



PLANNING COMMITTEE

DATE: Tuesday, 19 May 2020

TIME: 6.00 pm

VENUE: The meeting is being held through the remote means of a teleconference.

For meetings held through remote means of a teleconference, public access details for watching the live stream of the teleconference or to register under the Public Speaking Scheme can be obtained from the Officer whose details are below. You are encouraged to request those details at the earliest opportunity to avoid any connection issues arising on the day of the meeting.

Contact Debbie Bunce on 01255 686573 or email democraticservices@tendringdc.gov.uk

MEMBERSHIP:

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

Councillor Fowler
Councillor Harris
Councillor McWilliams
Councillor Placey

This Meeting is being held in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Most Council meetings are open to the public and press.

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

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

For further details and general enquiries about this meeting, contact Emma Haward or Ian Ford on 01255686007 or 01255686584. Email: democraticservices@tendringdc.gov.uk.

DATE OF PUBLICATION: Monday, 11 May 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 - 10)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Tuesday 10 March 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 19/00283/FUL - LAND EAST OF HALSTEAD ROAD, KIRBY CROSS (Pages 11 - 32)

Development of 13 dwellings with associated landscaping and infrastructure.

Please see below the link to Public Access for this item. Also inserted is the PowerPoint presentation for the application.

<https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PN9VK3QB0EL00>

6 A.2 PLANNING APPLICATION 19/00917/OUT - LAND TO THE SOUTH OF RAMSEY ROAD AND EAST OF MAYES LANE, RAMSEY (Pages 33 - 66)

Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.

Please see below the link to Public Access for this item. Also inserted is the PowerPoint presentation for the application. There is a site visit video for this application as well. This is also available to view via the relevant link below.

<https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTLVHPQB0KP00>

7 **A.3 PLANNING APPLICATION 20/00136/FUL - 3 FROBISHER ROAD, DOVERCOURT**
(Pages 67 - 86)

Proposed erection of new three bedroom detached bungalow and garage to part front garden of 3 Frobisher Road.

Please see below the links to Public Access for this item. Also inserted is the PowerPoint presentation for the application. There are also site visit videos for this application – these are also available to view via the relevant link below.

<https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q4YZSTQB0KP00>

8 **A.4 PLANNING APPLICATIONS - 19/01605/FUL - CLACTON COUNTY HIGH SCHOOL AND 19/01606/FUL TENDRING EDUCATION CENTRE, CLACTON-ON-SEA** (Pages 87 - 110)

19/01605/FUL - Clacton County High School

The change of use of 1.83 hectares of existing open space land to school playing fields and erection of 2.1m high weldmesh metal fencing along the western boundary of the application site and 2 x 2.1m high pedestrian gates and 1 x 2.1 m vehicular gate (from points A to B as shown on drawing L1463), and demolition of ground maintenance building, and removal of a container at Clacton Leisure Centre, Vista Road, Clacton On Sea.

19/01606/FUL – Tendring Enterprise Centre

The change of use of 1.37 hectares of existing school playing fields to open space land, erection of 2.1m high metal fencing along the southern boundary of the application site (from points A to E as shown on drawing L1462), part removal of existing bund and provision of field access for pedestrians at Tendring Educational College, Jaywick Lane, Clacton On Sea.

19/01605/FUL

<https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZXHAHQB07M00>

19/01606/FUL

<https://idox.tendringdc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PZXHO8QB07M00>

MEETING OVERRUN DATE

In the event that all business is not concluded, the meeting will reconvene on a date to be decided by the Chairman of the Committee to consider any remaining agenda items.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held remotely by teleconference at 6.00 pm on Tuesday, 16 June 2020.

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 686007) during normal working hours on any weekday after the reports and agenda have been published,

OR

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

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

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

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

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

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

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

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

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 10 MARCH 2020 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Cawthron, Codling, Fowler, Harris, McWilliams and Placey
Also Present:	Councillors Broderick (except minute 99), Wiggins and Winfield (except minute 99)
In Attendance:	Cath Bicknell (Head of Planning), Trevor Faulkner (Temporary Planning Team Leader), Katie Sullivan (Committee Services Officer) and Emma Haward (Leadership Support Assistant)

92. CHAIRMAN'S OPENING REMARKS

The Chairman (Councillor White) welcomed Members, Officers and members of the public to the meeting and informed them that the projector was not working on this occasion and that therefore paper copies of the plans for each Planning Application would be distributed.

93. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were none.

94. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on Tuesday 12 February 2020, were approved as a correct record and signed by the Chairman.

95. DECLARATIONS OF INTEREST

There were none.

96. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no questions on notice on this occasion.

97. A.1 - PLANNING APPLICATION - 19/01475/DETAIL - LAND EAST OF BROMLEY ROAD, LAWTFORD, CO11 2HS

It was reported that planning application 15/00876/OUT for all matters apart from access had been granted planning permission on 13 April 2017 for a mixed development of 360 houses and community facilities / open space on 22.76ha of land to the south of Lawford.

It was further reported that, in accordance with Members' previous request, the planning application now before them related to phase two of the development and that consent was now sought for the outstanding reserved matters with regard to landscaping, layout and scale.

Members were reminded that the principle of residential development had been accepted by the granting of the outline planning permission, which had also established the position of the access.

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

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

An update sheet had been circulated to the Committee prior to the meeting with details of suggested amendments to some of the proposed Planning Conditions following discussion with the applicants.

Will Vote, 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 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 of £122.30 per new dwelling towards RAMS

b) The following conditions:

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

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- 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.l.038 (a) Amended house type rosemary proposed side elevation
- 981s ph2.l.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
- 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
- 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.l.032 House type cornelia - proposed floor plans and front elevation
- 981s ph2.l.033 House type cornelia - proposed side and rear elevations
- 981s ph2.l.034 House type damask - proposed floor plans and front elevation
- 981s ph2.l.035 House type damask - proposed side and rear elevations
- 981s ph2.l.004 rev b Amended block plan
- 981s ph2.l.003 rev a Amended site layout plan

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

2. Prior to the first occupation of any approved dwelling its associated vehicular access, parking and turning facilities as shown on the submitted plan shall be constructed, surfaced 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.

3. 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.

4. All single and all double garages shall be constructed in accordance with the following drawings, 981S.PH2.L.070, 981S.PH2.L.071 And 981S.PH2.L.072.

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

5. 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.

6. 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.

7. No more than 100 dwellings on Phase 2 shall be occupied until the 3m wide shared footway/cycle-track marked pink on drawing number H562-L-003 is completed.

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

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.

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 Section 106 planning obligation.

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

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

Members recalled that this site had been subject of a previous application for the same development under planning application 18/02072/FUL which had had an Officer recommendation of approval at Planning Committee on 11 June 2019. That application had been 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.

Members were informed that that application had been subject of an appeal which had been dismissed on 13 December 2019 and that the reason for dismissal had been 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 had no legal effect and could not be taken into account. In all other respects the Planning Inspector had been satisfied that the proposed development would not have harmed the character and appearance of the area or the living conditions of the occupants of the neighbouring properties and as such would not be in conflict with adopted Local Plan policies.

Members were further informed that given the 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, the application was considered acceptable in terms of scale, layout and appearance.

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

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

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

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

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

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

Following discussion by the Committee and consideration of advice provided by Officers it was moved by Councillor Harris, seconded by Councillor Placey 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 for the following reasons:-

- Contrary to Policies HG6, HG9, HG14, QL9, COM1 and QL1
- Narrow plot width
- Dwelling creates a cramped appearance that is not appropriate in its setting and which appears out of character in terms of its siting to the serious detriment of the immediate street scene and character of the area / neighbouring properties.

99. A.3 - PLANNING APPLICATION - 19/01910/LBC - TENDRING DISTRICT COUNCIL, CLACTON TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE

It was reported that this listed building consent planning application had been referred to the Planning Committee as the applicant was 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 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 an amendment to paragraph 6.10.

Following discussion by the Committee, it was moved by Councillor Cawthron, seconded by Councillor Bray and unanimously **RESOLVED** that consideration of this application be deferred for the following reasons:

- Scheme refinement and better drawings to be provided.
- Further thought to be given to the form and detailing of the roof light as the Committee do not consider the black perspex panels proposed within the roof light to be sensitive to the heritage asset.
- Further consideration to be given to lighting and ability to introduce natural light.

The meeting was declared closed at 8.20 pm

Chairman

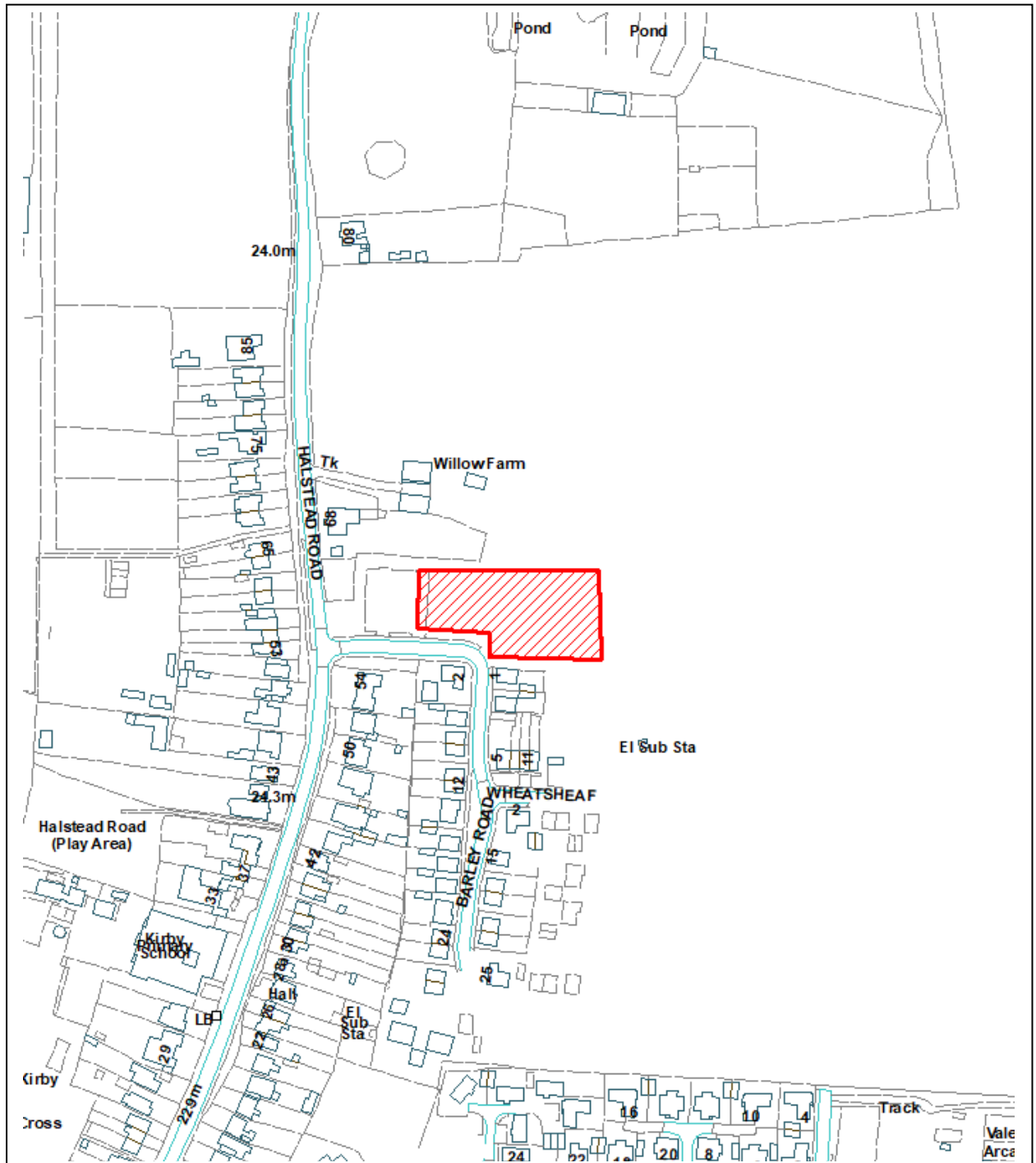
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PLANNING COMMITTEE

19 MAY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.1 PLANNING APPLICATION – 19/00283/FUL – LAND EAST OF HALSTEAD ROAD KIRBY CROSS FRINTON ON SEA CO13 0LR



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Application: 19/00283/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Miss Hannah Short - Linden Limited

Address: Land East of Halstead Road Kirby Cross Frinton On Sea CO13 0LR

Development: Development of 13 dwellings with associated landscaping and infrastructure.

1. Executive Summary

- 1.1 This application has been referred to Planning Committee at the request of Councillor Clifton due to concerns relating to; affordable housing provision, the design and street scene impact, poor layout and density, highway safety and parking.
- 1.2 This application site forms part of larger part of land stretching from Halstead Road to Buxton Avenue on the northern side of Kirby Cross.
- 1.3 **This application was deferred at the January committee meeting to allow negotiations to take place with the applicant with a view to securing amendments to the scheme with respect to plots 1-4 inclusive. It was agreed by members that these plots were to be pushed southwards and plots 1 and 2 reduced to bungalows. It was also requested that a landscaping scheme be provided to the northern boundary of the site.**
- 1.4 **To this end the applicant has submitted revised plans indicating that Plots 1 & 2 have been amended to 1 bed bungalows and plots 3 and four have been moved further southwards within the site. A 2.5m high screen fence has now been introduced along part of the northern boundary of the site and additional landscaping has been provided along the northern boundary in the form of hedging and trees. Furthermore, indicative plans shows an affordable housing mix revised to 2 x 1 bed bungalows, 1 x 2 bed houses & 1 x 3 bed houses.**
- 1.5 **A revised Drainage Strategy and updated vehicle tracking drawings have also been submitted to coordinate with the revised layout however there has been no material change to the technical details.**
- 1.6 Outline consent for the erection of up to 240 dwellings with a community hub including either a 40 bed space care home (Class C2) or a healthcare facility (Class D1) together with access from Halstead Road, Woburn Avenue and Buckfast Avenue; a parking area for up to 30 vehicles; green infrastructure provision including children's play area, kick-about area, footpaths, structural landscaping and biodiversity enhancement; a sustainable drainage system including detention basin and swales and other related infrastructure and services provision was granted at appeal on 6th September 2016. Phase 1 and 2 of the development have already been approved and are currently under construction. Phase 3 situated towards the south-west of the site, to the east of Phase 1 of the development was recently granted permission.
- 1.7 The land subject of this application was shown as a community hub with either a 40 bedroom care home or a medical facility under the original Outline permission 15/01234/OUT. The applicant has provided evidence that there is no interest in the provision of a care home and it has similarly been confirmed by NHS England that they are not in a position to agree to the land option for a healthcare facility on the site and

would prefer to receive the alternative financial contribution (£389.67 per dwelling) secured through the S106 Agreement attached to the site-wide outline planning permission to support improvements to existing local medical facilities.

- 1.8 This application has been amended and now seeks full planning permission for 13 dwellings with associated landscaping and infrastructure.
- 1.9 The proposal includes a mix of traditional two-storey, two and three bedroom houses, in compliance with the ridge height parameters as per the approved Outline Parameter Plan.
- 1.10 The scheme that forms this full application will provide 4 affordable homes (35%), comprising two two-bedroom and two three-bedroom houses.
- 1.11 Housing Mix:
- 2 bed open market house x 5
 - 3 bed open market house x 4
 - 2 bed affordable house x 2
 - 3 bed affordable house x 2
- 1.12 In conclusion, the proposed development would not result in any harmful impact upon visual amenity or neighbouring amenities and provides additional housing and sufficient additional parking spaces to serve the proposed units.
- 1.13 A legal agreement is currently being prepared to secure the contributions towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS); open space enhancements; and the delivery of the affordable housing units.

Recommendation:

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

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

- **Financial Contribution towards RAMS**
- **Financial contribution towards Open Space**
- **Affordable housing contribution 4 dwellings**

b) Subject to the conditions stated in section 8.4.

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal argument 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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tending 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
- 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
- COM6 Provision of Recreational Open Space for New Residential Development
- COM19 Contaminated Land
- COM26 Contributions to Education Provision
- EN1 Landscape Character
- EN2 Local Green Gaps
- EN6 Biodiversity
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN13 Sustainable Drainage Systems
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR2 Travel Plans
- TR3A Provision for Walking

- TR4 Safeguarding and Improving Public Rights of Way
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP3 Green Infrastructure
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL6 Strategic Green Gaps
- PPL7 Archaeology
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

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

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

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

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

2.4 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**

15/01234/OUT	Erection of up to 240 dwellings with a community hub including either a 40-bed space care home (Class C2) or a healthcare facility (Class D1)	Refused Appeal Allowed	07.12.2015 06.09.2016
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together with access from Halstead Road, Woburn Avenue and Buckfast Avenue; a parking area for up to 30 vehicles; green infrastructure provision including children's play area, kick-about area, footpaths, structural landscaping and biodiversity enhancements; a sustainable drainage system including detention basin and swales and other related infrastructure and services provision.

