



## PLANNING COMMITTEE

**DATE:** Tuesday 10 March 2020  
**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](http://www.tendringdc.gov.uk). Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

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

For further details and general enquiries about this meeting, contact Katie Sullivan or Ian Ford on 01255686585 or 01255686584

DATE OF PUBLICATION: FRIDAY 28 FEBRUARY 2020

## 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 - 20)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 12 February 2020.

### **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 38**

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 - 19/01475/DETAIL - Land East of Bromley Road, Lawford, CO11 2HS (Pages 21 - 48)**

Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.

### **6 A.2 - Planning Application - 20/00019/FUL - 85 Salisbury Road, Holland-on-Sea, CO15 5LS (Pages 49 - 64)**

Proposed 3 bedroom bungalow to land to the side of 85 Salisbury Road.

### **7 A.3 - Planning Application - 19/01910/LBC - Tendring District Council, Clacton Town Hall, Station Road, Clacton-on-Sea, CO15 1SE (Pages 65 - 74)**

Restoration of Committee Room and associated works following the removal of a number of partition walls and the removal of false ceilings and associated works under previous approved application number 18/01498/LBC.

## MEETING OVERRUN DATE

In the event that all business is not concluded, the meeting will reconvene on **Wednesday 11 March 2020, 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, 7 April 2020.*

# 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](mailto:planningservices@tendringdc.gov.uk) Web: [www.tendringdc.gov.uk](http://www.tendringdc.gov.uk)

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

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



**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY 12 FEBRUARY 2020 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Harris, McWilliams and Placey
<b>Also Present:</b>	Councillors Broderick (except Minutes 90 - 91), G V Guglielmi, V E Guglielmi, King (except Minutes 90 - 91), Miles (except Minutes 89 - 91), Turner (except Minutes 89 - 91) and Winfield (except Minutes 90 – 91)
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Graham Nourse (Planning Manager), Trevor Faulkner (Temporary Planning Team Leader), Amy Lang (Planning Officer) and Katie Sullivan (Committee Services Officer)

**82. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

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

**83. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Tuesday 14 January 2020, were approved as a correct record and signed by the Chairman.

**84. DECLARATIONS OF INTEREST**

Councillor Bray declared for the public record in regards to Planning Applications 19/01116/FUL and 19/00981/FUL that he was also a Frinton and Walton Town Councillor, however, he stated that he had not been involved in discussions on the applications at the Town Council and therefore he was not pre-determined.

Councillor White declared for the public record in regards to Planning Applications 18/01779/FUL and 19/00610/FUL that he was one of the local Ward Councillors and that he was also a St Osyth Parish Councillor, however, he stated that he had not been involved in discussions on the applications at the Parish Council and therefore he was not pre-determined.

**85. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38**

There were no questions on notice on this occasion.

**86. A.1 - PLANNING APPLICATION - 18/01779/FUL - 700 ST JOHNS ROAD & ST JOHNS NURSERY SITE, EARLS HALL DRIVE, CLACTON-ON-SEA, CO16 8BJ**

Councillor White had earlier declared for the public record in regards to Planning Application 18/01779/FUL that he was one of the local Ward Councillors and that he was also a St Osyth Parish Councillor, however, he had stated that he had not been involved in discussions on the applications at the Parish Council and that therefore he was not pre-determined.

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 had been circulated to the Committee prior to the meeting with details of an updated consultee response received from Tendring District Council's Housing Department.

Ray Crosier, a local resident, spoke against the application.

Parish Councillor Sonia Grantham, representing St Osyth Parish Council, spoke against the application.

Michael Robinson, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Bray 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:-

- Backland development out of character with the locality;
- Adverse Highway impact due to cumulative impact of development; and
- Adverse impact on amenity of existing and future residents.
- Together with the lack of a legal agreement to secure the required financial contributions as set out within paragraph 8.1 of the committee report.

**87. A.2 - PLANNING APPLICATION - 19/01116/FUL - LAND SITE OF FORMER MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP**

Councillor Bray had earlier declared for the public record in regards to Planning Application 19/01116/FUL that he was also a Frinton and Walton Town Councillor, however, he had stated that he had not been involved in discussions on the applications at the Town Council and that therefore he was not pre-determined.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Miles, the local Ward Member.

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 Temporary Planning Team Leader (TF) in respect of the application.

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

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

Aaron Slevin, who was representing the applicant, spoke in support of the application.

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

- a) Within 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.
  - Affordable Housing Provision.
  - Viability Review Mechanism.
- b) The following conditions; and one additional condition to address foul water drainage.

#### 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 not be carried out except in complete accordance with the details shown on the following submitted plans:
  - Amended Site Location Plan drawing no. 40974/025
  - Amended Site Layout drawing no.40974/020G
  - Amended Plots 25-28 drawing no. 40974/035
  - Amended Plot type F113-F115-F113 drawing no. 40974/032
  - Amended Plot type F114-F115-F114 drawing no. 40974/013b
  - Amended Plot type F114-F114 drawing no. 40974/011a
  - Amended Plot type F113-F112 drawing no. 40974/010b
  - Amended Plot type F112-F112 drawing no. 40974/08b
  - Amended Plots 29-32 floor plans and elevations drawing no. 40974/005b
  - Amended presentation site layout drawing no. 40974/0024a
  - Amended street scenes drawing no. 40974/023a
  - Amended materials plan drawing no. 40974/022c
  - Amended F113-F114 render drawing no. 40974/034
  - Amended F114-F113 drawing no. 40974/033
  - Amended F114-F114 render drawing no. 40974/014b
  - Amended F113-F112 render drawing no. 40974/012b
  - Amended boundary treatment plan drawing no. 40974/021c
  - Amended F114-F114 hipped drawing no. 40974/031

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

- 3 Within 6 months of the commencement of the development hereby approved, a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels shall have been submitted to and approved in writing by the Local Planning Authority.

Reason - Insufficient information is submitted with the application for consideration of these details.

- 4 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 ensure the satisfactory implementation of the approved landscaping scheme.

- 5 No development, other than groundworks and construction of dwellings up to floor level, shall take place until full written details of the refuse facilities for the development have first been submitted to and approved in writing by the Local Planning Authority and such facilities shall be made available before first occupation of the residential area to which it relates.

Reason - Insufficient information is submitted with the application for consideration of these details.

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25,3 of the CIRIA SuDS Manual C753;
- Limited discharge rates to 5 l/s 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;
- Demonstrate that all storage features can half empty within 24 hours for the 1:100 plus 40% climate change critical storm event;
- Final modelling and calculations for all areas of the drainage system;

- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

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;
- 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.

- 7 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 to prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason – The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

- 8 Prior to occupation 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, shall be submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

- 9 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.

- 10 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Local Planning Authority.

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

Reason – The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated assets with archaeological interest.

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

Reason – The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated assets with archaeological interest.

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

Reason – The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated assets with archaeological interest.

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- 13 No development shall commence until a Phasing Plan and Programme for the application site has been submitted to and approved in writing by the Local Planning Authority. The document shall identify the physical extent of each proposed phase of development with reference to the approved layout and an indicative timescale for implementation of each phase.
- Reason - To ensure a satisfactory development programme in the interests of the occupiers of the development and in terms of local amenity and pedestrian safety.
- 14 No development, other than groundworks and construction of dwellings up to floor level, shall take place 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.
- 15 No development, other than groundworks and construction of dwellings up to floor level, shall take place until full written details of a scheme for the external lighting of the development have been submitted to and approved in writing by the Local Planning Authority. The agreed lighting shall be installed within the development before the first unit is occupied, unless otherwise agreed in writing by the Local Planning Authority.
- Reason - Insufficient information is submitted with the application for consideration of these details.
- 16 No development shall take place until precise details of the provision, siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.
- Reason - To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.
- 17 Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and in accordance with drawing number: 40974/020F
- Reason - To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.
- 18 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 20 As per an in principal with the proposed block plan the main access road shall be provided, but not be limited to, the following aspects;
- Carriageways measuring no less than 5.5m in width
  - 2x2m Footways on both sides of the access road
  - Appropriate pedestrian crossing facilities where appropriate.
  - All internal road junctions should be provided with 25m x 2.4m x 25m vehicular visibility splays.
  - Kerb radii measuring 6m.
  - Any other reasonable items to ensure the access is in accordance with current policy standards.

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

- 21 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

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.

- 22 Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and 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.

- 23 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.



- 24 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.

- 25 The finished lower ground floor of all dwellings shall be set no lower than 5.30m above Ordnance Datum (AOD).

Reason - In the interest of safety and resilience in the event of flooding.

- 26 Prior to occupation of the development, the Developer shall be responsible for the provision, to the first owner of each dwelling on the site, of a Residential Travel Information Pack for sustainable transport, approved by the Local Planning Authority, in consultation with Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason - To promote travel from the site by sustainable modes including public transport as an alternative to the private motor car.

- 27 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 include details of:

- i) the use of barriers to mitigate the impact of noisy operations;
- ii) parking of vehicles of site operatives and visitors;
- ii) the loading and unloading of plant and materials;
- ii) the proposed use of machinery and plant;
- iv) method for piling works;
- v) method for storing and removing waste from the site;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel and under-body washing facilities; and
- v) hours of construction and delivery

The development shall be carried out in accordance with the statement so approved.

Reason - To ensure that the development takes place in a satisfactory manner with regard to its impact on amenity and highways in the local area.

- 28 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 this 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.

- 29 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions to the dwellings or the roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – In the interests of residential and visual amenity.

- 30 No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy as approved.

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

#### 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.

##### S106 Informative

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

##### Conditions Informative

Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. A fee of £34 for householder applications and £116 for all other types of application will be required for each written request.

##### 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.

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](mailto:development.management@essexhighways.org) or by post to:

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

The area(s) directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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.

The Applicant should be advised to contact the Essex County Council travel plan team at [travelplanteam@essex.gov.uk](mailto:travelplanteam@essex.gov.uk) to confirm arrangements for the provision of the Residential Travel Information Packs.

#### Drainage Informatives

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](mailto: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.

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.

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 6066087.

Protection of existing assets – A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

Building near to a public sewer – No building will be permitted within the statutory easement width of 3 meters from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 6066087,

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact Anglian Water Development Services Team on 0345 6066087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with 'Sewers for Adoption Guide for Developers', as supplemented by Anglian Water's requirements.

#### Other Informatives

Essex Police provide a free impartial service to any applicant who wishes to incorporate Crime Prevention through Environmental Design and apply for the police preferred 'Secured by Design' accreditation. The applicant is invited to contact Essex Police via [designingoutcrime@essex.pnn.police.uk](mailto:designingoutcrime@essex.pnn.police.uk)

- 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 six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section106 planning obligation.

