established business premises in rural locations providing they have an acceptable impact on visual amenity. Saved Policy ER7 itself states that in rural locations permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside and satisfactory vehicular access and adequate car parking is provided.
- 6.10 The preamble of saved Policy ER11 of the adopted Tendring District Local Plan 2007 states that in the interest of encouraging a lively and viable rural economy the re-use or conversion of rural buildings for employment purposes is encouraged, but that the type and scale of activity proposed should be compatible with the character of the surrounding area, and the potential impact on the amenity of local residents will be an important consideration.
- 6.11 In summary, national and local plan policies support the proposed development for an expansion to the established business in a rural locations providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside, without harming the amenity of local residents, and satisfactory vehicular access and adequate car parking is provided, which will be addressed in more detail below.
- 6.14 It is acknowledged the application will see an intensification of an employment use in a rural area away from any significant settlement. However, given the existing permission of a mixed B8 and restricted B2 use at the site, on balance it is considered that this intensification is not significant enough to warrant recommending a reason for refusal, subject to the detailed consideration below.

Visual Impacts

- 6.12 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.13 The proposed scheme results in one external alteration to the existing site, a single storey side extension to the building located to the south-western corner of the site, currently occupied by Datum Group Ltd.
- 6.14 Given that the extension is sited approximately 30 metres from Bentley Road and is located to the rear of existing built form, it will not appear prominent, thereby resulting in a neutral impact to the street scene. Further, the overall design and material use is in-keeping with the existing development and is considered an acceptable addition.

Impact to Setting of a Listed Building

- 6.15 Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.
- 6.16 The application site is located adjacent to the east of Mulley's Cottages, which is a Grade II Listed Building. However the only external amendment being proposed within this application is a single storey extension, which is to be located approximately 16 metres away. Given this significant separation distance, the extensions single storey nature and that any long distance views will be maintained, there is not considered to be any significant impacts to the setting of the Grade II Listed Building.

Impact to Neighbouring Amenities

- 6.17 Paragraph 127 of the National Planning Policy Framework (2019) states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.18 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 6.19 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.20 Given the potential noise/vibration impact associated with the development proposal it was considered necessary that a noise assessment be submitted to demonstrate that the proposed change of use could be carried out without causing significant harm to the amenities of the adjacent neighbours. Accordingly a noise assessment has been undertaken.
- 6.21 The submitted assessment details that a series of noise measurements were carried out at the site on 21 February 2019, taken 10 metres from the site boundary to Mulley's Cottage, which is the closest related property. The survey results included noise with and without the site operating. Measurements were taken to represent overall activity at the site, including internal welding, electric fork lift truck activity, and van and other vehicle arrivals and departures. Other background noises noted include passing local traffic, including agricultural vehicles, occasional aircraft and distant road traffic noise from the A120 approximately 1.8km to the south.
- 6.22 The assessment concludes that the noise levels from the use of the site are marginally above the existing ambient noise levels and are not considered significant. The buildings can operate used for metal fabrication without causing significant impact or disturbance to local residents. The noise from the use of the site is less than the significant adverse impact threshold referred to within the NPPF (2019). It has therefore been concluded that the proposed change of use will not result in significant noise pollution to the serious detriment of the adjacent neighbouring properties.
- 6.23 The noise assessment also states that a 2 metre high acoustic screen to the boundary of Mulley's Cottage is essential to further reduce noise impacts, and provides details of physical and management noise control measures. These are recommended as conditions to this decision.
- 6.24 The development also includes a single storey side extension; however given its size and distance to nearby neighbouring properties, there is considered to be a neutral impact to existing amenities as a result.

Highways Impacts

- 6.25 Essex Highways Authority have stated they have no objections subject to conditions relating to a vehicular turning facility, vehicle parking for staff and delivery vehicles being marked out, the closure of the existing access, and areas of the site identified for loading, unloading and storage of materials being provided clear of the highway.
- 6.26 Adopted Car Parking Standards state that for a B8 Storage or Distribution use, provision should be made for a minimum of one parking space per 150sqm. For a B1 Business use provision should be made for 1 parking space per 30sqm, while for B2 General Industrial use there should be provision for 1 parking space per 50sqm.
- 6.27 The total size of all nine units is approximately 2,600 square metres. Against the above standards this would require a maximum of 18 spaces if all the units were B8, a maximum of 52 spaces if all the units were B2, and a maximum of 86 spaces if all the units were B1. The site currently has planning permission for six units as a B8 Storage or Distribution use, and two units as a B2 General Industrial use.

- 6.28 Given the increase in required parking provision Officers requested that a parking layout be submitted to demonstrate the levels of parking required is achievable.
- 6.29 The submitted parking layout shows provision for 48 parking spaces. As per the calculations above the site should demonstrate a minimum of 18 parking spaces and a maximum of 86 spaces; the provision falls approximately in the middle of these two figures, while it is acknowledged that the site in its existing layout predominantly includes B8 Storage and Distribution uses. Therefore it is considered that the parking provision highlighted is acceptable for the site. The parking layout also shows provision in front of the existing access point to the south-eastern corner of the site, and accordingly Essex Highways Authority have recommended a further condition to ensure this access point is suitably and permanently closed.

7. Conclusion

- 7.1 In summary, national and local policies are in support of growth to rural businesses. While the proposal represents an intensification to the existing use, it is not considered to be excessively so. The scheme involves few external changes, with the single storey extension being a minor addition that neither harms the character of the area or impacts neighbouring amenities. The change of use to include a flexible B1, B2 and B8 use across the site does have the potential to increase noise levels, both through additional comings and goings of vehicles and through noise associated with a B2 use in particular. While a restriction was put on the B2 General Industry use at this site in the previous planning permission, this was because it was unclear if there would be significant harm to neighbouring amenities. However, a noise assessment has been provided which has concluded noise levels from the use of the site are marginally above the existing ambient noise levels. Further, Essex Highways Authority offer no objections, while the parking provision is considered to be acceptable. Therefore, subject to conditions shown below, the development is recommended for approval.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives. Given the nature of the application a section 106 legal agreement is not required in this instance.

8.2 Conditions and Reasons

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans, titled 'Site Location Plan' received 19 June 2019, 'Block Plan', 'Site Plan', 'Parking Plan', 'Environmental Noise Report' and drawing number 512/18.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 2 Notwithstanding the approved plans, within three months of the date of this decision, a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be provided and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 3 Notwithstanding the approved plans, within three months of the date of this decision, a plan identifying areas within the site for vehicle parking for staff and delivery vehicles shall be provided and approved in writing by the Local Planning Authority.

The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the site unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining road does not occur in the interests of highway safety.

- 4 Notwithstanding the approved plans, within three months of the date of this decision, a plan identifying areas within the site for the purposes of loading/unloading/reception and storage of materials and manoeuvring shall be provided and approved in writing by the Local Planning Authority. These areas shall be clear of the highway and retained in their approved form thereafter for that sole purpose unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety.

- 5 The existing access within the proposed formal parking area shown on the document titled 'Parking Plan' shall be suitably and permanently closed incorporating the reinstatement to full height of the highway verge / footway / cycleway / kerbing immediately the proposed new access is brought into first beneficial use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- 6 Notwithstanding any existing floodlighting or other means of external lighting on site, no floodlighting or other external lighting shall be installed until details of the illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area, and in the interests of highway safety.

- 7 Notwithstanding the provisions of Article 3, Schedule 2 Part 7 Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no erection, extension or alteration to any of the hereby permitted buildings except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interests of neighbouring amenities.

- 8 No public announcement system or other form of external audio communication system shall be installed at the site except in accordance with details (to include position, height and full technical details), which shall have previously been submitted to, and agreed in writing by, the Local Planning Authority.

Reason - In the interests of neighbouring amenities.

- 9 Notwithstanding the approved plans, within three months of the date of this decision, details of the proposed acoustic fencing shall be submitted to and approved in

writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details and shall be retained thereafter as approved.

Reason – In the interests of avoiding noise disturbances to the adjacent neighbouring property.

- 10 Within three months of the date of this decision, details of the physical and management noise control measures, as indicated within Appendix B of the document titled 'Environmental Noise Report', shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the approved details and shall be adhered to thereafter.