17/01895/DETAIL	Phase 1 reserved matters application (49 units) for details of the appearance, landscaping, layout and scale.	Approved	07.03.2018
17/02145/DETAIL	Phase 2 reserved matters application for 28 bungalows on land off Woburn Avenue and Buckfast Avenue.	Approved	19.03.2018
18/00355/DISCON	Discharge of conditions 11 (Phasing Plan and Programme), 12 (Green Infrastructure Management Plan), 13 (Foul Water Strategy), 14 (Surface Water Drainage Strategy), 15 (Written Scheme of Archaeological Investigation), 16 (Construction Method Statement), 20 (Design Code) and 21 (Landscaping Details) of approved planning appeal APP/P1560/W/15/3140113 (planning application 15/01234/OUT).	Approved	19.06.2019
18/00366/DISCON	Discharge of conditions 4 (Ground/Floor Levels, External Lighting, Means of Enclosure, Bicycle Parking and Refuse/Recycling Storage) of approved application 15/01234/OUT (allowed on appeal APP/P1560/W/15/3140113), in relation to Phase 1 only.	Approved	19.06.2019
18/00414/DISCON	Discharge of conditions 4 (Levels, Street Lighting and Refuse details), 10 (Arboricultural Method Statement), 13 (Foul Water Strategy) and 14 (Surface Water Drainage) of approved planning	Current	

appeal APP/P1560/W/15/3140113
to planning application
15/01234/OUT, in relation to Phase
2 only.

18/00503/DISCON Discharge of conditions 6 (roads & footways) and 11 (planning out crime) of 17/01895/DETAIL, in relation to Phase 1 only. Approved 18.03.2019

4. Consultations

NHS East Essex
CCG

The CCG are not in a position to agree to the land option for a healthcare facility. Whilst they recognise that there is a need for additional clinical capacity in the area, there are a number of factors that need to be considered including affordability of revenue for a new build, capital fund contributions to build, workforce to run the facility and how a facility would fit in with the current policy and Primary Care Network Structure.

On this occasion, they believe the best route would be not to agree to an offer of land, but to commit to the S106 mitigation in line with the S106 signed agreement which is secured and it is noted that part payment of the Agreement is available to spend now.

**Councils Tree
Officer**

Provide the following comments;

The amended soft landscaping proposals are sufficient and contain an adequate level of new planting to soften and enhance the appearance of the development.

Anglian Water
Services Ltd

The submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and 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.

The Archaeology team provide the following comments:

Essex County
Council
Archaeology

“The application relates to a proposed development which is situated on land that has been evaluated through archaeological trial trenching. No further fieldwork was required within the area of Phase 3 and there is no recommendation for any archaeological investigation for the above application.”

Essex Wildlife
Trust

No Comments.

**Councils Housing
Officer**

Provide the following comments;

The application proposes 13 homes and the applicant has stated that they will deliver 4 affordable homes. This is in line with our requirements in the emerging Local Plan for 30% of the homes to be affordable. I note the applicant proposes to deliver 2 x 1 bed, 1 x 2 bed and 1 x 3 bed and I can confirm I am happy with this mix.

The applicant is in the process of gifting a number of homes to the Council on the larger site in Halstead Road and as such, I would like the Council to have the first option to take on the affordable homes on this application. If this is not possible, then we would look for another provider to take them on.

Natural England

It has been identified that this development falls within the ‘Zone of Influence’ (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered ‘in combination’ with other plans and projects.

The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as ‘relevant development’. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

ECC SUDS	No objection to the Amended Drainage Strategy Report, however advise that the site should be subject to the drainage conditions imposed in the wider drainage strategy.
Open Space and Play	Advise that there is currently a deficit of -14.12 hectares of equipped play in Frinton, Walton & Kirby. Any additional development in Kirby will increase demand on already stretched play areas. The nearest play area to the proposed development is Halstead Road, Kirby approximately 0.2 miles from the proposed development. The site is well used by the local community and would struggle to cope with any additional usage. Recommendation Due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. Additional play equipment will be installed in Halstead Road play area.
ECC Highways Dept	Essex County Council Highways have been consulted on the application and following receipt of amended plans raise no objection to the proposals subject to the imposition of the following conditions to cover the following: <ul style="list-style-type: none"> - timings of internal road and footways; - details of the estate roads and footways; - provision and retention of car parking and turning areas; - size of parking spaces and garages and provision of cycle - parking in accordance with the Essex Parking Standards.

5. Representations

- 5.1 63 letters of objection and a petition containing 213 signatures has been received which raise the following concerns;
- Exacerbate existing parking problems.
 - Noise and fumes from increased traffic.
 - Noise, disturbance, obstruction and fumes from construction traffic.
 - Access for emergency and refuse vehicles will be worsened.
 - No disabled parking bays.
 - Detrimental to residential amenities.
 - Overdevelopment of the site.
 - Drains/Sewage would not cope with the demands of further flats.
 - Existing garages too small.
 - Leaseholders not notified of proposed development.
 - Overlooking and harm to privacy.
 - Too high and out of character.
 - Loss of light.
 - Access to new spaces blocked by existing garages and parked vehicles.
 - Loss of property values.
 - Existing amenities will not cope with the increase of housing in this area.
 - Area cannot cope with the additional traffic
 - Noise Pollution during construction
 - Were assured by Linden Homes that there would be no homes built in this area and it would be reserved for open space.
 - Lack of detail in regard to infrastructure and detrimental to the rural aspect of the locality.

- Although they have turned Plots 1 and 2 into single storey bungalows, my 'drawn to scale' diagrams clearly indicate that unless Plots 3,4,5,6,7 and 8 are also changed to single storey buildings, they too will have direct views from the upper windows into the garden of Willow Farmhouse, thus creating a major Safeguarding issue.
- Although they have added a 2.5m fence, both the positioning, length and orientation are completely wrong and it will have little or no effect.
- To be functional the fence needs to be right on the boundary of Willow Farmhouse, ideally a modification of the existing fence. The closer it is to the proposed new houses, the worse the Safeguarding issue. To have any effect, it needs to be as far away from the proposed new houses as possible, i.e. on the existing fence line of Willow Farm.
- In addition, the fence as shown on drawing 18284 (oddly dated Oct 18, which I guess was the old date before modification and not updated), is far too short. It needs to continue Westwards towards Halstead Road as far as car park bay 10. It also needs to go northwards along the back fence of Willow Farmhouse to prevent overlooking from that direction.
- I know TDC take Safeguarding very seriously and therefore I am sure you will agree that these revised plans do little or nothing to remove the major Safeguarding issue and should therefore be rejected in their current form. I have no issue with Lindens being given the opportunity to revise in such a way as to remove the Safeguarding problem completely.

5.2 The Parish Council have made the following comments on the application

- Assurances that these properties are affordable or part buy have not been met. Recommend the application be refused.

6. **Assessment**

6.1 The main considerations in this instance are;

- Site Context;
- Proposal;
- Principle of Residential Development;
- Affordable Housing;
- Design and Appearance;
- Landscaping;
- Layout;
- Scale;
- Highway Safety and Parking Provision;
- Impact on Residential Amenity;
- Financial Contribution – Recreational Impact; and,
- Financial Contribution – Open Space / Play Space;
- Other Issues.

Site Context

6.2 The application site forms part of larger part of land stretching from Halstead Road to Buxton Avenue on the northern side of Kirby Cross.

6.3 Outline consent for the erection of up to 240 dwellings with a community hub including either a 40 bed space care home (Class C2) or a healthcare facility (Class D1) together with access from Halstead Road, Woburn Avenue and Buckfast Avenue; a parking

area for up to 30 vehicles; green infrastructure provision including children's play area, kick-about area, footpaths, structural landscaping and biodiversity enhancement; a sustainable drainage system including detention basin and seales and other related infrastructure and services provision was granted at appeal on 6th September 2016. Phase 1 and 2 of the development have already been approved and are currently under construction. Phase 3 situated towards the south-west of the site, to the east of Phase 1 of the development was recently granted permission.

- 6.4 The site consists of a parcel of land measuring just under 0.36 hectares (ha) of generally level arable land north of the built-up area of Kirby Cross, a settlement west of the coastal towns of Frinton-on-Sea and Walton-on-the-Naze.
- 6.5 This land was shown as a community hub with either a 40 bedroom care home or a medical facility under the original Outline permission 15/01234/OUT. The applicants state there has been no interest in either use so are now proposing housing.
- 6.6 A S106 legal agreement was secured at outline planning permission stage requiring:
- 6.7 The provision of affordable housing, contributions towards education and healthcare, the provision and maintenance of public open space; and a residential travel information pack including bus vouchers.

Proposal

- 6.8 Linden Limited have stated in their submitted Planning Statement which accompanies this planning application that they have tested the care home/healthcare facility market and found no demand for such use for the site, as such they see an opportunity to provide additional housing on the site as an alternative.
- 6.9 This application therefore seeks full planning permission for 13 dwellings (Amended down from 15 during the life of the application) on the site (at land North of Barley Road, Kirby Cross) and includes a mix of traditional two storey, two and three bedroom houses, in compliance with the ridge height parameters as per the approved Outline parameter plan.
- 6.10 The following documents and amended plans have been submitted in support of the application;

05 Mar 2020	Drawing	Lin22259-11c Amended landscaping proposals
05 Mar 2020	Report	Amended appendix 2 - proposed drainage strategy
05 Mar 2020	Drawing	P106 e Amended refuse strategy layout
05 Mar 2020	Drawing	P122 A12 bungalow semi floor plans
05 Mar 2020	Drawing	C102 d Amended coloured street scenes
05 Mar 2020	Report	Amended design and access statement
05 Mar 2020	Drawing	P101 I Amended site layout
05 Mar 2020	Drawing	P102 e Amended whole site layout

05 Mar 2020	Drawing	P103 e Amended buildings materials layout
05 Mar 2020	Drawing	P104 e Amended boundary materials layout
05 Mar 2020	Drawing	P107 e Amended garden size layout
05 Mar 2020	Drawing	P114 c Amended hardwick-mountford elevations
05 Mar 2020	Drawing	P121 e Amended illustrative street scenes
05 Mar 2020	Drawing	P124 A12 bungalow semi elevations
05 Mar 2020	Drawing	Lhe132-sk2 c Amended fire and refuse tracking
05 Mar 2020	Drawing	P105 e Amended surface materials layout
05 Mar 2020	Report	Lin22259mand Amended soft landscape management and maintenance plan
05 Mar 2020	Drawing	P123 A12 bungalow semi elevations
05 Mar 2020	Drawing	C101 d Amended coloured site layout

Principle of Development

- 6.11 The principle of residential development on this site has been established by the granting of the outline application at appeal. To reflect this decision the site is now included within the emerging Settlement Development Boundary contained in the Tendring District Local Plan (2013-2033) and Beyond Publication Draft.
- 6.12 With regards to the provision of the aforementioned care home and community hub, under the original Outline permission (15/01234/OUT) the Council cannot insist on their provision as they were not primary considerations in the proposal being acceptable. It should also be borne in mind that the provisions of the S106 Legal Agreement are worded such that if the medical facility is not built then the developer is required to pay a healthcare contribution of £389.67 per dwelling, payable to NHS England.
- 6.13 The Clinical Commissioning Group (CCG) has been consulted on the proposal and has advised that whilst they recognise that there is a need for additional clinical capacity in the area, there are a number of factors that need to be considered including affordability of revenue for a new build, capital fund contributions to build, workforce to run the facility and how a facility would fit in with the current policy and Primary Care Network Structure. On this occasion, the CCG believe that the best route forward would not be to agree to an offer of land, rather they would prefer to receive the financial contribution secured through the S106 Agreement attached to the site-wide outline planning permission to support improvements to existing local medical facilities.
- 6.14 In terms of the alternative/additional use of this site for a care home, the applicant has provided evidence of attempts to market the site for C2 care home uses but this has not generated positive interest.
- 6.15 In view of the above, and given that the need to provide housing - both market and affordable housing – in the district continues to be important, officers raise no objection to the proposals on Policy grounds.

Affordable Housing & wider housing mix

- 6.16 The wider development will provide 18 homes classified as affordable housing as per the S106 Agreement. There will be eight one-bedroom flats, six two-bedroom houses and four three-bedroom houses. These will be gifted to Tendring District Council and allocated to people on the housing waiting list. 9 of these affordable dwellings were proposed for the third phase of development with the balance to be provided for within Phase 4.
- 6.17 This scheme site outside the parameters of the above agreement as it did not form part of the site given over for the approved 240 dwellings; as such as this forms a standalone full application it is reasonable to seek a policy compliant affordable housing component to the proposal and the applicant has agreed to the provision of 4 affordable homes (35%), comprising 2 two-bedroom and 2 three-bedroom houses to be secured as part of the S106 Agreement.
- 6.18 The overall Housing Mix will be as follows:
- 2 bed open market house x 5
 - 3 bed open market house x 4
 - 2 bed affordable house x 2
 - 3 bed affordable house x 2
 - **(2 x 1 bed bungalows, 1 x 2 bed houses & 1 x 3 bed houses)**

Design and Appearance

- 6.19 The detailed design of the dwellings is varied with different roof forms, and use of porches and window detailing which adds a somewhat traditional element to the design and provides visual interest.
- 6.20 The surrounding area comprises of a mixture of type and styles of dwellings, using a range of materials all fairly traditional in appearance, it is therefore considered that the design of the proposed dwellings are in keeping with the character of the area. The design and appearance is in keeping with previous approved Phases that have been granted reserved matters consent.

Landscaping

- 6.21 The land subject to this application does not contain any significant trees other than those on the southern boundary. The trees, hedgerows and hedges are associated with the adjacent residential area and do not merit formal legal protection. As part of the application detailed landscaping plans have been submitted; the soft landscaping proposals are comprehensive and sufficiently detailed to enhance the appearance of the development.
- 6.22 While the location of boundary treatments has been provided no details of the type, height and design have been. However, this is a matter that can reasonably be controlled by way of a planning condition.

Layout

- 6.23 Each of the proposed dwellings, have their own private amenity space. Policy HG9 of the Saved Local Plan requires 50sqm for 1 bedroom dwellings; 75sqm for 2 bedroom

dwellings and 100sqm for dwellings with 3 or more bedrooms. For flats, the policy sets out a requirement for either: a minimum of 25sqm per flat provided communally; or a minimum of 50sqm private garden area for a ground floor flat or maisonette and a minimum balcony area of 5sqm for units above. All the dwellings are provided with garden areas which meet or exceed these standards.

- 6.24 All of the proposed dwellings address the street and create an active street frontage.
- 6.25 Parking is provided either to the front or sides of the dwellings, in appropriate locations throughout the site and therefore do not dominate the proposed development.
- 6.26 In conclusion there is no objection to the layout of the proposed development.

Scale

- 6.27 Conditions imposed on the outline consent restrict development to predominately two storeys in height up to 10m with the northern part of the site being restricted to bungalows up to 7 metres in height. The proposed development complies with this condition and therefore the scale of the dwellings is considered acceptable.

Highway Safety/Parking

- 6.28 The proposed access was agreed at outline stage and therefore is not under consideration as part of this application. However, the internal layout is a matter for consideration as part of this application.
- 6.29 Essex County Council Highways have been consulted on the application and following receipt of amended plans raise no objection to the proposals subject to the imposition of the following conditions to cover the following:
 - timings of internal road and footways;
 - details of the estate roads and footways;
 - provision and retention of car parking and turning areas;
 - sizes of parking spaces and garages and provision of cycle parking in accordance with the Essex Parking Standards.
- 6.30 Essex County Council Parking Standards state that for one bedroom dwellings 1 off-street parking space is provided and for dwellings with 2 or more bedrooms a minimum of 2 off-street parking spaces are provided. Furthermore, 0.25 space per dwelling should be provided for visitor parking. Each parking space should measure 5.5 metres by 2.9 metres and if a garage is to be relied on it should measure 7 metres by 3 metres internally. The plans show that the proposal provides parking in accordance with the adopted standards.
- 6.31 Provision for cycle storage has not been shown on the plans. However, the garages are of a sufficient size to provide cycle parking and all dwellings have space within the garden area for a shed. Therefore it is considered that adequate cycle parking can be provided and a condition is not considered necessary.
- 6.32 The proposal is therefore acceptable in terms of highway safety. As the plans show compliance with the Essex Parking Standards in relation to sizes of parking spaces and garages it is not necessary to impose conditions to cover this matter, as requested by the Highway Authority.

Impact on Residential Amenity

- 6.33 The Essex Design Guide states that 'with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable'.
- 6.34 The closest residential property (Willow Farm) is a considerable distance from the proposed development and is unlikely to suffer loss of light, privacy or residential amenity as a result of the proposals.
- 6.35 The proposed dwellings are situated between 5 and 20 metres from the eastern boundary of the site. The distance between the rear elevations of the proposed Plots meets the guidance as set out in the Essex Design Guide.
- 6.36 The relationship between the proposed dwellings is also considered acceptable with adequate separation to provide good standards of privacy and light.

Financial Contribution – RAMS

- 6.37 Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation); within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.
- 6.38 Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be a proportionate financial contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites.
- 6.39 A unilateral undertaking (or in this case a S106 Agreement) can secure this legal obligation to 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.

Open Space Contribution

- 6.40 Policy COM6 in the Tendring District Local Plan 2007(TDLP) seeks open space provision or a contribution towards it, from all residential development which generates additional demand for open space sport and recreation where there is a proven need.
- 6.41 Whilst demand resulting from 1 dwelling is not significant in itself, the cumulative effect of many single units (or small sites) soon become significant in itself, the cumulative effect of many single units (or small sites) soon become significant. Therefore a contribution towards provision is reasonable to ensure that open space, sport and recreation provision is equitable.

