



PLANNING COMMITTEE

DATE: Wednesday, 28 August 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 Charlotte Cooper on 01255 686463

DATE OF PUBLICATION: Wednesday, 21 August 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 - 28)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 30 July 2019 and 12 August 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 - 18-00163-FUL - Land to the west of Edwards Drive Thorrington, CO7 8FE (Pages 29 - 52)

Construction of 29 specialist bungalows (for those aged over 60, and/or those with, or supporting someone with a disability) with associated roads, parking and garaging.

6 A.2 - Planning Application - 19/00685/FUL - Land at Harwich Road, Wix, CO11 2SA (Pages 53 - 68)

Proposed construction of two pairs of semi-detached dwellings

MEETING OVERRUN DATE

In the event that all business is not concluded, the meeting will reconvene on **XXX** 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, 24 September 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, 30TH JULY, 2019 AT 6.00 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
Also Present:	Councillor Joy Broderick, Councillor Carlo Guglielmi, Councillor Kanagasundaram King, Councillor Ann Wiggins and Councillor Colin Winfield
In Attendance:	Catherine Bicknell (Head of Planning), Graham Nourse (Planning Manager), Alison Newland (Planning Team Leader), Lisa Hastings (Head of Governance and Legal Services), Charlotte Cooper ?(Committee Services Officer)

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor White, with no substitutions.

21. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 02 July 2019, were approved as a correct record and signed by the Chairman.

22. DECLARATIONS OF INTEREST

Councillor Bray later declared that, with regards to Planning Application 18/01728/DETAIL – 171 Thorpe Road and Land to the Rear of 121-183 Thorpe Road and 4-20 Chapel Lane, Kirby Cross, Frinton on Sea, Essex, CO13 0NH, he is a member of Frinton and Walton Town Council, however he was not present when this application was discussed by them and is not predetermined.

23. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

24. A.1 - PLANNING APPLICATION - 19/00524/OUT - LAND TO THE SOUTH OF THORPE ROAD WEELEY, CO16 9AJ

With the approval of the Vice-Chairman of the Committee (Councillor Bray) Planning Application 19/00524/OUT – Land to the South of Thorpe Road, Weeley, CO16 9AJ, had been deferred prior to this meeting and will be considered at a special meeting of the Planning Committee on 12 August 2019 at the Princes Theatre, Clacton Town Hall, Station Road, CO15 1SE.

25. **A.2 - PLANNING APPLICATION - 18/01728/DETAIL - 171 THORPE ROAD AND LAND TO THE REAR OF 121-183 THORPE ROAD AND 4-20 CHAPEL LANE KIRBY CROSS, FRINTON-ON-SEA, CO13 0NH**

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.

Councillor Bray then declared, as a point of interest, that he is a member of Frinton and Walton Town Council, however he was not present when this application was discussed by them and is not predetermined.

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

- (1) The masterplan had been amended at the Case Officer's request. Resulting in a change to the approved plans condition 1 and a change to condition 6.

Peter Hart, a local resident, spoke against the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Placey and **RESOLVED** that the application is deferred for the following reasons;

- To allow time for Planning officers to gather further detail with regards to the positioning of the power lines.

26. **A.3 - PLANNING APPLICATION- 18-01434-FUL - MAPLIN COURT, KINGS AVENUE, HOLLAND ON SEA, CO15 5EY**

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) Paragraph 6.9 to be disregarded.
- (2) 2 further letters of objection have been received.
- (3) consultee comments received from Essex County Council Highway authority in response to the latest amended plans. The comments are the same as previously submitted and therefore covered in the report as written.

Councillor Bray, with reference to Section 7 of the Planning Committee Meetings Public Speaking Scheme whereby it states "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 in 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” used his discretion to change the usual order of the speaking scheme and allow the local Ward Member to speak last on the application.

Patrick Blackman, a local resident, spoke against the application.

Marcus Bennett, the agent on behalf of the applicant, spoke in support of the application.

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

Following discussion by the Committee, it was moved by Councillor Harris, 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 reasons:-

1. Over development

27. A.4 -PLANNING APPLICATION- 19-00004-OUT - LAND TO THE REAR OF MILL HOUSE, HIGH STREET, GREAT OAKLEY, CO12 5AQ

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.

Councillor Bray, with reference to Section 7 of the Planning Committee Meetings Public Speaking Scheme whereby it states “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 in 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” used his discretion to change the usual order of the speaking scheme and allow the local Ward Member to speak last on the application.

Anthony O’Riordan, a local resident, spoke against the application.

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

Councillor Guglielmi, on behalf of the local Ward Member, spoke against the application.

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

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

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

- **Financial Contribution of £122.30 per new dwelling towards RAMS**
- **Financial Contribution for Open Space towards improving and upgrading the current play equipment at Orchard Close, Great Oakley.**

b) Subject to the conditions stated below

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

Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the access, appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Ref:001 and Ecological Impact Assessment Report – Ref 1512 - Dated 3rd July 2019.

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

5. 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

6. All vegetation clearance shall be undertaken outside of the bird nesting season (March to September inclusive). If this is not possible, immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest.

Reason - To preserve and enhance the biodiversity of the site in accordance with the Ecological Impact Assessment Report dated 3rd July 2019 Ref: 1512

7. Development shall be carried out in full accordance with the mitigation and enhancement measures and/or works detailed in the Ecological Impact Assessment Report (Liz Lord Ecology, July 2019) including Appendix 3. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

8. Prior to commencement of any above ground works, A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (EclA) report (Liz Lord Ecology, July 2019), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

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

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.

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 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.

28. A.5 - PLANNING APPLICATION- 19-00398-COUNOT - 14A WADDES DON ROAD, HARWICH, CO12 3BA

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.

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:

Conditions and Reasons

1. Development under Class M must begin within a period of 3 years starting with the prior approval date.
2. A building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.
3. Notwithstanding the details shown on the submitted plans, prior to any above ground works, details of the siting, design and materials of the screen walls and fences shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be erected prior to the occupation of the dwelling and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason – In the interests of visual amenity and residential amenities.

Informatives

Building Control Informative

Escape windows should be provided to the bedrooms. The door to the bathroom should open outwards.

The meeting was declared closed at 20 :25

Chairman

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON MONDAY, 12TH AUGUST, 2019 AT 6.00 PM
IN THE PRINCES THEATRE - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman), Alexander, Cawthron, Clifton, Codling, Fowler, V Guglielmi, McWilliams and M Stephenson
Also Present:	Councillors Davis, Harris and Wiggins
In Attendance:	Catherine Bicknell (Head of Planning), Lisa Hastings (Head of Governance and Legal Services), Graham Nourse (Planning Manager), Trevor Faulker (Planning Team Leader (Agency)), Keith Simmons (Head of Democratic Services and Elections)

29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray (with Councillor V. Guglielmi as substitute) Placey (with Councillor Clifton as substitute) and Harris (with Councillor Stephenson as a substitute).

30. DECLARATIONS OF INTEREST

Councillors White, V. Guglielmi, Clifton and Stephenson declared that, with regards to Planning Application 18/01728/DETAIL they were not present on the original site visit for this application and therefore could not take part whilst the Committee deliberated and reached it decision.

Councillor V. Guglielmi declared a personal interest in respect of Planning Application 19/00524/OUT insofar as she was a trustee of the Lawford Housing Trust, as was Mr Stephen Rose, the managing director of Rose Builders who were the developer of the application site but were not in fact the applicants.

31. PLANNING APPLICATION 19/00524/OUT - LAND TO THE SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ

Councillor V. Guglielmi had earlier declared a personal interest in respect of Planning Application 19/00524/OUT insofar as she was a trustee of the Lawford Housing Trust, as was Mr Stephen Rose, the managing director of Rose Builders who were the developer of the application site but were not in fact the applicants.

The Committee recalled that this application was in most regards a resubmission of Planning Application 17/02162/OUT which was refused by this Council on 19 November 2018.

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

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

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

- 1) Essex County Council has requested an additional planning condition be imposed to deliver enhancements to the Public Right of Way (PROW) network within the site to surface the footpaths.
- 2) Four further letters of representation had been received from Tendring Parish Council, a Local Resident, the Solicitors for the applicant and the Tendring Hundred Riding Club.
- 3) Comments from the Officers on the further letters of representation referred to above.

Derek Stebbing, a local resident, spoke against the application.

Parish Councillor Mike Brown, representing Weeley Parish Council, spoke against the application.

Councillor Peter Harris, a local Ward Member, spoke against the application.

During the item a Councillor made reference to the decision notice in respect of the previous, very similar, planning application 17/02162/OUT. The notice, a public document, was read to the Committee so that all were aware of the element of it referred to by the Councillor. The Committee was directed to consider this application de novo. If there were specific reasons familiar to identify for refusing the application Officers would advise on them. The Council had decided, following the receipt of professional legal and planning advice, to withdraw its opposition to the appeal against the previous refusal of application 17/02162/OUT and had advised the Planning Inspectorate that it would not be defending the Appeal at the Public Inquiry to be held in October.