**88. A.3 - PLANNING APPLICATION - 19/00981/FUL - FORMER MARTELLO CARAVAN PARK, KIRBY ROAD, WALTON-ON-THE-NAZE, CO14 8QP**

Councillor Bray had earlier declared for the public record in regards to Planning Application 19/00981/FUL that he was also a Frinton and Walton Town Councillor, however, he had stated that he had not been involved in discussions on the applications at the Town Council and that therefore he was not pre-determined.

Members were aware that the application before them was for a proposed re-grading of earthworks and associated landscaping and fencing to the permitted open space consented under planning application 15/01714/FUL.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Turner.

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 Temporary Planning Team Leader (TF) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of three additional letters of objection.

Anna Brooke, a local resident, spoke against the application.

Councillor Turner, who had called in the application, spoke against it.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Placey and unanimously **RESOLVED** that consideration of this application be deferred in order to enable Planning Officers to ascertain the correct plans and the applicant's intentions.

**89. A.4 - PLANNING APPLICATION - 19/01427/FUL - FORMER PUBLIC CONVENIENCES, FRINTON ROAD, HOLLAND-ON-SEA, CO15 5DE**

It was reported that this application had been referred to the Planning Committee as the land was in the ownership of Tendring District Council.

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

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

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

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

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

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:- un-numbered floor plans/elevation received 14th October 2019 and 20<sup>th</sup> December 2019.

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

- 3 The use hereby approved shall only take place between the hours of 09:00 and 18:00 Monday to Saturday and 09:00 to 16:00 on Sundays and Bank Holidays.

Reason: In the interest of local amenity.

- 4 No soil ventilation pipes, air extraction pipes, extractor/mechanical units boiler flues or ducting shall be installed without the proposed details having first been submitted to and approved in writing by the local planning authority.

Reason: In the interest of local amenity.

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

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

#### Informatives

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

#### **90. A.5 - PLANNING APPLICATION - 19/00610/FUL - LAND AT OAKMEAD ROAD, ST OSYTH, CO16 8NW**

Councillor White had earlier declared for the public record in regards to Planning Application 19/00610/FUL that he was one of the local Ward Councillors and that he was also a St Osyth Parish Councillor, however, he had stated that he had not been involved in discussions on the applications at the Parish Council and that therefore he was not pre-determined.

It was reported that this application had followed on from outline application 16/01611/OUT which had been approved by the Committee at its meeting held on 29 March 2017. At that time, Members had requested that any detailed application be brought to the Committee for determination. The application had originally been submitted as a reserved matters application but due to the reduction in the number of dwellings from the five approved at outline to the four now proposed, the application had

had to be dealt with as a full planning application. Although the application type was different, the application was before Members in order to satisfy their previous request that the Committee considered the detailed design of the development.

Members recalled that outline application 16/01611/OUT had been approved by Members subject to 15 conditions, including the requirement for the submission of some particulars concurrently with the reserved matters application. Those being; an ecological management scheme and mitigation plan (condition 12), a surface water drainage strategy (condition 14) and a foul water drainage strategy (condition 15). Conditions 14 and 15 had been added by Members in addition to those recommended by officers. Members were informed that as the application had been originally submitted as a reserved matters application, all the information to accord with the conditions imposed on the outline permission accompanied the application before them.

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

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

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

#### Conditions

- 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 No. 835/10 E, Drawing 835/11 B, Drawing No. 835/12 A, Drawing No. 835/13 A and Drawing No. 01-19.19.001 - B, Drawing No. 01-19.19.002 - B, Drawing No. 01-19.19.003 – B received 2<sup>nd</sup> December 2019.

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

- 3 All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping Drawing No. 835/13 A 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 ensure the adequate maintenance of the approved landscaping scheme for a period of five years in the interests of the character of the surrounding area.

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

Reason - The site is publicly visible and therefore quality materials are an essential requirement and insufficient information has been submitted within the application for full consideration of these details.

- 5 The approved screen walls and fences shown on approved Drawing No. 835/13 A shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory development of the site in the interests of visual and residential amenity.

- 6 Prior to the occupation of the development, the communal bin/refuse collection point shown on approved Drawing No. 835/10 E shall be provided and thereafter retained in the approved form.

Reason - To minimise the time spent by refuse collection vehicles parked within the highway so as to avoid congestion and inconvenience to users of the highway.

- 7 The removal of any vegetation 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.

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

Reason - In the interests of sustainable development and to ensure that run-off water is avoided to minimise the risk of surface water flooding.

- 9 The approved Construction Method Statement reference 835 Method Statement 11/19 received on 2nd December 2019 shall be adhered to throughout the construction period.

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

- 10 The development shall be carried out in strict accordance with Recommendation and Conclusions of Geosphere Environmental Ltd (2016) Preliminary Ecological



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Appraisal report ref. 2198,EC/PEA/LS,KL/11-01-16/V1 Dated 11th January 2017, amended Ecological Management Scheme 3651,EC/LTR001/LT,RF,KL/06-11-19/V3 Dated 6<sup>th</sup> November 2019 and Ecological Management Scheme Drawing ref. 3651,EC/001/Rev 2 Dated 5<sup>th</sup> November 2019.

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

- 11 No means of external lighting shall be installed until details of an illumination scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason - In the interests of biodiversity and prevent the undesirable, disruptive and disturbing effects of light pollution.

- 12 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than those shown on approved Drawing No. 835/13 A, no provision of fences, walls or other enclosures, shall be erected on the perimeter of the site or forward of the dwellings hereby approved except in accordance with 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 semi-rural character of the surrounding area.

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

Reason - It is necessary for the local planning authority to be able to consider and control further development in order to ensure that landscape harm does not result in this edge of settlement location and to ensure that no harm to neighbouring amenities will occur.

- 14 Prior to the occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 17 metres in both directions as measured from and along the nearside edge of the carriageway in accordance with approved Drawing No. 835/10 E. Such vehicular visibility splays shall be retained free of any obstruction at all times in perpetuity.

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

- 15 Prior to first occupation of the development the vehicular turning facility shown on the approved Drawing No. 835/10 E shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

- 16 Prior to the first occupation of the development, the existing access gates shall be repositioned in accordance with approved Drawing No. 835/10 E retaining a minimum set back from the back edge of the footway of 6 metres and shall be inward opening only. The gates shall be retained in this approved form unless otherwise agreed in writing by the Local Planning Authority.

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

- 17 Prior to first occupation of the development, the vehicle parking shown on approved Drawing no. 835/10 E shall be constructed, surfaced and made available in accordance with the EPOA Parking Standards and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided for each dwelling.

- 18 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.

### 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 Agent, 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 - 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.

#### Highways Informatives

Informative 1: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: 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 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.

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

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

Informative 4: Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway to ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety.

**91. A.6 - PLANNING APPLICATION - 19/01667/FUL - LAND TO THE WEST OF 45 HARWICH ROAD, LAWFORD, MANNINGTREE, CO11 2LS**

It was reported that this application had been referred to the Planning Committee at the request of Councillors G V Guglielmi, V E Guglielmi and Coley, the local Ward Members.

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

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

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

- (1) an amendment to Paragraph 6.21 in the Officer's report;
- (2) further comment and suggested conditions received from Essex County Council Highway Authority in response to the amended site area plan;
- (3) objections received from Lawford Parish Council; and
- (4) two additional representations received from local residents in support of the development.

Bill Marshall, a resident of the District, spoke in support of the application.

Anne Day, a local resident, spoke against the application.

Councillor V E Guglielmi, a local Ward Member, spoke against the application.

Philip Morphy, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Bray 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:

- Overdevelopment of the site; and
- Out of character.
- Together with the lack of a legal agreement to secure the required financial contributions as set out within paragraph 8.1 of the committee report if not received within 6 months.

The meeting was declared closed at 9.50 pm

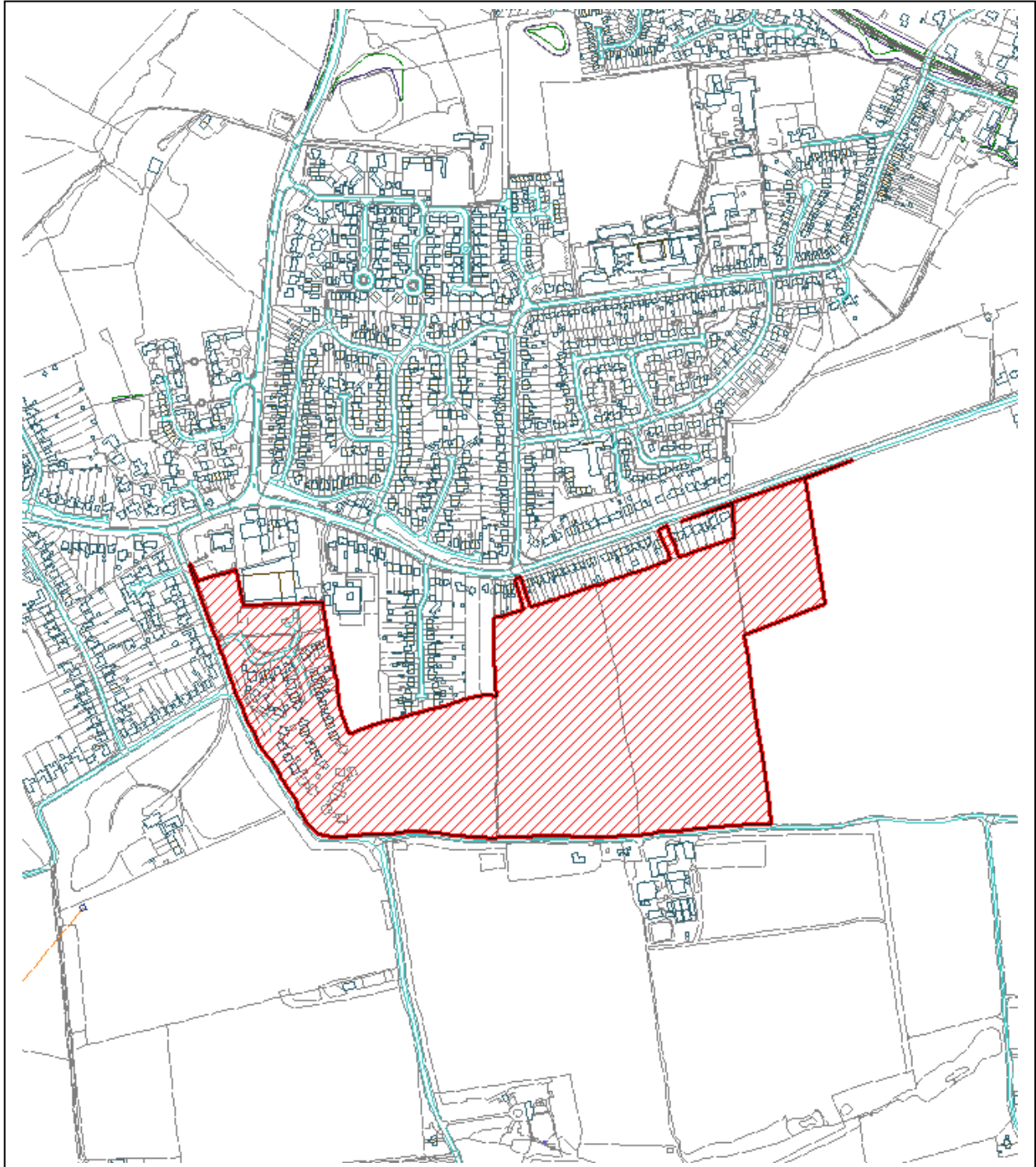
**Chairman**

## PLANNING COMMITTEE

10 March 2020

### REPORT OF THE HEAD OF PLANNING

#### **A.1 PLANNING APPLICATION – 19/01475/DETAIL – LAND EAST OF BROMLEY ROAD LAWFORD CO11 2HS**



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**Application:** 19/01475/DETAIL

**Town / Parish:** Lawford Parish Council

**Applicant:** Mr Steven Rose

**Address:** Land East of Bromley Road Lawford CO11 2HS

**Development:** Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 2 of outline permission (15/00876/OUT) including 140 dwellings, associated hardstanding, boundary treatments, landscaping and drainage.