- 6.42 The Council's Open Space Officer has stated that there is currently a deficit of -14.12 hectares of equipped play in Frinton, Walton & Kirby. And confirmed that any additional development in Kirby will increase demand on already stretched play areas.
- 6.43 The nearest play area to the proposed development is approximately 0.2 miles from the proposed development. The site is well used by the local community and would struggle to cope with any additional usage.
- 6.44 It is recommended that due to the significant lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. Additional play equipment will be installed in Halstead Road play area.
- 6.45 A contribution is therefore sought of £11,830 for the 2 bed units and £13,518 for the 3 bed units.

7. Conclusion

- 7.1 In conclusion, the proposed development would not result in any harmful impact upon visual amenity or neighbouring amenities and provides a site layout and sufficient additional parking spaces to serve the proposed units.

8. Recommendation

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

CATEGORY	TERMS
Financial contribution towards RAMS	£122.30 per dwelling
Financial contribution towards Open Space	£11,830 for the 2 bed units £13,518 for the 3 bed units
Affordable housing contribution	3 dwellings

- 8.2 As established through the granting of outline application 15/01234/OUT at appeal, the principle of residential development on this site is acceptable.
- 8.3 The details design, layout, landscaping and scale are considered acceptable. The proposal would result in no significant material harm to residential amenity or highway safety and the application is recommended for approval.

8.4 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 Drawing Nos:

Drawing Lin22259-11c Amended landscaping proposals
Amended appendix 2 - proposed drainage strategy
Drawing P106 e Amended refuse strategy layout
Drawing P122 A12 bungalow semi floor plans
Drawing C102 d Amended coloured street scenes
Amended design and access statement
Drawing P101 I Amended site layout
Drawing P102 e Amended whole site layout
Drawing P103 e Amended buildings materials layout
Drawing P104 e Amended boundary materials layout
Drawing P107 e Amended garden size layout
Drawing P114 c Amended hardwick-mountford elevations
Drawing P121 e Amended illustrative street scenes
Drawing P124 A12 bungalow semi elevations
Drawing Lhe132-sk2 c Amended fire and refuse tracking
Drawing P105 e Amended surface materials layout
Report Lin22259mand Amended soft landscape management and maintenance plan
Drawing P123 A12 bungalow semi elevations
Drawing C101 d Amended coloured site layout

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

- 4) Prior to the first occupation of any of the proposed development hereby permitted the internal road and footway layout as shown on the approved plans shall be provided.

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

- 5) Prior to the commencement of above ground 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. The development shall be carried out in accordance with the approved details.

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

- 6) The development shall not be occupied until such time as the car parking and turning areas as shown on the approved plans have been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- 7) No development shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

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

- 8) No development shall commence until details of a surface water drainage works shall have been submitted to and approved in writing by the local planning authority. The details shall accord with the principles contained in the Updated Flood Risk and Drainage Strategy (October 2015) and the Amended Drainage Strategy Report (September 2019). The submitted details shall: a. measures to minimise the risk of flooding during the construction works; b. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; c. include a timetable for its implementation; and, d. provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. No building shall be occupied until the works have been implemented in accordance with the approved details.

Reason - To ensure satisfactory provision of foul and surface water drainage in order to prevent the development from causing increased flood risk off site over the lifetime of the development.

- 9) No development shall take place before an Environmental Construction Management Plan for the construction of the development hereby approved has been submitted to, and approved in writing, by the Local Planning Authority. Works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development to prevent the deposition of mud or other debris onto the highway network/public areas. The method statement shall also include details of safe access to/from the site, the parking and turning of vehicles of site operatives and visitors, loading and unloading of plant and materials, delivery and construction working hours, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials, means of safeguarding the public right of way during construction, the erection and maintenance of security hoarding, a scheme for recycling/disposing of waste resulting from construction, and temporary traffic management/signage.

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

10) Prior to the commencement of any piling works which may be necessary, a full method statement - to include a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents – shall be submitted to and agreed in writing by the Local Planning Authority. Piling Works shall be carried out in accordance with the approved method statement.

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

8.5 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 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 or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester

CO4 9YQ

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

Building Regulations Informative

The designer should ensure that the means of escape meet BS5588-1:1990.

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

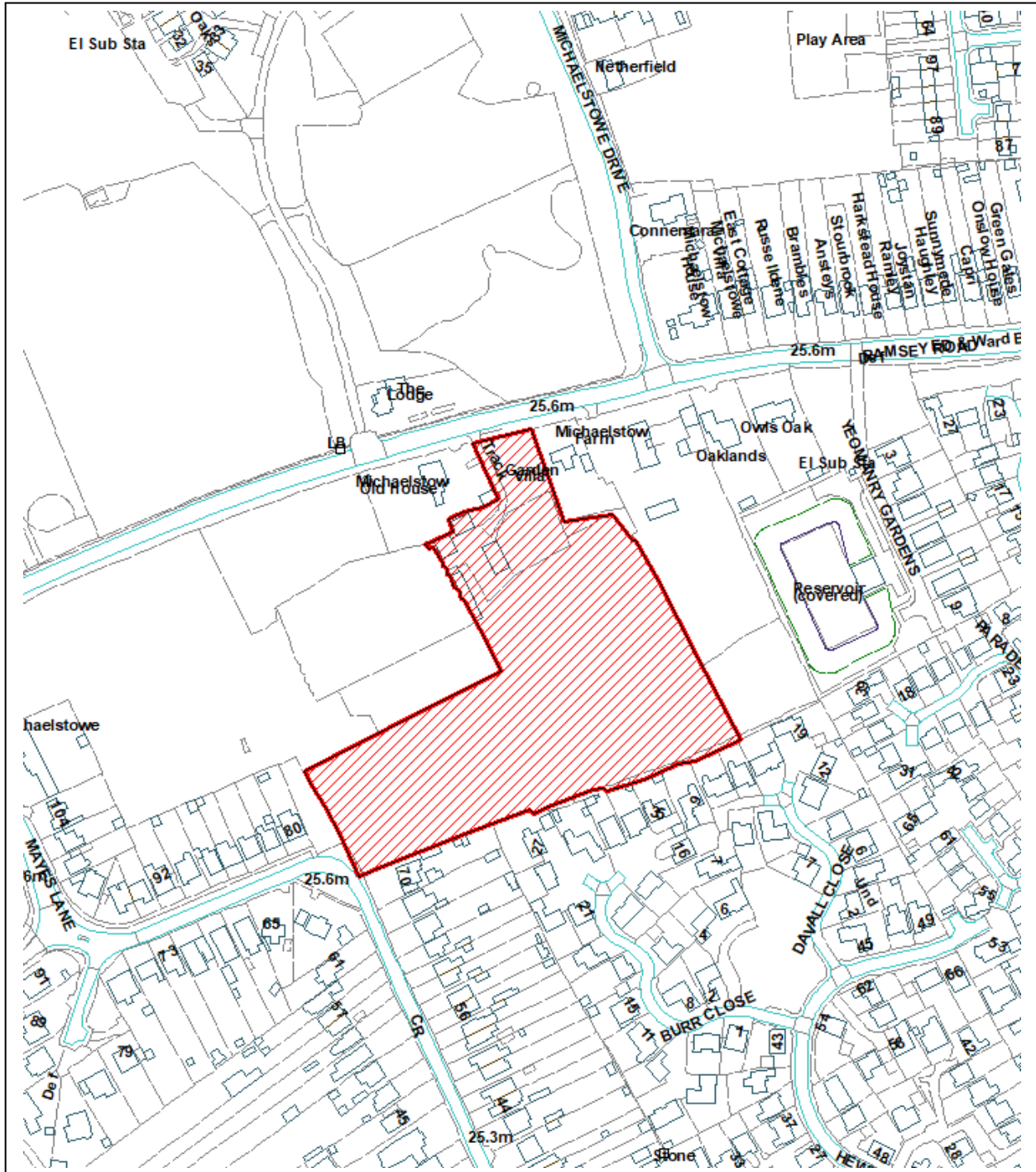
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) 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/>.
- 10.2 Marketing/Correspondence Care Home/Medical Facility.

PLANNING COMMITTEE

19 MAY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 19/00917/OUT – LAND TO THE SOUTH OF RAMSEY ROAD AND EAST OF MAYES LANE RAMSEY CO12 5EW



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Application: 19/00917/OUT

Town / Parish: Ramsey & Parkeston Parish Council

Applicant: C/o Agent

Address: Land to The South of Ramsey Road and East of Mayes Lane Ramsey CO12 5EW

Development: Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.

1. **Executive Summary**

- 1.1 This application is referred to the Planning Committee as the site is situated outside of any settlement development boundary (SDB), but adjacent to the SDB of Dovercourt. The development therefore represents a departure from the saved or emerging local plans.
- 1.2 **This application was deferred at the previous committee meeting to enable a member site visit to take place or if possible for the applicant to supply adequate video/photographic evidence of the site and surroundings. Additionally further information in respect of the method of securing the affordable housing element and details of the almshouses was requested by members.**
- 1.3 **To this end a video showing a walkover of the site, the points of access and all internal boundaries has now been provided for members to view. Furthermore, indicative plans of the proposed almshouses have been provided and are included within the presentation slides.**
- 1.4 **Information has also been provided by the applicant confirming that the required legal agreement would provide the certainty with construction and conveyance of the 12 affordable housing units (10 almshouses and 2 dwellings). These would be provided prior to occupation of the 16th dwelling on the remainder of the site. No shared ownership is being proposed and the legal agreement will secure transfer to a Registered Social Landlord subject to a restriction on age of occupancy on the almshouse element.**
- 1.5 The application site is located on the southern side of Ramsey Road at the western end of the settlement of Dovercourt. The site falls within the parish of Ramsey & Parkeston.
- 1.6 This application seeks outline planning permission for the erection of 31 dwellings and 10 almshouse type units (41 units in total) on the site. The application is in outline form with some matters reserved. This application therefore seeks approval of the access and scale along with the principle of development.
- 1.7 The application site originally an allocated site in the emerging local plan. This allocation included land to the east and west of the site, together with land opposite St Michael's Church. Following an appeal decision opposing development of 75 houses on land between the church and Two Villages School, the Council decided to withdraw the suggested allocation for all the land south of Ramsey Road/Church Hill.
- 1.8 Whilst the decision to exclude the land on the east side of Mayes Lane is understandable, based upon the appeal decision and the concern with the impact upon the setting of the Grade I church, the current application site has no special relationship with either the

church or its setting and this view is supported by the comments of Historic England and ECC-Place Services.

- 1.9 The site is located on the edge of a large urban settlement with good access to local services/facilities. Planning permission has been granted for residential development on land directly to the east and there is existing housing to the south and west of the site. As a consequence there would be minimal landscape impact whilst sufficient spacing to existing residents is retained to safeguard amenity.
- 1.10 In the current situation the Council cannot demonstrate a 5 year housing supply and therefore in accordance with the provisions of the National Planning Policy Framework (NPPF) the presumption in favour of sustainable development apply. The development is considered to meet the economic, environmental and social strands of sustainability as outlined in the NPPF.
- 1.11 Subject to the applicant entering into a Section 106 agreement to cover the provision of affordable housing and healthcare/RAMS contributions, the proposal is considered to be acceptable with no material harm to visual or residential amenity, heritage assets, ecology interest or highway safety, and the application is therefore 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 towards RAMS**
 - **30% Affordable Housing Provision (12 units including 10 almhouses and 2 dwellings to be provided prior to the 16th occupation of the market housing)**
 - **NHS contribution**
- 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.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

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
HG3A Mixed Communities
HG4 Affordable Housing in New Developments
HG6 Dwelling Size and Type
HG7 Residential Densities
HG9 Private Amenity Space
COM2 Community Safety
COM6 Provision of Recreational Open Space for New Residential Development
COM21 Light Pollution
COM23 General Pollution
COM24 Health Care Provision
COM26 Contributions to Education Provision
COM29 Utilities
COM30 Electricity Supply
COM31A Sewerage and Sewage Disposal
EN1 Landscape Character
EN2 Local Green Gaps
EN3 Coastal Protection Belt
EN6 Biodiversity
EN6A Protected Species
EN6B Habitat Creation
EN11A Protection of International Sites: European Sites and RAMSAR 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
TR1 Transport Assessment
TR2 Travel Plans
TR3A Provision for Walking
TR5 Provision for Cycling
TR6 Provision for Public Transport Use
TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
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

PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL7 Archaeology
PPL9 Listed Buildings
CP1 Sustainable Transport and Accessibility
CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

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**

19/00917/OUT	Outline application for development of 31 dwellings and 10 almshouse type bungalows for older persons and associated open space.	Current
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4. **Consultations**

Essex County Council Ecology	No objection subject to securing;
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- a) a financial contribution towards visitor management measures at Hamford Water SPA, SAC and Ramsar site and;
- b) ecological mitigation and enhancement measures

We have now reviewed the recently submitted Bat Survey Report (Liz Lord, September 2019) relating to further detailed inspection and emergence / re-entry surveys were recommended for three of the buildings on the development site - B1, B4 and B5.

This report is in addition to the Ecological Appraisal (Liz Lord Ecology, December 2018) for the above application. These documents assess the likely impacts of the development on designated sites, Protected and Priority species and habitats.

We note that the surveys indicate that bats are not using the buildings to roost, and no further surveys or licences are recommended. However the report recommends a precautionary approach to dismantling B4 and B5, as they continue to provide potential roosting opportunities for individual bats, and the gable end crevices of B1 should also be inspected for the presence of bats by a suitably qualified ecologist immediately prior to demolition. We recommend that these mitigation measures are secured by a condition of any consent to avoid any offence and demonstrate the LPA's duty under s17 Crime and Disorder Act 1998.

We support the provision of artificial roosting features for bats as recommended in the Ecological Appraisal report (Liz Lord, December 2018) and agree that these should be built into the fabric of the buildings, or consist of long lasting woodcrete/woodstone.

We note that the Ecological Appraisal includes a reference to the sites lying within the Zone of Influence for Hamford Water SAC, SPA and Ramsar site and Stour & Orwell Estuaries SPA and Ramsar site. As residential development is relevant to the Essex Coast Recreational disturbance Avoidance & Mitigation Scheme (RAMS), and this will result in likely impacts, in combination with other plans and projects. The LPA will therefore prepare a Habitats Regulation Assessment (HRA) Appropriate Assessment as, without mitigation, it cannot conclude no adverse effect on integrity of the above European (Habitats) sites. The likely impacts from residential development within the Zone of Influence of the Essex Coast RAMS (published since the Ecology report was written) triggers the need for a proportionate financial contribution towards this strategic solution to secure effective visitor management measures at the coastal sites in perpetuity.

We agree that although there are records of Hazel Dormouse within 1km of the site, the patchy scrub on site is low quality habitat with no connectivity to large areas of suitable habitat off site and unlikely to serve as commuting corridor for these European Protected Species .

We also note that the majority of the site provides low to moderate quality terrestrial habitat for Gt crested newt (GCN), with small pockets of moderate to high quality habitat. However as there are no records within 2km and no EPS mitigation licences within this distance on MAGIC map, the likelihood of GCN being present on site is considered low. Two ponds were identified within 250m of the site, at approximately 140m west north west (WB1), and 225m north west (WB2). Neither of the ponds were accessible during the site survey. We agree that the likelihood of GCN being present is low and no further surveys are necessary. The Ecological Appraisal notes that in the event that a great crested newt is discovered on site at any point, all works must cease and an ecologist contacted for further advice.

We note that Michaelstowe Park LoWS (Te113) lies within 15m of the development site though separated by B1352 so agree that no direct adverse impact on this non statutory designated site is likely.

As the eastern hedgerow is a Priority Habitat, we agree that this should be retained - and ideally enhanced / replanted - as part of the development proposals to help deliver measurable net gain for biodiversity. Consideration should also be given to the gapping up and enhancement of the southern site boundary with a mix of native shrub species.

We welcome consideration of likely impacts on Priority

species on site. As the site provides potential foraging habitat for Priority Species such as House Sparrow, Hedgehog, Dunnock and Song Thrush and potentially Hedgehog, biodiversity enhancements should be provided for these species.

We are now satisfied that there is sufficient ecological information available for determination of this application. We recommend that the suggested mitigation measures are secured to avoid any offence and enhancements in section 6 of the above Ecological Appraisal and Bat Activity reports, to deliver measurable net gain for biodiversity. In addition, it should include reasonable biodiversity enhancements, as paragraph 175 of the NPPF 2019 which highlights that development should identify and pursue opportunities for securing measurable net gains for biodiversity.

Submission for approval and implementation of the details below should be a condition of any planning consent:

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Liz Lord Ecology, December 2018) particularly Appendix 3, and Bat Survey Report (Liz Lord Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

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

2. PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT LAYOUT

"A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 6 of the Ecological Appraisal (Liz Lord Ecology, December 2018), shall be submitted to and approved in writing by the local planning authority.

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

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

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Environmental Protection

No comments

Waste Management

No comments

NHS

Existing Healthcare Position Proximate to the Planning Application Site

The proposed development is likely to have an impact on the services of one GP practice operating within the vicinity of the application site. This GP Practice does not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

Review of Planning Application

The planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising from the proposed development.

A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Assessment of Development Impact on Existing Healthcare Provision

The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 90 residents and subsequently increase demand upon existing constrained services.

Healthcare Needs Arising From the Proposed Development

The intention of NHS NEE CCG is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy, by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Mayflower Medical Centre or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives. For this a proportion of the cost would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £23,094. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

Conclusions

In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development.

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals.