Following a lengthy discussion by the Committee, it was moved by Councillor Alexander, 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:

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 (as amended) dealing with the following matters:

- **Affordable Housing – specific tenure and mix to be agreed at the reserved matter/s stage/s;**
- **Education – 2.1ha of land to accommodate a 2 form entry primary school and commensurate nursery; along with financial contributions towards: Primary Education for 84 places; Secondary Education for 84 places and secondary school transport;**
- **Healthcare – Financial contribution towards relocation costs for Thorpe Surgery (including its branch surgery at Kirby Cross);**

- **Public Open Space, equipped play areas and Ecology Land (for Slow Worms) – to be transferred to management company and laid out before transfer;**
- **Ecology (off site) – Financial contribution towards off-site ecological mitigation – to improve access within Weeleyhall Wood SSSI;**
- **Financial Contribution towards RAMS;**
- **Highways and Transport – A financial contribution towards off-site highway improvements. These improvements relate to the A133/B1033/services and Frating roundabouts as identified in the Tendring Local Plan Highways and Transportation Modelling work;**
- **Public Rights of Way (PRoW) – Footbridge to be constructed over the railway line and transferred to Network Rail on completion with a commuted sum for future maintenance, PRoW5 to be diverted away from existing level crossing via footbridge on completion.**
- **Prior to the first occupation of any dwelling, a scheme to surface any public right of way (PRoW) contained within the site shall be submitted to and approved in writing by the Local Planning Authority (LPA), or shall be submitted with the first reserved matters application for layout, unless otherwise agreed in writing by the LPA. The submitted scheme shall also include a phasing programme for the delivery of the improvement works. The pathways shall thereafter be upgraded to the agreed surfacing specification in accordance with the approved programme of delivery unless otherwise agreed in writing.**
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Conditions and Reasons;

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 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 begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping, layout and scale have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

4. Prior to submission of the first Reserved Matters application, a layout and phasing plan/programme to include details of market and affordable housing provision, employment provision, identification of the physical extent of each proposed phase of development, the layout and an indicative timescale for implementation of each phase, shall be submitted to and agreed, in writing, by the Local Planning Authority.

Reason – To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity.

5. The maximum number of dwellings to be contained in the development shall be 280 and the amount of employment land shall not exceed 1 hectare and the B1 office space shall not exceed 3000 sqm.

Reason – To ensure compliance with the description of development hereby approved.

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

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

7. Prior to occupation of the development, vehicular parking and turning facilities in accordance with current policy standards shall be provided for all dwellings, unless otherwise agreed in writing by the Local Planning Authority. They shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose. Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason – To ensure that vehicles can enter and leave highway in a forward gear in the interest of highway safety and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

8. 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.

9. No development shall take place before an Environmental Construction Management

Plan for the construction of the development hereby approved has been submitted to, Formatting and approved in writing by, the Local Planning Authority. 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 to prevent the deposition of mud

or other debris onto the highway network/public areas. The method statement shall also include details of safe access to/from the site, the parking and turning of vehicles of site operatives and visitors, loading and unloading of plant and materials, delivery and construction working hours, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials, means of safeguarding the public right of way during construction, the erection and maintenance of security hoarding, a scheme for recycling/disposing of waste resulting from construction, and temporary traffic management/signage.

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 development shall take place until details of surface water drainage have been submitted to and agreed, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason - To minimise the risk of flooding.

11. Prior to construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason – To prevent environmental and amenity problems arising from flooding. Formatting

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

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

13. No 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, has been submitted to and agreed, in writing, by the Local Planning Authority.

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.

14. 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.

15. No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved.

Reason – To allow for proper investigation and recording of the site, which is potentially of archaeological and historic significance.

16. Prior to the commencement of any work a full method statement in respect of piling works shall be submitted to and approved in writing by the Local Planning Authority, 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.

Reason - In the interests of residential amenity.

17. Other than for lighting within the public highways, each reserved matters application shall be accompanied by details of external lighting which shall be submitted to and approved in writing by the Local Planning Authority. The external lighting strategy shall consider how the use of such lighting will avoid, or minimise, harm caused by light pollution and the development shall be carried out in accordance with the approved scheme.

Reason - To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

18. Prior to commencement of any phase of development, details of all refuse/recycling storage and collection points required to serve that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

19. Each Reserved Matters application shall incorporate a detailed scheme of hard and soft landscaping works, 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 2BS 5837: 2012 Trees in relation to design, demolition and construction.

Reason – In the interests of visual amenity and character of the area.

20. All trees and hedges identified to be retained, shall be protected in accordance with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - In the interests of visual amenity and the character of the area.

21. No phase of development shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.

Reason – To ensure a satisfactory development in relation to external appearance.

22. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Ecological Impact Assessment; Barn Owl Mitigation Report; Bat Activity Survey; Breeding Bird Survey; Reptile Survey and Outline Mitigation Strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure the proposal does not adversely affect any protected species and to enhance the biodiversity of the site.

23. Prior to the commencement of any above ground works a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall specify how areas of green space are to be managed, including measures to create habitats as well as general biodiversity enhancements and safeguarding of protected species.

Reason – To ensure the areas of green space are appropriately managed and to encourage biodiversity on the site.

24. No occupation of the development, or specific phase of development in accordance with Condition 4, shall take place until the following have been completed, as necessary for each phase, in accordance with details that shall have been completed, as necessary for each phase, in accordance

with details that shall have first been submitted to and approved in writing by the Local Planning Authority:

- Barleyfields carriageway to be widened to 6.75 metres, including 1 x 3 metre footway, and 1 x 2 metre footway to continue into the site;
- Right-turn lane into Barleyfields for traffic approaching from the west to be a minimum width of 3.5 metres with running lanes of 3 metres in both directions, including lane markings and hatching, as shown in principle on drawing no. 161890-002 Rev B;
- A pedestrian refuge island to be provided to the west of Barleyfields access road with pedestrian tactile as shown in principle on drawing no. 161890-002 Rev B;
- The existing footway along the site frontage to be widened to 3 metres minimum as shown in principle on drawing no. 161890-002 Revision B;
- Adjustments to carriageway width to the east of Crow Lane and removal of the layby, to include kerbing, adjustments to levels and carriageway construction.
- vi). Right-turn lane into Crow Lane approaching from the east to be a minimum width of 3.5 metres with running lanes of 3 metres in both directions, including lane markings and hatching, as shown in principle on drawing no. 161890-002 Rev B;
- Homestead access constructed appropriate kerb radii, including dropped kerb to facilitate pedestrian crossing;
- Right-turn lane into Homestead approaching from the east to be a minimum width of 3.5 metres with running lanes of 3 metres in both directions, including lane markings and hatching, as shown in principle on drawing no. 161890-002 Rev B.

No dwelling within the development or phase of development, shall be first occupied until such time as all facilities identified above, as necessary for each phase, have been provided in accordance with details so approved.

Reason – To protect highway efficiency of movement and safety and to enable satisfactory access to the site by pedestrians, bicycles, public transport and motorised vehicles.

25. Prior to commencement of any phase of development, details of cycle storage required to serve each dwelling within that phase of development shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

26. Each Reserved Matters application shall include precise details of the provision, siting, design and materials of screen walls and fences. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

Reason – To protect the amenities and privacy of occupiers of adjoining properties and in the interests of visual amenity.

27. As part of the first Reserved Matters application, details of any conversion of redundant listed buildings and/or demolition of non-curtilage listed buildings shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason – To protect the special character and setting of the listed building(s).

28. Prior to commencement of any phase of development, details of existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed scheme.

Reason – To protect existing vegetation and to protect the amenities and privacy of adjoining properties and in the interests of visual amenity.

29. Prior to commencement of any phase of development the precise location and specification (to include wooden shelters, raised kerbs, flag and timetable frames) of two new bus stops located to the east of Barleyfield's access on either side of Thorpe Road shall be submitted to and agreed, in writing, by the Local Planning Authority in consultation with the Local Highway Authority. The approved bus stops shall be provided prior to occupation of any dwelling and thereafter be retained in the approved form.

Reason - To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that bus usage is encouraged as a sustainable means of transport.

30. The site access to Crow Lane as shown in principle on the planning application drawings shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 75 metres to the west and 2.4 metres by 75 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason – To protect highway efficiency of movement and safety.

31. The site access to Barleyfields as shown in principle on the planning application drawings shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 66 metres to the west and 2.4 metres by 66 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason – To protect highway efficiency of movement and safety.

32. The site access to Homestead as shown in principle on the planning application drawings shall include but not be limited to a visibility splay with dimensions of 2.4 metres by 75 metres to the west and 2.4 metres by 75 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be retained free of any obstruction at all times.

Reason - To protect highway efficiency of movement and safety.

33. A new gateway traffic calming feature(s) shall be provided on the approaches to Weeley on the B1033 to enhance the existing 30mph speed limits, scheme details to be submitted to and agreed in writing by the Local Planning Authority and implemented prior to first occupation.

Reason – To protect highway efficiency of movement and safety.

34. Prior to commencement of any phase of development, a soil survey of the site shall be undertaken and the results provided to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. Where contamination is identified, a scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.

Reason – To ensure that any contamination is identified and addressed in the interests of the health and safety of site operatives during the construction phases and the future occupiers of the development.

35. Details of acoustic measures to minimise noise disturbance to occupiers of dwellings in close proximity to the existing railway line shall be submitted to and agreed in writing by the local planning authority prior to commencement of development or if phased that part of the site closest to the railway. The agreed acoustic measures shall be fully implemented and completed before the dwellings identified for this mitigation are first occupied.

Reason – To protect the amenities of future occupiers.

36. 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 be 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;
 - 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.

37. The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that it would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason – To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

38. Prior to commencement or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason – To promote and encourage the recruitment of employees and other staff in the locality of the application site.

39. Prior to the first occupation of any dwelling, a scheme to surface any public right of way (PRoW) contained within the site shall be submitted to and approved in writing by the Local Planning Authority (LPA), or shall be submitted with the first reserved matters application for layout, unless otherwise agreed in writing by the LPA. The submitted scheme shall also include a phasing programme for the delivery of the improvement works. The pathways shall thereafter be upgraded to the agreed surfacing specification in accordance with the approved programme of delivery unless otherwise agreed in writing.