## 1. **Executive Summary**

- 1.1 Outline planning permission (all matters apart from access - reserved) was granted on 13th April 2017 for a mixed development of 360 houses and community facilities/open space on 22.76ha of land to the south of Lawford, under 15/00876/OUT. The current submission relates to phase 2 of the development, and is for the outstanding reserved matters.
- 1.2 In accordance with Members' request, the current submission has been brought to Planning Committee seeking consent with regard to the reserved matters of landscaping, layout and scale for Phase 2.
- 1.3 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the emerging Local Plan. The principle of residential development has been accepted by the granting of outline planning permission, which also established the position of the access.
- 1.4 The site – being the middle third of the outline permission - is accessed from Bromley Road with the community building, car-park and open space to the north of the estate road, and the 140 dwellings to the south. The scheme retains the substantial hedge to the Bromley Road and Dead Lane boundaries, and the mature tree on the eastern boundary.
- 1.5 The detailed plans comply with the outline requirements, and the usual design parameters (garden sizes, distance between dwellings and level of parking) and the reserved matters are considered acceptable with no material harm to visual or residential amenity, or highway safety.
- 1.6 A legal agreement is required for this application to secure a financial contribution towards Essex Coast Recreational Disturbance and Avoidance and Mitigation Strategy (RAMS).

### **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 of £122.30 per new dwelling 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**

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

NPPF National Planning Policy Framework 2019

National Planning Practice Guidance

Tendring District Local Plan 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 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM2 Community Safety

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM6 Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution

COM23 General Pollution

COM26 Contributions to Education Provision

COM29 Utilities

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN2 Local Green Gaps

EN4 Protection of the Best and Most Versatile Agricultural Land

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN12 Design and Access Statements

EN13 Sustainable Drainage Systems

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

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

SP5 Infrastructure & Connectivity

SP6 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries



- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- HP3 Green Infrastructure
- HP4 Safeguarded Local Greenspace
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL6 Strategic Green Gaps
- PPL7 Archaeology
- PPL9 Listed Buildings
- 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)

**Status of the Local Plan**

- 2.2 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.

2.3 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.

2.5 In relation to housing supply:

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

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

15/30021/PREAPP	Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings).	06.02.2015
15/00876/OUT	The erection of 360 houses (including Lawford Enterprise Trust Housing), with	Approved 13.04.2017

associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.

17/01527/DETAIL	Reserved matters application with details of appearance, landscaping, layout and scale pursuant to Phase 1 of outline permission (15/00876/OUT) including 120 dwellings, community building with parking, junior camping field, village green, structural landscaping and playground.	Approved	14.03.2018
18/00304/DISCON	Discharge of conditions 3 (Masterplan), 7 (Construction Management Plan), 12 (Surface Water Drainage Scheme), 13 (Foul Water Strategy), 14 (Hard and Soft Landscaping), 16 (Ecological and Management Plan), 17 (Tree Protection Measures), 19 (Refuse/Storage points, Dwelling External Materials), 20 (construction Management Statement), 21 (Broadband Connection) and 23 (Water, Energy and Resource Efficiency Measures) of approved planning application 15/00876/OUT.	Approved	30.10.2018
18/00750/DISCON	Discharge of conditions 18 (Archaeology), 22 (Local Recruitment Strategy), 24 (Contamination) of approved planning application 15/00876/OUT.	Approved	02.07.2018
18/01094/DISCON	Discharge of Condition 19 (street lighting) of 15/00876/OUT.	Approved	17.08.2018
18/01548/DISCON	Discharge of condition 7) Construction Management Plan - to approved Planning Application 15/00876/OUT.	Approved	11.02.2019
19/00211/FUL	Re-location of approved electrical substation (retrospective) and parking spaces.	Approved	07.06.2019
19/00274/DISCON	Discharge of Condition 18C (Archaeological Excavation Report) of application 15/00876/OUT.	Approved	28.03.2019
19/00900/DISCON	Discharge of Condition 14 (Landscaping) of application 15/00876/OUT.	Approved	12.07.2019

#### 4. Consultations

Lawford Parish Council

No objections.

ECC Highways Dept

Provide the following comments;

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

**1** Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with amended Drawing Numbers:

- **981s ph2.I.004 rev b Amended block plan.**
- **981s ph2.I.003 rev a Amended site layout plan**

**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 DM1.

**Note:** It has been agreed that for Plots 159-171 and 167/171 a 0.5m no-build zone will be provided adjacent to the shared surface.

**2** Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6.

**3** The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. 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 and in accordance with Policy DM 1 and 8.

**4.** Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and 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.

**5.** All single garages should be constructed in

accordance with drwg. no. **981s ph2.I.003 rev a**. All double garages should be constructed in accordance with drwg. no. **981s ph2.I.003 rev a**

**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.

**6.** 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.

**7.** 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.

**8.** 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 DM1.

**9.** The public's rights and ease of passage over public footpath no. 12 (Lawford) shall be maintained free and unobstructed at all times until such time as the diversion referred below has been completed.

**Reason:** To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11.

**10.** No development shall be permitted to commence on site until such time as an Order securing the diversion

of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the continued safe passage of pedestrians on the public right of way and accessibility in accordance with Policies DM1 and DM11.

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:** Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

**Informative 2:** The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised 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 footpath no.12 (Lawford) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant 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.

**Informative 3:** The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage

to underground services.

**Informative 4:** 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.

Natural England

No objection – subject to appropriate mitigation being secured via condition/legal agreement.

Tree & Landscape Officer

Provide the following comments.

The information submitted by the applicant comprises a drawing entitled Landscape Masterplan and includes a planting palette showing a selection of plants to be incorporated into the soft landscaping scheme.

In terms of the impact of the development on the local landscape character the Design and Access Statement submitted with the application makes reference, in section 3.6, to the Landscape and Visual Assessment (LVIA) submitted at the outline stage of development. The LVIA has influenced the layout of the site which has been designed to minimise its impact on the local landscape character. The layout makes provision for appropriate mitigation planting to be carried out

With regard to new planting section 6.3 of the Design and Access Statement refers to accompanying landscape drawing and Appendix A2-12 the document makes reference to Condition 14 which requires the provision of soft landscaping details and states that a scheme has been submitted.

However it would appear that detailed drawings showing soft landscaping have not been submitted in support of this application.

Whilst in principle the information shown on the Landscape Masterplan is acceptable and provides an indication of the framework planting it does not contain sufficient information to enable the reserved matter relating to soft landscaping to be dealt with.

In order to enable the reserved matters relating to soft landscaping to be approved the applicant will need to provide detailed soft landscaping proposals.

UU Open Spaces

Provide the following comments.

Open Spaces don't have any comments to make on the design and layout of the open space as the future maintenance will be taken care of by a management company.

Housing Services

Advise that the affordable homes on this site will be transferred to the Lawford Enterprise Housing Trust and this proposal is supported by Housing Services.

Anglian Water Services Ltd

Anglian Water has 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.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated.

Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Used Water Network

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 13 of outline planning application 15/00876/OUT, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England



includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the applicant's submitted surface water drainage information and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Building Control and Access Officer

No comments at this time.

Environmental Protection

No comments.

Essex Police

Advise that the applicant and Essex Police are currently involved in constructive pre-application consultation and Essex Police is content the ethos of Crime Prevention Through Environmental Design (CPTED) is being addressed in relation to this site.

Babergh District Council

Babergh DC have no objection to the details for the reasons as set out in our response to the Phase 1 proposals (email 14th November 2017).

## 5. **Representations**

5.1 No neighbour objections received.

## 6. **Assessment**

### Site Context

6.1 The site is located at the southern edge of Lawford village between Dead Lane to the south and Long Road to the north and extends to a total of 6.3 hectares (ha) (15.5 acres). The site is flat and comprises open arable farmland with associated field boundaries that are marked by hedgerows and boundary trees.

- 6.2 North of the site is located Venture Centre, a 2-storey detached community building and car park. There is also Heart's Delight Home & Garden Centre and Lawford C of E Primary School. The boundary of these three neighbours and the application site is marked by a wire link fence, post and rail fence and hedgerow.
- 6.3 Milton Road is a cul-de-sac of approximately 33 houses. The end of the cul-de-sac terminates at the site boundary. The Milton Road dwellings are generally two-storey, semi-detached houses finished in brick with some smooth render use and concrete roof tiles. The styling of these houses is typical of the 1960s/70s. Front areas are mainly used for frontage car parking, although some have front gardens instead.
- 6.4 East of the site are additional agricultural fields that have been granted outline residential planning permission, known as the "City and Country" site. The site is bounded by Bromley Road and Dead Lane to the south. There is a farmstead along Dead Lane, which now accommodates some commercial uses.
- 6.5 Lawford House, a Grade II Listed Building is sited in its grounds to the west of the site on the opposite side of Bromley Road. Planning permission has been granted for a number of new detached residential dwellings between Lawford House and Bromley Road, although construction has not started yet.
- 6.6 A public footpath (No. 12) crosses the Outline site, running from Long Road to Dead Lane and forms the western boundary of Phase 2. The site is located in the middle of the outline site.

Proposal

- 6.7 Outline planning permission was granted in April 2017 for 'The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground'.
- 6.8 This permission was made subject to conditions and a S106 Agreement.
- 6.9 Access was approved as part of the Outline, with appearance, landscaping, layout and scale forming the Reserved Matters.
- 6.10 Reserved Matters approval (ref: 17/01527/DETAIL) for Phase 1 was granted 14 March 2018 for 120 no. new homes, car park, community building and village green.
- 6.11 This is a Reserved Matters application for the second phase of the approved outline consent, and consists of 140 dwellings (14 affordable and play area). These vary in size from 2-bedroom to 5-bedroom homes. Most are 2-storey houses although there are 2 chalet bungalows proposed.