ECC Highways Dept

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

1. The access road off Ramsey Road at its centre line shall provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. For the proposed access road off Mayes Lane, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

3. Vehicular parking and turning facilities in accordance with current policy standards 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 in accordance with policy DM1.

4. An area within the site for the purpose of loading, unloading and manoeuvring of all vehicles including construction traffic, as well as a timetable for their implementation, shall be submitted to and approved, in writing, by the Local Planning Authority prior to any works being undertaken on site. The areas for loading, unloading and manoeuvring shall then be provided in accordance with the agreed details and shall be retained at all times for that sole purpose thereafter unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

5. No unbound material shall be used in the surface treatment of the vehicular accesses.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

6. The vehicular access road off Ramsey Road shall be constructed at right angles to the highway boundary and to the existing carriageway and 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 the new road joins the existing highway.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- Kerb radii measuring 6m
- Any other reasonable items to ensure the access is in accordance with current policy standards.
- The upgrade of the two existing bus stops located in the vicinity of the site access on either side of Ramsey Road and the relocation of the southern bus stop to include: open/ cantilever shelter, raised kerbs, flag and timetable frame. The precise location to be agreed with the Highway Authority.
- A new footway measuring no less than 2m in width either side of the junction with tactile paving either side off Ramsey Road extending to the relocated bus stop on the south side.
- The vehicular access shall be for the sole use of vehicular traffic serving the 31 dwellings only and not for the proposed 10 almshouse type bungalows served by the new access off Mayes Lane.
- All residential properties to be provided with a Transport

Information Marketing Pack.

- Areas within the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.

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

7. The vehicular access road off Mayes Lane shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects;

- Combined pedestrian and vehicular surface of 6m.
- A straight section of carriageway to be provided from the entrance junction for 10 metres.
- Priority for pedestrians and cyclists across junction.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- The vehicular access shall be for the sole use of vehicular traffic serving the 10 almshouse type bungalows only and not for the proposed 31 dwellings served by the new access off Ramsey Road.
- Combined pedestrian/ cycle links to be provided between the two developments.
- Appropriate vehicle visibility splays in accordance with current policy standards.
- All residential properties to be provided with a Transport Information Marketing Pack
- 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 in accordance with policy DM1.

8. 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 to ensure accordance with policy DM1.

9. Prior to 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 roads/footways are constructed to an appropriate standard in the interests of highway safety in accordance with Policy DM7.

10. Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.

Reason: To ensure that loose materials and spoil are not brought out onto the highway, in the interests of highway safety in accordance with policy DM1.

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

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

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

- 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's storage features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to

occupation.

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.

Condition 2

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.

Anglian Water Services Ltd

Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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.

Wastewater Treatment

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

Used Water Network

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. 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.

Housing Services

In light of the fact that the application is for 41 properties, the total number of homes delivered as affordable housing should be 12 properties in total as 30% of 41 properties equates to 12.3 properties (12 rounding down).

I note that the application is proposing a mixture of 3 and 4 bedroom family homes as well as the 10 alms-house type properties earmarked for affordable housing. There are currently 49 households on the housing register seeking a 3 bedroom home in Ramsey and therefore I would recommend that 2 x 3 bedroom units should be delivered as on-site affordable housing to make the total number 12. I would prefer that another registered housing provider be sought to take on the affordable homes on the site.

Essex Wildlife Trust

No comments received

Environment Agency	No comments received
ECC Schools Service	We have sufficient capacity in Harwich for a development of this size - therefore no education contribution required.
Essex County Council Heritage	<p>The application site, although located within the extended setting of the Dovercourt and Ramsey conservation areas, is nevertheless sited far enough from both of these heritage assets to have a negligible impact on their significance as derived from their setting. Whilst a Grade I listed Church of St Michael (HE Ref: 1112103) can be visible from the proposed entrance to the application site, this asset is also not seen to be impacted in a meaningful manner. Michaelstowe Cottage and The Lodge, considered to be non-designated heritage assets due to some historic and artistic significance, are situated within close proximity of the proposed development and the application site appears to encompass land historically associated with Michaelstowe Cottage as inferred from cartographic evidence. As the relationship of the Cottage with the application site in its undeveloped form has not been fully understood, there is potentially harm with this regard to the setting of the non-designated heritage asset and as such paragraph 197 is relevant.</p>
Essex County Council Archaeology	<p>The following application has been identified on the weekly list as having archaeological implications if given approval.</p> <p>The Historic Environment Record shows that the proposed development lies directly to the south of a medieval and post medieval Manor house and grounds of Michaelstowe Hall. Elements of the estate are likely to survive within the development area. Immediately to the south of the site lies a military camp and former Prisoner of War site (EHER 20831). The boundary of the camp runs along the southern boundary of the development and elements of the site may extend into the development area.</p> <p>The following recommendation is in line with the new National Planning Policy Framework:</p> <p>RECOMMENDATION: An Archaeological Programme of Trial Trenching followed by Open Area Excavation</p> <p>1. No development or preliminary groundworks can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the planning authority prior to reserved matters applications being submitted.</p>

2. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the local planning authority following the completion of this work.

3. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been signed off by the local planning authority through its historic environment advisors.

4. The applicant will submit to the local planning authority a post-excavation assessment (to be submitted within three months of the completion of fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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.

5. Representations

5.1 The view of the Ramsey & Parkeston Parish Council is to remain neutral with the following comments requested to be considered:

- The outline plan shows the development close to the boundary of established residential properties, causing concerns of an invasion of privacy to those residents.
- Concerns of the access to Mayes Lane is deemed dangerous to pedestrians needing to cross at this point.
- The wildlife survey being conducted in the month of December would not reflect the full quantity of species potentially in hibernation. It is also stated that the land is regularly maintained, this is disputed as the vegetation is thick and high, giving ideal habitat for many species that appear to have increased.

5.2 5 letters of representation have been received from local residents outlining the following observations and concerns (an officer response is provided in bold within brackets where necessary);

- Plot 5 is shown on the plan as a house causing loss of privacy (**Revised plans have now been received showing plot 5 as a bungalow**).
- Garages in close proximity to rear gardens (**The garages are single storey and hipped away from neighbour's gardens thereby reducing their impact. However, the layout is indicative and these details can be fully review at reserved matters stage**).
- Site not maintained and a wildlife haven containing deer, bats, owls. Ecology report undertaken in December. (**Place Services Ecology Team have reviewed all information submitted and have no objections to the development subject to conditions securing mitigation and biodiversity enhancement measures**).
- Existing perimeter vegetation should be retained (**This is the applicant's intention and a condition is attached to secure this**).
- Loss of privacy and overlooking.
- Infrastructure pressures in Dovercourt/Harwich area.
- Uncontrolled piecemeal development causing traffic congestion/hazards.

- Dangerous access onto Mayes Lane (**ECC-Highways have no objections subject to several conditions. In this instance with the access being on the outside of the bend on Mayes Lane visibility is good**).
- Council should seek a contextual response to the character and appearance of the area through a traditional approach of bungalows and dwellings.
- Essex Design Guide requirements for back to back distances and distance retained to rear boundaries should be achieved. (**Submitted plans show that at least 15m to existing rear boundaries and 25m back to back distances can be achieved. These distances will be secured at reserved matters stage**).
- Width of Mayes Lane could be increased to improve highway safety (**ECC-Highways have considered this and do not consider this is necessary to make the development acceptable from a highway safety viewpoint**).
- Biodiversity gains should be considered (**Biodiversity enhancement measures are to be secured via a condition**).

6. Assessment

Site Context

- 6.1 The application site is located on the southern side of Ramsey Road at the western end of the settlement of Dovercourt. The site is located outside of any defined settlement boundary in both the saved and emerging local plans but is situated directly to the north of the boundary in both plans. The site falls within the parish of Ramsey & Parkeston.
- 6.2 The site consists of rough grazing land measuring approximately 1.8 hectares in size and is located between Ramsey Road and Mayes Lane. Within the northwest corner of the site are some former pig farrowing units and a block of stables. A vehicular access exists onto Ramsey Road between Michaelstowe House and Garden Villa (two large detached dwellings) and a further gated access is present onto Mayes Lane.
- 6.3 To the east of the site is the former Michaelstowe Farm for which planning permission exists for 14 dwellings. To the south is an estate of 90's housing predominantly consisting of detached family homes. The southern boundary of the site is marked by close boarded fencing and hedging. To the south-west is the access onto Mayes Lane which consists mainly of bungalows.
- 6.4 To the north-west of the site opposite Mayes Lane's junction with Ramsey Road is St Michael's Church, which is a Grade 1 listed building. Views of the church are not seen in conjunction with the site due to the present of extensive trees and hedgerows within the neighbouring land to the west.

Planning History

- 6.5 There has not been any planning history directly concerned with this proposal, although a scheme for the development of 14 dwellings on the land to the east was approved on 11th June 2019.

Proposal

- 6.6 This application seeks outline planning permission for the erection of 31 dwellings and 10 almshouse type units (41 units in total) on the site. The application is in outline form with some matters reserved. This application therefore seeks approval of the access and scale along with the principle of development.
- 6.7 The proposed layout is in two parts due to the dual frontage character of the site set in between both Mayes Lane and Ramsey Road. The largest area to be developed would

consist of 31 detached and semi-detached houses and would be accessed via a new bellmouth junction onto Ramsey Road. This element of the proposals would also provide for an area of open space.

- 6.8 The second area to be developed would provide for a small almshouse style development of 1 and 2 bed single storey units that would be accessed via Mayes Lane. The supporting documents state that it is envisaged these units would be designed for older persons (65 yrs and over).
- 6.9 The indicative layout shows that the two areas would be linked via a pedestrian/cycle route which would follow the location of a sewer easement that runs through the site from Mayes Lane eastwards.

Principle of Development

- 6.10 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.11 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.12 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.13 Whilst the site falls within the Ramsey & Parkeston Parish it is located immediately adjacent to the built up area of Dovercourt. Within emerging policy SPL1 the Harwich/Dovercourt urban area (which also includes Parkeston and part of Ramsey) is classified as a 'Strategic Urban Settlement'. These urban areas have larger populations and a wide range of existing infrastructure and facilities, making them the most sustainable locations for growth. For this reason these areas are to accommodate the largest proportion of the District's increase in housing stock.
- 6.14 To maintain the Council's housing supply position going forward and prior to the adoption of the emerging local plan it is acknowledged that sustainable sites on the edge of Strategic Urban Settlements will be assessed on a case by case basis. In this instance the site forms a logical development site on the edge of one of the principal urban areas. The site will help to contribute towards the housing supply in the area and due to the character of the site and its surroundings would have a minimal impact upon the landscape character of the locality.
- 6.15 Comments from the Council's Policy Team confirm that the application site was shown within a draft version of the emerging Local Plan as being suitable for housing purposes. This allocation included land to the east and west of the site, together with land opposite St Michael's Church. Following an appeal decision opposing development of 75 houses on land between the church and Two Villages School, the Council decided to withdraw the suggested allocation for all the land south of Ramsey Road/Church Hill.

- 6.16 While the decision to exclude the land on the east side of Mayes Lane is understandable, based upon the appeal decision and the concern with the impact upon the setting of the Grade I church, the current application site has no special relationship with either the church or its setting and this view is supported by the comments of Historic England and ECC-Place Services. It must also be noted that the land to the western side of Mayes Lane is designated as a 'green gap' in the saved local plan whereas the application site is not.
- 6.17 Consequently, the presumption in favour of sustainable development is applicable to this case as set out in Paragraph 11 of the NPPF. The proposal therefore needs to be considered against the three dimensions within the definition of 'sustainable development,' providing for an economic, social and environmental role.
- 6.18 In terms of the social and economic strands the scheme is considered to be in a sustainable location as identified within recent decisions of the Council for sites in the immediate locality having regard to the relatively good access to local services and facilities. The proposal would also contribute economically to the area by supporting existing construction jobs and also increasing the population within the area to help sustain local services and amenities.
- 6.19 From an environmental perspective, as discussed further below, the development will not have an impact on the setting of St Michael's Church. It will not cause any significant harm to visual amenity within the area and would be positioned sufficient distance from neighbouring dwellings not to cause any loss of privacy or outlook.
- 6.20 The site is therefore considered to be a suitable location for this form and scale of development and is acceptable in principle. Consideration therefore turns to the technical design aspects covered below.

Visual Impact

- 6.21 Previously the site was used as rough grazing land and includes a series of small buildings in varying states of repair within its north-western corner. As stated above the site is located on the edge of the Dovercourt Urban Area and contains several agricultural buildings. The location of the site means that it is surrounded by residential properties on most boundaries and therefore the proposed housing would be viewed in this context. To the west along Ramsey Road glimpses of the development would be obscured by an existing area of mature trees and the vegetation contained within the grounds of Michaelstowe Old House. Views of the development from the east would also be screened by existing and proposed built form and mature vegetation present on the roadside.
- 6.22 Consequently, the site is relatively well-contained and would only be visible from the public realm in direct views from its two frontages to Ramsey Road and Mayes Lane. The development of the site would therefore not have an adverse impact upon the character and setting of the locality and would not result in the loss of any designated landscape area.

Layout

- 6.23 The indicative layout makes use of the dual frontage afforded to the site by splitting the built form into family houses/bungalows accessed via Ramsey Road and older person's almshouses access via Mayes Lane in the south-western corner of the site.
- 6.24 The layout demonstrates that the almshouses, which are to be single storey in scale, would each be served by a small private garden area measuring a minimum of 50sqm and a single car parking space each. The units would be served by a landscaped area of courtyard parking which would also accommodate 2 visitor's spaces. Given that the scale and layout of these properties is designed with older people in mind a condition to restrict

the occupation of the properties to older people over 65yrs is contained within the recommendation.

- 6.25 The layout and scale of the proposed almshouses along with the spacing to adjacent properties is considered to represent an appropriate response to the character of Mayes Lane which predominantly consists of bungalows in this location. The low key nature of the use also ensures that the use of the proposed access onto Mayes Lane will be limited.
- 6.26 The land to the east of the almshouses would accommodate 31 units at a relatively low density of 19 units per hectare, which is comparable to the recent approved scheme directly to the east of this site. The indicative layout plan shows that the site can accommodate this level of development whilst ensuring sufficient private amenity space is provided for each dwelling and at least two parking spaces per property.
- 6.27 The estate road here follows in part the sewer which crosses the southern part of the site. This application is specific in demonstrating that there should be no motor vehicle link through from Ramsey Road to Mayes Lane. It is neither necessary nor desirable for a short-cut to be available for cars or motorbikes. However, with family units proposed for the majority of the site, the desire for school children to access Two Villages School rather than pursue a long way round along Ramsey Road is clear. The scheme therefore suggests a pedestrian/cycle route through to Mayes Lane to link up with the existing footpath network.
- 6.28 The indicative layout also shows that back to back distances to existing dwellings to the south of the site accords with the recommend distance of 25m in the Essex Design Guide and in most cases this distance is exceeded. The distance between the rear elevation of the proposed properties and the shared boundary to the south measures 20m in most cases which also accords with the guidance and ensures, subject to design considerations at detail stage, that the privacy of residents to the south of the site will be maintained.
- 6.29 The layout also demonstrates that an area of open space equating to 10% the total site area can be achieved to meet the requirements of saved policy COM6 which states that sites measuring over 1.5 hectares should provide 10% useable open space.

Scale

- 6.30 As scale is being assessed at this stage the submitted indicative layout plan confirms that the almshouses and those properties situated on plots to the side and rear of the existing property known as Garden Villa will be single storey in nature. The remainder of the proposed properties are to be two-storey in scale.
- 6.31 This arrangement represents an appropriate response to the character and scale of properties in the vicinity and, through the submission of detailed design proposals at a later stage, will safeguard existing resident's amenity.
- 6.32 A condition is recommended at section 8.2 of this report to secure these scale parameters.

Impact on Residential Amenity

- 6.33 The NPPF (2019) at paragraph 127 states that planning should secure developments with a high standard of amenity for existing and future users. Saved 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.
- 6.34 The proposed layout has been carefully considered and although Officers note the representations raised by residents living in close proximity to the site, the indicative layout

submitted demonstrates that sufficient spacing to existing properties to the south can be achieved thereby not causing any adverse impacts in respect of loss of light, outlook or privacy. This arrangement is considered to be in accordance with the Essex Design Guide which states that;

Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.

- 6.35 The indicative plans provided demonstrate that a minimum of 15m from the rear elevation of the proposed properties to the southern boundary of the site can be achieved in conjunction with the required 25m back to back distances.
- 6.36 At detail stage the appearance and position of fenestration will be considered but it is evident from the submitted layout plan that this can be achieved without having adverse impacts on existing and future resident's amenity.
- 6.37 Furthermore, the proposed units to the rear and of the property known as Garden Villa are to be single story to safeguard the existing resident's amenity.
- 6.38 The distance shown between the side elevation of the property on plot 29 and the rear elevation of Michaelstowe House is sufficient to avoid any outlook impacts upon the residents.
- 6.39 In terms of the almshouses, these would be situated side on to existing properties in Mayes Lane but due to the spacing shown and the fact these are modest single storey properties any impact on existing resident's amenity would be minimal.