Reason – To ensure existing footpaths across the application site are adequately upgraded to address the increased footfall from the development.

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.

2. The Local 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.
3. The Public Right of Way network is protected by the Highways Act 1980. Any unauthorized interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpaths 3, 4 and 5 (Weeley) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
4. The granting of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.
5. Any signal equipment/structures/non-standard materials/trees/public rights of way through the site proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.
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

7. The application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement.

32. CHAIRMAN OF THE MEETING

The Chairman (Councillor White) then vacated the Chair in view of the interest in the next item as declared at the commencement of the meeting. In the absence of the Chairman and the Vice-Chairman the Committee considered nominations for a Chairman for the remainder of this meeting. Upon it being moved by Councillor Fowler, seconded by Councillor Cawthron it was **RESOLVED** that Councillor McWilliams be elected as Chairman for the remainder of the meeting.

33. PLANNING APPLICATION - A.2 - 18/01728/DETAIL - 171 THORPE ROAD AND LAND TO THE REAR OF 121-183 THORPE ROAD AND 4-20 CHAPEL LANE, KIRBY CROSS, CO13 0NH

Councillors White, V. Guglielmi, Clifton and Stephenson had earlier declared that, with regards to Planning Application 18/01728/DETAIL they were not present on the original site visit for this application and therefore could not take part whilst the Committee deliberated and reached its decision.

Members recalled that this application was considered by the Committee at its meeting on 30 July 2019, where it was deferred for further information to be sought regarding the overhead powerlines.

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

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

An update sheet was circulated to the Committee prior to the meeting with details of one additional neighbour objection received and the officer comments on that additional objection.

The Committee was advised that it was the applicant's intention for the overhead powerlines for the site to be placed under ground.

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

1. **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.**

2. Subject to the conditions stated below.
3. That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

Conditions and Reasons

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

Site Location Plan - 1370/P/01
Master Plan - 1370/P/02 Rev **P8**
Block Plan – 1370/P/03 Rev P7
Amenity Plan - 1370/P/05 Rev P8
Heights Plan - 1370/P/08 Rev P7
Parking Plan - 1370/P/10 Rev P7
Tenure Plan - 1370/P/11 Rev P7
Highways Plan - 1370/P/12 Rev P7
TPO Reference Plan and Protection - 1370/P/15 P6
Circular Dog Walking Route 1 - 1370/P/16 Rev P1
Circular Dog Walking Route 2 - 1370/P/17
Circular Dog Walking Route 3 – 1370/P18
Housetype A - 1370/P/A/01
Housetype B - Affordable - 1370/P/B/01 Rev P1
Housetype C - 1370/P/C/01 – Rev P1
Housetype C1 - 1370/P/C1/01
Housetype C1 - Affordable - 1370/P/C1/01/A
Housetype D - 1370/P/D1/01 Rev P1
Housetype D1 - 1370/P/D1/01
Housetype D2 - 1370/P/D2/01
Housetype E - 1370/P/E/01
Housetype E1 - 1370/P/E1/01
Housetype F - 1370/P/F/01
Apartment Block 1 – Floor Plans and Elevations - 1370/P/APT1/01 Rev P2
Apartment Block 2 – Affordable - Floor Plans and Elevations - 1370/P/APT2/01 Rev P3
Apartment Block 3 Elevations - 1370/P/APT3/02 Rev P3
Apartment Block 3 Floor Plans - 1370-P-APT3-01 Rev P3
Garage Types - 1370-P-G-01
Sub-Station - 1370/P/S/01 Rev P2
Street Scenes Sheet 1 of 3 - 1370/P/30 Rev P5
Street Scenes Sheet 2 of 3 – 1370/P/31 Rev P2
Street Scenes Sheet 3 of 3 - 1370/P/32 Rev P1
Soft Landscape Proposals 1 of 3 - MC/1511/18/02 A
Soft Landscape Proposals 2 of 3 - MC/1511/18/03 A
Soft Landscape Proposals 3 of 3 - MC/1511/18/01 A
Barn Owl Ecological Advice Note (SES, March 2019)

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

2. Prior to commencement of any development, including demolition, groundworks and vegetation clearance, the on-site mitigation and pre-demolition survey shall be carried out in full accordance with the details contained in the Barn Owl Ecological Advice Note (SES, March 2019). The works shall be undertaken by an appropriately competent person e.g. a suitably qualified ecologist holding a Natural England Barn Owl Licence, to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details in the Barn Owl Ecological Advice Note.

Reason: To conserve Protected species and allow the LPA to discharge its duties under the Wildlife and Countryside Act 1981 as amended and s17 Crime & Disorder Act 1998 (wildlife crime).

3. Prior to commencement of any development, including demolition, groundworks and vegetation clearance, a biodiversity monitoring strategy for Barn Owls shall have been submitted to, and approved in writing by, the Local Planning Authority. The purpose of the strategy shall be to monitor the success of the replacement nest box for Barn Owls. The content of the Strategy shall include the following.
 - a) Aims and objectives of monitoring to match the stated purpose.
 - b) Identification of adequate baseline conditions prior to the start of development.
 - c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d) Methods for data gathering and analysis.
 - e) Location of monitoring.
 - f) Timing and duration of monitoring.
 - g) Responsible persons and lines of communication.
 - h) Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended.

4. Prior to installation of the new Barn Owl nest box, as detailed within the Barn Owl Ecological Advice Note (SES, March 2019), fencing to restrict public access shall have been erected in accordance with details to have

been previously approved in writing by the Local Planning Authority. The fencing shall restrict public access within the application site a minimum of 75 metres from the new Barn Owl nest box. The fencing as approved shall be retained and maintained for the lifetime of the new Barn Owl nest box.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended.

5. Prior to the occupation of each dwelling the internal road and footway serving that dwelling shall have been provided in precise accord with drawing numbers 1370/P/03 Rev P7 and 1370/P/12 Rev P7.

Reason: To ensure acceptable vehicle and pedestrian access to each dwelling.

6. Prior to the commencement of any above ground works, details of the estate roads and footways, including the three footway links proposed to Thorpe Road and Chapel Lane (including layout, levels, gradients, surfacing, **soft landscaping, bollards** 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.

7. Prior to the commencement of any above ground works, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been completed in full accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding.

8. Prior to the commencement of any above ground works, details of the number, location and design of a covered parking facility for bicycles for each dwelling without a garage shall have been submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to the first occupation of each respective unit and retained as approved thereafter.

Reason: To ensure appropriate cycle parking is provided to encourage cycling as a means of sustainable transport.

9. No dwelling shall be occupied until such time as its car parking/garaging and turning area as shown on the approved plans has been provided. These facilities 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.

10. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

11. Prior to occupation of Plots 26, 27, 28 or 29 the pedestrian link between the estate road and Thorpe Road, and running between no. 155 Thorpe Road and no. 159 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

12. Prior to occupation of Plots 49, 50 or 51 the pedestrian link between the estate road and Thorpe Road, and running between no. 129 Thorpe Road and no. 127 Thorpe Road, shall have been constructed in accordance with the approved details and shall be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

13. Prior to occupation of Plots 58, 59, 60, 61, 62, 63 or 64 the pedestrian link between the estate road and Chapel Lane, running between no. 22 Chapel Lane and no. 24 Chapel Lane, shall have been constructed in accordance with the approved details and be available for public access and thereafter retained and maintained in the approved form.

Reason: To ensure footways are constructed to an acceptable standard and available for the public to use, to encourage more sustainable modes of transport and to reduce reliance on the private car.

14. The Residential Travel Packs that are to be provided pursuant to Condition no.12 of planning permission 15/01710/OUT, shall include the following;
 - a) Information regarding the safe use of level crossings over the railway lines and the dangers of failing to use them properly.
 - b) Details of the three circular walking routes to and from the site, which can be used by residents along with specific encouragement for dog walkers to use these routes.

As required by condition no.12 of planning permission (15/01710/OUT) the Residential Travel Information Packs shall have been previously submitted

to and approved in writing by the local planning authority, and shall be provided to the first occupant of each new dwelling.

Reason: To promote the safe use of railway level crossings and 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 pursuant to the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy.

15. The scheme of landscaping as shown on drawing numbers MC/1511/18/02 A, MC/1511/18/03 A and MC/1511/18/01 A, or such other scheme as may be agreed in writing by the local planning authority, shall be carried out during the first available planting season after the commencement of the development. Any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory scheme of hard and soft landscaping to enhance the appearance of the development.

- 16. Prior to the commencement of any above ground works, full details of the route of the underground power line 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: As insufficient information has been provided with the application, in the interests of visual and residential amenity, and the Grade II listed building Mill House at 127 Thorpe Road.

Informatives

- 1) 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.

2) 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.

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) Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

5) Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

6) Anglian Water advise that they have assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

7) Given the close proximity to the operational railway line, if and before any works are undertaken the developer would need to engage with the ASPRO team (AssetProtectionAnglia@networkrail.co.uk) to ensure the protection of the railway line.

8) 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.