Reason – In the interests of avoiding noise disturbances to the adjacent neighbouring property.

8.3 Informatives

1. Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

2. The internal access arrangements being sufficient width throughout to permit opposing vehicles to pass and incorporating a vehicular turning space of sufficient dimensions to cater for articulated heavy goods vehicles and should be maintained free of obstruction at all times.
3. Any work affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
4. Areas within the curtilage of the site for the purpose of the reception and storage of building materials (for the extension) shall be identified clear of the highway.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
 - 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
 - 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected

characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers None applicable

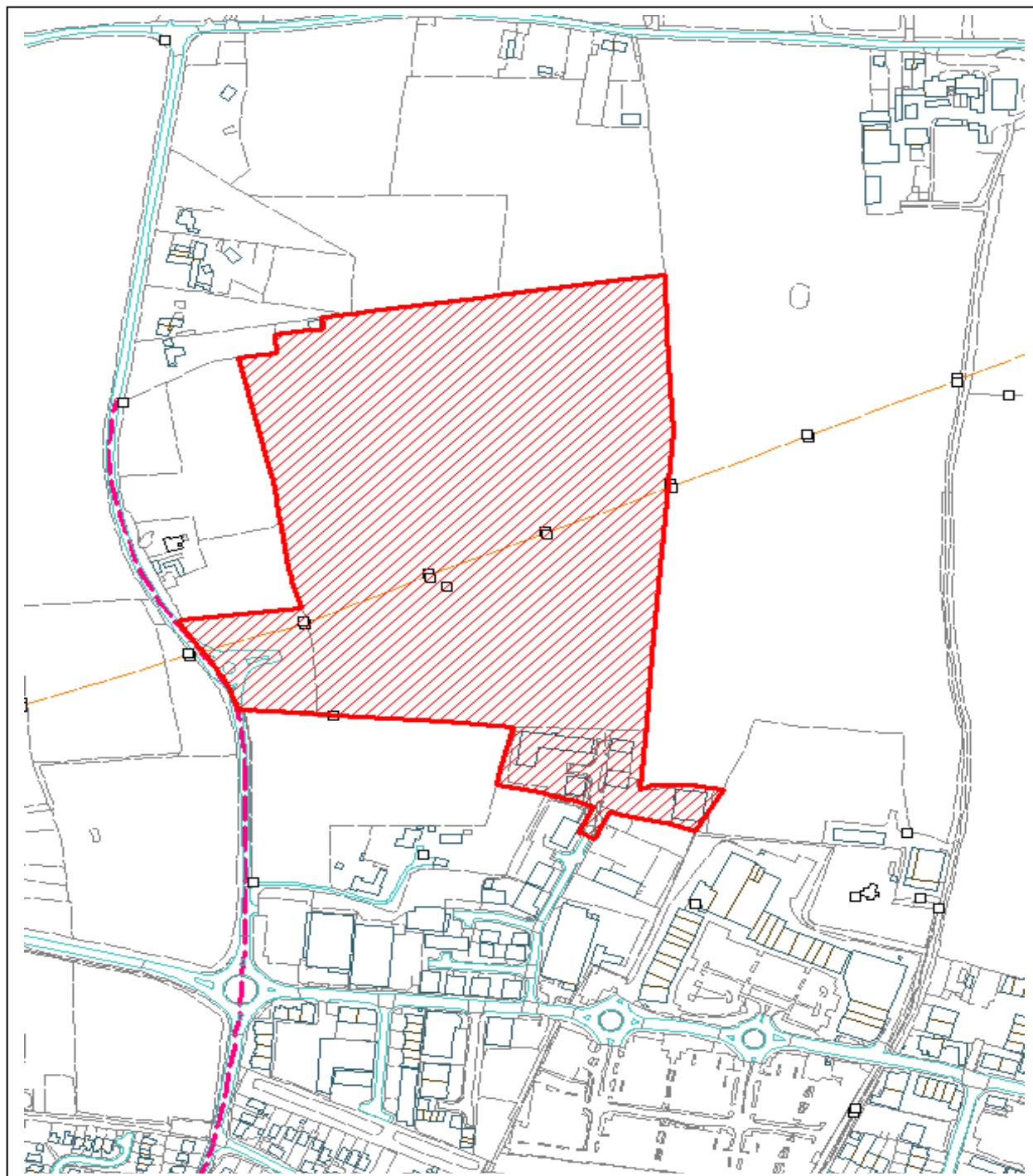
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PLANNING COMMITTEE

2 JULY 2019

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 18/01800/DETAIL – OAKWOOD PARK, LAND TO THE EAST OF THORPE ROAD, CLACTON-ON-SEA, CO15 4TL



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Application: 18/01800/DETAIL

Town / Parish: Clacton Non Parished

Applicant: Persimmon Homes Ltd & Britton Developments Ltd

Address: Oakwood Park Land to The East of Thorpe Road Clacton On Sea CO15 4TL

Development: Approval of reserved matters (relating to appearance, access, landscaping, layout and scale) for 250 dwellings pursuant to Condition 1 of planning permission 12/01262/OUT (as varied by planning permission 15/01781/OUT).

1. Executive Summary

- 1.1 This application is referred to Planning Committee at the request of Members in resolving to grant the outline planning permission 12/01262/OUT at the Planning Committee meeting on 25th August 2015.
- 1.2 The application site extends to an area of 10.53ha hectares of unfarmed agricultural land which forms part of a wider development site (and includes completed and occupied employment units to the south which are accessed via Fowler Road). It lies to the north of Clacton on Sea within the settlement development boundary of the Draft Local Plan, but outside within the adopted 2007 Local Plan. The site is bounded by Oakwood Business Park, residential properties and Stephenson Road West to the south, Thorpe Road and Oak House Farm (Grade II Listed) to the west, and agricultural/development land and residential properties to the north and east. SAMU3 Oakwood Park allocation in the emerging Local Plan lies on land to the immediate east.
- 1.3 The application seeks the approval of Reserved Matters (relating to appearance, access, landscaping, layout and scale) for 250 dwellings following grant of outline planning permission 12/01262/OUT, later varied by outline planning permission 15/01781/OUT.
- 1.4 From a highway and transportation perspective the impact of the proposal is now deemed acceptable to the Highway Authority subject to the imposition of conditions. The development would be laid out in a manner that adheres to the parking standards in terms of quantum and pays regard to the need to plan for sustainable access for all; with a network of footpath and cycleways connecting this scheme to future surrounding developments, as well as to services and community facilities.
- 1.5 It is considered that the scale, layout, density, height and massing of the proposed dwellings and overall elevation designs would be in broad harmony with the character and appearance of the surrounding area. Furthermore, the proposal would provide for acceptable living conditions for future residents, and as such their amenities would not be harmed. In addition, following amendments to the scheme, it is considered that the landscaping of the site would be appropriate and with regard to ecology, mitigation measures to enable increasing the relevant Europeans sites' resilience to recreational pressure would be in line with the aspirations of the emerging RAMS.

Recommendation:

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

Within 6 (six) months of the date of the Committee’s resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matter:

- **Financial Contribution of £122.30 per new dwelling towards RAMS.**

Subject to the conditions stated in section 8.2.

2. Planning Policy

National Policy

National Planning Policy Framework 2019 (NPPF)

- 2.1 The NPPF sets out the Government’s planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. The NPPF doesn’t change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF’s ‘presumption in favour of sustainable development’. The NPPF defines ‘sustainable development’ as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Paragraph 38 of the NPPF states “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

National Planning Practice Guidance (PPG)

- 2.5 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and

coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.

Status of the Local Plan

- 2.6 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.7 Section 1 of the emerging Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.8 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.9 In relation to housing supply, the NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the emerging Local Plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.
- 2.10 The following Local and National Planning Policies are relevant to this planning application:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant policies include:

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

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

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

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

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

SPL1: Managing Growth: Identifies Clacton-on-Sea as a 'Strategic Urban Settlement'.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Clacton-on-Sea extends to include the application site, and is adjacent to the SAMU3 Oakwood Park site allocation.