Heritage Impacts

- 6.40 St Michael's Church, a Grade 1 listed building is located to the northwest, on the opposite side of Ramsey Road, opposite the junction with Mayes Lane. It is obscured from view of the application site by the vegetation along Ramsey Road and extensive trees and hedgerow within the neighbouring land on the eastern side of Mayes Lane.
- 6.41 In view of the lack of any meaningful inter-visibility between the church and the application can this asset is also not seen to be impacted in an adverse manner. This view is supported by Historic England and ECC-Place Services who both have no objections in this respect.
- 6.42 ECC-Place Services Heritage Team have identified that Michealstowe House to the north as a non-designated heritage asset (i.e. not statutorily listed or within a conservation area but of heritage value). In this respect The National Planning Policy Framework at paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.43 In this instance the non-designated heritage asset would not be lost by the development and its setting would not be demonstrably harmed. The benefits of providing additional housing are considered to significantly outweigh any perceived harm in this respect.

Highway Safety/Parking

- 6.44 Paragraph 108 of the NPPF (2019) requires Councils to, when making decisions, take account of whether;
- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.45 Saved Policy QL10 states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.46 As stated above the site is to be served by a new bellmouth access from Ramsey Road and an access via Mayes Lane to serve the 10 almshouses. The Highway Authority have not raised objection to this arrangement subject to the imposition of a number of detailed planning conditions which include the provision of visibility splays to the accesses, the specification of the individual accesses, the dimensions of parking bays and garages, the construction of the access/footways prior to occupation and the implementation of a residential travel pack for sustainable transport. These conditions are included as part of the recommendation.
- 6.47 The indicative plan shows that each property would be served by a minimum of 2 no. parking spaces either through open bays or garaging. Large driveways are shown which would absorb visitor parking. 15 bays are indicatively proposed for the almshouses. This provision accords with the requirements of the current parking standards.

Ecology/Trees

- 6.48 Paragraph 170 of the NPPF requires Councils, when determining planning applications, to minimise impacts on and providing net gains for biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Saved policies EN6 of the adopted Local Plan and emerging policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.49 In this respect an ecological appraisal and an associated bat survey have been submitted. These surveys conclude/recommend the following;
- A precautionary approach to dismantling certain buildings as they continue to provide potential roosting opportunities for individual bats along with the gable end of a building which should be inspected for the presence of bats by an ecologist prior to demolition;
 - The patchy scrub on site is low quality habitat with no connectivity to large areas of suitable habitat off site and unlikely to serve as commuting corridor for Hazel Dormouse;
 - The majority of the site provides low to moderate quality terrestrial habitat for Gt Crested Newt (GCN), with small pockets of moderate to high quality habitat. However as there are no records within 2km and no EPS mitigation licences within this distance on MAGIC map, the likelihood of GCN being present on site is considered low.
 - Michaelstowe Park LoWS (Te113) lies within 15m of the development site though separated by B1352 so no direct adverse impact on this non statutory designated site is likely;

- The eastern hedgerow is a Priority Habitat and should be retained or ideally enhanced as part of the development proposals to help deliver measurable net gain for biodiversity;
- The provision of artificial roosting features for bats/birds.

6.50 Essex County Council Place Services Ecology Team have reviewed the information provided and have no objections subject to the application securing a financial contribution towards visitor management measures in respect of RAMS and a condition securing ecological mitigation and enhancement measures.

6.51 The Council's Tree and Landscaping Officer states that the main body of the application site contains rank and ruderal vegetation. There are no trees or other significant vegetation on the site other than remnant field boundaries. Some of these contain small trees. The protection of the existing planting and areas of new planting are to be assessed as part of the reserved matters application.

Drainage

6.52 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere. The sustainable drainage strategy proposes to utilise rain water storage where possible for landscape irrigation, permeable hard surfacing and catchment areas.

6.53 Essex County Council Flood Water Management Team raises no objection to the proposal subject to conditions set out below.

6.54 Anglian Water in their consultation response confirms that the foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre and that it has available capacity for these flows.

Section 106 – Legal Obligations

6.55 The following obligations are to be secured as part of a Section 106 Legal Agreement;

NHS Provision

6.56 There is a requirement for a developer contribution of £23,094, for the improvement of Mayflower Medical Centre before development commences.

Affordable Housing

6.57 The Council's Housing Department have confirmed the requirement of 30% affordable housing for this scheme. These would take the form of the 10 no. Almshouses and 2 x 3 bed units provided prior to the occupation of the 16th market housing property.

RAMS

6.58 Legal advice has been sought to confirm that Tendring District Council should now seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment (HRA) has been carried out to confirm that the mitigation will be the RAMS contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Site (Stour Estuary SPA and Ramsar).

Open Space

- 6.59 A contribution toward play improvements in the local area has been requested by the Council's Open Spaces Team. However, as the site area is over 1.5 hectares in size open space is to be provided on-site of a size commensurate with the requirements of saved policy COM6. As a result the requirements of the policy noted above are met and an off-site contribution is not to be included as part of the legal agreement.

7. Conclusion

- 7.1 The proposal for 41 dwellings is considered to represent sustainable development, on the western edge of the Dovercourt and Harwich Urban Area.
- 7.2 The indicative layout and the proposed density and scale of the development are considered to be acceptable. The proposal would result in no material harm to residential amenity, highway safety and biodiversity interests. Subject to completion of the S106 legal agreement and the conditions set out below the application is recommended for approval.

8. Recommendation

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

CATEGORY	TERMS
Affordable Housing Provision	30% affordable housing (10 almshouses and 2 no. x 3 bed units)
NHS contribution	£23,094 for improvements to the Mayflower Medical Centre
Financial contribution towards RAMS.	£122.30 per unit

8.2 Conditions and Reasons

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

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

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

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

- 3). The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

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

- 4). The access road off Ramsey Road at its centre line shall provide clear to ground visibility splays with dimensions of 2.4 metres by 150 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.

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

- 5). For the proposed access road off Mayes Lane, there should be no obstruction above ground level within a 2.4 m wide parallel band visibility splay as measured from and along the nearside edge of the carriageway across the entire site frontage. Such vehicular visibility splays shall be provided before the road junction/access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason - To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety.

- 6). Vehicular parking and turning facilities in accordance with current policy standards 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.

- 7). No unbound material shall be used in the surface treatment of the vehicular accesses.

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

- 8). The vehicular access road off Ramsey Road shall be constructed at right angles to the highway boundary and to the existing carriageway and at reserved matters stage the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Plans showing carriageways measuring no less than 5.5m in width.
- Plans showing 2x2m Footways on both sides of the access road.
- Plan showing appropriate pedestrian crossing facilities where the new road joins the existing highway.
- Plans showing kerb radii measuring 6m.
- Plans demonstrating the upgrade of the two existing bus stops located in the vicinity of the site access on either side of Ramsey Road and the relocation of the southern bus stop to include: open/ cantilever shelter, raised kerbs, flag and timetable frame. The precise location to be agreed with the Highway Authority.
- Plans showing a new footway measuring no less than 2m in width either side of the junction with tactile paving either side off Ramsey Road extending to the relocated bus stop on the south side.
- Plans demonstrating that the vehicular access from Ramsey Road shall be for the sole use of vehicular traffic serving the 31 dwellings only and not for

the proposed 10 almshouse type bungalows served by the new access off Mayes Lane.

- Plans showing areas within the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.

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

- 9). The vehicular access road off Mayes Lane shall be constructed at right angles to the highway boundary and to the existing carriageway and at reserved matters stage the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Plans showing a combined pedestrian and vehicular surface of 6m.
- Plans showing a straight section of carriageway to be provided from the entrance junction for 10 metres.
- Plans showing priority for pedestrians and cyclists across junction.
- Plans demonstrating that the vehicular access shall be for the sole use of vehicular traffic serving the 10 almshouse type bungalows only and not for the proposed 31 dwellings served by the new access off Ramsey Road.
- Plans showing the combined pedestrian/cycle links to be provided between the two developments.

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

- 10). Prior to first occupation of the development the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, 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 – To promote the use of sustainable transport modes.

- 11). 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.

- 12). Prior to 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 roads/footways are constructed to an appropriate standard in the interests of highway safety.

- 13). No development shall commence, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity.

- 14). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), the dwellings at plots 2, 5 and 6 and the almshouses shall not exceed one storey in height and shall not contain any habitable rooms or windows above ground floor level. The dwellings on all other plots shall not exceed two-storeys in height and shall not contain any habitable rooms or windows above first floor level. The roofs shall not be extended, converted or otherwise altered to provide any habitable space.

Reason - To ensure that the development preserves the character of the area and does not adversely impact on neighbour amenities. In order to ensure that a suitable scale of density is provided with consideration to a contextual analysis of the surrounding area, as well as to protect amenity of adjacent residents.

- 15). The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason - To retain adequate on-site parking provision in the interest of highway safety.

- 16). A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape/open space areas, other than small, privately owned, domestic gardens, shall be submitted to and approved, in writing, by the local planning authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan.

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

- 17). No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason - To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

- 18). The occupation of the ten almshouses hereby approved shall be limited to persons over the age of 65 years only.

Reason – To secure the almshouses as accommodation for the elderly and to ensure compatibility with the layout proposed.

- 19). All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Liz Lord Ecology, December 2018) particularly Appendix 3, and Bat Survey Report (Liz Lord Ecology, September 2019) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

- 20). A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within Section 6 of the Ecological Appraisal (Liz Lord Ecology, December 2018), shall be submitted to and approved in writing by the local planning authority.

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

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

- 21). A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the

scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

22). 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:

- 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's storage features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 100 year event plus climate change.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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.

23). 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.

24). No development shall take place on the site until a Written Scheme of Archaeological Investigation shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. The programme, including phasing, and methodology of site investigation and recording;
- b. The programme for post investigation assessment;

- c. The provision to be made for analysis of the site investigation and recording;
- d. The provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e. The provision to be made for archive deposition of the analysis and records of site investigation; and
- f. The nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason - To allow proper investigation and recording of the archaeological and historic significance of the site.

- 25). Each dwelling with on-plot garage parking shall be provided with a vehicle charging point. The charging point shall be provided prior to occupation of each such dwelling.

Reason - To enhance the sustainability of the proposed development.

- 26). No works shall take place until a scheme for the phasing of construction work has been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved phasing scheme.

Reason - To limit the local impact of construction work in the interests of the amenities of the surrounding area.

- 27). The development hereby permitted, in respect of access and scale parameters only, shall be carried out in accordance with the following approved plans: 3276:002 Rev A and the submitted Visibility Splay Plan.

Reason – For the avoidance of doubt.

8.3 Informatives

Positive and Proactive Statement

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

Highways Informative

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

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land

Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Section 106 Agreement 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.

Anglian Water Informative

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.

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

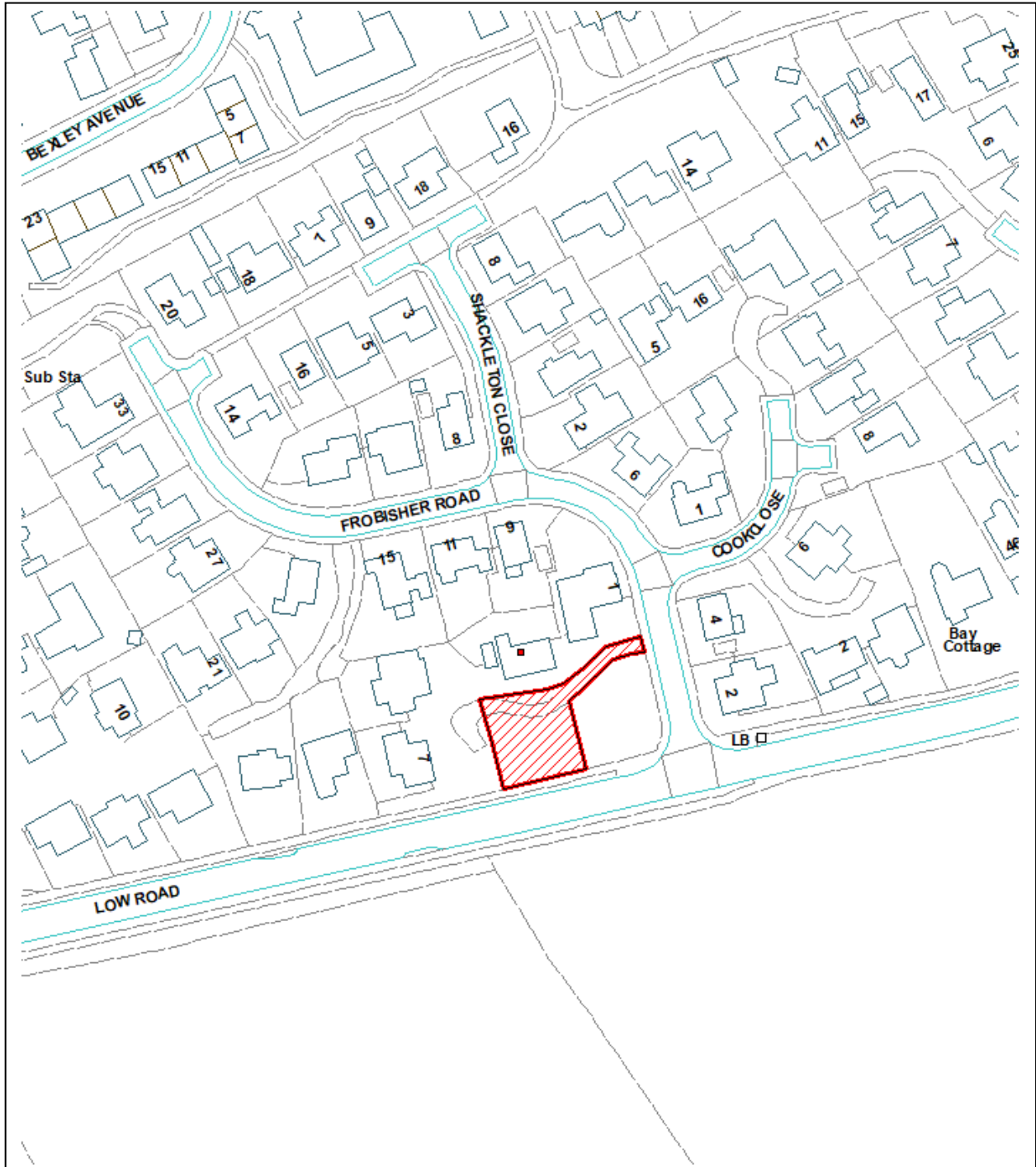
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) 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/>.

PLANNING COMMITTEE

19 MAY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 20/00136/FUL – 3 FROBISHER ROAD DOVERCOURT HARWICH CO12 3UF



DO NOT SCALE

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Application: 20/00136/FUL

Town / Parish: Harwich Town Council

Applicant: Mr Braybrook - CT Properties

Address: 3 Frobisher Road Dovercourt Harwich CO12 3UF

Development: Proposed erection of new three bedroom detached bungalow and garage to part front garden of 3 Frobisher Road.

1. Executive Summary

- 1.1 The application has been referred to the Planning Committee at the request of Councillor Henderson due to the loss of this open, soft landscaped area resulting in a negative impact on the street scene, due to the poor layout and density of the development and the negative impact on neighbouring amenity that would result.
- 1.2 **This application was deferred at the last meeting of 7th April 2020 application to enable a member site visit to take place or if possible for the applicant to supply adequate video/photographic evidence of the site and surroundings. A video showing a walkover of the site is now available to view thus avoiding the need for a member site visit.**
- 1.3 **The proposed development requires a financial contribution toward play space and recreational disturbance. Since the last meeting, a completed Unilateral Undertaking has now been received securing the required financial contributions.**
- 1.4 The application relates to what is essentially a soft landscaped front garden area associated with number 3 Frobisher Road, Dovercourt. The site is rectangular in shape and extends approximately 0.05 hectares in size. 3 Frobisher Road is one of a small cul-de-sac of four bungalows on the corner with Low Road accessed off Frobisher Road via a private driveway. The application site therefore has a road frontage with Low Road which is enclosed by a mature boundary hedgerow.
- 1.5 The site is located within the Harwich Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The principle of residential development in this location is therefore acceptable subject to detailed design and impact considerations.
- 1.6 The application seeks full planning permission for the erection of a 3 bedroom detached bungalow and detached single garage accessed via the existing private driveway. The proposed bungalow would be orientated to front the private drive with the rear boundary of the plot formed by the hedgerow along Low Road.
- 1.7 The proposal would not result in the loss of an area of public open space or safeguarded green space. The proposed bungalow mimics the scale, design and appearance of the adjacent bungalows and would be mostly screened by the existing boundary hedgerow and trees along Low Road. The density and built form would appear similar to the existing dwellings on the opposite corner of Frobisher Road and Low Road and those within Cook Close. The proposed dwelling is single storey and located a sufficient distance from neighbouring dwelling to not result in a material loss of residential amenities. The new dwelling is served by a private garden area and parking that accords with standards.
- 1.8 The proposed development is in a location supported by Local Plan policies and will not result in any material harm to the character of the area, residential amenities or highway safety.

The application is therefore recommended for approval subject to conditions and the completion of the required legal agreement.

Recommendation: Approval

Subject to the conditions stated in section 8.2.

A legal agreement has been completed to account for contributions towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) and toward improvements at the play area at Dovercourt Pool Play.