The meeting was declared closed at 8.33 pm

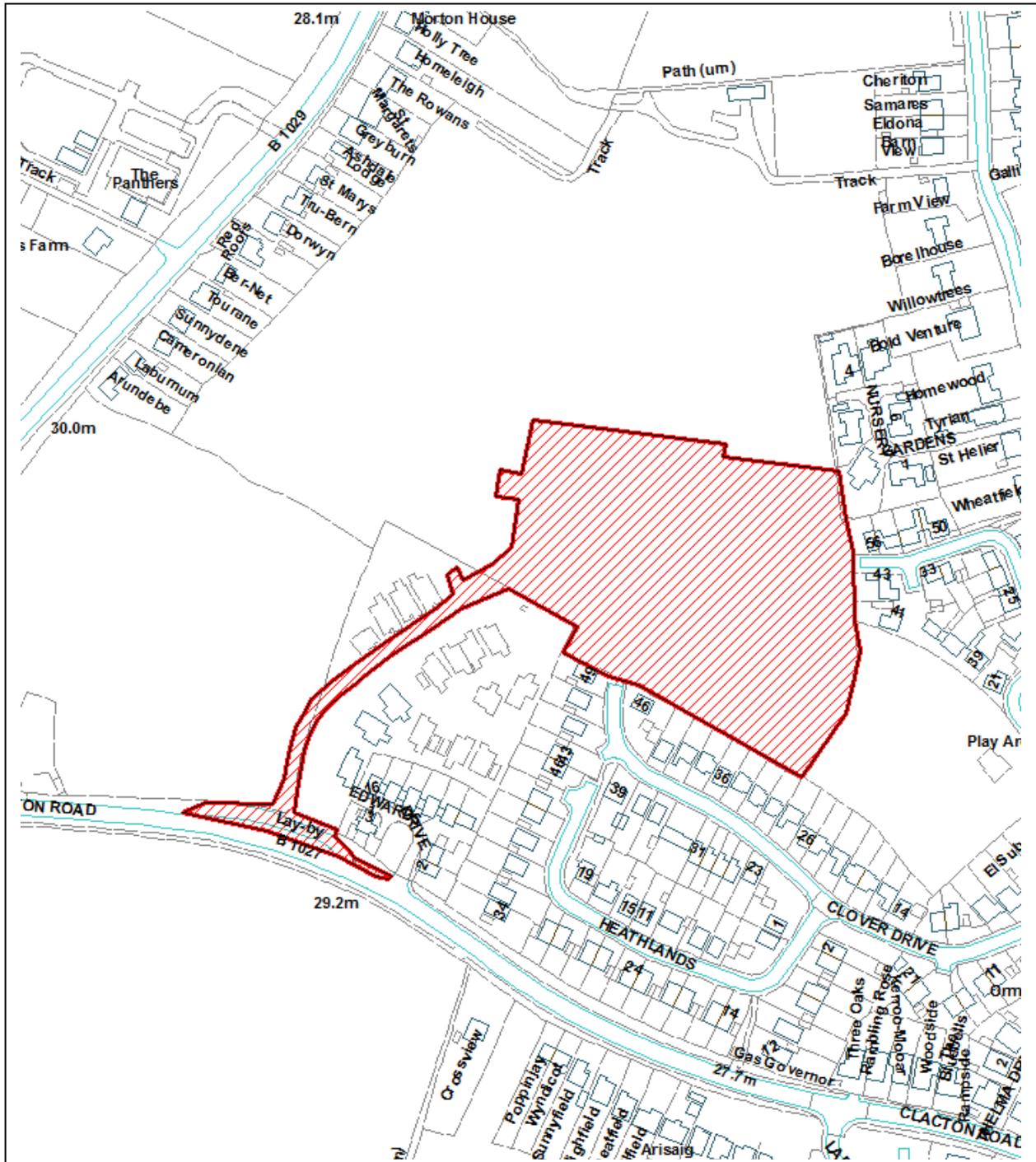
Chairman

PLANNING COMMITTEE

28 August 2019

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 18/00163/FUL - LAND TO THE WEST OF EDWARDS DRIVE THORRINGTON CO7 8FE



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Application:	18/00163/FUL	Town / Parish: Thorrington Parish Council
Applicant:	Mr D Edwards	
Address:	Land to The West of Edwards Drive Thorrington CO7 8FE	
Development:	Construction of 29 specialist bungalows (for those aged over 60, and/or those with, or supporting someone with a disability) with associated roads, parking and garaging.	

1. Executive Summary

- 1.1 The site lies to the west of Thorrington and takes access through the recently approved development 'Avocet Place', which accesses onto the Clacton Road (B1027). It is located on agricultural land and is outside the defined settlement boundary of the village as defined by the 2007 Adopted Local Plan. It is not identified for development in the Draft Publication Local Plan.
- 1.2 The application is for 29 specialist bungalows for those aged over 60 and/or those with, or supporting someone with a disability. The dwellings are designed as lifetime homes.
- 1.3 The site is accessible for a range of facilities in the village and the village is also reasonably well served by public transport with regular bus services to Clacton and Colchester
- 1.4 Although the Parish Council has raised concerns regarding the development, commenting that it represents over-development, that it would place additional strains on traffic flow through the village and loss of amenity was also a consideration, these matters have been addressed and no objections are raised by the Highway Authority.
- 1.5 Officers consider that the development would be sympathetic to the character and appearance of neighbouring residential development and that the Council's spatial standards would be met with there being no loss of amenity to neighbouring residential occupiers.
- 1.6 Whilst the application is contrary to the spatial strategy of the adopted and emerging Local Plans, it is considered that the development offers benefits through the provision of specialist housing and affordable housing (the provision of 1 on-site 'gifted' unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement) which is in short supply in the District, that it will not lead to any significant adverse impacts on the landscape or on residential amenity. It is considered that the benefits of this development outweigh any adverse impacts that arise and that planning permission can be granted in this instance.

Recommendation:

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

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) dealing with the following matters:**
 - **Mechanisms to ensure restrictions on occupation for those over 60, and/or**

those with, or supporting someone with a disability

- **Affordable Housing – the provision of 1 on-site ‘gifted’ unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement**
- **Public Open Space – towards local open space and/or public tennis court enhancements**
- **Financial Contribution towards RAMS**

b) Subject to the conditions stated in section 8.2.

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

2. Planning Policy

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

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.”
- 2.5 In terms of ‘Delivering a sufficient supply of homes’, Paragraph 60 of the NPPF states that ‘...the size, type and tenure of housing needed for different groups in the community should

*be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, **older people**, students, **people with disabilities**, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.'*

National Planning Practice Guidance (PPG)

- 2.6 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

- 2.7 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.
- 2.8 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.
- 2.9 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.
- 2.10 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

Tending District Local Plan (Adopted 2007)

QL1:	Spatial Strategy
QL2:	Promoting Transport Choice
QL3:	Minimising and Managing Flood Risk
QL9:	Design of New Development
QL10:	Designing New Development to Meet Functional Needs
QL11:	Impacts
QL12:	Planning Obligations
HG1:	Housing Provision
HG3:	Residential Development within Defined Settlements
HG3a:	Mixed Communities
HG4:	Affordable Housing in New Developments
HG6:	Dwellings Size and Type
HG7:	Residential Densities
HG9:	Private Amenity Space
HG14:	Side Isolation
COM2:	Community Safety
COM6:	Provision of Recreational Open Space for New Residential Developments
COM21:	Light Pollution
COM23:	General Pollution
COM26:	Contributions to Education Provision
COM29:	Utilities
COM31a:	Sewerage and Sewage Disposal
EN1:	Landscape Character
EN6:	Biodiversity
EN6a:	Protected Species
EN6b:	Habitat Creation

EN12:	Design and Access Statements
EN13:	Sustainable Drainage Systems
EN29:	Archaeology
TR1a:	Development Affecting Highways
TR3a:	Provision for Walking
TR4:	Safeguarding and Improving Public Rights of Way
TR5:	Provision for Cycling
TR6:	Provision for Public Transport Use
TR7:	Vehicle Parking at New Development

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

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Strategy for North Essex
SP3:	Meeting Housing Needs
SP4:	Infrastructure and Connectivity
SP5:	Place Shaping Principles
SPL1:	Managing Growth
SPL2:	Settlement Development Boundaries
SPL3:	Sustainable Design
HP1:	Improving Health and Wellbeing
HP3:	Green Infrastructure
HP5:	Open Space, Sports and Recreation Facilities
LP1:	Housing Supply
LP2:	Housing Choice
LP3:	Housing Density
LP4:	Housing Layout
LP5:	Affordable and Council Housing
PP12:	Improving Education and Skills
PPL1:	Development and Flood Risk

- PPL3: The Rural Landscape
- PPL4: Biodiversity and Geodiversity
- PPL5: Water Conservation, Drainage and Sewerage
- CP1: Sustainable Transport and Accessibility
- CP2: Improving the Transport Network
- CP3: Improving the Telecommunications Network

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas

Essex Design Guide (2005)

Urban Place Supplement (2007)

3. Relevant Planning History

16/01137/FUL	Proposed development of 16 new bungalows.	Approved	19.01.2017
17/00500/FUL	Variation of condition two of approved planning application 16/01137/FUL to omit drawings 812/01 rev G, 812/02 rev A, 812/03 rev B, 812/04 rev A, 812/05 rev A, 812/06 rev A, 812/07 rev A, 812/08 rev A, 812/09 rev B, and add drawings 812/01 rev J, 812/02 rev D, 812/03 rev E, 812/04 rev D, 812/05 rev D, 812/06 rev D, 812/07 rev D, 812/08 rev D, 812/09 rev D, 812/10 rev B, 812/11 rev B, 812/12 rev B.	Approved	25.08.2017
17/01066/FUL	Proposed construction of sewage pumping station and electricity substation.	Approved	20.02.2018
18/00163/FUL	Construction of 29 specialist bungalows (for those aged over 60, and/or those with, or supporting someone with a disability) with associated roads, parking and garaging.	Current	

4. Consultations

ECC Highways	No objections subject to the imposition of suitable conditions.
Anglian Water	The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. The Foul Sewerage system at present has available capacity for these flows.