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

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

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

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

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

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2018)

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

3. Relevant Planning History

97/00626/OUT	Extension to Oakwood Business Park for Class B1, B2 and B8 uses, creation of new access from Thorpe Road, associated estate roads, extension of spur roads from Stephenson Road West into site and boundary landscaping	Approved	13.03.2003
06/00438/DETAIL	Extension to Oakwood Business park for class B1, B2, and B8 uses, creation of new access from Thorpe Road, associated estate roads, extension of spur roads from Stephenson Road West into site and boundary landscaping.	Approved	01.06.2006
12/01262/OUT	Residential development of up to 250 dwellings, 2,273m ² (gross) B1c floorspace and open space, with access from Thorpe Road (residential) and from Fowler Road (employment), with all matters reserved.	Approved	04.11.2015
15/01181/FUL	Erection of building for B1 (c) use and ancillary car parking.	Approved	28.09.2015
15/01781/OUT	Variation of condition 22 of planning permission 12/01262/OUT to change the wording of the condition to read: The North-South and East-West aligned roads shown generally on	Approved	23.03.2016

the Indicative Site plan (Drawing Number 6213/1101 Rev X received 2 September 2014) and described as "West Boulevard" and "South Boulevard" shall be provided in accordance with the Phasing Plan required under condition 6 above and shall be 6.75m wide.

15/01873/DISCON	Discharge of condition 27 i) (details of Thorpe Road roundabout) of planning permission 12/01262/OUT.	Approved	12.02.2016
18/01797/DISCON	Discharge of Conditions 6 (Strategic Phasing Plan), 11 (Boundary Walls and Fence), 12 (Refuse and Recycling Storage and Collection), 15 (Sustainability Report), 17 (Play Space and Amenity Open Space), 24 (Vehicle Restraint Measures), 26 (Location of Bus Stops) and 27(part 1 only; Footway/Cycleway) of application 15/01781/OUT.	Current	

4. Consultations

Anglian Water

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

However, they have reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that this proposal may result in a increased risk of flooding in the downstream network. They note that the developer is in correspondence with them to determine a feasible drainage strategy. They recommend the imposition of a condition that stipulates that no development takes place until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority.

OFFICER NOTE - condition 20 of 15/01781/OUT requires details of a Foul Water Strategy to be submitted to TDC prior to commencement of development.

ECC Highways

Stipulate that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions covering the following:

- 1) Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in accordance with submitted highway drawings;
- 2) Prior to the commencement of development, details

of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) to be submitted to and approved in writing by the Local Planning Authority;

3) No dwelling to be occupied until such time as car parking and turning areas have been provided in accordance with current Parking Standards;

4) Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles;

5) Cycle parking to be provided in accordance with the EPOA Parking Standards;

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

OFFICER NOTE - These requirements are covered by condition 27 imposed upon 15/01781/OUT.

7) No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority.

OFFICER NOTE - These requirements are covered by conditions 16 and 21 imposed upon 15/01781/OUT.

ECC Lead Local Flood Authority (LLFA)

Happy for the holding objection to the consultation to be removed. The site should still be subject to the agreed outline planning application conditions and Information relating to changes from the outline planning application drainage strategy which should be submitted as part of the discharge of conditions application.

OFFICER NOTE - These requirements are covered by conditions 18, 19 and 20 imposed upon 15/01781/OUT.

Natural England

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

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can

negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained.

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS. You are therefore required to undertake a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) to secure any necessary recreational disturbance mitigation and record this decision within your planning documentation. We previously provided you with a suggested HRA Record template and associated guidance to help with this process where recreational disturbance to European sites is the sole HRA issue as appears to be the case in this instance (our ref: 244199, dated 16th August 2018, template and guidance shown within APPENDIX 1 of this letter); the use of this template is not mandatory but we provided it in an attempt to streamline the process and make it as straightforward and consistent as possible for the authorities involved in the RAMS.

We therefore welcome that you have completed your HRA (Stage 2: Appropriate Assessment) using our suggested HRA Record template, but advise that we are unable to provide bespoke review at this time. However, we are satisfied that, provided the mitigation you have secured is in line with the guidance given in our detailed strategic-level advice (i.e. that outlined on page 7 of this letter within APPENDIX 1), an 'adverse effect on the integrity' (AEOI) of the European sites included within the Essex Coast RAMS from increased recreational disturbance can be ruled out. In summary, this mitigation should include:

- Open space/green infrastructure provision of sufficient quality;
- A financial contribution in line with the Essex Coast RAMS, secured by appropriate planning condition or s106 legal agreement

5. Representations

- 5.1 No letters of representation have been received by the Council to either the original submission or the amended plans.

6. Assessment

Site Context

- 6.1 The application site extends to an area of 10.53ha hectares of unfarmed agricultural land which forms part of a wider development site (and includes completed and occupied employment units to the south which are accessed via Fowler Road). It lies to the north of Clacton on Sea within the settlement development boundary of the Draft Local Plan, but outside within the adopted 2007 Local Plan. The site is bounded by Oakwood Business Park, residential properties and Stephenson Road West to the south, Thorpe Road and Oak House Farm (Grade II Listed) to the west, and agricultural/development land and residential properties to the north and east. Also to the north and south are two development sites at pursuant to 16/00421/FUL and 16/02107/FUL & 18/00735/FUL for the construction of 81 predominantly single storey retirement dwellings and erection of 47 no. bungalows and 2 no. houses respectively.
- 6.2 The land is largely flat, sloping gently south-westwards. Hedgerows with trees and scrub of varying structure, condition and quality border the site. Those hedgerows on the eastern boundary have some, albeit limited, botanical interests, forming a feature of the local landscape and character of the area. Part of the Thorpe Road frontage is open and includes a constructed roundabout forming the principal (sole vehicular) access into the site from the existing public highway network.
- 6.3 The outline permission allows for up to 250 homes within the 12.2ha Residential Area detailed on its approved plan MRPP1, pursuant to condition 4 of 12/01262/OUT and 15/01781/OUT. This equates to a gross density of 20.4 dwellings per hectare (dph), equating approximately to 31 net dph. With this reserved matters the application covers an area of 10.53ha, the development proposed would be at a slightly higher gross density of 23.7ha with a net density remaining at 31dph. This density is aligned to that of Adopted Local Plan Policy HG7 (which recommends a range of 30-50 dph) and that sought on the emerging residential allocation for Oakwood Park to the east, which stipulates a requirement for an average of 30 dph. This also accords with the need to make more efficient use of land, particularly for housing. Paragraph 123 of the NPPF states where there is an existing or anticipated shortage of land for meeting identified housing needs homes should not be built at low density. The land outside this reserved matters submission is to the eastern side of the site of the wider outline. This ensures that this land can be readily developed in a manner and siting that would be transparent to the future occupiers of this reserved matters scheme. Any future development of this land would have to be subject to a separate planning permission and any associated S106 or other requirements directly related to that new proposal. The Planning Agent states the landowner, who is one of the joint applicants, is at an advanced stage towards executing an agreement which provides full rights of access in exchange for a contribution to the cost of the connecting roads. A full application for residential development on this remaining area of the site will be submitted shortly.

Proposal

- 6.4 The submitted application seeks the approval of Reserved Matters (relating to appearance, access, landscaping, layout and scale) for 250 dwellings pursuant to condition 1 of planning permission ref: 12/01262/OUT (as varied by planning permission ref: 15/01781/OUT).
- 6.5 Conditions 6 and 15 of the operative outline permission 15/01781/OUT require a Strategic Phasing Plan and Sustainability Report to be submitted in conjunction with the submission of the first reserved matters. An accompanying discharge of conditions application (18/01797/DISCON) has been submitted to the Council which seeks to discharge these

matters, as well as comprising the submission of details pursuant to conditions 11 (Boundary Walls and Fences), 12 (Refuse and Recycling Storage and Collection), 17 (Play Space and Amenity Open Space), 24 (Vehicle Restraint Measures), 26 (Location of Bus Stops) and 27 (part 1 only; Footway/Cycleway). This will be determined by Officers under delegated powers after the determination of this reserved matters application by Members.