The mix of housing is as follows;

<b>House Size</b>	
2-bed	18
3-bed	73
4-bed	48
5-bed	1
Total	140

- 6.12 The dwellings are either double-fronted or orientated with the end gable wall facing the road and have a garage, car-port or parking spaces.
- 6.13 The affordable housing element (14 dwellings) required by the Section 106 agreement at the outline stage is to be provided on this Phase.
- 6.14 The proposal retains the well-established boundary hedges situated along the western and southern boundaries, which maintains the simple rural nature of the surroundings and the areas retained for wildlife purposes.
- 6.15 The application is supported by the following information:
- Planning application form (including completed ownership certificate)
  - Site Location Plan
  - Site Context Plan
  - Opportunities and Constraints Plan
  - Land Use Audit
  - Technical Reports

#### Principle of Development

- 6.16 The principle of development was established by the granting of the outline permission. Issues such as the impact on the village character, potential contamination, highway safety (with off-site improvement works to the roundabout) and ecology have already been assessed via the appeal, with the principle of development of the site being well established.
- 6.17 The current proposal reflects the outline scheme and the Phase 1 consent and is considered an efficient use of the site that will assist in achieving/maintaining a 5-year Housing Land Supply, and the N.P.P.F requirement to significantly boost the provision of housing land within the district.

#### Appearance

- 6.18 Paragraph 124 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.
- 6.19 The residential properties will be of a traditional design which reflects what has already been established through Phase 1.
- 6.20 The design includes many architectural features such as bargeboards, brick detailing, decorative architraves, pilasters, finials, brick plinths, string courses, stone gable vents, chimneys as well as quality materials.
- 6.21 The 'Grace' 2-bedroom units will be part of a small terrace with front gable features. The roof designs are hipped to the side, have relatively narrow fronts and includes detailing to its fenestration and brick splayed lintels which helps to provide some variety in the streetscene.
- 6.22 The 'Amber' is also a 2-bedroom house with a relatively wide frontage. Like the 'Grace' its roof design is also hipped.

- 6.23 The 'Barbier' is a 3-bedroom, semi-detached house, replete with a central, shared chimney stack which adds interest to the roofscape, whilst the architrave, fenestration, stone cills and splayed end header are considered to add further interest to the streetscene.
- 6.24 The 'Cornelia' is also 3-bedroom house and is used as either pairs of semi-detached houses or as short terraces of 4 homes. The 'Cornelia' has a large gable feature with a bargeboard and a finial. A car port is provided and allows 2 vehicles to be parked off-street.
- 6.25 The 'Damask' is a 3-bedroom, detached house. Through providing two active elevations, the 'Damask' is a corner-turning property with a wide frontage and a shallow return. In turn this allows a steep roof pitch to be revealed in the gable elevation. Phase 2 includes both single and double bay versions.
- 6.26 The 'Amelia' is a 3-bedroom house with an attractive front gable with a gable vent. A bedroom sits above a car port and the front door is flanked by an ornate, traditional architrave. The roofscape is enhanced with a chimney and finials.
- 6.27 The 'Rosemary' is a 3-bedroom house that comes as a pair of semi-detached properties. Large gables and projecting bays flank a large front canopy. Impressive chimneys project from the side elevation, meaning that it can sit well on corner plots.
- 6.28 The 'Albertine' is a 3-bedroom house and includes stone cills and lintels and a projecting pier to demark the boundary with the neighbouring plot.
- 6.29 The 'Alexander' is a 3-bedroom chalet bungalow. Its size and proportions set this house apart from others on the site, although a high level of detail remains. This detail is evident through the exposed rafter foot, chimney, dormer windows, weather-boarding and decorative porch.
- 6.30 The 'Charlotte' is a 4-bedroom, detached house and like the 'Damask' is also used on corner plots. It too has an active side elevation, using large windows and a chimney to provide interest to the side. The front elevation is distinctive with a front canopy, bay window and half-dormer. As on other house types, stone cills, exposed rafter feet, splayed headers and sash windows help to create an attractive house.
- 6.31 The 'Victoria' is a 4-bedroom house, which like its name suggests, draws upon traditional Victorian influences. Unlike other house types, it is narrow and deep. The front is articulated with a large bay window, sash windows, architrave and a gable roof feature. A chimney adds additional interest to the roofscape.
- 6.32 The 'Ophelia' is a 4-bedroom house. By virtue of a two-storey, rear, returning wing, the house is well suited to corner plots. This return allows the side elevation to be well animated and defensible. The proposal includes both hipped and gabled versions.
- 6.33 The 'Cadenza' is a 4-bedroom house with a wide front elevation. The level of detailing is more restrained on the 'Cadenza' and provides a decorative architrave, stone cills and lintels. Its side includes an attractive chimney.
- 6.34 The 'Berkeley' is a 4-bedroom house with a front parapet and chimney to provide interest at the roof. The front elevation includes two projecting bays and attractive fenestration detailing.
- 6.35 The proposal includes a single 'Chatsworth' Variation, as used in Phase 1. This is a large 5-bedroom property with two front gables to provide a grand visual appearance. It includes a high level of detailing in terms of brickwork, fenestration and roof design.

- 6.36 In conclusion all of the dwellings are of an attractive design, and are between 2 – 5 bedroom proportions being terraced, semi-detached and detached houses and detached and semi-detached bungalows representing a suitable 'mix'.
- 6.37 The dwellings as proposed meet the adopted standards for parking, garden-size and 'gaps' between dwellings.
- 6.38 The scheme builds upon the Phase 1 development and is considered to be compliant with Local Plan design principles and policies in addition to national policies regarding designing new development.

#### Scale

- 6.39 Virtually all of Phase 2 is 2 storey housing, and the proposed scale and massing will help to reinforce the various character areas across the site, with larger detached homes on the perimeter and more semi-detached and terraced housing along the main spine road and northern link road. Such scale and massing is also in keeping with the housing in the surrounding area.
- 6.40 Houses along the southern perimeter are generally quite large and will provide a grand edge to the site, softened by a suitable buffer and with larger building separation distances. Meanwhile, houses that flank the triangle of space around the LEAP will have a more continuous frontage to properly frame this public open space.
- 6.41 Overall the scale and massing of this reserved matters scheme is consistent with the approved Phase 1 consent and Officers raise no objection to the proposals on grounds of scale or layout.

#### Impact on Residential Amenity

- 6.42 The proposed development respects the residential amenity of neighbouring properties on Long Road and it is not felt that the development will cause overlooking or loss of amenity to surrounding properties. It is accepted that these properties back on to Phase 2, however in so doing there is only limited opportunity for overlooking between existing and proposed dwellings.
- 6.43 As such the proposal is considered likely to safeguard surrounding residential amenity and is deemed to be compliant with local and national design policies.

#### Site Contamination

- 6.44 In line with saved Local Plan Policy COM19 a Phase 1 Desk Study and Risk Assessment was undertaken by the applicant to ascertain the level of site contamination.
- 6.45 Whilst the site itself has no present or historical sources of contamination, the submitted report identified some historic off-site sources of contamination that could affect the site. These relate to a nearby orchard, and adjacent nursery and garage.
- 6.46 However, these only adjoined Phase 1 and are even further from Phase 2 of the development. The report advises that the level of risk to end users of the site varies from "Low" to "Negligible".
- 6.47 These potential off-site contaminants are not considered detrimental to the development and will have limited impact upon the overall scheme.

- 6.48 The Land Contamination condition attached to the Outline and Phase 1 consents requires additional testing and remediation works if any specific contamination is identified during construction works.
- 6.49 In view of the above the proposed development is considered compliant with the aforementioned Policy and Officers raise no objection to the development on issues of land contamination.

#### Highway Safety/Parking

- 6.50 Access is a Reserved Matter that was approved at outline stage. It saw the approval of vehicular access from Bromley Road and a second access at Long Road and are therefore “fixed” (and agreed) design considerations.
- 6.51 These two access points include the necessary vehicular visibility splays to allow safe access and egress. These splays will need mowing, lopping and felling of adjacent hedgerows, trees and grass verges.
- 6.52 The Transport Assessment (TA) compiled as part of the Outline stage identified local road capacities. This was based on modelling advice from Essex County Council and included the traffic flows from other nearby developments, including those not yet built.
- 6.53 This TA advised that no more than 200 dwellings (out of the 360) shall gain access directly from Bromley Road.
- 6.54 This second Reserved Matters application would take the total number of approved homes to 256. Therefore, the last 56 dwellings would not be able to be occupied until the spine road into the site was complete.
- 6.55 With regards to sustainability the site benefits from good public transport connections, both through local buses and the nearby Manningtree train station.
- 6.56 The development seeks to make the most of foot/cycle ways through the site (along with a public footpath) to encourage these sustainable transport connections.
- 6.57 On-site parking is compliant with the Council’s parking standards, both in terms of quantum and size, as set out in the Essex Parking Standards (2009).

#### Landscaping

- 6.58 Local Plan Policy EN1 and draft Local Plan Policy PPL3 seeks to protect and limit the potential landscape impacts of new development.
- 6.59 A Landscape Visual Impact Assessment (LVIA) was produced in support of the Outline application.
- 6.60 Section 7 of the LVIA identifies a potential landscape strategy, which includes:
- Setting back the western boundary
  - Landscape planting
  - Find opportunities to incorporate longer views into the design to create visual and physical connectivity
  - Plant additional hedgerows and trees within the site
  - Strengthen, fill and diversify gappy hedgerows
  - Provide generous areas of open space / play space within the site and a village green
  - Create an enhanced recreation resource within the development and wider connections

- Provide land for new community facilities, including a village green hub and enhanced access facilities
- Provide ecological corridor links
- Create appropriate SuDS features that respond to the subtle plateau levels of this flat site and in doing so provide added amenity and wildlife benefits
- Shared pedestrian and cycle routes through the site

6.61 These key landscape recommendations, as set out in the LVIA, have been incorporated into the design for Phase 2. As such the development is considered compliant with the aforementioned policy guidance and Officers raise no objection to the development on grounds of landscaping.

#### Ecology

6.62 The site is currently used for farming with field boundaries marked by hedgerows and trees. There are no statutory conservation designations on, or adjacent to, the site. However, the site is within a Zone of Consideration in relation to a Site of Special Scientific Interest (SSSI) to the north. There is also an Area of Outstanding Natural Beauty (AONB) to the north-west of the site. As required by saved Local Plan Policies EN6 and EN6a and draft Local Plan Policy PPL4, the applicant has submitted a variety of technical reports including an Ecological Assessment, bat roost/activity surveys and a bird nesting survey.

6.63 The findings of these reports were that most of the hedgerows had considerable gaps, were in decline and showed no signs of recent conservation management. Also, it was recorded that bats were using the field boundaries, particularly those on the western/southern edge of the site as foraging routes.