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

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG9 Private Amenity Space

HG14 Side Isolation

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

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

- LP3 Housing Density and Standards
- LP4 Housing Layout
- CP1 Sustainable Transport and Accessibility
- PPL4 Biodiversity and Geodiversity
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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

TEN/1508/75/OUT	Residential Development	Approved	26.05.76
TEN/01209/85/DETAIL	Construction of 50 dwellings with associated garages, roads, sewers etc.	Approved	17.12.85

4. Consultations

ECC Highways Dept
09.03.2020
**ORIGINAL
COMMENTS**

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

The proposal is at the end of a private road and retains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

1. Prior to the occupation of the proposed dwelling, the existing private drive shall be widened to a width of 5.5 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary at its junction with Frobisher Road and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

2. There shall be no discharge of surface water onto the Highway from the private drive.

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

3. Prior to the occupation of the proposed dwelling, the existing private drive shall be planed and resurfaced for its entire length once the building works and the proposed modified road has been completed.

Reason: To avoid displacement of loose material onto the highway and to rectify any defects during the construction phase in the interests of highway safety in accordance with policy DM1.

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

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

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

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

6. All 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 and in accordance with Policy DM8

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

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

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

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

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

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

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.

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

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

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

ECC Highways Dept
23.03.2020
**AMENDED
COMMENTS**

The information that was submitted in association with the application has been fully considered by the Highway Authority. Following additional comments received from the applicant and clarification on the responsibilities associated with the private access road it has been necessary to amend my previous comments, in light of one additional bungalow being proposed there remains adequate room and provision for off street parking and turning, for the proposed dwelling therefore:

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

1. There shall be no discharge of surface water onto the Highway from the private drive.

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

2. Prior to the occupation of the proposed dwelling, the existing private drive shall be re-instated to a suitable standard for its entirety once the building works and the proposed modified road has been completed.

Reason: To avoid displacement of loose material onto the highway and to rectify any defects during the construction phase in the interests of highway safety in accordance with policy DM1.

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

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

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

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

6. All 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 and in accordance with Policy DM8

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

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

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1

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

Informative

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

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

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

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

5. Representations

- 5.1 Harwich Town Council objects to this application on the grounds that the proposed development is on land that is designated as open space and used for soft landscaping (officer response in italics).

The site is not designated or safeguarded open space and simply forms part of the front garden associated with number 3 Frobisher Road. The soft landscaping and hedgerow are not protected under planning legislation and could be removed at any time. However, the hedgerow is to be retained (forming the rear private amenity boundary of the proposed dwelling) and its retention will be secured by condition.

Harwich Town Council reiterated their objections received via email on 6th April 2020. These were addressed within the Decision Report by the Assistant Director of Planning.

- 5.2 4 individual letters of representation have been received. The concerns raised can be summarised and addressed as follows;

- Harmful to the character of the cul-de-sac.
- Set a precedent for further development of front gardens.
- Loss of pleasant landscaped front garden area.
- Harm to wildlife.
- Will encroach on our property and garden.
- Loss of outlook.
- Loss of light.
- Private drive only wide enough for one car.
- Access and site not suitable for construction vehicles.
- Noise and disturbance from building.
- Private driveway in poor state of repair and cannot cope with more traffic.

The concerns raised by neighbouring residents are addressed within the relevant section of the main report below.

No additional letters of representation has been received since the previous meeting of 7th April 2020.

6. Assessment

- 6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Layout, Scale and Appearance;
- Access and Parking;
- Residential Amenities;
- Trees, Landscaping and Wildlife;
- Legal Obligations - Recreational Impact Mitigation; and,
- Legal Obligations - Open Space/Play Space Contribution.

Site Context

- 6.2 The application relates to what is essentially a soft landscaped front garden area associated with number 3 Frobisher Road, Dovercourt. The site is rectangular in shape and extends approximately 0.05 hectares in size.

- 6.3 3 Frobisher Road is one of a small cul-de-sac of four bungalows on the corner with Low Road accessed off Frobisher Road via a private driveway. The application site therefore has a road frontage with Low Road which is enclosed by a mature boundary hedgerow.
- 6.4 The site is located within the Harwich Settlement Development Boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Proposal

- 6.5 The application seeks full planning permission for the erection of a 3 bedroom detached bungalow and detached single garage accessed via the existing private driveway.
- 6.6 The proposed bungalow would be orientated to front the private drive being sited directly opposite number 3 with the rear boundary of the plot formed by the existing hedgerow along Low Road.
- 6.7 The facing brickwork and roof tiles to be used in the construction of the development are to match the materials of the existing neighbouring bungalows.

Principle of Development

- 6.8 The site lies within the Settlement Boundary for Harwich, as defined within both the adopted Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.9 Saved Policy HG3 of the adopted Tendring District Local Plan (2007) deals with residential development within defined settlements stating that, residential development will be permitted provided it satisfies amenity, design, density, environmental and highway safety as appropriate, and can take place without material harm to the character of the local area. Emerging Policy SPL2 states that within the settlement development boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local plan policies.
- 6.10 The original approval for the development as a whole (detailed in section 3. Relevant Planning History above) shows the site area as amenity land intended to serve the development. However, the retention of this space was not secured by way of planning condition and the site has since been encompassed into private land within the ownership of number 3 Frobisher Road. Therefore, the proposal would not result in the loss of an area of public open space or safeguarded green space.
- 6.11 The principle of residential development on this site is therefore acceptable subject to the detailed design and impact considerations set out below.

Layout, Scale and Appearance

- 6.12 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment including making effective use of land. Paragraph 127 of the NPPF states that developments should function well, should add to the overall quality of the area, are visually attractive as a result of good architecture and layout and are sympathetic to local character.

- 6.13 Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) 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. Furthermore, saved Policy HG14 requires a minimum of 1 metre side isolation between dwellings.
- 6.14 As stated above, the development does not result in the loss of public open space or protected green space. The landscaped area on the corner of Frobisher Road and Low Road would be retained together with the entire boundary vegetation with Low Road screening the development. The proposal includes new hedgerow planting to its plot boundaries further softening and minimising the visual impact of the development within the street scene of both Frobisher Road and Low Road.
- 6.15 The resultant density and built form would appear similar to the existing dwellings on the opposite corner of Frobisher Road and Low Road and those behind within Cook Close. The proposed bungalow would be orientated north fronting the private drive with its rear aspect addressing Low Road. The rear boundary of the plot would be formed by the existing hedgerow along Low Road. Many other examples of where the rear garden boundary of dwellings is formed by the existing high brick walls or hedgerows on the back edge of the footway along Long Road can be seen at Cook Close, Keynes Way and Whinfield Avenue. 1 metre or more is retained to all boundaries and the development could not be considered cramped or out of character.
- 6.16 There can be no objection to the erection of a detached bungalow having regard to the prevailing character of dwellings in the immediate locality. The proposed bungalow mimics the scale, design and appearance of the adjacent bungalows within the cul-de-sac and would be finished in matching materials.
- 6.17 Overall, the design, appearance and visual impact is considered acceptable and the proposed dwelling will not appear out of keeping or harmful to the immediate character of the cul-de-sac or wider character Frobisher Drive.

Residential Amenities

- 6.18 Paragraph 127 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants. 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. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) supports these objectives supports these objectives.
- 6.19 The proposed dwelling is sited opposite the donor property, number 3 Frobisher Drive. The introduction of a dwelling in this location would result in a similar relationship with number 7 as the existing relationship between numbers 3 and 5. Approximately 12 metres from the new side boundary of the proposed dwelling to the front elevation of number 7 would be retained. The impact upon sunlight, daylight and outlook could not be considered materially harmful. Furthermore, the side boundary of the new property is to be enclosed by new hedgerow planting softening the impact of the development and views from neighbouring windows.
- 6.20 Overall, the juxtaposition between dwellings means that no material loss of outlook, sunlight/daylight or privacy to the occupiers of the neighbouring dwellings will result from the development.

- 6.21 The site is located adjacent to Low Road and its associated traffic. Any noise and disturbance from the additional traffic movements associated with one dwelling cannot be considered excessive or harmful in this context.
- 6.22 The dwelling is served by a private garden area that accords with the minimum standards as set out within saved Policy HG9 of the adopted Tendring District Local Plan (2007).

Access and Parking

- 6.23 Paragraph 108 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.
- 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.
- 6.25 The proposed dwelling would be served by the existing access and shared private driveway which is considered sufficient and practical for the existing 4 dwellings it serves. The additional traffic movements associated with one dwelling cannot be considered excessive and the use of the existing access and private driveway would not result in any material harm to highway or pedestrian safety.
- 6.26 The proposed dwelling would be served by a single garage and parking space to the front meeting the afore-mentioned parking standards.
- 6.27 Essex County Council Highway Authority raises no objection to the development subject to conditions which form part of this recommendation where necessary.
- 6.28 Objections have been raised over the suitability of the narrow, poorly surfaced private driveway to serve the development and disturbance and obstruction during construction. For the reasons set out above and in the absence of any objection from The Highway Authority there can be no objection to the development on highway grounds. The recommendation includes conditions to secure new surfacing. Disturbance during construction is an inevitable and short term impact of the development process and cannot constitute a reason for refusal. However, a condition securing the submission and approval of a Construction Method Statement (controlling construction times and deliveries) will minimise and mitigate the impacts on neighbouring properties.

Trees, Landscaping and Wildlife

- 6.29 Saved Policy EN1 of the adopted Local Plan (2007) relates to landscape character and states that development management will seek to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.
- 6.30 The application site is set to grass and contains several mature ornamental shrubs and grasses comprising Viburnum, Hebe and Cortaderia. The boundary of the site with the highway is demarcated by an established hedge consisting of Euonymus and Viburnum with self-sown brambles gradually encroaching into the hedge.

- 6.31 There are no trees on the application site and none of the existing vegetation merits retention or falls within the scope of legislation under which it could be afforded formal legal protection.
- 6.32 A condition is considered necessary to secure details of hard and soft landscaping to enhance the appearance of the development of which the retention of the boundary hedge will be a key element. The details shown on the plan are insufficient and a full landscaping scheme is required.
- 6.33 Objections have been raised in relation to the disturbance to wildlife. A condition controlling the timing of any clearance of vegetation to minimise the impact upon wildlife and nesting birds forms part of this recommendation.

Legal Obligations - Recreational Impact Mitigation

- 6.34 Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.
- 6.35 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.
- 6.36 The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zol) being approximately 635 metres from Hamford Water SAC, SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.37 A unilateral undertaking is required to secure the financial contribution required to mitigate against any recreational impact from the new dwellings and to 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.
- 6.38 A competed unilateral undertaking has been received thus securing the required financial obligation.

Legal Obligations - Open Space/Play Space Contribution

- 6.39 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". These sentiments are carried forward within emerging Policy HP5.
- 6.40 There is currently a deficit of 12.59 hectares of equipped play in Harwich and Dovercourt. The closest play area to the development is located at Dovercourt Pool approximately 0.5 miles away this play area is classified as a LEAP and is a well-used facility.
- 6.41 Due to the significant lack of play facilities in the area, a contribution towards play is justified and relevant to the planning application, to cope with any additional development in the area.

The play area closest to the development is in need of updating. Any contribution would be used to make improvements at the play area at Dovercourt Pool Play.

6.42 A competed unilateral undertaking has been received thus securing the required financial obligation.

7. Conclusion

7.1 The principle of residential development in this locality is supported by Local Plan policy. The proposal does not amount to any visual harm, harm to residential amenities nor harm to highway safety that would warrant refusal of planning permission. The application is therefore recommended for approval.

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions, informatives and completed Section 106 Legal Agreement with the agreed Heads of Terms, as set out in the table below:

CATEGORY	TERMS
Financial contribution towards RAMS.	£122.30 per dwelling
Financial contribution towards open space and play space.	To fund improvements at the play area at Dovercourt Pool Play.

8.2 Conditions and Reasons

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

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

2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing Number 19/11/0050 Revisions A.

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

3) No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include for; the retention of the existing southern boundary vegetation; all boundary treatments and any proposed changes in ground levels; and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."

Reason - To soften and enhance the development in the interests of visual amenity.

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 within the retained or new planting which within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

- 5) 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), no provision of fences, gates, walls or other means enclosures, shall be erected on any boundary of the site or forward of the dwelling 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.

- 6) No unbound material shall be used in the surface treatment of the vehicular accesses within 6 metres of the highway boundary.

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

- 7) Prior to occupation of the development the vehicular parking and garage as shown the approved plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that sufficient off-street parking is provided and retained, in the interest of highway safety.

- 8) Notwithstanding the provisions of Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, additions, porches or alterations to the dwellings or their roofs shall be carried out and no outbuildings, enclosures, swimming or other pools shall be erected except in complete accordance with details which shall previously have been approved, in writing, by the Local Planning Authority following the submission of a planning application for such development.

Reason - To ensure that sufficient private amenity space for the dwelling is retained and in the interests of residential amenities and visual amenity.

- 9) All new driveways 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 curtilage of the dwellings.

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

- 10) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Construction Method Statement shall provide for:

- safe access to/from the site;

- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason - In the interests of residential amenity and highway safety.

- 11) The removal of all 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.

- 12) There shall be no discharge of surface water onto the Highway from the private drive.

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.

- 13) Prior to the occupation of the proposed dwelling, the existing private drive shall be reinstated to a suitable standard for its entirety once the building works and the proposed modified road has been completed.

Reason - To avoid displacement of loose material onto the highway and to rectify any defects during the construction phase in the interests of highway safety.

- 14) Any new boundary planting shall be planted a minimum of 1 metre back from the private road 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.

- 15) The vehicular parking space shall have minimum dimension of 2.9 metres x 5.5 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

- 16) The single garage should have a minimum internal measurement of 7m x 3m.

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

8.3 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.

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

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

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

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

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

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 (including the video walkover of the site mentioned above) 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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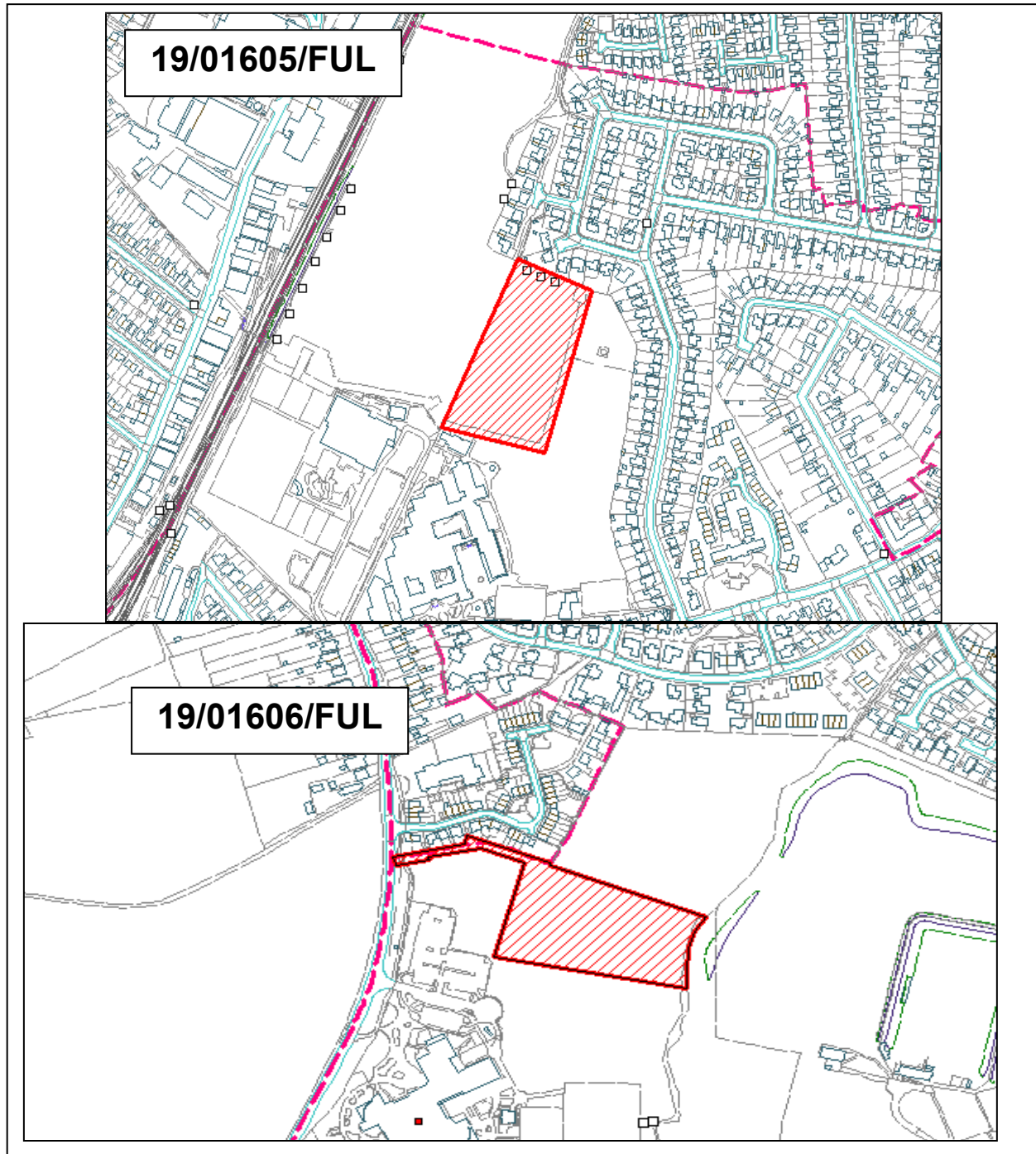
PLANNING COMMITTEE

19 MAY 2020

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.4 PLANNING APPLICATIONS – 19/01605/FUL / 19/01606/FUL

CLACTON COUNTY HIGH SCHOOL WALTON ROAD CLACTON ON SEA CO15 6DZ
TENDRING EDUCATION CENTRE JAYWICK LANE CLACTON ON SEA CO16 8BE



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Application: 19/01605/FUL

Town / Parish: Clacton Non Parished

Applicant: Mr Andrew Lawrence – Essex County Council

Address: Clacton County High School Walton Road Clacton On Sea CO15 6DZ

Development: The change of use of 1.83 hectares of existing open space land to school playing fields and erection of 2.1m high weldmesh metal fencing along the western boundary of the application site and 2 x 2.1m high pedestrian gates and 1 x 2.1 m vehicular gate (from points A to B as shown on drawing L1463), and demolition of ground maintenance building, and removal of a container at Clacton Leisure Centre, Vista Road, Clacton On Sea.