6.6 Following discussions between the applicant and Officers, revisions have been made to the application as originally submitted, and include amended drawings as well as additional/revised documents, in totality the application submission comprises:

- Planning application forms;
- Masterplan;
- Detailed Layout plan;
- Character Areas plan;
- Materials Layout;
- Storey Heights plan;
- Context Plan;
- Street scene drawings;
- Strategic Phasing plans;
- Open/Play space plan;
- Highways infrastructure plan;
- Utilities plan;
- Drainage plan;
- Tenure plan;
- Vehicle Restraint plan (emergency & pedestrian/cycle access only to/from Fowler Road);
- Highway Visibility plan;
- Highways Vehicle Tracking plan;
- Temporary Bus route plan (until SAMU3 Oakwood Park is developed);
- Elevations and Floor Plans for each house type;
- Landscape Masterplan and Hard and Soft Landscape drawings;
- Planning Compliance Statement;
- Design and Access Statement, and addendum;
- Sustainability Report;
- Utility Statement;
- Arboricultural Implications Assessment – Addendum;
- Shadow Habitat Regulations Assessment.

6.7 The revisions to the original submission are summarised below:

- Amended boundary treatment adjacent to plots 130/131 to brick wall and piers with timber fencing rather than close boarded fencing;
- Introduction of landscaping within parking court adjacent to plots 130/131;
- Omission of frontage parking to plots 198, 199 and 200 and reconfiguration of the cul-de-sac layout;
- Revision to the layout and landscaping of plots 218-227 and 196-198, including a reduction in frontage parking;
- Additional landscaping has been included with respect of plots 94-100 to reduce the visual impact of parking in that location;
- Amendment to provide the principal east-west road as the priority road;
- Amendment to include a (temporary) bus turnaround rather than the bus complete a loop around the internal roads of the site;

- Reduction in lay-by parking in the south-eastern corner of the site, but ensuring the amount of visitor parking provided is policy compliant;
- Extension of the footway/cycleway network along the east of the site;
- Revision of the location of surface material changes/ speed reduction measures;
- Provision of a shallow detention basin to the south of the access from Thorpe Road;
- Inclusion of a green link along the northern and western boundaries of the site as part of a circular dog walking route;
- Minor amendments to the boulevard to provide a more uniform building line and to introduce street trees; and
- A reduction in the length of a number of driveways in order to address the Highway Authority's comments with respect to on-plot tandem parking.

6.8 The revisions result in inconsequential changes and improvements to the scheme as a whole, with the house types and elevations remaining the same, and therefore are considered to be non-material amendments.

6.9 In totality, the proposal comprises: Vehicle access to the residential development from the existing roundabout on Thorpe Road leading to a 6.75m wide road, which includes the location of two bus stops; Formation of pedestrian, cycle and emergency access from the northern end of Fowler Road; Construction of 250 houses including 16no two bedroom affordable housing units; The provision of public open spaces, including a children's play area; Formation of SUDs, including the construction of an attenuation basin on land to the south of the roundabout spur from Thorpe Road; Landscaping, including additional buffer planting; Associated parking, access and landscaping; and an electricity substation.

6.10 The revisions detailed above have resulted in a marginally different mix to that originally submitted. The affordable housing (for rent) mix however remains as proposed and in line with the S106 agreement. In relation to the private units, the mix increases the quantum of two bedroom houses from 42 to 50, with an associated decrease in the three and four bedroom houses. The table below details the revised mix, which is broadly in accordance with the Council's Strategic Housing Market Assessment (SHMA), bar the omission of one bedroom units. The applicant explains that this omission is due to the fact that the site is situated on the northern edge of the settlement where the wider area is generally characterised by a range of properties, with prevalence towards family housing and bungalows. Officers consider this to be acceptable, bearing in mind the largely bungalow schemes that have been permitted abutting the northern and southern boundaries of the site, in this instance.

	Market	Affordable	Total
2 Bed	50	16	66
3 Bed	119	0	119
4 Bed	65	0	65
TOTAL	234	16	250

6.11 In terms of design, given this site's setting on the edge of the settlement and its context, it was considered that a traditional design approach was appropriate and a series of character areas have been established. These comprise:

Rural Edge typology for those houses bounding the edges of the site, including the frontage with Thorpe Road. This part of the proposed development is characterised by larger detached and semi-detached properties. Streets are often single sided, with the houses fronting outwards towards the hedges and trees that define the edge of the site. Traditional finishes and detailing are proposed in these areas, including

use of black weather boarding and brick. Traditional canopies and stone cills to windows are also proposed;

Village Green typology where at the centre of the site is the principal area of open space fronted by houses. This area utilises a combination of white weather boarding and brick finishes, creating a distinctive area at the centre of the development whilst continuing with the traditional detailing and finishes used within the development as a whole;

Boulevard typology, whereby the site contains a linear tree lined boulevard in line with the concept of the outline permission and to adhere to its condition 22 ("The North-South and East- West aligned roads shown generally on the Indicative Site plan (Drawing Number 6213/1101/ Rev X received 2 September 2014) and described as "West Boulevard" and "South Boulevard" shall be provided in accordance with the Phasing Plan required under condition 6 above and shall be 6.75m wide."). The houses fronting the Boulevard are proposed to be predominantly finished in brick; and those on key vistas or junctions are proposed to be finished in render, in order to provide a strong contrasting finish, emphasising these buildings. It is stated that the creation of distinct buildings at key locations would assist in both place making and way finding; and traditional porch canopies and stone window cills are also proposed to be used.

6.12 The main planning considerations for this reserved matters application are:

- Access and Highways;
- Design (Layout, Scale and Appearance);
- Living Conditions;
- Landscaping and Ecology; and
- Planning Obligations.

Access and Highways

6.13 Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport.

6.14 The proposal, in accordance with the requirements of the outline planning permission, would provide a genuine choice of transport modes, including the provision of bus stops (condition 26 of 15/01781/OUT) to serve, not only the application site, but the Oakwood Park allocation in the future. The S106 agreement attached to the outline permission obligates the applicant to use reasonable endeavours to procure the operation of a bus service prior to the occupation of the 50th dwelling and provide a subsidy for the sum of up to £101,000.00 for the following: a public bus service from and to Clacton town centre and Clacton Rail Station on a route to pass into the site, to operate Monday to Saturday inclusive at no less than thirty minute intervals between the hours of 08:00 arriving at the site and 18:00 departing the site.

6.15 In addition, the scheme, pursuant to 15/01781/OUT condition 27 will provide: a footway/cycleway from Fowler Road into the residential area; a continuation of the footway/cycleway on the south side of Stephenson Road West to the footway/cycleway on the south side of Centenary Way, west of the roundabout in Thorpe Road; a residential travel plan; and residential travel information packs for the first occupants of all dwellings forming part of the development.

- 6.16 Therefore, by virtue of the above, and the fact that the principle of developing this site has already been accepted by virtue of the previous grant of outline planning permissions; and taking into account the extant schemes that have been permitted to the north and south of the site, in addition to the SAMU3 Oakwood Park allocation in the emerging Local Plan on land to the east, the site is deemed to be in a sustainable location by virtue of its accessibility.
- 6.17 Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.18 As highlighted within the 'Proposal' section above, and following the receipt of the consultation response from ECC Highways, the applicant made a number of highway related changes to the scheme, including: providing the principal east-west road as the priority road; the inclusion of a bus turnaround rather than a bus complete a loop around the internal roads of the site; a reduction in lay-by parking in the south-eastern corner of the site, whilst ensuring the amount of visitor parking provided is policy compliant; the extension of the footway/cycleway network along the eastern side of the site; revision of the location of surface material changes/ speed reduction measures; and a reduction in the length of a number of driveways in order to address the Highway Authority's comments in respect to on-plot tandem parking.
- 6.19 Consequently, from a highway and transportation perspective the impact of the proposal is now deemed acceptable to Highway Authority subject to the imposition of conditions as highlighted within the summary of their consultation response above.
- 6.20 The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres (tandem spaces 2.9 metres x 11 metres) and garages, where to be counted towards parking provision should measure 7 metres by 3 metres. The proposed development has been laid out in a manner that adheres to these standards and pays regard to the need to plan for sustainable access for all. The Highway Authority's recommended cycle parking condition has been amended to only seek details of cycle parking for plots without garages as the garages are 7 metres deep enabling space for cycle storage.
- 6.21 All in all, the development would be laid out in a manner that adheres to the parking standards in terms of quantum and pays regard to the need to plan for sustainable access for all; with a network of footpath and cycleways connecting this scheme to future surrounding developments, as well as to services and community facilities. This is in accordance with the policies referred to above.