6.64 Therefore, not only should trees and hedgerows along these boundaries be retained and enhanced where possible, but street illumination should be carefully considered so as to not disturb this bat activity.

6.65 In addition to the above reports, screening opinions as part of a Habitat Regulations Assessment and an Environmental Impact Assessment were submitted as part of the application.

6.66 The results of these screening opinions were negative, i.e. that the proposal would not require further specific assessment under the Conservation of Habitats and Species Regulations 2010 and could therefore be assessed normally as part of the planning application process.

#### Open Space

6.67 The site provides roughly 12% open space provision, the outline site exceeds the minimum target of 10% open space. This is largely supplied through the campsite, village green and perimeter trail. However, these former two items are at the Bromley Road site entrance in Phase 1 and the latter item is along the Bromley Road/ Dead Lane edge of the site.

6.68 Whilst the site as a whole already has sufficient provision of open space, it is apparent that it is concentrated at the southern perimeter and the northern end of Phase 1. Therefore it is proposed that an additional LEAP (set out on the boundary between Phase 2 and 3) is provided to give greater coverage for the entire site. The second LEAP is considered well integrated within the site and is served by good east-west and north-south pedestrian and cycle links.

6.69 Officers consider that the two LEAPs would provide adequate coverage for the entire site and consider the proposals compliant with Local Plan policies.

## Section 106 of the Town and Country Planning Act 1990 and Viability Matters

- 6.70 As established by the Outline Planning Permission 15/00876/OUT, the development requires s106 contributions towards the following;
- Financial Contribution towards RAMS
  - Affordable Housing Provision:
  - Education contribution
  - NHS contribution
  - Open Space
- 6.71 The delivery of these aspects is controlled directly by the s106 agreement and include mainly the community benefits of the scheme, such as the community building, car park, open space, affordable housing and play space.
- 6.72 The siting of these aspects is set out in the Site Identification Plan that forms part of the s106.
- 6.73 Schedule 2, (Affordable Housing) of the s106 requires the delivery of affordable housing at certain trigger points. The quantum of development in this Reserved Matters, Phase 2 application triggers the provision of 14 no. affordable homes which is being provided as part of this application.
- 6.74 Schedule 3 (Open Space) of the s106 requires the delivery of open space and states “Any open space within a phase should be delivered before 80% occupation of said phase.”
- 6.75 All of these features are included in the proposed Phase 2 that forms part of this Reserved Matters application and as such the proposed development is considered compliant with the requirements as given by the signed s106 agreement.

## Habitat Regulations Assessment

- 6.76 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 6.77 This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is within close proximity to the Stour Estuary Special Protection Area (SPA) and Ramsar. In accordance with Natural England's advice for schemes of over 100 dwellings an Appropriate Assessment has been carried out and both on-site (i.e. circular walking routes) and off-site measures for mitigation are required.
- 6.78 A unilateral undertaking will need to be prepared to secure the off-site financial contributions. This will ensure 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 This Phase 2 scheme provides a range of housing within landscaped surroundings to create safe, attractive and characterful streets. The proposed public open space and play space will provide a focal point for the community and will work in tandem with the village hub approved as part of the Phase 1.
- 7.2 The landscaped perimeter of the site will provide benefits for local biodiversity, as well as retaining the character of Bromley Road/ Dead Lane.
- 7.3 The new homes have good sized private gardens, sufficient off-street parking provision and include capacity for the storage of cycles and refuse.
- 7.4 Sustainable drainage infrastructure, such as swales, are utilised to manage surface water runoff and the highways are designed to meet the necessary safety standards and compliment the different character areas of the site.
- 7.5 The proposal complies with all the relevant conditions of the Outline planning permission for the wider site as well as the design-specific policies of the local development plan.
- 7.6 Accordingly, the design and provision of much-needed housing is considered a sympathetic and high-quality addition to Lawford and considered compliant with the parameter plans as set out and approved at Outline stage and subsequent Masterplans.

## 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 Unilateral Undertaking with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£122.30 for the one dwelling proposed

### 8.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
  - 981s ph2.l.004 rev b Amended block plan
  - 981s ph2.l.003 rev a Amended site layout plan
  - 668029-mlm-p2-xx-dr-c-0112-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0311 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0318 p02 Drainage drawing
  - Appendix f surface water drainage strategy cover sheet
  - Appendix g drainage calculations
  - 668029-mlm-p2-xx-dr-c-0113-p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0320 p02 Drainage drawing
  - Appendix f\_4 adoptable highway details
  - 668029-mlm-p2-xx-dr-c-0121p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0253 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0303 p02 Drainage drawing
  - 668029-mlm-p2-xx-dr-c-0315 p02 Drainage drawing
  - Appendix f\_3a engineering layouts
  - Appendix f\_3c adoptable highway layouts
  - 668029-mlm-p2-xx-dr-c-0010-p02 Drainage drawing

- 668029-mlm-p2-xx-dr-c-0020-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0114-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0120-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0123 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0125 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0126 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0127 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0250 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0251 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0252 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0254 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0290 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0291 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0300 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0301 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0302 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0305 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0306 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0307 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0308 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0309 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0310 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0313 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0314 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0316 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0319 p02 Drainage drawing
- Appendix b site investigations
- Appendix f\_1
- Appendix f\_2
- Appendix f\_3b external works layouts
- Appendix f\_5 long sections
- Appendix h suds maintenance & management report
- 668029-mlm-p2-xx-dr-c-0001-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0110-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0115-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0117-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0124 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0257 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0292 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0304 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0312 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0317 p02 Drainage drawing
- 668029-mlm-p2-xx-rp-c-0003-01-fra phase 2 Drainage drawing
- Appendix c sewer records and aw pre-planning assessment reports
- Appendix d foul water drainage strategy c sewer records and aw pre-planning
- Appendix e suds planner
- 668029-mlm-p2-xx-dr-c-0122 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0255 p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0256 p02 Drainage drawing
- Appendix a topographic survey
- 668029-mlm-p2-xx-dr-c-0111-p02 Drainage drawing
- 668029-mlm-p2-xx-dr-c-0116-p02 Drainage drawing
- 981s ph2.I.038 (a) Amended house type rosemary proposed side elevation
- 981s ph2.I.036 (a) Amended house type rosemary proposed floor plan and front elevation

- 981s ph2.l.037 Amended house type rosemary proposed floor plan and rear elevation
- Jba 18 196 dt2 Tree pit detail
- Jba 18 196 01 b Landscape proposals
- Jba 18 196 04 b Landscape proposals
- Jba 18 196 05 b Landscape proposals
- 981s ph2.l.22 a Amended house type grace - proposed floor plans and front elevation
- Jba 18 196 03 b Landscape proposals
- Jba 18 196 dt1 Tree pit detail
- Jba 18 196 02 b Landscape proposals
- 981s ph2.l.23 a Amended house type grace - proposed side and rear elevations
- Jba 18 196 06 b Landscape proposals
- Jba 18 196 07 b Landscape proposals
- Design and access statement
- 981s.l.003 Proposed masterplan (all phases)
- 981s.l.001 Site plan
- H562-ss-002 Phase 2 streetscene 2
- H562-ss-001 Phase 2 streetscene 1
- H562-l-003 Footpath and cycle network
- Jba 18/196-02 a Landscape masterplan
- 981s ph2.l.006 Tenure plan
- 981s ph2.l.020 House type hebe - proposed floor plans and front elevation
- 981s ph2.l.024 House type amber - proposed floor plans and front elevation
- 981s ph2.l.025 House type amber - proposed side and rear elevations
- 981s ph2.l.027 House type albertine (gabled) - proposed side and rear elevations
- 981s ph2.l.031 House type barbier - proposed side and rear elevation
- 981s ph2.l.041 House type amelia - proposed floor plans and front elevation
- 981s ph2.l.043 House type barbier variation - proposed floor plans and front elevation
- 981s ph2.l.049 House type victoria - proposed floor plans and front elevation
- 981s ph2.l.050 House type victoria - proposed side and rear elevation
- 981s ph2.l.053 House type ophelia (gabled) - proposed floor plans and front elevation
- 981s ph2.l.054 House type ophelia (gabled) - proposed side and rear elevations
- 981s ph2.l.055 House type charlotte - proposed floor plans and front elevation
- 981s ph2.l.057 House type cadenza - proposed floor plans and front elevation
- 981s ph2.l.058 House type cadenza - proposed side and rear elevations
- 981s ph2.l.059 House type berkeley - proposed floor plans and front elevation
- 981s ph2.l.060 House type berkeley - proposed side and rear elevations
- 981s ph2.l.061 House type berkeley (plot 141) - proposed elevations
- 981s ph2.l.070 Outbuildings (sheet 1 of 3) - proposed floor plans and Elevations
- 981s ph2.l.071 Outbuildings (sheet 2 of 3) - proposed floor plans and Elevations
- 981s ph2.l.072 Outbuildings (sheet 3 of 3) - proposed floor plans and Elevations
- 981s ph2.l.021 House type hebe - proposed side and rear elevations
- 981s ph2.l.026 House type albertine (gabled) - proposed floor plans and Elevations
- 981s ph2.l.030 House type barbier - proposed floor plans and front elevation

- 981s ph2.I.032 House type cornelia - proposed floor plans and front elevation
- 981s ph2.I.033 House type cornelia - proposed side and rear elevations
- 981s ph2.I.034 House type damask - proposed floor plans and front elevation
- 981s ph2.I.035 House type damask - proposed side and rear elevations

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

2. Prior to the occupation of any of the proposed development the internal road and footway layout shall be provided in principal and accord with amended Drawing Numbers:

- 981s ph2.I.004 rev b Amended block plan.
- 981s ph2.I.003 rev a Amended site layout plan

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

3. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

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

4. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. 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.

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

6. All single garages should be constructed in accordance with drwg. no. 981s ph2.I.003 rev a. All double garages should be constructed in accordance with drwg. no. 981s ph2.I.003 rev a

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

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

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

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

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

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. The public's rights and ease of passage over public footpath no. 12 (Lawford) shall be maintained free and unobstructed at all times until such time as the diversion referred below has been completed.

Reason - To ensure the continued safe passage of the public on the definitive right of way and accessibility.

11. No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason - To ensure the continued safe passage of pedestrians on the public right of way and accessibility.

### 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.

#### 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

**Informative 1:** Prior to occupation, the development shall be served by a system of operational street lighting (excludes the shared surface areas) of design approved from the Highway Authority along the Primary route, which shall thereafter be maintained in good repair.

**Informative 2:** The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised 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 footpath no.12 (Lawford) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant 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.