Application: 19/01606/FUL

Town / Parish: Clacton Non Parished

Applicant: Mr Andrew Lawrence – Essex County Council

Address: Tendring Education Centre Jaywick Lane Clacton On Sea CO16 8BE

Development: The change of use of 1.37 hectares of existing school playing fields to open space land, erection of 2.1m high metal fencing along the southern boundary of the application site (from points A to E as shown on drawing L1462), part removal of existing bund and provision of field access for pedestrians at Tendring Educational College, Jaywick Lane, Clacton On Sea.

1. Executive Summary

- 1.1 These two planning applications are linked and are necessary to secure a school site of adequate size to allow for the expansion of Clacton High School Academy. Essex County Council require confirmation that a school site of adequate size can be created by increasing the size of the campus. The applications are before the Planning Committee due to Tendring District Council's interest in the two parcels of land in question.
- 1.2 The proposals include the following;
 - Change of use of land at Clacton Leisure Centre from public open space to school playing fields to facilitate the creation of additional school playing fields at Clacton High School Academy, which will enable planned expansion of the school, and address deficiencies in school places (Planning Reference 19/01605/FUL);and as a land swap deal;
 - Change of use of school playing fields to public open space at Tendring Education College to facilitate the creation of replacement new public open space at Rush Green Playing fields, leaving adequate school grounds (19/01606/FUL).
- 1.3 Further mitigation measures include the following;
 - Essex County Council will be contributing over £910k for refurbishments and improvements to Clacton Leisure Centre and the recreation ground, including refurbishment of the Artificial Grass Pitch and Cricket Nets and improvements to the Clacton Leisure Centre parking area.

- A Joint User Agreement between Essex County Council and Tendring District Council to ensure the area of land being disposed of will be available to the public for formal booking outside of school hours and also outlining TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.

- 1.4 Overall, it is considered that the proposals are aimed at improving educational attainment within the town by increasing the campus at Clacton County High Academy, and with the mitigation measures outlined above it is considered that overall the benefits of the proposals outweigh the other effects. The proposals have been agreed by Cabinet therefore the planning applications have been prepared on this basis.
- 1.5 The planning applications are in compliance with national and local planning policies and would not result in any harm to the character or appearance of the area or highway safety. In the absence of any objections from Sport England and other statutory consultees the proposals are considered to be acceptable subject to the mitigation measures being secured via the conditions outlined in sections 8.2 and 8.3 of this report.

Recommendation:

19/01605/FUL - Clacton County High School Walton Road Clacton On Sea Essex CO15 6DZ

Recommendation: Approval

- a) Subject to the conditions stated in section 8.2

19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea, Essex, CO16 8BE

Recommendation: Approval

- a) Subject to the condition stated in section 8.3

2. Planning Policy

- 2.1 The following Local and National Planning Policies are relevant to these planning applications.

National Policy:

National Planning Policy Framework
National Planning Policy Guidance

Local Policy:

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
COM1 Access for All

COM2 Community Safety
 COM3 Protection of Existing Local Services and Facilities
 COM4 New Community Facilities
 COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities
 COM7a Protection of Existing Playing Fields, Including School Playing Fields
 COM8 Provision and Improvement of Outdoor Recreational Facilities
 COM8a Proposed New Recreational Space
 COM10 Built Sports and Recreation Facilities
 EN1 Landscape Character
 EN2 Local Green Gaps
 TR1A Development Affecting Highways
 TR3A Provision for Walking
 TR5 Provision for Cycling
 TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth
 SPL3 Sustainable Design
 HP1 Improving Health and Wellbeing
 HP2 Community Facilities
 HP3 Green Infrastructure
 HP4 Safeguarded Local Greenspace
 HP5 Open Space, Sports & Recreation Facilities
 PPL3 The Rural Landscape
 PPL6 Strategic Green Gaps
 CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
 Essex Design Guide

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**

3.1 No relevant planning history on these two pieces of land.

4. **Consultations**

Both Applications

Sport England

Summary: Sport England withdraws its objection to these planning applications as a statutory consultee which is now considered to part meet exception 4 and exception 5 of our adopted Playing Fields Policy and paragraph 97 of the NPPF subject to 10 planning conditions being imposed relating to the following matters as set out in this response:

- Clacton County High School Football Pitch Layout;
- Clacton County High School Football Pitch Maintenance;
- Clacton County High School Football Pitch Community Use Agreement;
- Vista Road Recreation Ground Relocated Cricket Square or Alternative Non Turf Pitch;
- Vista Road Recreation Ground Primary Cricket Square Outfield Area Maintenance;
- Clacton Leisure Centre 3G Artificial Grass Pitch Design Specifications and Implementation Programme;
- Vista Road Recreation Ground Cricket Practice Net Specifications and Implementation Programme;
- Rush Green Recreation Ground Football Pitch Maintenance;
- Rush Green Recreation Ground Pedestrian Access Works;
- Tendring Education Centre Artificial Grass Pitch Line Markings: Design Specifications and Implementation Programme.

I refer to my previous formal responses to the consultations on the above related planning applications dated 2nd December 2019 in which an objection was made to both applications as a statutory consultee. The responses set out a suggested two stage process to be followed to reach a solution that would allow the objections to be withdrawn that would firstly involve providing the information requested in the responses to allow a fully informed assessment of the proposals on the application sites to be made and secondly, details about how outstanding concerns about the impact of the proposals on the playing fields on both sites would be addressed through mitigation proposals.

Since then, in response to my previous advice, following discussions and correspondence with the applicant, all of the requested information about the proposals on both sites has now been provided. The information provided confirmed some of the anticipated impacts on the playing fields which justified the objections in my previous responses. In response to the impacts that the proposals would have on the playing fields on both sites, the following mitigation proposals have been offered by the applicant to compensate for impacts:

- Vista Road Recreation Ground Cricket Pitch Mitigation: It has been proposed that the second cricket square (now decommissioned) that would be displaced by the proposed fencing would be relocated to the potential indicative location shown on the Clacton Leisure Centre Location Plan Proposed (Drawing No: 4.2 -12 December 2019).
- Vista Road Recreation Ground Football Pitch Mitigation: It has been proposed that the senior football pitch on the recreation ground that would be enclosed into Clacton County High School's site through the proposed fence would still be able to be used by the community (for formal matches) at weekends through the completion of a Joint User Agreement between Essex County Council and Tendring District Council that would allow community football clubs to book use of the pitch through the District Council in the same way as they do at present. Physical access to the pitch from the recreation ground would be provided by the proposed gate in the fence. To compensate for the increased wear of the pitch during the weekdays when the pitch will be used by the school, the applicant has offered to prepare a maintenance programme for the football pitch. The intention of this would be to seek to ensure that the maintenance programme that is implemented provides the football pitch with sufficient carrying capacity to support both school needs during the week and community needs during the weekend.
- Tendring Education Centre Playing Field Mitigation: The information provided has confirmed that the part of the Tendring Education Centre's playing field that would be transferred to Tendring District Council for community use would be served by the pavilion and parking facilities on the adjoining Rush Green Recreation Ground to the east. The applicant has proposed to implement new steps and footpath improvements as shown on the Exchange Land at Rush Green Pitch Layout as Proposed plan (Drawing No. 3.2 B - 12 December 2019) in order to facilitate adequate pedestrian access to the transferred pitches from the pavilion at Rush Green Recreation Ground to the east. The removal of the earth bund to facilitate pedestrian access to the playing field from Jaywick

Lane to the west is also proposed. The Equivalent Quality Assessment report (prepared by PSD Agronomy/TGMS Sports Surface Consultants for the applicant) compared the quality of the playing fields that would be subject to the land swap on the two sites and confirmed that the pitches on the Tendring Education Centre site would be equivalent or better to the pitch that would be transferred on the Vista Road Recreation Ground site with the exception of weed content. This could be addressed through an enhanced maintenance programme which addressed the grass sward composition and the weed content as set out in the recommended maintenance programme (section 5.1 of the report). The applicant has agreed to implement the recommended enhanced maintenance programme to help ensure that the community have access to similar quality football pitches on the Tendring Education Centre site as they currently do on the Vista Road Recreation Ground site.

In principle, both Sport England and the Football Foundation are satisfied that these measures would help ensure that the quality and pedestrian access to the transferred pitches on the Tendring Education Centre site would be equivalent to the pitches on the Vista Road Recreation Ground site subject to the delivery of these measures being secured through planning conditions.

- Additional Playing Field Mitigation: As well as the direct impact associated with the land swap proposals on the existing cricket and football pitches on the Vista Road Recreation Ground, the proposals would result in the net loss of 0.38 ha of dedicated community playing field provision across the two sites and would as a result of the alignment of the proposed fencing prejudice the use of the playing fields to the west of the Tendring Education Centre site as the area between Jaywick Lane and the proposed fence (points C and D shown on the Fencing Plan) would become a small irregular shaped playing field in which it would be difficult to accommodate the majority of playing pitches suitable for educational or community use. The fencing would also reduce the potential sizes and range of pitches that could be marked out on the retained Tendring Education Centre site for educational use although current educational needs could still be met. To mitigate these impacts, the following proposals have been offered:
- The existing artificial grass pitch (AGP) at the Clacton Leisure Centre adjoining the Vista Road Recreation Ground would be enhanced by converting the ageing surface to a 3G carpet suitable for community football together with new or enhanced fencing, lighting and

signage proposals. This would improve the quality of the surface of the AGP and make it suitable for community football matches to take place on it as well as training. The current sand based surface is not a suitable surface for football although football is currently understood to be the principle use of the facility. The AGP would also be used by Clacton County High School during the school day and this arrangement would be formalised as part of the Joint User Agreement between Essex County Council and Tendring District Council associated with the land swap. While the proposal to enhance the AGP had been in the pipeline for some time and was proposed by Tendring District Council before the need to mitigate playing field impact associated with the development arose, securing its implementation through any planning permission would provide greater certainty that this project would be implemented in practice within an acceptable timescale. At present, the technical design specifications of the AGP enhancement project are not available or the proposed programme for delivery. The Football Foundation are satisfied that the delivery of this project would be acceptable for providing further mitigation for addressing the playing field impact from a community football perspective. In order to ensure that the enhanced AGP meets the Football Association's design guidance and that the enhancement project will be delivered within an acceptable timescale to help mitigate the impact on the playing fields, these matters will need to be secured through a planning condition.

- The disused cricket practice nets on the Vista Road Recreation Ground would be replaced with new nets in a similar location to the existing nets. This would be welcomed by the ECB and Clacton Cricket Club because the existing nets are unusable due to vandalism and therefore the club have no access to practice nets to train. The ECB are satisfied that the delivery of this project would be acceptable for providing further mitigation for addressing the playing field impact from a community cricket perspective subject to the exact siting being confirmed and the new practice net system being an ECB approved system that meets the ECB's design guidance in order to ensure that the new practice nets meet performance and safety requirements. Furthermore, the new nets would need to be enclosed by appropriate security fencing to prevent similar vandalism taking place which resulted in the existing nets becoming unusable. As no further details of the proposed cricket practice nets are available at this stage, in order to ensure that the matters raised by the ECB are satisfactorily addressed and the practice nets are delivered within an acceptable timescale to

help mitigate the impact on the playing fields, these matters will need to be secured through a planning condition.

- Other measures are proposed as part of the Clacton Leisure Centre enhancement project that would involve the relocation of a petanque court, new and enhanced footpaths and the redesign, extension and enhancement of the car park that serves the leisure centre and the recreation ground. These projects are all welcomed as they would offer benefits to sport or enhance the ancillary facilities that support the use of the leisure centre and recreation ground.

- The applicant has agreed for the 3G artificial grass pitch at the Tendring Education Centre to have additional line markings painted on it to allow the pitch to be used for junior and mini football. At present, the AGP only has line markings for an adult pitch which restricts the ability of the pitch to be used for junior (e.g. 9v9) or mini football. This currently makes the pitch less practical to use for small sided football for sixth form college users but in particular would preclude formal and informal use by junior and mini teams for matches. The painting of additional line markings (which would only have a very small capital cost) would significantly enhance the suitability and flexibility of the AGP at Tendring Education Centre for meeting community needs as well as educational needs. The Football Foundation are satisfied that the delivery of this project would be acceptable for providing further mitigation for addressing the playing field impact on the Tendring Education Centre site. In order to ensure that the line marking proposals would meet the Football Association's design guidance and that they are delivered within an acceptable timescale to help mitigate the impact on the playing fields, this matter will need to be secured through a planning condition.

- In view of the further information that has been provided and the mitigation proposals summarised above, following consultation with the Football Foundation and the ECB, I can confirm that the proposals would now address the concerns raised in our previous responses as acceptable replacement playing field provision and additional mitigation is now proposed.

The proposals would, in broad terms, now be considered to accord with exception 4 of our playing fields policy playing fields policy and paragraph 97 (b) of the NPPF because the replacement community playing fields proposed at the Tendring Education Centre would be considered to be equivalent to the area of playing fields that would be transferred to Clacton County High School at Vista Road

Recreation Ground. However, as set out above, the proposals would not provide equivalent or greater replacement playing field provision in quantitative terms and the scheme would also prejudice the use of part of the playing fields at the Tendring Education Centre site.

The proposal would therefore not meet exception 4 in its entirety. However, the mitigation proposals would be considered to offer sport related benefits that would outweigh the detriment associated with the net quantitative loss in dedicated community playing field provision across the two sites. This would therefore allow this loss to broadly accord with exception 5 of the above policy.

This being the case, I can advise that the previous objection to this application is now withdrawn and that Sport England does not wish to raise an objection to this application.

Additional Sport England
Comments – Dated
29/04/2020

In our original response I sought a planning condition to be imposed to address the “Vista Road Recreation Ground Relocated Cricket Square or Alternative Non Turf Pitch”.

In summary, the condition required the details of the relocated cricket square or the alternative non-turf cricket pitch to be submitted and approved within 3 months of commencement of development. However, as set out in the response, the requested trigger point was based on Clacton Cricket Club being in a position to provide evidence of whether there was sufficient demand for using a second cricket square in future seasons once the 2020 cricket season was underway. Due to the Covid-19 outbreak since this response was submitted, the 2020 cricket season has not started and there is now a strong possibility that the season will not take place this year.

Consequently, the club will not be in a position to provide evidence of demand based on the 2020 season. It would therefore be more appropriate to base decisions about whether a second cricket square should be provided on evidence from the 2021 season when hopefully the situation will be more settled. I am therefore requesting that the condition be amended to change the trigger point from 3 months to 12 months from commencement of development.

**19/01605/FUL - Clacton
County High School
Walton Road Clacton On
Sea**

Tree & Landscape Officer

The trees on the existing boundary of Vista Road Recreation Ground with the school playing field are important features in their setting and make a significant positive contribution to both the character and appearance of the area. The trees positively enhance the user's experience of the recreation ground.

An inspection of the trees confirms that their amenity value is high but also identifies faults and weaknesses in a few specimens. It is likely that some works will be required, at some stage in the future, to ensure that none of the trees is retained in an unsafe condition.

In terms of the potential impact of the development proposal on the trees it is clear that they will be incorporated into the school grounds however they will remain prominent features in their setting.

Section 2.2 of the Design and Access Statement submitted in support of the application states that 'the trees will remain unaffected by the development proposal' this is re-affirmed in section 6.2 of the Design and Access Statement.

As the trees will be under the control of a public body and taking into account the future use of the land it is not considered expedient or necessary to make any of the trees the subjects of a Tendring District Council Tree Preservation Order. This is not to say that they do not have high amenity value rather that they are not considered to be at risk of removal as a result in the change in the ownership of the land.

In terms of the impact of the development proposal on the character of the area it is clear that the erection of the new fence will not, in itself, improve the appearance of the area or users experience of the recreation ground however new planting could be carried out that would visually enhance the local environs.

In terms of new planting associated with the development proposal the applicant has now submitted a Landscape Plan - Ref: PS/CCHS/LP/101.

The plan show an avenue of trees to be planted along the full length of the new fence separating the land. The tree species selected is *Tilia cordata* 'Greenspire' (Small Leaved Lime) and this is acceptable.

The landscape plan includes a specification for the supply and planting of the trees which is fit for purpose and sufficient to secure properly planted trees.

ECC Highways Dept

The Highway Authority does not object to the proposals as submitted.

**19/01606/FUL - Tendring
Education Centre,
Jaywick Lane, Clacton On
Sea**

Trees and Landscaping
Officer

The main body of the application site is set to grass. There are no trees or other significant vegetation in the main body of the site but some site boundaries are demarcated but

established hedgerows. In the main these are not threatened by the development proposal.