Design (Layout, Scale and Appearance)

- 6.22 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.23 The proposed quantum of development has increased marginally since the original outline permission was granted by virtue of the fact that this reserved matters application doesn't cover the whole of the permitted residential area, with land along the eastern side of the

site being reserved for future development. However, whilst the gross density of 20.4 dph has increased to 23.7ha dph, the net density would remain at 31dph. As highlighted in the 'Site Context' section above, this density is aligned to that of Adopted Local Plan Policy HG7 (which recommends a range of 30-50 dph) and that sought on the emerging residential allocation for Oakwood Park adjacent, which stipulates a requirement for an average of 30 dph. Therefore it is considered that the proposal would not give rise to an over-development of the site.

- 6.24 The layout of the site has evolved since illustrative proposed masterplan at the outline stage was approved and this application was originally submitted; and as with the matters of access, scale, appearance and landscaping, has been the subject of discussions between Officers and the applicant.
- 6.25 By taking cues from the Essex Design Guide, it is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house types with well-defined public and private spaces. The public realm through additional landscaping and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, including parking facilities that would be well integrated as part of the overall design. The mix of materials would include the use of brick, render and weatherboarding, with red and grey tile roofs. Dwelling designs have been articulated and proportioned accounting for the Essex vernacular style. The majority of dwellings would be two storeys high, with a scattering of two and a half storey dwellings (rooms within the roof space) across the site; none of these would be adjacent to the new bungalows and houses built and to be built to the north and south of the site.
- 6.26 In totality it is considered that the scale, layout, density, height and massing of the proposed dwellings and overall elevation designs would reflect the area's local distinctiveness, whilst being in broad harmony with the character and appearance of the surrounding area.

Living Conditions

- 6.27 NPPF para. 127 f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.28 On planning for new residential development within Tendring, it is expected that all dwellings should meet the Essex Design Guide (EDG) Standards and ideally the standards set out in HG9 of the adopted Local Plan which states that for houses with three or more bedrooms a minimum of 100 sq.m. of private amenity space shall be provided; and for houses with two bedrooms, a minimum of 75 sq.m. shall be provided.
- 6.29 The sizes of gardens are detailed on plan ref 003 Rev A and the schedule included within the application submissions. The layout seeks to ensure that the gardens comply with Policy HG9 and the EDG with the vast majority of properties exceeding the Local Plan standards, on average, gardens exceed the adopted standard by 19%. The EDG recognises that where the majority of houses comply either with the standards, there may be some houses which, due to their situation in the layout, cannot be provided with a private garden to the 100sq.m standard. These may be, for example, houses which turn external corners or are required for townscape reasons in locations which are hemmed in at the rear. The EDG stipulates that were the standard strictly adhered to there would be gaps in these positions, and which would not amount to good urban design.
- 6.30 There are a very limited number of key corner buildings in the scheme whereby the above EDG guidance is applicable on plots 30, 39, 43, 94, 100, 101, 122, 128, 142, 163, 192, 200, 213, 233, 240). These 15 units have average gardens size of 90sq.m. In line with the

EDG which the Council has adopted as SPG, in addition to acting both positively and proactively, it is considered that in this case, a slight under provision would be outweighed by the benefits of creating a more attractive townscape. It is also considered that reasons for refusal could not be reasonably substantiated on the grounds of under provision.

- 6.31 With regard to privacy, the EDG states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*.
- 6.32 The scheme has been designed with these separation distances in mind, and where concerning plots 3-14 which would back on to the approved bungalows at Bramcote (to the south) the distances between their rear elevations and the shared boundary would be 15m, and the average building to building distance being in compliance with the EDG.
- 6.33 Environmental Protection have stated that they needed information in relation to a Construction Method Statement and lighting scheme for the development; they also stated that they required a Control of Pollution Act 1974 S.61 application for prior consent relating to the plant and hours of operation. These requirements are covered by conditions 14 and 17 imposed upon 15/01781/OUT and therefore no further information is deemed necessary for this reserved matters application.
- 6.34 Therefore, in conclusion on this issue it is considered that the proposal would provide for acceptable living conditions for neighbouring and future residents, and as such their amenities would not be harmed with the proposal in compliance with the aforementioned policies and guidance.

Landscaping and Ecology

- 6.35 Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.
- 6.36 The amended soft landscaping details provided by the applicant and relating to the private amenity space and highway planting is in the main comprehensive and satisfactory. There are several grass verges either side of the spine road, and following the request of Officers, the applicant has agreed to accommodate additional tree planting, in order to create a tree lined avenue utilising *Tilia cordata Greenspire* (small-leaved lime). This would have a positive impact on the public realm and consequently on the overall character and appearance of the development.
- 6.37 In terms of ecology, the development falls within the ‘Zone of Influence’ (Zoi) for one or more of the European designated sites scoped in the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This residential development lies within the Zoi for Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC. Hamford Water SPA and Ramsar site are the closest European sites and are located around 5.7km north-east of the application site.
- 6.38 The outline planning permission did not secure a contribution towards RAMS or mitigation to contain recreation within and around the development site. In the contemporary context of the Council’s duty as competent authority under the Habitats Regulations, it is

anticipated that without mitigation, such new residential development would likely have a significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects. It is considered that the proposal falls within the scope of RAMS as 'relevant development'.

- 6.39 The applicant has submitted a shadow Habitat Regulations Assessment (HRA) which highlights a yellow dashed 1.275km circulatory walking route round the site and a dog off lead area on its submitted plan, and the provision of dog waste bins and information leaflets, to encourage the future residents to remain on-site for day to day recreation/dog walking. In addition, a RAMS payment of £122.30 per dwelling (£30,575.00 based on 250 dwellings), is proposed to be included within a Unilateral Undertaking (UU), pursuant to S106 of the Town and Country Planning Act 1990, for the funding of strategic off-site measures. These measures should be targeted towards increasing the relevant European sites' resilience to recreational pressure (such as wardening schemes) and be in line with the aspirations of the emerging RAMS.
- 6.40 Natural England state that provided their guidance is adhered to, an 'adverse effect on the integrity' (AEOI) of the European sites included within the Essex Coast RAMS from increased recreational disturbance can be ruled out subject to the mitigation sought and to be secured by condition and planning obligation. Unfortunately the circular dog walking route is only 1.275km, and not 2.7km minimum as recommended. However, this site is isolated from the Public Right of Way network so cannot include links to this to increase the distance. However, this site directly adjoins a large mixed use allocation to the north which will provide greater opportunities in the future for recreation in the immediate locality. In these specific circumstances the proposed on-site green space provision is considered acceptable. A condition is included within the recommendation to secure the detail and implementation of the mitigation measures.

Planning Obligations

- 6.41 The S106 agreement secured under the outline planning permission provides 1) £348,203.00 for education; 2) a subsidy for the sum of up to £101,000.00 for the provision of a public bus service from and to Clacton town centre and Clacton Rail Station operating Monday to Saturday between the hours of 8am arriving at the site and 6pm departing the site at no less than 35 minute intervals; 3) Affordable housing in the form of 16 two bed dwellings; 4) Viability assessment – if completion of 120 dwellings does not occur within 4 years of the commencement date then no further dwellings shall be completed until an up to date viability assessment has been carried out and submitted for analysis. If viability has improved since the original assessment the owner shall enter into discussions to determine whether they should be required to pay a percentage (which could be 100%) of the Post Review Additional Contributions (up to £750,000.00 for affordable housing and up to £700,000.00 for education). If completion of 200 dwellings does not occur within 8 years of commencement the same requirement applies.
- 6.42 As set out above and at the head of this report, the applicant has agreed to enter into a UU to facilitate the provision of off-site RAMS mitigation measures.
- 6.43 In addition, and pursuant to the original S106 agreement attached to the outline planning permission Housing were asked to comment on the application in terms of the affordable housing provision. They state that they have noted the location of the affordable homes on the site and can confirm that they are happy with the location of the 16 x 2 bedroom houses.
- 6.44 In the S106 agreement, specifically Schedule 3 and the affordable housing provisions, it requires that the Oakwood Park Housing Enterprise Trust is incorporated and registered at

Companies House before the development commences, with a view that the 16 homes referred to above would be transferred to the Trust upon completion. Paragraph 2.1 states that if the trust is unable, or is incapable of accepting the transfer of the affordable homes, they should be transferred to the Council or another approved body.