Natural England	No comments to make on the application.
ECC SuDS Consultee	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC SuDS raise no objections to the granting of planning permission subject to conditions.
ECC Schools Service	Not seeking a S106 education contribution on this occasion.
Essex Police (Designing Out Crime Unit)	On review of the published documents there is unfortunately insufficient detail to allow an informed decision to be made, in specific relating to lighting and boundaries, as to whether the appropriate consideration of Sections 58 and 59 of the National Planning Policy Framework has been achieved.

5. **Representations**

5.1 Thorrington Parish Council has commented:

Parish are concerned that this development would have a significant negative impact on the village. It would represent an over-development and place additional strains on traffic flow through the village, which is already very dangerous at busy times. Loss of amenity was also a consideration.

A large vocal group of local residents attended the Parish Council meeting and there was a very heated & vociferous argument directed at the Parish, District and County Councillors.

5.2 15 letters have been received objecting on the following grounds:

- Outside the settlement development boundary;
- Thorrington has already been overdeveloped over the last few years;
- Over-development of site;
- Negative effect on the character of the village;
- Visual impact of the development by way of infilling;
- Opens the 'floodgates' for further development that would completely change the landscape of the village
- Insufficient local amenities to support the Increased population, i.e. health care, public transport, accessible shops;
- Some of the local roads do not have footpaths or street lights and the additional development would bring additional traffic creating danger along these roads;
- Limited public transport services;
- Previous developments have already added to traffic congestion through the village, particularly at times when railway crossing barriers are down;
- Broadband in the village is poor;
- Lack of amenities for older people, especially those requiring additional support in the way of care;
- Too close to existing properties;
- Loss of privacy for existing properties;
- Noise and light disturbance/nuisance to existing property owners;
- Traffic speed on Clacton Road at the site entrance is too high and parking at the local shop/Post Office is already a problem;
- Loss of valuable agricultural land;
- Loss of natural wildlife habitat;
- Concerns as to whether properties will remain as specialist housing;

- Contrary to the Submission Local Plan which identifies Thorrington as a "smaller rural settlement" where only small scale developments of up to 10 dwellings would normally be supported.

6. Assessment

The main planning considerations are:

- Principle of development
- Acceptability of design
- Residential Impact
- Impact upon neighbouring amenities

The Proposal

- 6.1 The application site comprises 1.89 hectares of land on what is currently an open field in agricultural use and outside the defined settlement boundary of Thorrington. The site is roughly rectangular in shape and forms an extension to the 16 no. bungalow development that has been built to the southwest (16/01137/FUL), taking access through that development which is gained over an existing layby off Clacton Road. There are no existing buildings on the site. The site adjoins the housing and public open space on Hazel Close to the east and Clove Drive to the west as well as the new development currently under construction.
- 6.2 This is a Full application and the Planning Committee is being asked to approve a detailed scheme including:
- 16 two bed bungalows;
 - 12 three bed bungalows; and
 - 1 four bed bungalow
- 6.3 The applicants confirm that the dwellings are designed as lifetime homes and have advised they are intended to provide specialist age restricted single storey accommodation and/or for residents with a disability. The applicants have amended the proposal and now propose that the minimum age for residents is 60 years of age, instead of the original 55 years, recognising that people are living longer and have families later. The dwellings follow the theme and general design of the 16 detached and semi-detached bungalows already approved on the adjacent site which are not restricted. An area of open space is provided within the centre of the site whilst the attenuation basin is located on the north-eastern boundary, adjacent to the new properties on Hazel Close.

The Principle of Development

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its housing policies being out of date. Paragraph 213 of the NPPF allows local planning authorities to give due weight to adopted policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.
- 6.6 Neither the application site, nor the adjacent development site, is allocated for housing development in the adopted Local Plan and the current application site falls outside the

defined settlement development boundary in both the adopted and Draft Publication Local Plan. Development is therefore contrary to Policy QL1 of the adopted Local Plan.

- 6.7 The adjacent site was approved in 2016 largely on the grounds that, at that time, the Council could not demonstrate a 5 year supply of housing land. As a result of the introduction of the standard method, the Council is in a similar situation and again cannot show a 5 year supply of land when measured against the new methodology. As a consequence the tilted balance applies as required by Paragraph 11 of the NPPF and development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 6.8 Thorrington is categorised as a 'smaller rural settlement' in Policy SPL1 of the Draft Publication Local Plan. Policy SPL2 confirms that outside settlement development boundaries, the Council will consider any planning application in relation to the settlement hierarchy and any other relevant policies in that Plan. Paragraph 3.2.1.4.4 of the draft Publication Local Plan notes that developments which exceed ten dwellings will not be permitted unless there is local support from the Parish Council or there is an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site'.
- 6.9 The policies and subtext contained in the emerging Local Plan cannot carry the full weight of adopted policy at this stage in the plan-making process and whilst the proposed scheme is contrary to adopted and emerging policy, it is considered that the principle of development of this site for the scheme proposed represents sustainable development and accords generally with the policies of the NPPF and would bring about new, specialist housing for the elderly and those with special needs which carries at least 'moderate weight' as it helps deliver a wider choice of new homes as sought by paragraphs 60 and 61 of the National Planning Policy Framework.
- 6.10 It is worth drawing Members' attention to the conclusions from the 'Braintree, Chelmsford, Colchester & Tendring Council's HMA SHMA 2015' which indicated that within this District the population aged 65 or over is likely to increase dramatically (by some 45%) between 2015 to 2037. As a consequence, the Assessment states that:
- "Given the dramatic growth in the older population and the higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options in the future..."*
- 6.11 The above SHMA conclusions have been drawn through into the emerging Local Plan by way of Policy LP2 (Housing Choice) which similarly supports this type of specialist accommodation. This policy includes the following paragraph:
- "The Council will support the development of **bungalows**, retirement complexes, extra care housing, independent living, starter homes, self-build and other forms of residential accommodation **aimed at meeting the future needs of older and disabled residents as well as family housing.**"*
- 6.12 The Parish Council has commented on the scheme and has raised concern that this development would have a significant negative impact on the village. They consider that it would represent an over-development, place additional strains on traffic flow through the village, which is already very dangerous at busy times, and also result in a loss of amenity.
- 6.13 The comments of the Parish Council are noted but it is considered that the principle of development on this site is acceptable taking account of: the need for additional housing to meet the five year housing target; the sustainable location; and specialist nature of the dwellings which is support by national and local policies and supporting evidence.

Highways, transport and accessibility

- 6.14 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. Although Thorrington has limited employment or service provision the site does have good pedestrian links to village services via the existing footpath network. Thorrington is also reasonably well served by public transport with regular bus services to Clacton and Colchester.
- 6.15 The development is proposed to take access through the adjacent development which is accessed from Clacton Road. The Parish Council has raised concern that the development would place additional strains on traffic flow through the village which it considers is already dangerous at busy times. However, the Highway Authority has raised no objections to the application and has recommended that conditions should be attached to any planning permission to ensure a satisfactory layout.
- 6.16 In conclusion, although the site has, in common with the adjacent development, limited accessibility to jobs, shops, services and facilities, it has reasonable and safe access, by foot and cycle to public transport and services in neighbouring villages and nearby towns. As there is no objection from the Highway Authority, the scheme is considered to be acceptable in highway terms.

Landscape, visual impact and trees

- 6.17 Policy EN1 of the adopted Local Plan and Policy PPL3 in the Draft Publication Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.18 The application site currently comprises part of an agricultural field which forms an area of open countryside contained by the B1027, B1029 and Church Road and edged by residential development along those roads. The majority of the field would remain but the part adjacent to the village would be developed by the current proposals.
- 6.19 A Landscape and Visual Appraisal Scoping Report has been submitted with the application which concludes that the development would not bring about any notable landscape or visual impact implications in the wider setting. It is a self-contained location, almost completely surrounded by developed land and with little, if any, relationship to the outlying landscape setting of Thorrington. It considers that visual influences are modest and do not give rise to any notably harmful effects. The report considers therefore that landscape and visual issues should not form any notable constraint to the acceptability of this site for development.
- 6.20 It is accepted that the visual impact of the proposal will be modest because of the containment of the site by existing residential development. There are a number of mature trees together with hedging along the eastern boundary of the site adjacent to the houses and open space on Hazel Close. An Arboricultural Assessment has been submitted which confirms that no trees are being removed as part of the development. The accompanying Tree Protection Plan shows that protection measures are to be put in place for the trees.
- 6.21 Existing boundary fencing along Clover Drive adjoins the southern site boundary. The proposed new northern and western boundaries of the development have very limited landscaping. It is suggested that a condition is placed on the Planning Permission requiring

a detailed landscaping scheme including provision of hedging and tree planting along the north and eastern boundaries.

- 6.22 In conclusion, it is considered that because the site is reasonably well enclosed and set level with adjoining dwellings and land, it will not have an adverse visual impact on the landscape or on existing trees.

Flood risk and drainage

- 6.23 The NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan require any development proposal on sites larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). The site is located in Flood Zone 1 (low risk) and the application is accompanied by a FRA which assesses the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development. Essex County Council as Local Lead Flood Authority has considered the report and, following the submission of additional requested information, has confirmed that the development is acceptable subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place. A Maintenance Plan is also required to be submitted and updated annually.