The creation of the new pedestrian access from Jaywick Lane may necessitate the removal of some scrubby vegetation or a small section of hedge but this will not have a significant adverse impact on the character or appearance of the area or its use and enjoyment by the public. The change of use from school playing field to publicly maintained public open space may provide an opportunity to carry out new planting.

On balance the development proposal will not cause harm to the appearance of the area and does not threaten the removal of any important trees or other vegetation.

Essex County Council
Highways

The Highway Authority does not object to the proposals as submitted.

5. **Representations**

5.1 **19/01605/FUL - Clacton County High School Walton Road Clacton On Sea**

3 letters of objection received outlining the following points;

- Concerns in respect of the mature trees present on the eastern boundary of the site;
- Loss of public open space
- Substitution with open space at Rush Green is token gesture.

2 letters of observation received stating;

- Mature trees must be retained;
- School improvements should not be to the detriment of other leisure uses;
- Application not clearly publicised;
- Variety of newly planted trees should be considered;
- No further buildings proposed on land; and
- Pathway link should be provided

5.2 **19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea**

No letters of representation received.

6. **Assessment**

Site Context

6.1 The land at Clacton Leisure Centre is currently used for open space recreational use in connection with the Leisure Centre (Use Class D2). Along the eastern side of the application site is a row of trees that will be retained and unaffected by the proposals. The Clacton County High School's existing playing fields are also to the east of the application site, and existing residential properties along Wyndham Crescent back on to the northern boundary of the application site. A large area to the west of the application site would be retained as open space recreational land used in connection with the Leisure Centre.

6.2 The land at Tendring Educational College is currently used as playing fields by the College (Use Class D1), with existing open space located to the north and east of the application

site. Residential properties along Harpers Way back onto the western part of the application site that will be used as a pedestrian field access to the open space. The proposed new open space will be made accessible to the public and will be additional open space to Bishops Park to the north and Rush Green Park to the east.

Proposal/Background

- 6.3 These two planning applications are linked and are necessary to secure a school site of adequate size to allow for the expansion of Clacton High School Academy. Essex County Council require confirmation that a school site of adequate size can be created by increasing the size of the campus.
- 6.4 The proposals include the following;
- Change of use of land at Clacton Leisure Centre from public open space to school playing fields to facilitate the creation of additional school playing fields at Clacton High School Academy, which will enable planned expansion of the school, and address deficiencies in school places (Planning Reference 19/01605/FUL);
- and as a land swap deal;
- Change of use of school playing fields to public open space at Tendring Education College to facilitate the creation of replacement new public open space at Rush Green Playing fields, leaving adequate school grounds (19/01606/FUL).
- 6.5 Further mitigation measures include the following;
- Essex County Council will be contributing over £910k for refurbishments and improvements to Clacton Leisure Centre and the recreation ground, including refurbishment of the Artificial Grass Pitch and Cricket Nets and improvements to the Clacton Leisure Centre parking area.
 - A Joint User Agreement between Essex County Council and Tendring District Council to ensure the area of land being disposed of will be available to the public for formal booking outside of school hours and also outlining TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.
- 6.6 The only proposed physical works proposed at the Clacton Leisure Centre site will be the erection of a 2.1m high metal fence along the western boundary of the application site with three 2.1m high gates proposed along its length. It is also proposed to demolish the existing ground maintenance buildings located in the north eastern corner of the application site, as they will not be required by the school. Along the length of the perimeter fencing a line of Lime Trees are to be planted.
- 6.7 The physical works proposed as part of the Tendring Education College application include the removal of part of an existing bund at the western entrance to the site to allow field access to pedestrians from Jaywick Lane. A landscape plan has also been included with this showing part of the bund to be removed, making good of the land and planting of additional trees and shrubs along the northern edge of the field access. The layout plan and elevation drawing submitted shows 2.1m high metal fencing along the southern boundary of the site. The fencing will define the new edge of the College and provide necessary security to the retain playing fields.

Policy Considerations/Principle of Development

- 6.8 The site at Clacton Leisure Centre falls within an area designated as existing recreational open space. As such the relevant planning policy is Policy COM7a (Protection of Existing Playing Fields Including School Playing Fields) of the saved Tendring District Local Plan (2007). This Policy advises that proposals which lead to the loss of all, or part of a playing field, or land last used as a playing field whether in private, public or educational use, will not normally be permitted unless one of the following criteria is met:
- a) The proposed development is ancillary to the use of the site as a playing field (such as a new changing room) and does not adversely affect the quantity or quality of playing pitches and their use; or
 - b) It can be demonstrated by a thorough up-to-date assessment of current and future needs that there is an excess of playing field provision in the catchment and the site has no special significance to the interests of sport or recreation; or
 - c) The proposed development only affects land which is incapable of forming a playing field or part of one; or
 - d) The playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality in a suitable location accessible to the current and potential new users; or
 - e) The proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field.
- 6.9 The application site at Tendring Education College falls within a Local Green Gap. It should be noted that this designation continues over into the adjoining park land at Bishops Park and Rush Green Recreation Ground. The key policy for this designation in the saved Tendring District Local Plan (2007) is policy EN2. This Policy states that during the plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open, and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These may include the improvement of existing leisure and recreational facilities, and development for agricultural purposes.
- 6.10 The two relevant sections of the National Planning Policy Framework (2019) are at paragraphs 94 and 97.
- 6.11 Paragraph 94 states that, 'Local Planning Authorities should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications'. Paragraph 97 confirms, amongst other things, that, 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless; 'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use'.
- 6.12 In terms of the principle change of use, the proposals at both sites retain a recreational element to their use. There will be swap between public open space use and education playing pitch use at both sites. As considered under criteria d) of Policy COM7a of the adopted Local Plan there will not be a loss of recreational land (public and private), although there will be a hectare reduction of public open space as a result of the smaller site area at Tendring Education College.

- 6.13 Taking into account the overall amount of public open space and education playing fields (3.2 hectares) will remain unchanged, it is considered the proposals are compliant with criteria d) of Policy COM7a.
- 6.14 In respect of the site at Tendring Education College the proposed change of use of the land would continue to provide open space and would not be in conflict with the requirements of saved policy EN2 relating to Local Green Gaps.
- 6.15 Consequently, when having regard to national and local planning policies the planning principle of these change of use applications is considered to be acceptable. It is evident that there are clear and demonstrable public benefits which emanate from the proposals, which have been secured through discussions between County Council officers, District officer and Sport England.
- 6.16 As a result of these discussions the premise of the land swap deal to facilitate the expansion of Clacton High School Academy has been considered and agreed by TDC Cabinet. During considerations it was acknowledged that the loss of public open space at Clacton Leisure Centre was an issue requiring careful consideration, however the requirement of Clacton High School Academy to expand to meet national standards was of material significance. It was also noted that the open space/playing pitch being disposed of will remain available to the public for formal booking outside of school hours via a Joint User Agreement between ECC and TDC, which also outlines TDC's commitment to allow the school to continue utilising the all-weather playing pitch at Clacton Leisure Centre.
- 6.17 The pre-application negotiations have also secured payment of 910k from ECC to TDC to enable refurbishment and improvement works to the all-weather playing pitch, pathways within the areas of open space, the parking area at Clacton Leisure Centre and the renewal and refurbishment of existing facilities including the existing Cricket Nets and Petanque Court.
- 6.18 The benefits of the change of use of land at Tendring Education College to public open space was also considered including the new pedestrian field access onto Jaywick Lane. This pedestrian access would significantly improve resident permeability through to the open space at Rush Green. This is given greater significance when considering that the access is suitably placed to serve a large housing development proposed on the western side of Jaywick Lane.
- 6.19 Overall, it was considered by Cabinet and by officers that the proposals are significant steps aimed at improving educational attainment within the town and it is considered that overall the benefits of the proposals, as outlined above, outweigh the other effects.
- 6.20 As stated above Sport England have been heavily involved in discussions. Following an extensive review of the existing recreation facilities at both sites they have agreed that, subject to certain conditions being applied securing the proposed mitigation package, they have no objections to the two planning applications. The mitigation package includes a rearrangement of facilities at Clacton Leisure Centre including the creation of a second cricket square (if required) and the completion of the Joint User Agreement and legal agreement securing the Clacton Leisure Centre refurbishment works as outlined above. Further conditions relating to maintenance of the land parcels are also recommended and included at section 8.2 and 8.3 below.

Appearance/Landscaping

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- 6.21 The proposal includes a 2.1m metal mesh fence running along the western edge of the application site, with 3 access gates (two pedestrian, and one vehicular) provided to allow access between the school grounds and the open space. The metal fencing will be finished in green to be in-keeping with other fencing around the college and will provide security along the altered western edge. It is also proposed demolish a grounds maintenance buildings and remove a container in the north east corner of the site. These buildings are of no architectural merit and are considered surplus to requirements.
- 6.22 To soften the appearance of the fencing and to improve and enhance the appearance of the public realm the Council's Trees and Landscaping Officer has recommended the planting of an avenue of trees planted along the full length of the new fencing. Amended plans have now been received securing the planting of Lime Trees along its entire length.
- 6.23 The Council's Trees and Landscaping Officer has also confirmed that the proposals here would not harm the existing mature trees present along the eastern and southern edge of the application site.

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- 6.24 The proposed change of use of the application site will provide public open space that will adjoin Rush Green Recreation Ground to the north. This will therefore create a natural extension to the public open space. The proposal includes a 2.1m green metal mesh fence running the length of the southern boundary of the site. The metal fencing will be in-keeping with other fencing around the college and will provide security along the altered northern edge to the school.
- 6.25 In respect of the new pedestrian access from Jaywick Lane, the plans involve part removal of an existing bund at the western entrance to the site, which will be regraded to allow for level access to the open space. Planting is proposed along the northern edge of the field access on the western side of the site, along its northern edge to create a natural screen to the neighbouring properties.
- 6.26 The Council's Trees and Landscaping Officer states that the new pedestrian access from Jaywick Lane may necessitate the removal of some scrubby vegetation or a small section of hedge but this will not have a significant adverse impact on the character or appearance of the area or its use and enjoyment by the public.

Highway Safety

- 6.27 The change of use of the two parcels of land would not adversely impact upon highway safety or parking provision. The change of use from open space to school grounds and vice-versa does not result in an intensification in the use of the land in question and to this effect ECC-Highways do not object to the proposals.

Impact on Residential Amenity

- 6.28 The change of use of the land at Clacton County High Academy would not result in any intensification in the use of the land over and above its current use as public playing fields. The land will remain in use for football purposes at weekends as is currently the case.
- 6.29 The proposal at Tendring Technology College would again not result in an intensification in the use of the land as public playing fields. The siting of the new pedestrian pathway to the rear of properties in Harpers Way will result in additional movements to the rear of those dwellings. However, such movements of pedestrians would not give rise to any adverse impacts upon those residents in respect of noise and disturbance. A lighting scheme for the pathway will be secured via condition.

7. Conclusion

- 7.1 Overall, it is considered that the proposals are aimed at improving educational attainment within the town by increasing the campus at Clacton County High Academy, and with the mitigation measures outlined above it is considered that overall the benefits of the proposals outweigh the other effects. The planning applications have therefore been prepared on this basis and therefore accord with the requirements of local and national planning policies.
- 7.2 In the absence of any objections from Sport England and other statutory consultees the proposals are considered to be acceptable.

8. Recommendation

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

8.2 Conditions/Reasons & Informatives

19/01605/FUL - Clacton County High School Walton Road Clacton On Sea Essex CO15 6DZ

- 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; L-1458, L1463, 70-001 P1, PS/CCHS/LP/101 and 4.2 Rev C.

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

- 3) The tree planting shown on the approved landscaping drawing no's. 70-001 P1 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 which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

- 4) Following commencement of the development hereby permitted the site shown on the approved Site Plan (Drawing No: L1458) shall be laid out for a senior football pitch with dimensions of 100 x 64 metres for the duration of each football season unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 5) Within 3 months of commencement of development a schedule of playing field maintenance for the site shown on the approved Site Plan (Drawing No: L1458)

including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 6) Within 6 months of commencement of development a community use agreement prepared in consultation with Sport England shall be submitted to and approved in writing by the Local Planning Authority and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the football pitch transferred to Clacton County High School as a minimum and include details of hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The football pitch shall not be used at any time other than in strict compliance with the approved agreement.

Reason - To secure well managed safe community access to the football pitch and to accord with Development Plan Policy.

- 7) Within 12 months of commencement of development (unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England):
 - a) A detailed assessment of ground conditions of the land proposed for the relocated cricket square (as shown on Drawing number 4.2 -12 December 2019) shall be undertaken (including drainage and topography) to identify constraints which could affect playing field quality; and
 - b) Based on the results of this assessment to be carried out pursuant to (a) above of this condition, a detailed specification to ensure that the new cricket square will be provided to an acceptable quality; and
 - c) A programme for the implementation of the detailed specification

shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved specification and implementation programme.

Alternatively, subject to it being satisfactorily demonstrated to the Local Planning Authority after consultation with Sport England that there is insufficient demand for the relocated cricket square, within 12 months of commencement of development (unless otherwise agreed in writing with the Local Planning Authority after consultation with Sport England), details of the siting, design and layout of a non-turf cricket pitch on the land proposed for the relocated cricket square (as shown on Drawing number 4.2 -12 December 2019) shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England] together with a programme for the implementation of the non-turf cricket pitch. The non-turf cricket pitch shall not be constructed other than in accordance with the approved details and implementation programme.

Reason - To ensure that the development is fit for purpose and sustainable and that site surveys are undertaken for new or replacement playing fields and that any ground condition constraints can be and are mitigated to ensure provision of an adequate quality playing field and to accord with Development Plan Policy.

- 8) Within 3 months of commencement of development a schedule of playing field maintenance for the Primary Cricket Square outfield area (as shown on Drawing number 4.2 Rev C -12 December 2019) including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 9) Within 6 months of commencement of development, details of the siting, design and layout of the 3G artificial grass pitch proposed on the Clacton Leisure Centre site including a programme for implementation shall be submitted and approved, in consultation with Sport England, in accordance with the following specification:

- Design and Layout: The 3G artificial grass pitch design and layout (including the surfacing, line marking, goal storage recesses, fencing and spectator areas) should accord with Football Association guidance contained in the FA's Guide to 3G Football Turf Pitch Design Principles and Layouts;
- Dimensions: The overall area of the 3G artificial grass pitch shall be 106m x 70m and the football pitch line markings should be agreed with the Football Foundation and Essex County FA;
- FIFA Quality Accreditation: The pitch will need to be designed to meet the FIFA Quality standard <http://quality.fifa.com/en/Football-Turf/Install-Football-Turf/Certification/> and will need to be tested on completion;
- Floodlighting: The proposed floodlighting will need to meet BS 12193 Class 2 and have an average maintained lux reading of at least 200 to accord with recommendations for full size 3G artificial grass pitches. The floodlighting design will need to accord with the FA's Guide to Floodlighting.

The 3G artificial grass pitch shall not be constructed other than in accordance with the approved siting, design and layout details and implementation programme.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision within an acceptable timescale and to accord with Development Plan Policy.

- 10) Within 6 months of commencement of development, details of the siting, design and layout of the cricket practice net system proposed on the Vista Road Recreation Ground including a programme for implementation shall be submitted and approved, in consultation with Sport England, in accordance with the following specification:

- Design and Layout: The cricket practice net system should accord with England & Wales Cricket Board's Guidance Notes for the Provision and Installation of Non-Turf Cricket Pitches and Net Cage Facilities and with England & Wales Cricket Board's Performance Standards for Non-Turf Cricket Pitches Intended for Outdoor Use;
- Quantity: A minimum of 2 cricket practice pitches shall be provided;
- ECB Approved System: The cricket practice net system will need to be an ECB approved non-turf pitch system (details on the ECB's website <https://www.ecb.co.uk/be-involved/club-support/club-facility-management/surface-types>)
- Security Fencing: Details of security fencing to enclose the cricket practice net system will need to be provided.

The cricket practice net system shall not be constructed other than in accordance with the approved siting, design and layout details and implementation programme.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision within an acceptable timescale and to accord with Development Plan Policy.

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.

It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport.

It is recommended that the maintenance schedule and programme for implementation is developed by a specialist turf consultant and should have regard to Sport England's technical Design Guidance Note entitled 'Natural Turf for Sport' (2011) and relevant design guidance of the National Governing Bodies for Sport.

8.3 Conditions/Reasons & Informatives

19/01606/FUL - Tendring Education Centre, Jaywick Lane, Clacton On Sea, Essex, CO16 8BE

- 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;

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

- 3) The tree planting shown on the approved landscaping drawing no's. 70-001 P1 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 which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

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

- 4) Within 3 months of commencement of development, a schedule of playing field maintenance, based on the maintenance works programme set out in section 5.1 of the approved Equivalent Quality Assessment Report (January 2020), for the site shown on Drawing number 3.2 Revision B -12 December 2019, including a programme for implementation shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved schedule and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 5) Within 3 months of commencement of development, a line marking plan for the artificial grass pitch on the Tendring Education Centre site together with an implementation programme shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The approved line marking plan and implementation programme shall be complied with in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

- 6) Within 6 months of commencement of development, the pedestrian access enhancement works shown on Drawing number 3.2 Revision B -12 December 2019, including the improved footpath, new steps and removed earth bund shall be implemented in full.

Reason - To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy.

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.

The applicant is advised that the line marking layout should comply with Football Association guidance contained in the FA's Guide to 3G Football Turf Pitch Design Principles and Layouts.

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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