- 6.45 TDC Housing have had no contact with regard to the incorporation of the Trust and they cannot see any evidence that it does exist. However, unless the Council receives the evidence required in the S106 concerning the Trust's incorporation, and having consulted with the Portfolio Holder for Housing, they stipulate that they would prefer that the 16 x 2 bedroom houses be transferred to the Council as opposed to the Trust. Officers are minded to enter into discussions with the applicant along these lines, however this is not a determining factor in this application, and is not a reasonable reason to withhold issuing the reserved matters decision. This is a separate requirement under the S106 which will require formal discharge.

Other matters

- 6.46 As set out within the report to Members on the outline planning application, the site is in relative close proximity to Oak House Farm which is listed grade II situated to the west of the site and north of the roundabout access on Thorpe Road. In determining that application, it was considered that with careful consideration of details regarding layout, scale and design, a development of this site in the manner proposed could be achieved without having a materially harmful effect upon the setting of the listed building, in compliance with relevant national and local plan policies.
- 6.47 It has been considered above that the scale, layout, density, height and massing of the proposed dwellings and overall elevation designs would reflect the area's local distinctiveness, whilst being in broad harmony with the character and appearance of the surrounding area. As demonstrated within the Proposed Street Scene 1 drawing submitted with the application, the proposed dwellings have been designed with the Essex vernacular in mind, and overall it is considered that the scheme would not give rise to harm to the setting of a designated heritage asset, pursuant to section 16 of the NPPF.

7. Conclusion

- 7.1 The application site extends to an area of 10.53ha hectares of unfarmed agricultural land which forms part of a wider development site (and includes completed and occupied employment units to the south which are accessed via Fowler Road). It lies to the north of Clacton on Sea within the settlement development boundary of the Draft Local Plan, but outside within the adopted 2007 Local Plan. The site is bounded by Oakwood Business Park, residential properties and Stephenson Road West to the south, Thorpe Road and Oak House Farm (Grade II Listed) to the west, and agricultural/development land and residential properties to the north and east.
- 7.2 The proposal seeks the approval of Reserved Matters (relating to appearance, access, landscaping, layout and scale) for 250 dwellings following the grant of outline planning permission 12/01262/OUT, as varied by outline planning permission 15/01781/OUT.
- 7.3 From a highway and transportation perspective the impact of the proposal is now deemed acceptable to the Highway Authority subject to the imposition of conditions. The development would be laid out in a manner that adheres to the parking standards in terms of quantum and pays regard to the need to plan for sustainable access for all; with a network of footpath and cycleways connecting this scheme to future surrounding developments, as well as to services and community facilities.

7.4 It is considered that the scale, layout, density, height and massing of the proposed dwellings and overall elevation designs would be in broad harmony with the character and appearance of the surrounding area. Furthermore, the proposal would provide for acceptable living conditions for existing and future residents, and as such their amenities would not be harmed. In addition, following amendments to the scheme, it is considered that the landscaping of the site would be appropriate and with regard to ecology, mitigation measures to enable increasing the relevant Europeans sites' resilience to recreational pressure would be in line with the aspirations of the emerging RAMS.

8. Recommendation

8.1 The Planning Committee is recommended to grant reserved matters approval subject to the following conditions and informatives and the prior completion of a Section 106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£122.30 per new dwelling

8.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Drawing numbers:

1232/AL/702 F

6054/1001 B

OPC/101 REV C

PH-144-002 REV C; 003 REV B; 004 REV B; 005 REV B; 006 REV B; 007 REV B; 010 REV B; 011 REV B; 012 REV B; 013 REV B; 014 REV B; 015 REV C; 017 REV B; 018 REV B; 019 REV B; 020 REV B; 021 REV B; 022 REV B; 023 REV B; 025 REV B; 027 REV A; 028 REV B; 029 REV B; 031 REV B; 031 REV B (Alternative External); 032 REV B; 033 REV B; 034 REV C; 035 REV A; 040 REV A; 041 REV A; 050 REV B; 051 REV B; 052 REV B; 053 REV B; 054 REV B; 055 REV B; 056 REV B; 057 REV A; 058 REV A and 059 REV A.

JBA 18/263-SK01 REV B

JBA 18/263-01 REV B; 02 REV B; 03 REV B; 04 REV B; 05 REV B; 06 REV B; 07 REV B; 08 REV B and 09 REV B.

HYBRID 1 – Plan illustrating circular walk

Documents:

Shadow Habitat Regulations Assessment 09/05/2019 ref 3022/HRA/vf

Amenity Space Breakdown dated 15th March 2019

Measured Works Schedule: Detailed Soft Landscape Proposals for Plots JBA 18/263-03-09

Aboricultural Implications Assessment: Addendum October 2018

Utilities Statement October 2018 Version 1.0

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The internal roads and footways shall be delivered in line with the Phasing in Ph-144-050 Rev B. No individual dwelling shall be occupied until such time as the estate road(s) providing means of vehicular and pedestrian access to and from the roundabout in Thorpe Road to that dwelling has been provided in accordance with the approved plans.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

3. Prior to the commencement of any above ground works, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

4. No dwelling shall be occupied until such time as its car parking and turning area to serve that dwelling and a means of access to Thorpe Road has been provided in accordance with the approved plans. The car parking and turning area shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

5. Prior to occupation details of covered and secure provision for the storage of bicycles for each dwelling without a garage shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the dwelling to which they relate is occupied and shall thereafter be retained.

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

6. Prior to commencement of any above ground works a scheme for the on-site mitigation of the recreational impact of the development on protected Essex Coast European sites shall have been submitted to and approved in writing by the Local Planning Authority. This mitigation scheme shall comprise;

- a) a circular walking route; dog off lead area; dog waste bins; and residents' information leaflets as indicated within the Shadow Habitat Regulations Assessment and plan titled Hybrid 1;
- b) full details of the long-term maintenance and management of the green space;
- c) a program for implementation

Development shall be undertaken in strict accordance with the approved mitigation scheme and program and thereafter managed and retained as approved. Any approved information leaflet shall be included within the new residents welcome pack to every dwelling.

Reason: To encourage the future residents to remain on-site for day to day recreation/dog walking, so as to minimise pressures upon Hamford Water SPA and Ramsar, Colne Estuary SPA and Ramsar, Blackwater Estuary SPA and Ramsar, Dengie SPA and Ramsar, and Essex Estuaries SAC, Hamford Water SPA and Ramsar site, pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

8.3 Informatives

1. All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.
2. The temporary bus route shall conform to drawing no. Ph-144-059 Rev a (Temporary bus route) until such time as the eastern development joins up with Oakwood Park in accordance with the bus service obligation from the s106 Agreement.
3. Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.
4. The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.
5. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.
6. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