**Informative 3:** The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

**Informative 4:** 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.

## **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**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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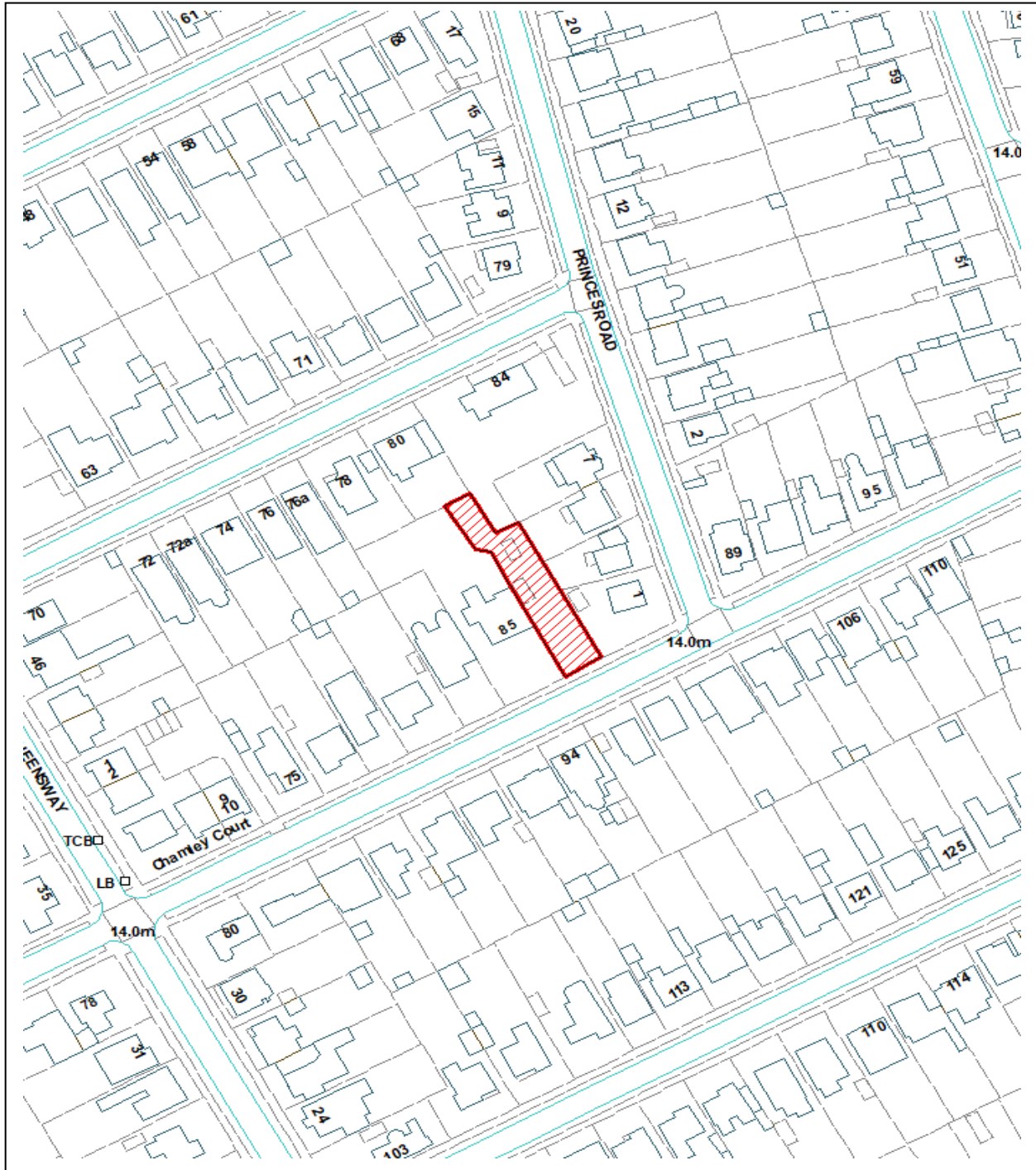


## PLANNING COMMITTEE

10 March 2020

### REPORT OF THE HEAD OF PLANNING

#### **A.2 PLANNING APPLICATION – 20/00019/FUL – 85 SALISBURY ROAD, HOLLAND-ON-SEA, CO15 5LS**



DO NOT SCALE

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**Application:** 20/00019/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr John Coley

**Address:** 85 Salisbury Road Holland On Sea Clacton On Sea CO15 5LS

**Development:** Proposed 3 bedroom bungalow to land to the side of 85 Salisbury Road.

## 1. Executive Summary

- 1.1 The application has been referred to Planning Committee by Councillor Winfield as the proposed development is considered contrary to policy HG9, HG14, TR1a, the neighbouring mature tree roots are in danger of damage during construction, the Tree and Landscaping Officers comments on the tree roots of the established tree on the proposed building plot, the development will add to global warming by adding another gas boiler to pump out not including solar panels and TDC has agreed to and is currently working on, cutting its carbon footprint by 2030 this development opposes the Councils own target.
- 1.2 The application seeks planning permission for the erection of a 3 bed bungalow to the land to the side of 85 Salisbury Road, Holland on Sea.
- 1.3 The site lies within the Settlement Boundary for Clacton on Sea, as established in the Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.4 The site has been subject of a previous application for the same development (application ref.18/02072/FUL) which had an officer recommendation for approval to the June 2019 Planning Committee but was ultimately refused due to the narrow plot width being considered to create a cramped appearance not appropriate in its setting, and which would appear out of character in terms of its siting to the serious detriment of the immediate street scene and character of the area.
- 1.5 The aforementioned application was subject of an appeal which was dismissed on 13 December 2019. However, the reason for dismissal was purely on a legal technicality in relation to a failure to secure the necessary mitigation for the effect of the proposed development on the European designated habitat sites (RAMS). Whilst a Unilateral Undertaking had been provided to secure the necessary financial contribution it had not been signed and as such it could have no legal effect and could not be taken into account. In all other respects the Planning Inspector was satisfied that the proposed development would have no harm on the character and appearance of the area or the living conditions of the occupiers of the occupants of the neighbouring properties and as such would not be in conflict with adopted Local Plan policies.
- 1.6 Given the above appeal decision - and subject to the applicant entering into a Unilateral Undertaking to secure financial contributions towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) (and Open Space requirements, as explained in the main body of this report) – the application is considered acceptable in terms of scale, layout and appearance and is accordingly recommended for approval.

**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 of £122.30 per new dwelling towards RAM's.**
  - **Open Space Contribution to be used towards the improvement to the safety surface at Hereford Road**
- 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.

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

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

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

**Status of the Local Plan**

- 2.2 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.
- 2.3 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.

2.5 In relation to housing supply:

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

3. **Relevant Planning History**

TRE/99/14	Oak and Birch - 30% crown reduction	Current	11.03.1999
06/01911/FUL	Extension to dwelling.	Approved	23.01.2007
07/01082/FUL	Conservatory extension.	Approved	20.08.2007
18/00188/TPO	1 No. Beech - front garden - crown reduce and crown lift to 14 ft. 1 No. Silver Birch- fell.	Approved	06.03.2018
18/01631/LUPROP	Proposed attached garage.	Lawful Use Certificate Granted	21.11.2018
18/02072/FUL	Proposed 3 bedroom bungalow to land to the side.	Refused	14.06.2019

4. **Consultations**

TDC Public Realm

There is currently a deficit of 17.68 hectares of equipped play/open space in Holland/Clacton-on-Sea.

Any additional development in Holland/Clacton will increase demand on play facilities further.

The nearest play area to the application site is located at Hereford Road, Holland-on-Sea. The area is designated as a Local Equipped Area of Play and provided equipment for children of all ages. This play area already covers a large a large part of Holland-on-Sea and it is felt

that any further development in this area will impact on the current facilities. Therefore, a contribution to improvements at this play area is both relevant and justified for this planning application.

ECC Highways Dept

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

The site is located off Salisbury Road which has existing 30-mph speed limit. The plot retains adequate room and provision for off street parking for the existing and proposed vehicular access. Accordingly, the Highway Authority has no objection to the application subject to the imposition of a number of planning conditions and informatives.

## **5. Representations**

5.1 Clacton is non-parished

5.2 2 letters of objection have been received raising the following concerns;

- The actual site is too small for the design of the property.
- This will not be an affordable property.
- There is no need for any more bungalows.
- Comments from the Tree and Landscape officer in regards to the root protection area (RPA).
- Contrary to policy HG6, HG9, HG14 and QL9.
- The dwelling will have a significant impact upon the neighbouring visual amenity due to its cramped appearance and overbearing structure as well as overshadowing.
- Concerns over security during construction and the removal of the fence.
- Services and utilities of the new dwelling could harm and damage the tree roots
- The proposed development would cause overshadowing, compromise the integrity of the visual amenity to the rear gardens of the properties along Princes Road.

## **6. Assessment**

### Site Context

- 6.1 The application site is located to the north of Salisbury Road and is a parcel of land which currently forms part of the side garden to number 85 Salisbury Road, Holland on Sea. The site is situated in-between number 85 Salisbury Road and abuts the boundaries of number 1, 3, 5 and 7 Princes Road. The surrounding area comprises of a mixture of one storey and two storey residential dwellings.
- 6.2 The site lies within the Settlement Boundary for Clacton-on-Sea, as established in the Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.3 It is noted that a 1.8 metre close boarded fence is proposed to the boundary shared with Number 85 Salisbury Road and to the rear of numbers 1, 3, 5 and 7 Princes Road. This falls within permitted development tolerances allowed under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 2, Minor operations, Class A which states that the erection, construction,

maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure is permitted provided the height does not exceed 2 metres above ground level.

#### Planning History

- 6.4 Planning Permission was refused at Planning Committee in June 2019 on the grounds of the narrow plot width would resulting in a proposed dwelling of cramped appearance that is not appropriate in its setting, and which would appear out of character in terms of its siting to the serious detriment of the immediate street scene and character of the area. The application was taken to planning appeal and it was dismissed by the Planning Inspectorate on 13<sup>th</sup> December 2019 under planning reference APP/P1560/W/19/3234819. The appeal was dismissed as an unsigned copy of the unilateral undertaking had been provided. Paragraph 6 of the appeal decision states that *'...therefore the undertaking can have no legal effect and it cannot be taken into account. Consequently, there is no mechanism to secure the necessary mitigation for the effect of the proposed development on the European designated sites.'*
- 6.5 It should be noted that in all other respects the Planning Inspector was satisfied that the proposed development would not result in any harm to the character and appearance of the area or the living conditions of the occupiers of the occupants of the neighbouring properties and as such would not be in conflict with adopted Local Plan policies.

#### Proposal

- 6.6 The application seeks full planning permission for the erection of a 3 bedroom bungalow to the land to the side of 85 Salisbury Road.
- 6.7 The dwelling has been designed as a single storey dwelling with two parking spaces to the front of the application site.
- 6.8 External materials comprise of brickwork, interlocking tiles and UPVC windows to match the materials used within Number 85 Salisbury Road.