Ecology

- 6.24 Paragraph 175 of the 2019 NPPF now requires Councils, when determining planning applications, to follow the principles set out in that paragraph. The NPPF confirms that development which would result in significant harm to biodiversity or the loss or deterioration of irreplaceable habitats should be resisted. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged. Policy EN6 of the adopted Local Plan and Policy PPL4 of the Draft Publication Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.25 A preliminary Ecology Appraisal and Protected Species survey has been submitted and confirmed that the site contains no protected species but that the hedgerows and trees in the area provide suitable foraging and commuting for bats. They also provide suitable nesting habitats for birds during the breeding season. However, the presence of Bats is not considered to be a constraint to development and the development would not have any significant direct or indirect effects on any formally designated wildlife sites in the area. The assessment concludes that there is a need to protect existing trees during the construction phase and to avoid any site vegetation clearance during the bird nesting season. This can be dealt with by condition.

Education and Health provision

- 6.26 Policy QL12 in the adopted Local Plan and Policies HP1, HP2 and PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education and health provision. In view of the specialist nature of the dwellings and being targeted for older residents, it is considered that in this instance, a contribution towards education could not be justified. NHS England has not requested any financial contributions towards health provision and only tends to make such requests on schemes of 50 or more dwellings. As a consequence, there would be no requirement for contributions towards education or healthcare.

Utilities

- 6.27 No objection has been received from Anglian Water in respect to this development.

Open Space and Play

- 6.28 Policy COM6 in the adopted Local Plan and Policy PEO22 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. Although the site layout does indicate a small area of informal open space it is considered appropriate to seek a provision of open space via a financial contribution.
- 6.29 The Council's open spaces team have therefore requested a financial contribution to be spent on improvements to the Chapel Road/Church Road play area at Thorrington.
- 6.30 According to the Council's SPD on Open Space (May 2008), no contributions are sought for dwellings providing elderly accommodation. Whilst the current proposals are age limited, it is considered that many of the residents will still be physically active and will wish to access recreational and open space facilities. It is therefore considered reasonable to seek a contribution towards open space for the enhancement of existing open space but it would be unreasonable for a contribution towards children's play space, bearing in mind few residents if any, would have young children living with them. The Parish Council has identified an upgrade to the existing public tennis court as a potential use (at least in part) for this contribution and officers' do not consider this to be an unreasonable use of these funds as tennis is often played recreationally by older people.
- 6.31 It is therefore considered that a contribution should be sought to allow appropriate open space provision (and/or upgrade to the existing public tennis court) be provided. A sum of £56,892 is therefore sought by way of provisions in a Section 106 Agreement.

Council Housing/Affordable Housing

- 6.32 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on housing need and viability, requires 30% of new dwellings on large sites to be made available to the Council or a nominated partner to acquire at a discounted value for use as affordable or council housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as affordable or council housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.33 In this case the development will provide specialist housing for the over 60's and for disabled occupants; both of which are in short supply within the District. Given the specialist nature of the accommodation, the Council's Housing Team have been prepared to take a more pragmatic and flexible position on affordable housing requirements and in this case are prepared to accept the 'gifting' of 1 dwelling on-site and a financial contribution of £300,000 towards the construction or acquisition of property for use as Council Housing equivalent to delivering the remainder of the 30% requirement. These provisions will be secured through the Section 106 Agreement.

Detailed Design and Layout

- 6.34 The proposed development is served by a single access road leading directly from the existing development off Clacton Road and looping round a small area of open space. The dwellings are all single-storey and are a mixture of detached and semi-detached properties. Most have integral single garages with the rest being detached. All will benefit from at least two off-street parking spaces in accordance with the Council's adopted parking requirements.

- 6.35 The development equates to a density of 17 dwellings per hectare and is considered appropriate for the proposed development in this location. The proposed dwellings provide a mixture of two, three and four bedroom bungalows across a number of configurations. Ten of the two bed properties will be semi-detached, the remaining will be detached.
- 6.36 The application is for full planning permission and therefore details of the external materials have been submitted. Three types of external finishes have been incorporated into the scheme; which the applicants state have been selected to reflect the traditional vernacular of the surrounding properties whilst providing the site with its own unique identity. The external walls are either brick or a brick plinth with render above and the roofs are either red or grey tile. All the properties, apart from the gifted unit, have conservatories at the rear, otherwise the scheme is very much tenure blind.
- 6.37 The scheme offers a variety of different internal layouts to ensure the scheme offers opportunities for a range of potential occupants. The applicants have confirmed that the dwellings have been designed as lifetime homes and incorporate the following design elements:
- 24 hour hard-wired care, safety and security system including intruder alarm, smoke and gas detectors and activation of optional care call system to respond to people's requirements as they change;
 - Fixtures and fittings suitable for those with arthritis or early stage dementia;
 - Highly accessible design features such as wider doorways and level accesses to support residents with mobility issues, to reduce the chances of falls and fractures;
 - Large driveways and garages supporting wheelchair access, providing off-street parking;
 - Carefully designed layout with a range of house types to promote social cohesion between residents, creating a community, and in-turn reducing loneliness and depression; and
 - Energy efficient materials and appliances incorporated to provide savings on household bills and reduce the carbon footprint;
- 6.38 An attenuation pond for surface water drainage is located within the north eastern corner of the site where access has also been retained to the open field to the north.
- 6.39 Plot 12 is sited with its side elevation facing on to Clover Drove. A wall is proposed along the end of the cul-de-sac to provide privacy for the future residents and also to provide a visual stop from the drive.
- 6.40 As noted, the site already has a number of mature trees to the eastern boundary and the layout plan shows a proposed new hedge along the north boundary. Close boarded fencing will be used elsewhere within the site.
- 6.41 Due to the single storey nature of the development, there is only limited impact on existing adjoining dwellings and the new dwellings will not cause loss of light, overshadowing or loss of outlook for existing residents. Similarly, the siting of the new properties should ensure that future residents do not experience overlooking or overshadowing.
- 6.42 It is considered that the layout and design of the dwellings will not have an adverse impact on neighbouring dwellings or on future occupants. The overall design of the scheme is acceptable and reflects the detail of those approved on the adjacent site. Whilst the

comments of the Parish Council are noted, it is not considered that a development of this nature and density represents over-development, nor does it contribute to a loss of amenity for the reasons set out above.

Age and/or disability restriction

- 6.43 The applicants have applied for age and/or disability restricted housing submitting evidence of need in the district for this type of accommodation, due in part to the aging population. The dwellings are aimed at allowing independent living for the elderly and/or those with a disability including design elements that would allow residents to potentially stay in their own homes for longer. Following discussions with officers, the applicants have amended the minimum age to 60 in place of 55, recognising that people live longer and remain more active. Whilst the applicant's intend to control occupancy through restrictive covenants, this is outside the control of the local planning authority and it is considered that the occupancy will need to be more strictly controlled by other legal mechanisms contained within the Section 106 Agreement which will require a restriction be placed on the titles of the market dwellings.

Overall Planning Balance

- 6.44 Because Policy QL1 of the adopted Local Plan is deemed to be out of date and, as a result of the introduction of the standard methodology, the Council is now unable to demonstrate a five-year supply of deliverable housing sites, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard therefore applies a tilted balance in favour of sustainable development.
- 6.45 The development in question provides a number of benefits and would contribute towards the housing supply of both market and affordable housing in the District. The provision of 29 dwellings would assist in helping to meet the identified housing requirement although it is considered that the weight that should be given to this is necessarily reduced because of the housing requirement is based on known flawed household projections. However, the development also provides a more specialist level of housing suitable for older persons and those with disabilities and this can be given additional weight in the planning balance. The development will bring economic benefits with residents generating additional expenditure in the local economy. There will also be temporary jobs in construction whilst the homes are being built. The development will also contribute towards the social wellbeing of the village by providing a contribution towards the provision of open space and/or enhancements to the existing public tennis court within the village.
- 6.46 Whilst the development is located outside the settlement development boundary of Thorrington, it is considered that the impact of the development in this location is minimal. The field in which it is located is already bordered by built development and the introduction of further bungalows in this location is not considered to be visually intrusive nor will they give rise to unacceptable loss of amenity for existing or new residents.
- 6.47 As identified through the various ecological and wildlife reports submitted with the application the harm to existing ecology is minimal and can be mitigated through the use of appropriate conditions. The existing trees on the edge of the site would be protected via condition.
- 6.48 In the overall planning balance, Officers consider that, in this instance, the benefits of the scheme outweighs the acknowledged harm to planning policy and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

7. Conclusion

- 7.1 Whilst the application is contrary to the spatial strategy of the adopted and emerging Local Plans, it is considered that the development offers benefits through the provision of specialist housing and affordable housing (the provision of 1 on-site 'gifted' unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement) which is in short supply in the District, that it will not lead to any significant adverse impacts on the landscape or on residential amenity. It is considered that the benefits of this development outweigh any adverse impacts that arise and that planning permission can be granted in this instance.

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 Section 106 Legal Agreement with the agreed Heads of Terms as referred to in Section 1 above.