7. This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

None applicable

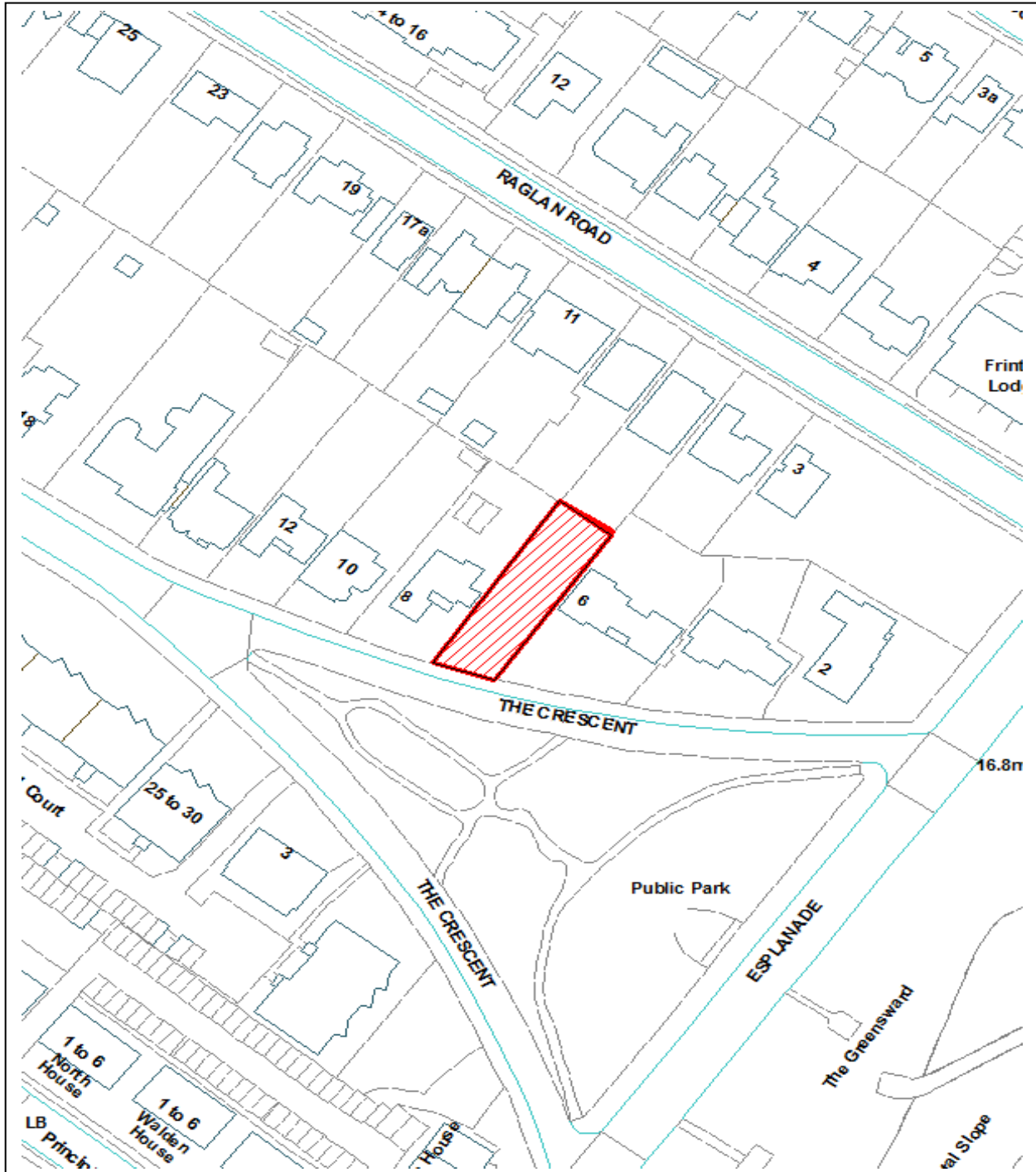
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PLANNING COMMITTEE

2 JULY 2019

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION – 18/02012/FUL – LAND ADJACENT 8 THE CRESCENT, FRINTON-ON-SEA, CO13 9AP



DO NOT SCALE

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Application: 18/02012/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mrs Peterson

Address: Land adjacent 8 The Crescent Frinton On Sea CO13 9AP

Development: Proposed dwelling.

1. Executive Summary

- 1.1 The application has been referred to planning committee by Councillor Turner as the proposal is considered to be garden grabbing, not in keeping, not maintaining a heritage asset and it reduces the heritage asset by changing its setting in the street.
- 1.2 The application seeks planning permission for the erection of a 5 bed dwelling to the land to the side of 8 The Crescent, Frinton on Sea.
- 1.3 The site lies within the Settlement Boundary for Frinton on Sea, as established in the Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 The scale, layout and appearance of the dwelling are acceptable and will not result in any material harm to the character of the area. The dwelling is served by ample private amenity space and the proposal complies with Policy HG14. Due to the dwelling being staggered and set back in the plot the proposal will not cause impact upon the neighbouring amenities. Further, the proposal will not represent a highway safety risk and complies with Frinton and Walton Conservation Area Appraisal.
- 1.5 A legal agreement has been completed to account for contributions towards open space and Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

Recommendation:

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

Subject to the conditions stated in section 8.2.

A legal agreement has been completed to account for contributions towards open space and Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG1 Housing Provision
HG3 Residential Development Within Defined Settlements
HG6 Dwelling Size and Type
HG9 Private Amenity Space
HG14 Side Isolation
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development
EN17 Conservation Areas
COM6 Provision of Recreational Open Space for New Residential Development
EN6 Biodiversity
EN11A Protection of International Sites European Sites and RAMSAR Sites

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

LP1 Housing Supply
LP2 Housing Choice
LP4 Housing Layout
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports & Recreation Facilities
PPL8 Conservation Areas
CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Frinton and Walton Conservation Area Character Appraisal (March 2006)

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated

policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

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

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

3. Relevant Planning History

00/01050/FUL	Three detached houses with double garages	Approved	25.01.2001
01/01608/TCA	To remove Eucalyptus tree from the front garden	Approved	02.10.2001
18/02012/FUL	Proposed dwelling.	Current	

4. Consultations

ECC Highways Dept

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The application creates a new vehicle access for the new dwelling, providing adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

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

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres (3 metres minimum - 6 metres maximum), shall be retained at that width for a minimum of 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1

3. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1

4. The single garage should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

6. All off street car parking shall be in precise accord with

the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8.

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

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

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

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

9. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

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

Informative 1: Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

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

SMO1 ' Essex Highways
Colchester Highways Depot,
53 The Crescent,
Colchester.
CO4 9YQ.

5. Representations

- 5.1 Frinton and Walton Parish Council recommend the application for refusal as the proposal is considered too great a size, mass and bulk in a conservation area, out of keeping with the street scene and would ruin the setting of the current property within its grounds. The Town Council is vehemently against garden grabbing.
- 5.2 7 letters of support have been received stating the following:
- Proposal will be harmonious within the street scene
 - In keeping with the surrounding homes in style form and mass
 - Tidy up the site
 - More new builds needed within the gates
- 5.3 *The material planning considerations raised above are addressed in the main report below.*

6. Assessment

Site Context

- 6.1 This application refers to the land adjacent to Number 8, The Crescent, Frinton on Sea. Number 8 is a detached house located to the northern half of the site, adjacent to number 10 with a driveway leading to a large two storey garage between. The application site is laid to lawn with a hedgerow across the frontage and a line of sycamore trees to the side boundary. Number 6 is a contemporary dwelling with a horizontal form. Opposite the application site are the triangular public gardens between the two roads of The Crescent.

Proposal

- 6.2 The application seeks planning permission for the erection of a detached dwelling with a new vehicular access. The dwelling will be set back in the plot with two parking spaces to the front of the application site.

Principle of Development

- 6.3 The site is located within the Frinton-on-Sea Settlement Development Boundary as defined within the adopted District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond (June 2017).
- 6.4 Saved Policy HG3 of the adopted Tendring District Local Plan 2007 states that within defined development boundaries of towns and villages, residential development will be permitted provided it satisfies amenity, design, highway and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area. These sentiments are carried forward within draft Policy SPL2 of the emerging Tendring District Local Plan 2013-2033 and Beyond (June 2017).
- 6.5 As the site is within the defined settlement limits and has not been safeguarded for an alternative use, it is in principle acceptable for residential development subject to the detailed considerations below.