#### Principle of Development

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

#### Design, Layout and Appearance

- 6.11 Paragraphs 127 and 170 of the National Planning Policy Framework 2019 states that developments should function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting and planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- 6.12 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Emerging Plan.
- 6.13 The submitted plans show that the proposed dwelling will be detached and accessed via Salisbury Road. The proposal is single storey with a hipped roof with the design of the dwelling being in keeping with the character of the area.
- 6.14 Paragraph 8 of the recent appeal decision stated that:
- '...the appeal site forms part of the land currently associated with the existing dwelling at 85 Salisbury Road. It is currently occupied by a detached garage and timber shed with parking to the front and garden to the rear. The proposal seeks to remove these existing outbuilding and to construct a single storey dwelling. The surrounding area is residential in nature with examples of bungalows, chalet bungalows and two storey dwellings within the locality.'*
- 6.15 The Inspector goes on to state, in terms of his judgement on the form and character on the proposed development, at paragraph 9, that:
- '...the proposed bungalow would be situated between the rear of the existing properties along Princes Road and the adjacent dwelling on Salisbury Road with the dwelling being located at least 1 metre from the boundary on both sides. The proposal has been designed to fit within a relatively narrow site. However, it is not considered that the proposed dwelling or the site itself would be overly narrow in appearance and the dwelling would not appear contrived within its setting or out of character within the street scene, where there are a number of narrow bungalows. A sufficient amount of space has been provided either side of the proposed dwelling in accordance with the minimum requirements of Policy HG14 of the Tendring District Local Plan (2007) and it would be set back a good distance from the front boundary of the site which would reduce its overall impact upon the street scene.'*
- 6.16 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three or more bedrooms should have a minimum of 100 square metres. The submitted plans demonstrate that the existing and proposed dwelling can both demonstrate that this can be achieved comfortably.
- 6.17 Concluding on character and appearance considerations, the Appeal Inspector stated within paragraph 10 of the appeal decision, that:
- '...the proposal would not harm the character and appearance of the surrounding area. As such, it would not be in conflict with Policy HG14 of the Tendring District Local Plan 2007 which seeks to ensure that new development is appropriate within its setting and does not create a cramped appearance and the design objectives within the NPPF.'*
- 6.18 Accordingly, it is considered that the proposed development would be acceptable in terms of it character and appearance within the street scene, given that this application is unchanged from the one recently determined at appeal.

#### Impact on Residential Amenity

- 6.19 The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) 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 (2017)'.

6.20 Within paragraph 11 of the recent appeal decision, the Inspector stated that:

*'...concerns were raised that the proposed development would have an overbearing impact on the occupiers of the dwelling at 3 Princes Road and would result in a loss of sunlight to the property. The proposed dwelling would be single storey in nature and would have a hipped roof design which would slope away from the boundary with the properties along Princes Road. Furthermore, as the side boundary of the appeal site is also the rear boundary of the neighbouring property at 3 Princes Road, the proposed development would be some distance from the house at No.3. Due to these factors, it is not considered that the proposal would have an overbearing impact on, or result in a significant loss of light to, the occupiers of No.3 and the other properties on Princes Road which would abut the boundary of the appeal site'.*

6.21 The Inspector concluded that the proposal:

*'...would not harm the living conditions of the occupiers of the neighbouring dwellings and would not be in conflict with Policy HG14 of the Tendring District Local Plan 2007 which seeks to safeguard the amenities and aspect of adjoining residents'.*

6.22 Accordingly, the application is considered acceptable with regard to its impact on residential amenities.

#### Highway Safety/Parking

6.23 Essex Highway Authority have been consulted on this application and do not raise any objections subject to highway related conditions and informatives being imposed to address such matters as access width, no unbound materials, no discharge of surface water, pedestrian visibility splay, single garage measurements, boundary planting, cycle parking and storage of building materials.

6.24 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. There is sufficient parking to the front of the host dwelling to meet the requirements of Essex County Council Parking Standards of 5.5 metres by 2.9 metres.

#### Trees and Landscaping

6.25 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging 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.

6.26 The application site is subject of a Tree Preservation Order (TPO) reference TPO/93/26, which affords protection to a large Beech tree situated to the front of the application site. The plans provided demonstrate that the dwelling will be outside of the Root Protection Zone and therefore the development will not result in an incursion into the Root Protection Area of the Beech and the development will not cause harm to the protected tree.

#### Legal Obligations

- 6.27 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"*.
- 6.28 There is currently a deficit of –17.68 hectares of equipped play/open space in Holland/Clacton-on-Sea. Any additional development in Holland/Clacton will increase demand on play facilities further. The nearest play area to the application site is located at Hereford Road, Holland on Sea. The area is designated as a Local Equipped Area for Play and provides equipment for children of all ages. This play area already covers a large part of Holland on Sea and it is felt that any further development in this area will impact on the current facilities. Therefore a contribution to improvements at this play area is both relevant and justified for this planning application.
- 6.29 A unilateral undertaking is currently being prepared to secure this legal obligation.

#### Habitat Regulations Assessment

- 6.30 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 6.31 This residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, being approximately 6.1km away from Essex Estuaries SAC and 7.3 km away from Hamford Water RAMSAR and SPA. In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation.
- 6.32 A unilateral undertaking has been requested to secure this legal obligation and is currently being prepared. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## **7. Conclusion**

- 7.1 The previous application for this site (which this application replicates) was subject of an appeal which was dismissed on 13 December 2019. However, the reason for dismissal was purely on a legal technicality in relation to a failure to secure the necessary mitigation for the effect of the proposed development on the European designated habitat sites (RAMS). Whilst a Unilateral Undertaking had been provided to secure the necessary financial contribution it had not been signed and as such it could have no legal effect and could not be taken into account. In all other respects the Planning Inspector was satisfied that the proposed development would have no harm on the character and appearance of the area or the living conditions of the occupiers of the occupants of the neighbouring properties and as such would not be in conflict with adopted Local Plan policies.
- 7.2 Given the above appeal decision - and subject to the applicant entering into a Unilateral Undertaking to secure financial contributions towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) (and Open Space requirements, as explained in the main body of this report) – the application is considered acceptable in terms of scale, layout and appearance and is accordingly 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:

<b>CATEGORY</b>	<b>TERMS</b>
Financial contribution towards RAMS.	£122.30 for the one dwelling proposed
Open Space	Contribution will be used towards the improvement to the safety surface at Hereford Road

## 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 No. 1813-PL01 C

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

3. Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, 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/ verge

Reason - To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety

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

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

5. 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

6. No development shall take place until a revised Arboricultural Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The revised AIA shall accord with the proposed site plan - and in particular the root protection area - shown on approved drawing 1813-PL01 C. The AIA shall include details of any hard surfacing beneath the canopy of the protected tree and shall be designed to minimise ground compaction in accordance with the recommendations set out in the British Standards Institute publication "BS 5837:2005 Trees in Relation to

Construction". Such areas will require the use of geo-textile membranes coupled with no excavation and minimal alterations to ground levels.

Reason - In the interests of safeguarding the protected tree.

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

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

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

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

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

10. 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.

11. All single garages should have a minimum internal measurement of 7m x 3m.

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

12. 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.

13. 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.

### 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.

#### 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 Informative

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.

It was noted during the site visit that there was an existing light column close to the existing access and a tree located in the highway verge close to the proposed vehicle access.

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

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

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.

CO4 9YQ.

**9. Additional Considerations**

Public Sector Equality Duty (PSED)

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

Human Rights

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

### Finance Implications

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

## **10. Background Papers**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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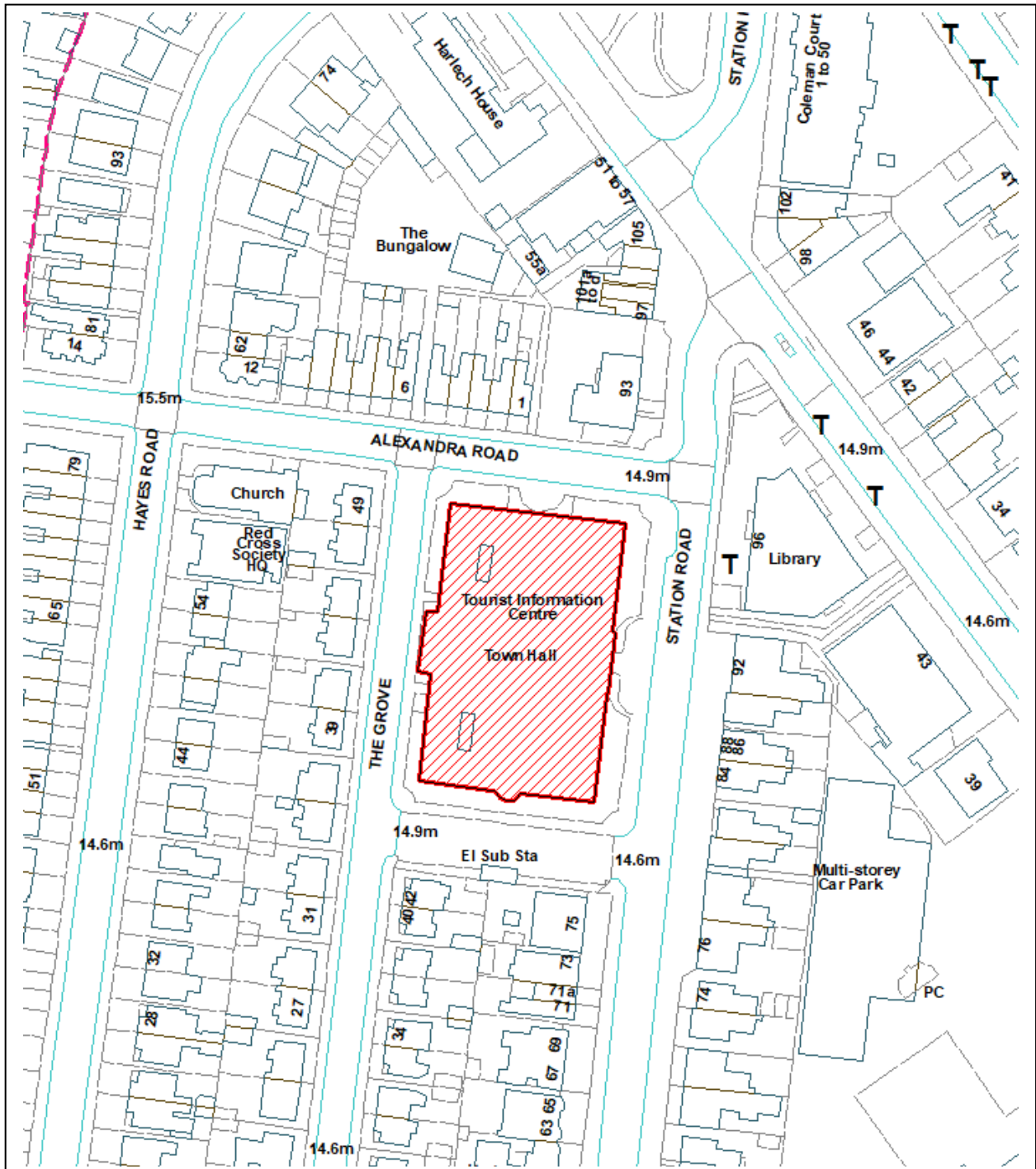


## PLANNING COMMITTEE

10 March 2020

### REPORT OF THE HEAD OF PLANNING

#### **A.3 PLANNING APPLICATION – 19/01910/LBC – TENDRING DISTRICT COUNCIL CLACTON TOWN HALL STATION ROAD CLACTON ON SEA CO15 1SE**



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**Application:** 19/01910/LBC

**Town / Parish:** Clacton Non Parished

**Applicant:** Mr Daniel Mills - Tendring District Council

**Address:** Tendring District Council Clacton Town Hall Station Road Clacton On Sea  
CO15 1SE

**Development:** Restoration Of Committee Room and associated works following the removal of a number of partition walls and the removal of false ceilings and associated works under previous approved application number 18/01498/LBC.