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 plans:

Drawing number 812-200Q (Block Plan)
Drawing number 812-202B (Plot 1 Heather (2 bed bungalow))
Drawing number 812-203B (Plots 2 & 3 Heather – Link (2 bed bungalow))
Drawing number 812-204B (Plots 20 & 24 Lily (2 bed bungalow))
Drawing number 812-205B (Plots 5 & 6, 23 & 22 Camelia (2 bed semi))
Drawing number 812-206B (Plot 12 Azalea (3 bed bungalow))
Drawing number 812-207B (Plot 8 Hibiscus (3 bed bungalow))
Drawing number 812-208B (Plots 9 & 17 Wisteria (3 bed bungalow))
Drawing number 812-209B (Plots 28 & 29 Camelia (2 bed semi))
Drawing number 812-210B (Plot 7 Jasmine (3 bed bungalow))
Drawing number 812-211B (Plot 18 Jasmine (3 bed bungalow))
Drawing number 812-212B (Plots 13 & 27 Camelia (2 bed bungalow))
Drawing number 812-213B (Plot 19 Chamomile (2 bed bungalow))
Drawing number 812-214B (Plot 16 Juniper (4 bed bungalow))
Drawing number 812-215B (Plot 21 Orchid (3 bed bungalow))
Drawing number 812-216B (Plot 10 Jasmine (3 bed bungalow))
Drawing number 812-217A (Single Garage)
Drawing number 812-218A (Double Garage)
Drawing number 812-219B (Plots 4 & 11 Lily (2 bed bungalow))
Drawing number 812-220A (Plots 14 & 15, 25 & 26 Jasmine (3 bed bungalow))

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

3. The development shall not be occupied until such time as car parking and turning area has been provided in accordance with approved drawing 812-200 G. These facilities 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.

4. The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018.

Reason - To preserve and enhance the biodiversity of the site.

5. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, 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." The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018.

Reason - In the interest of visual amenity, the design quality of the development and biodiversity gain.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing which have been submitted to and approved in writing by the Local Planning Authority under condition 5 above, 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 - In the interest of visual amenity, the design quality of the development and biodiversity gain.

7. No above ground level works shall take place until precise details of the provision, siting, design and materials of all screen walls and 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. The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018.

Reason – To ensure that the development is appropriate within its setting in the interests of visual amenity and biodiversity gain.

8. 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), there shall be no provision of fences, walls or means of other enclosures erected forward of the dwellings.

Reason - In the interests of visual amenity and the design quality of the development.

9. Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works prior to the occupation of the hereby approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site.

10. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason - To ensure lighting is sensitively designed and minimises light spillage in order to preserve and enhance the biodiversity of the site.

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. No development shall take place before a Demolition/Construction Management Plan for the construction of the development hereby approved has been submitted to and approved in writing by, the Local Planning Authority. 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 to prevent the deposition of mud or other debris onto the highway network/public areas. The method statement shall also include details of safe access to/from the site, the parking and turning of vehicles of site operatives and visitors, loading and unloading of plant and materials, delivery and construction working hours, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials, the erection and maintenance of security hoarding, and a scheme for recycling/disposing of waste resulting from construction.

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.

13. 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.

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

- If following further infiltration testing this is found to be unviable, discharge rates should be limited to the 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;

- Provide sufficient storage to ensure no off-site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level treatment for all run-off leaving the site, in line with the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, finished floor levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; to provide mitigation of any environmental harm which may be caused to the local water environment; and failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

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

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

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

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

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

18. 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.

19. Prior to any above ground works details of all refuse/recycling storage and collection points required to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

20. The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that it would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason – To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

21. Prior to commencement or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason – To promote and encourage the recruitment of employees and other staff in the locality of the application site.

22. Prior to the commencement of any work a full method statement in respect of piling works shall be submitted to and approved in writing by the Local Planning Authority, 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.

Reason - In the interests of residential amenity.

23. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A, 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 dwellings 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 – Given the specialist nature of the dwellings and having regard to the size of the approved plots.

Informatives

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.

Highways Specific

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 developers 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.

The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Residential Travel Information Packs.

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

As 'Secured by Design' is referenced within the Design & Access Statement, Essex Police is able to support the applicant to achieve appropriate consideration of the requirements and is invited to contact Essex Police via designingoutcrime@essex.pnn.police.uk

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:

- Restrictions on Occupation
- Affordable Housing
- Public Open Space
- RAMS

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.

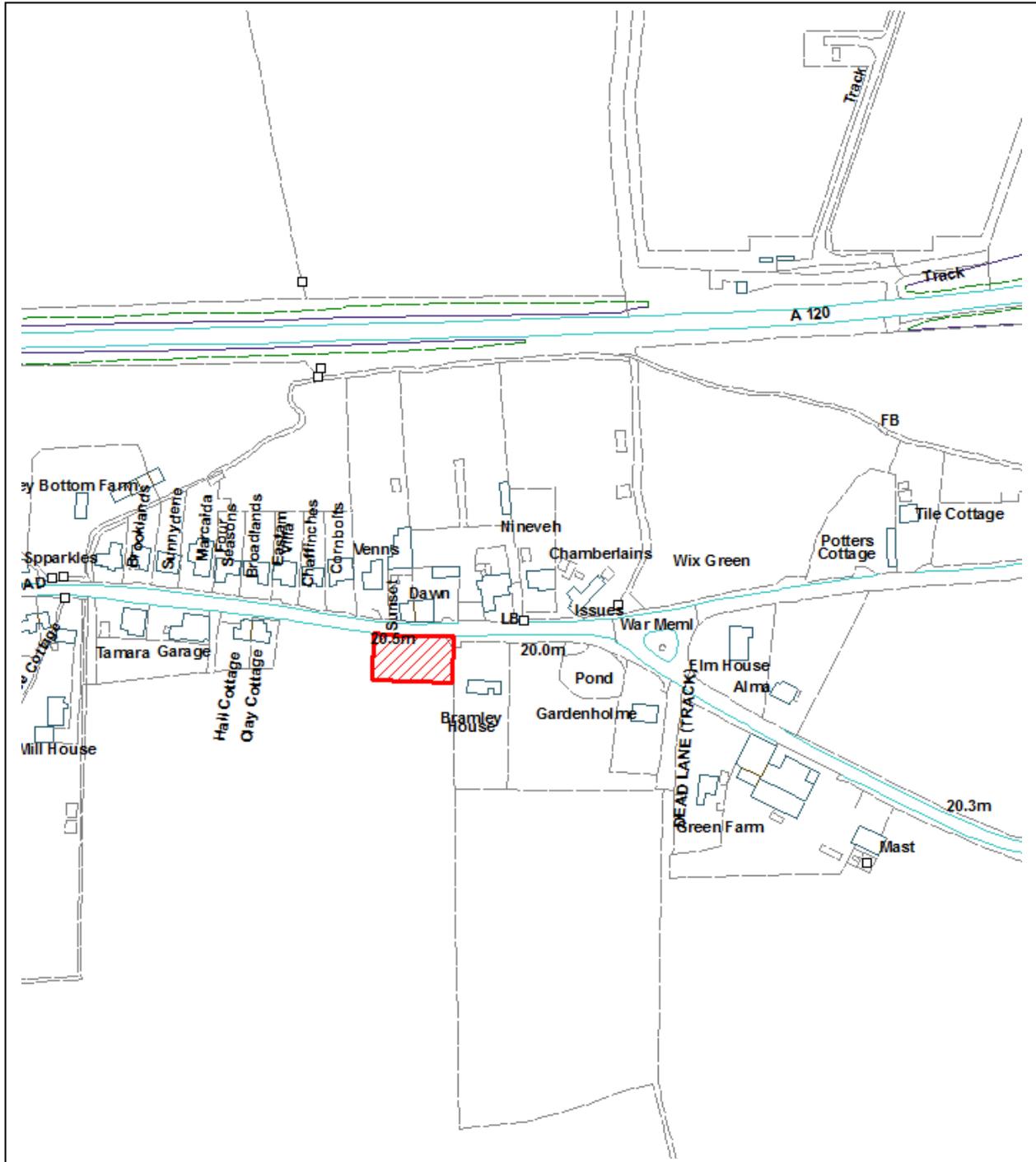
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PLANNING COMMITTEE

28 AUGUST 2019

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 19/00685/FUL – LAND AT HARWICH ROAD, WIX, CO11 2SA



DO NOT SCALE

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Application: 19/00685/FUL

Town / Parish: Wix Parish Council

Applicant: Mr Steve Harmer

Address: Land at Harwich Road, Wix, CO11 2SA

Development: Proposed construction of two pairs of semi-detached dwellings

1. Executive Summary

- 1.1 Councillor M Bush has called for the application to be determined by Planning Committee due to Wix having a limited range of services, the four dwellings would negatively impact upon the street scene, the impacts to neighbouring properties through loss of privacy and loss of light, and the future road flooding risks.
- 1.2 The application site is located outside the settlement development boundary of Wix in the saved Tendring District Local Plan (2007) but within in the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principle of residential development is therefore acceptable in this location.
- 1.3 The proposed design and layout of the dwellings is considered to be acceptable within this location, and will also not harm the setting of the nearby Grade II Listed Building. Following the submission of amended plans, it has been demonstrated there is sufficient private amenity space provision.
- 1.4 The Council's Historic Environment consultant has no objections to the scheme, while subject to conditions Essex Highways Authority also do not object.

Recommendation:

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

- a) **Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):**
 - **Financial Contribution towards RAMS and Open Space**
- b) Subject to the conditions stated in section 8.2
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

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

Tendring District Local Plan 2007

EN1 Landscape Character
EN6A Protected Species
EN11A Protection of International Sites: European Sites and RAMSAR Sites
EN23 Development Within the Proximity of a Listed Building
HG1 Housing Provision
HG9 Private Amenity Space
HG14 Side Isolation
QL1 Spatial Strategy
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility
HP5 Open Space, Sports & Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL9 Listed Buildings
SP1 Presumption in Favour of Sustainable Development
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design

Status of the Local Plan

- 2.2 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.4 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

17/00958/FUL	Erection of 2 No. 3 bed detached dwellings and 2 No. 2 bed semi-detached dwellings.	Approved	04.08.2017
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4. Consultations

ECC Highways Dept

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

1. Prior to the proposed accesses being brought into use, minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of each access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1.

2. Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1.

3. No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m 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.

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 to ensure accordance with policy DM1.

5. Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority made available to all dwellings, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1.

6. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

7. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

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

8. All single garages should have a minimum internal measurement of 7m x 3m.
And all double garages should have a minimum internal measurement of 7m x 5.5m.

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

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 and Policy DM 1.

10. 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.

11. 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, free of charge.

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.

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: 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: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding . Alternatively you can email any queries to Essex County Council via

watercourse.regulation@essex.gov.uk .

Informative 3: 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.

Essex County Council Heritage

I have no objection to this application.

I encourage conditions attached to any approved application to ensure the quality of the built form does not detract from the wider setting of the Grade II listed White Hart Inn. I recommend conditions are attached pertaining to the requirement for samples of materials.

5. Representations

5.1 Wix Parish Council object to the application for the following reasons:

- Removal of trees;
- The close proximity of the development to neighbours opposite;
- Existing flood/drainage issues; and
- Parking is not appropriate

5.2 There has been 1 letter of objection received, with their comments summarised below:

- Development is located too close to the properties opposite, 'Dawn' and 'Sunset', resulting in a loss of light;
- Views from the new dwellings will look into habitable rooms of these existing dwellings, resulting in a loss of privacy;
- Development will result in damage to neighbouring properties;
- Development will increase the flow of rainwater, increasing flooding risks for existing properties; and
- Trees were previously removed from the site.

6. Assessment

Site Context

6.1 The application site is located on the southern side of Harwich Road within the parish of Wix. The site is currently open and comprises of rough grassland. There are residential properties located to the north, east and west of the site. Directly adjacent to the site to the west includes a number of dwellings under construction following the granting of planning permission 17/00958/FUL. To the north-east is White Hart Inn, a Grade II Listed Building.

6.2 The site is outside of a recognised Settlement Development Boundary within the Saved Tendring District Local Plan (2007), but falls within the Settlement Development Boundary for Wix within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Site History

6.3 Under planning reference 17/00958/FUL, planning permission was granted for the erection of four dwellings adjacent to the west of the application site. These dwellings comprised of

2 x 2 bed semi-detached and 2 x 3 bed detached dwellings, and are currently under construction at the time of the site visit.

Description of Proposal

- 6.4 This planning application proposes the erection of two pairs of semi-detached dwellings, resulting in a total of four dwellings. All dwellings are to be two storeys, with three being served by three bedrooms and one by two bedrooms. Each dwelling will have a separate garage, with a parking bay in front.
- 6.5 The dwellings are proposed to be constructed in a rural blend facing brick with brown redland pantiles to the roof.
- 6.6 The south facing rear facing boundary will consist of 1m high post and rail fencing with native species hedgerow planting on its inside, while the eastern and western boundaries will be enclosed with 1.8m high close boarded fence.

Principle of Development

- 6.7 The application site is located outside the settlement development boundary of Wix in the saved Tendring District Local Plan (2007) but within in the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.8 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies.
- 6.9 The inclusion of the site within the SDB of the emerging plan represents a significant material planning consideration and demonstrates that it is the Council's intention going forward to release this land for residential purposes. Consequently the principle of residential development on the site is considered acceptable and sustainable.

Visual Impacts

- 6.10 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).
- 6.11 The character of the surrounding area sees development to the north, east and west. The proposal would therefore represent an infill development and as such the site does not form part of open countryside. The development of the site with four properties would relate appropriately to the character of the area and would reflect the linear form of development running west to east along this section of Harwich Road.
- 6.12 The predominant character of the area is one of detached and semi-detached properties sited in close proximity to one another on relatively narrow plots. Against this background and given the character of the development around the site the proposed layout would not be unacceptable. A good degree of spacing is retained between the two building elements and with the addition of soft landscaping to the site frontage the proposal would sit comfortably within its surroundings.

- 6.13 The traditional pitched roof design of the dwellings is acceptable in this area comprising of a mix of property designs, materials and styles. The use of entrance canopies and detailing above and below the windows provides some detailing to enhance the development. The height, proportions and design of the properties would be of a similar nature to the adjacent development recently approved to the west, and will therefore sit comfortably in this location.
- 6.14 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms there should be a minimum of 75sqm and for dwellings in with three bedrooms or more there should be a minimum of 100sqm. The submitted plans initially showed that each dwelling was to be three bedrooms and served far below the minimum above standards.
- 6.15 Following discussions with Officers, amended plans have been provided that has reduced the number of bedrooms for Plot 2 to two. The plans also demonstrate there will now be 99sqm for Plot 1, 67sqm for Plot 2, 100sqm for Plot 3 and 99sqm for Plot 4. While the amenity space for Plot 2 is slightly below the above standards, it is only by a marginal amount. Given this and that the remaining plots all meet the standards, Officers consider that this slight reduction in amenity space is, on balance acceptable.

Impact to Neighbouring Amenities

- 6.16 Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.17 The submitted plans show a separation distance of 5 metres to the adjacent neighbouring property to the west, and 15 metres to the adjacent property to the south-east. This level of distance ensures the dwellings will not appear significantly imposing or result in significant loss of light. In terms of potential overlooking, the only first floor side elevation windows serve an en-suite, while the rear elevation first floor windows will not have views to the main habitable areas of adjacent private gardens.
- 6.18 An objection has been received relating to the impacts to the neighbouring properties to the north, known as 'Dawn' and 'Sunset'. The specific issues raised are the development will result in direct overlooking into main habitable rooms of these properties, and that there is not sufficient separation distances. However there is a separation distance of approximately 11 metres, while it is noted the habitable rooms being referred to as overlooked are to the front elevation. This front elevation faces directly on to the public realm and therefore cannot be considered as private, and the proposed development will not alter this existing arrangement.
- 6.19 Further concerns were raised in that the proposal would equate to a loss of light to these two properties. Given that the sun rises from the east and sets to the west, the properties being located to the north will mean a degree of light will be lost. However, given the separation distance and that both properties ground floor front elevation windows are also served by secondary side elevation windows, the level of light lost is not considered to be significant enough to warrant Officers recommending a reason for refusal.

Impact to Setting of a Listed Building

- 6.20 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.

- 6.21 The application site is located adjacent to the south-west of White Hart Inn, which is a Grade II Listed Building. However there is an approximate separation distance of 10 metres, and main views to the building will remain unaltered. Accordingly the Council's Historic Environment consultant has raised no objections.

Highways Impacts

- 6.22 Essex Highways Authority have stated they have no objections subject to conditions relating to visibility splays, the width of the access, the use of no unbound materials, no discharge of surface water, a vehicular turning facility, any new boundary planting being sited 1 metre from the highway, and the submission of a Construction Method Statement. These are recommended as conditions.
- 6.23 Two additional conditions relating to cycle parking provision and the submission of a residential travel information pack were requested, however as the site is a minor scheme and is of a sufficient size to accommodate bicycles, these conditions are not considered reasonable to include on this occasion.
- 6.24 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The indicative layout supplied shows there is sufficient space to accommodate this within any future detailed application.

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 -0.56 hectares of equipped play in Wix. There is one play area in Wix which is located off Harwich Road. Also at this site is Wix Recreation Ground which is used by local football teams. Due to the limited provision in Wix, a contribution towards additional facilities is justified and relevant to this application, and would be spent at the nearest play area to the development to provide additional equipment.
- 6.27 A unilateral undertaking is being prepared to secure this legal obligation and to ensure compliance with saved policy COM6.

Habitat Regulations 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. There is therefore 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 In summary, the application site falls within the Settlement Development Boundary of Wix within the Emerging Local Plan, thereby ensuring the principle of development is acceptable. The submitted design and layout is considered to be acceptable within the surrounding area, while following the submission of amended plans it has been demonstrated there is sufficient private amenity space. While concerns have been raised with regards to the impact to the amenities of surrounding neighbouring properties, it has been identified that the harm is not sufficient enough for Officers to warrant recommending a reason for refusal. The Council’s Historic Environment consultant and Essex Highways Authority have not objected to the scheme, while a legal agreement is being prepared to cover Open Space and RAMS contributions. 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 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 per dwelling.
Financial contribution towards Open Space.	Financial Contribution for Open Space towards improving and upgrading the current facilities in Wix.

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 plans, drawing numbers 17-2005/LP-01, 17.2005/SL-01 Revision A, 17.2005/HT01-01, 17.2005/HT01-02 dated 3 April 2019, 17.2005/HT01-01 dated 22 July 2019, 17.2005/HT02-01, 17.2005/GAR-01, 17.2005/GAR-02, 17.2005/SE-01 Revision A, 17.2005/SH-01 Revision A, 17.2005/SP-03 Revision A, 17.2005/ML-01 Revision A, 17.2005/BT-01 Revision A, 17.2005/TP-01 Revision A

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

- 3 Prior to the proposed accesses being brought into use, minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of each access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason - To ensure adequate inter-visibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

- 4 Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

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

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

Reason - To ensure that loose materials are not brought out 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 commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority made available to all dwellings, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason - To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

- 8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason - To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

- 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 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), no provision of fences, walls or other enclosures, shall be erected on the southern and eastern boundaries of the site except in accordance with drawings approved as part of this application or through the submission of drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

Reason - In the interests of visual amenity and to preserve the character of the surrounding area.

8.3 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.

Highways Informatives

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.

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

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.

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.

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.

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