Design, Layout and Appearance

- 6.6 Paragraphs 127 and 170 of the National Planning Policy Framework (2019) states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment

and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 6.7 Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.
- 6.8 The plans submitted show that the 5 bedroom dwelling will be detached, two and a half storey and accessed via The Crescent. The dwelling is set back within the plot and the layout has been altered to reduce the dwellings prominence within the street scene and the impact upon both neighbouring boundaries.
- 6.9 The proposed dwelling is of a similar scale and appearance to surrounding dwellings whilst having its own identifiable character. The character of the area is typically one and a half and two storey detached dwellings. The bay window, canopy porch, single storey side extension and rear gable projection are all characteristics of the area and contribute positively to the overall design and appearance of the proposed dwelling. It is therefore considered that the proposed dwelling is in keeping with the immediate area.
- 6.10 The materials proposed; render/brick, red clay tiles are materials which are considered to be in keeping with the character of the area. A condition will be imposed for samples of the materials to be used in the construction of external surfaces of the development to be submitted to and approved in writing by the Local Planning Authority.
- 6.11 Dwellings within the Crescent range in size. The proposed dwelling would occupy a footprint similar to that of surrounding dwellings. As a result the proposed building would not represent a cramped form of development detrimental to the street scene, as it would provide important gaps to both sides in excess of the minimum standards set out within saved Policy HG14.
- 6.12 This application reduces the extent of the site to include only the garden area to the south of the dwelling, wherein it will be seen as an infill to the street scene. The remainder of the applicants' site would be retained as garden to the host property. Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100sqm. The submitted plans demonstrate that this is achieved for the proposed dwelling and retains sufficient for number 8 The Crescent.

Impact on Residential Amenity

- 6.13 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.14 The proposed dwelling will be visible to the neighbouring dwelling number 6 The Crescent. However, the proposal complies with Policy HG14 of the Tendring District Local Plan 2007 as it retains 2 metres to the neighbouring boundary. The dwelling has been designed to incorporate a single storey element to the south eastern elevation to reduce any impact upon number 6. Due to the staggered nature of the dwelling, with obscure glazed windows to the first and second floor windows to reduce overlooking, which will be secured by a

condition and there being no windows on the flank wall of number 6, it is considered that the proposed dwelling will not cause any impact upon the neighbouring amenities of number 6 The Crescent.

- 6.15 The proposed dwelling will be visible to the neighbouring dwelling number 8 The Crescent. The proposal retains 2 metres to the neighbouring boundary which complies with Policy HG14 of the Tendring District Local Plan 2007. Due to the proposed dwelling being staggered and set back from the neighbouring dwelling, it is considered that the first and second floor window serving both landings will cause some overlooking onto the neighbouring amenities, however due to the window not serving habitable rooms, it would not be significant enough to warrant a reason for refusal.
- 6.16 Whilst the rear elevation first floor windows will have views further to the rear of the neighbouring garden, this is considered to be a slight improvement to amenities as views are more likely to be away from the areas most likely to be occupied.

Heritage Impact

- 6.17 Saved Policy EN17 of the adopted Tendring District Local Plan 2007 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. These sentiments are carried forward in the emerging Local Plan through Policy PPL8.
- 6.18 The application site is located within the Frinton and Walton Conservation Area, a planning and heritage statement has been provided to justify how the proposal will either preserve or enhance the area. The Frinton and Walton Conservation Area Appraisal state's that the Crescent is a pleasant drive of individual detached houses of all shapes and sizes. The materials are red brick, white or cream painted render, some hanging tiles with tiles also used as creasing. The important elements are the visual separation of houses. The plan demonstrates that that plot width is 14.5 metres to the front of the application site and narrows to 14 to the rear of the application site. The proposal maintains the visual separation as mentioned within the appraisal, therefore complying with the Conservation Area Appraisal and therefore preserving the setting of Frinton and Walton Conservation Area.

Highway Safety/Parking

- 6.19 Essex Highways Authority have been consulted on this application and have no objection to the dwelling subject to a number of conditions; no unbound materials, vehicular access to be constructed at right angles, no discharge of surface water onto the highway, garage dimensions, parking space dimensions, off street parking, cycle parking, residential travel information park and reception and storage of materials. However, the parking space dimensions and the garage dimensions will not be imposed as the spaces and garage comply with Essex Parking Standards, the plot is of a sufficient size to accommodate cycle parking, a residential information travel pack will not be imposed as the application is for a minor development and the reception and storage of materials will be imposed as an informative. The plans show that the proposal is in accordance with the proposed vehicular access condition and also demonstrates that off street parking can be achieved in accordance with Essex Parking Standards. The conditions to be imposed on this application will be no unbound materials and no discharge of surface water onto the highway.
- 6.20 Further, Adopted Car Parking Standards state that there should be minimum parking provision for a dwelling with two or more bedrooms for two parking spaces measuring 5.5m x 2.9m or, if being relied upon for one of the parking spaces, a garage should have

minimum internal measurements of 7m x 3m. The plans submitted demonstrate this is achievable for the proposed dwelling.

Trees and Landscaping

- 6.21 The application site currently forms part of the curtilage of the host property. The garden is mainly lawn with a hedge on the front boundary and a few trees on its eastern and northern boundaries.
- 6.22 Towards the front of the site, on the eastern boundary, adjacent to 6 The Crescent there are 4 Sycamore trees that are the most visually prominent trees on the land. Although they make a positive contribution to the appearance of the public realm they are not such valuable specimens that they merit protection by means of a tree preservation order. They are shown as retained and as Sycamore are usually tolerant of root pruning should not be adversely affected by the development proposal.
- 6.23 In order to implement the development it would be necessary to fell 3 trees on the eastern boundary adjacent to the flank wall of 6 The Crescent. The trees are a Yew, a Horse Chestnut and a Bay. None of them make such a contribution to the character or appearance of the conservation area that they merit retention or protection by means of a tree preservation order.
- 6.24 The hedge on the front boundary has a pleasant softening impact on the application site and the immediate environs. It is clear a short section will need to be removed in order to construct a vehicular access however a condition will be imposed to secure its retention or replacement with similar species if it were to be removed. A condition will also be imposed to plant at least one new tree in the area between the hedge and the new car parking spaces for visual amenity.

Legal Obligations

- 6.25 Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".
- 6.26 There is currently a deficit of 14.12 hectares of equipped play & Open Space in Frinton, Walton & Kirby. The nearest area of public open space is Crescent Gardens located directly opposite the proposed development. This area is well used by members of the public. This area is in need of the pathways being up dated.
- 6.27 Due to the current deficit, a contribution is both relevant and justified to this application, with the money to be spent to improve the pathways at Crescent Gardens, Frinton.

Habitats Regulation Assessment

- 6.28 Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.
- 6.29 Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment

has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. Therefore, there is certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

7. Conclusion

- 7.1 The proposed development is considered to comply with policy contained within the NPPF, the adopted Local Plan and emerging Local Plan policy contained within the Publication Draft document and is therefore recommended for approval

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£122.30 for the one dwelling proposed
Open Space	Contribution will be used towards the improvement of the pathways at Crescent Gardens, Frinton

8.2 Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. PTC - 01

Reason - For the avoidance of doubt and in the interests of proper planning.
- 3 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety
4. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety
5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), the two

windows proposed on the northern elevation shown on Drawing No. 103 - Scanned 15 September 2017 shall be non opening and glazed in obscure glass and shall thereafter be permanently retained in this approved form.

Reason - To protect the privacy and amenities of the occupiers of adjoining property.

6. No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Details shall include the colour and materials of the window headers and tile hanging to rear bay. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of visual amenity as insufficient information has been submitted within the application for full consideration of these details.

7. Prior to the first occupation of the proposed dwelling, at least one tree will be located in the area between the hedge and the proposed car parking spaces. Details of the species, precise location, method of planting and its future maintenance shall be submitted concurrently with the hard and soft landscaping scheme and shall be approved in writing by the Local Planning Authority in consultation with the Tree and Landscaping Officer.

Reason - To preserve the fabric and integrity of the highway and in the interests of highway safety.

8. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The existing hedge along the front boundary of the application site shown on drawing no. PTC - 01 Revision C shall be retained or replaced with similar species. Any trees or shrubs within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the existing front boundary hedge is retained or replanted with similar species in the interests of the character of the conservation area.

9. Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwelling or its roof, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - In the interests of visual amenity and to protect existing and future resident's privacy

8.3 Informatives

1 Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2 Legal Agreement Informative - Open Space/Play Space Contribution

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: Public Open Space financial contribution in accordance with Policy COM6 of the adopted Tendring District Local Plan (2007) and Policy HP5 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

3 Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

4 Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

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

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

SMO1 ' Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester.
CO4 9YQ.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers None applicable