## 1. Executive Summary

- 1.1 This listed building consent application is referred to the Planning Committee as the applicant is Tendring District Council.
- 1.2 The listed building consent application seeks permission for internal changes to Clacton Town Hall Committee Room including;
- Refurbishment and restoration of the plasterwork to both the walls and the ceilings and coving;
  - Restoration of the windows to insert new mullions;
  - Covering of the original glazing panels to the rooflight in Black Perspex;
  - Forming a new entrance into the committee room within the existing larger opening incorporating new entrance doors from the corridor;
  - Restoration of wall panelling around the new door opening;
  - Restoration of the timber parquet flooring;
  - Installation of speakers to the walls and ceiling suspended lighting scheme;
  - New service installations and fire protection; and
  - Existing original features including moulded architraves, cornices, skirting and picture rails to be repaired and where required replicated.
- 1.3 Having regard to the supporting documents and the submitted heritage statement it is evident that the works do not harm the special character, fabric and appearance of the listed building and in several cases represent an enhancement as original features are to be restored.
- 1.4 The proposed alterations are therefore considered to meet the requirements of the Council's saved and draft planning policies relating to the protection of listed buildings and the relevant paragraphs of the National Planning Policy Framework (2019).

### **Recommendation: Approval**

- a) Subject to the conditions stated in section 8.2

## 2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to this planning application.
- NPPF National Planning Policy Framework 2019

**Status of the Local Plan**

- 2.2 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.
- 2.3 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**

97/00769/LBC	Installation of air conditioning units and external condenser units	Approved	21.08.1997
97/00854/LBC	Alterations to ticket office	Approved	15.09.1997
97/01066/LBC	Alterations to existing offices, to create new management board members offices on ground floor	Approved	17.10.1997
97/01069/LBC	Alterations to increase size of existing one person office to two person office	Approved	03.12.1997
00/01532/LBC	Enlargement of existing plant	Refused	22.11.2000

	room and associated works		
00/01533/FUL	Enlargement of existing roof plant room and associated works	Refused	22.11.2000
01/00510/LBC	Proposed alterations to rooms 25 and 35/37 at Town hall to provide additional office facilities for new political structure	Approved	17.05.2001
02/00125/LBC	Internal alterations.	Approved	13.03.2002
03/00399/FUL	Installation of 1 No.0.6 metre transmission dish and 2 No. 200mm square panel antennas	Approved	11.06.2003
03/00400/LBC	Installation of 1 No. 0.6 metre transmission dishes and 2 No. 200mm square panel antennas	Approved	11.06.2003
03/00689/LBC	Demolition of existing access ramp and construction of new disabled access ramp.	Approved	11.06.2003
03/00833/FUL	Temporary location of a portakabin on part of the Town Hall car park from 9/6/03 until 11/8/03 (9 weeks) for use as a temporary Tourist Information Centre (TIC)	Approved	11.06.2003
03/00868/LBC	Renovations to the Essex Hall - licenced bar/meetings room, to include removal and renewal of a suspended ceiling.	Approved	11.06.2003
03/00925/LBC	Internal alterations for new TIC	Approved	11.06.2003
03/01495/LBC	New plant on flat roof to serve new air conditioning unit.	Approved	03.09.2003
03/01543/FUL	Extension to time limited planning permission given for the temporary location of a portacabin for use as a Tourist information Centre from 31/8/03 to 16/11/03.	Approved	26.09.2003
04/00090/LBC	Demolition of existing access ramp and construction of two new disabled access ramps.	Approved	10.03.2004
18/01498/LBC	Proposal to remove a number of partition walls to provide open plan offices for each department within the council - this includes widening existing openings in	Approved	25.10.2018

three of the four corner turret towers to include these areas into the open plan. At ground floor level the work will include the removal of false ceilings & restoring the council chambers to near their original layout. The external facades remain unchanged.

#### 4. Consultations

Building Control and Access Officer      Building regulation approval required.

Essex County Council Heritage      I have no objections to this proposal. I recommend conditions are attached requiring details of new heating feature covers and the paint scheme.

#### 5. Representations

5.1 No representations received.

#### 6. Assessment

##### Site Context

6.1 Clacton Town Hall is situated on the western side of Station Road on the northern edge of Clacton Town Centre. The building accommodates Tendring District Council Offices along with the Princes Theatre and is a Grade II Listed Building. Construction work was completed in the early 1930's in a neo Georgian style. The buildings' listing is as follows;

*Town hall with incorporated theatre which originally housed a library as well. Completed in 1931 to the designs of Sir Brumwell Thomas in Neo-Georgian style. Brown brick in English bond with stone dressings and hipped or mansard pantilled roofs. Square on plan with central vestibule, theatre behind, council chamber and committee rooms to the south and originally library to the north, now theatre bar. Pediment has deeply carved stone wreath flanked by swags. Engaged Composite fluted columns and Doric piers at sides. Three round-headed arches with keystones and impost blocks and decoration of carved swags above. Steps to street and three round headed entrances behind with double doors. Flanking wings are of one storey and attics five bays with stone parapet, cornice and plinth. Curved dormers with 12 pane sashes and 18 pane sashes below. These wings terminate in one bay corner pavilions with hipped roofs and 18 pane sashes with Diocletian windows above, set in moulded architraves with brackets flanked by pilasters. South front is similar but with central five-light curved bay. North front similar but with central door case with cornice, moulded architrave, double door and rectangular fanlight with intersecting arches originally the library entrance. West front has central fly tower to theatre with blank square windows opening above roof level of theatre and central tall round headed opening with impost blocks, an architectural feature ingeniously disguising a utilitarian scenery door. The interior has entrance vestibule with coffered barrel-vaulted ceiling, theatre of five bays with coffered barrel-vaulted ceiling, round headed arches to sides and cambered proscenium arch with carved municipal coat of arms, council chamber, committee rooms and mayor's parlour with original joinery and corridors with round headed arches and marble floors.*

## Proposal

- 6.2 This listed building consent proposes the following alterations to the proposed committee room;
- Refurbishment and restoration of the plasterwork to both the walls and the ceilings and coving;
  - Restoration of the windows to insert new mullions;
  - Covering of the original glazing panels to the rooflight in Black Perspex;
  - Forming a new entrance into the committee room within the existing larger opening incorporating new entrance doors from the corridor;
  - Restoration of wall panelling around the new door opening;
  - Restoration of the timber parquet flooring;
  - Installation of speakers to the walls and ceiling suspended lighting scheme;
  - New service installations and fire protection; and
  - Existing original features including moulded architraves, cornices, skirting and picture rails to be repaired and where required replicated.

- 6.3 The alterations listed above are part of the Council's Office Transformation Project and are necessary to meet the requirements of other departments moving to the Town Hall. The project aims to streamline the economic running of Council affairs.

## Impact upon Listed Building

- 6.4 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 includes that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.5 Paragraph 194 of the National Planning Policy Framework 2019 ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by saved policy EN22 of the Tendring District Local Plan (2007) draft Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Paragraph 196 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.6 Paragraph 194 of the Framework also requires the submission of a Heritage Statement, or any other means of describing the significance of the heritage asset, including any contribution made by their setting. The Heritage Statement should be of a level of detail proportionate to the asset's importance. A Heritage Statement has been submitted with the application. The Heritage Statement, in conjunction with the submitted Design and Access Statement, outlines the history of the Listed Building, the proposed works involved and the impact they would have to the Listed Building.
- 6.7 As stated above the sole planning issue is whether the proposals have appropriate regard to the preservation or enhancement of the special character, fabric and appearance of the listed building.
- 6.8 In this regard the first point to note is that no external alteration or repair is proposed. All external elevations of the building are to remain as they are. In respect of the proposed internal alterations the majority of the work concerns carefully managed alterations and additions to the existing structure to facilitate its use as a committee/meeting room.

- 6.9 The supporting documents submitted state that the proposal is to restore the committee room back to its original form, following the previous work to remove the suspended ceiling/modern partitions, by utilising matching materials and fabric on a like for like basis.
- 6.10 The works predominantly include restoring the plaster work, mouldings, skirting and coving along with the restoration of windows and the covering of the roof light panels with Black Perspex. A new larger entrance door is also to be formed with matching wall panelling proposed around the new entrance surround.
- 6.11 In addition to facilitate the use of the room as a meeting/function room new service installations are proposed including a new ceiling suspended lighting feature to avoid significant intrusion into the existing fabric along with a subtle wall mounted audio system and additional lighting.
- 6.12 The specification of the works have been informed by input from ECC-Place Services Heritage Team who have reviewed the final submission and have no objections subject to the inclusion of conditions to agree the final paint colour for the walls and the precise details of the heating cover features.

## **7. Conclusion**

- 7.1 Overall the changes proposed are considered to accord with the requirements of local and national planning policies which seek to safeguard the special nature of listed buildings. In many cases the work proposed enables original features to be enhanced and where alterations are proposed to original fabric matching materials including architraves, skirting and picture rails will be used to maintain the building's neo-Georgian styling.

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions

### **8.2 Conditions and Reasons**

1. The works hereby permitted shall begin before the expiration of three years from the date of this consent.

Reason - To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 and documents:

- 52310/B/01
- 52310-B-02 (Amended Roof Light Plan – Received 26<sup>th</sup> February 2020)
- Schedule of Works Document (as prepared by Richard Jackson Building Consultants)
- Document Titled – ‘The design & installation of a Sound and Video system’
- Document Titled – ‘Proposed New Lighting’ (as prepared by Ansell Lighting – dated 17.07.19)
- Audio Specification Details (as prepared by EVID)
- Daikin Concealed Floor Standing Unit Specification
- Daikin Ventilation Technical Data Sheet

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

3. Prior to the commencement of work the following details shall be provided to and approved in writing by the Local Planning Authority;
  - Details of paint colour scheme for the room
  - Precise design details of the heater/ventilation covers

Reason – To ensure these details are sympathetic to the historic character of the room.

## **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**

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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