



PLANNING COMMITTEE

DATE: Tuesday, 8 June 2021
TIME: 6.00 pm
VENUE: Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor White (Chairman)	Councillor Codling
Councillor Bray (Vice-Chairman)	Councillor Fowler
Councillor Alexander	Councillor Harris
Councillor Baker	Councillor Placey
Councillor Casey	

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 on 01255686007

DATE OF PUBLICATION: Friday, 28 May 2021

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 13 April 2021.

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 & 2 PLANNING APPLICATION - 20/01416/DETAIL AND 21/00042/DISCON - LAND NORTHWEST OF SLADBURYS LANE CLACTON ON SEA ESSEX CO15 6NU (Pages 11 - 36)**

The current application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury's Lane. This application includes details of access, appearance, landscape, layout and scale which were not included as part of the outline application.

It was requested that this application be referred to Committee for a decision by Cllr. Stephenson for the following reasons:

- Several garden sizes amongst the many plots do not comply with Policy in that they are too small
- Only 1 bungalow is to be made wheelchair adaptable – it should be all of them
- The SUDs report does not mitigate for the flood risk that is possible

There is a separate planning application that seeks the discharge of Condition 10 (Surface Water Drainage) of approved on appeal planning application 15/01351/OUT.

6 **A.3 PLANNING APPLICATION - 21/00286/FUL - 11 STANDLEY ROAD WALTON ON THE NAZE CO14 8PT (Pages 37 - 44)**

The application is before Members as Tendring District Council is the applicant.

The proposed extension will be located to the rear of the property and will be largely shielded from the streetscene by the existing dwelling. The extension is of a two storey nature and is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The use of matching materials will blend the development with the host dwelling and is not thought to have any significant adverse effect on visual amenity.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Princes Theatre - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Tuesday, 6 July 2021.

INFORMATION FOR VISITORS

PRINCES THEATRE FIRE EVACUATION PROCEDURE

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

Please follow the instructions given by any member of staff and they will assist in leaving the building.

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

The assembly point for the Princes Theatre is in the car park to the left of the front of the building as you are facing it. Your calmness and assistance is greatly appreciated.

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

Welcome to this evening's meeting of Tendring District Council's Planning Committee.

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

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

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 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?

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 6.00 pm in either the Council Chamber at the Council Offices, Thorpe Road, Weeley CO16 9AJ or at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE or entirely by remote means and the public are encouraged to check the venue etc. on the Council's Website before attending.

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

1. 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 to speak is allowed;
2. 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 to speak is allowed;
3. 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 to speak is allowed;
4. 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 to speak is allowed;
5. 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 to speak is allowed;

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; and

6. 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

Email: democraticservices@tendringdc.gov.uk

OR

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

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 paragraphs 2 or 3 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.

As approved at the meeting of the Full Council held on 16 March 2021

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 13TH APRIL, 2021 AT 6.00 PM**

Present:	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Allen, Cawthron, Casey, Fowler, V Guglielmi and Harris
Also Present:	Councillors Coley and G Guglielmi
In Attendance:	Lisa Hastings (Assistant Director, Governance), Graham Nourse (Assistant Director, Planning), Joanne Fisher (Planning Solicitor), Trevor Faulkner (Planning Officer), Jacob Jaarsmar (Agency Planning Team Leader), Nick Westlake (Planning Officer), Alison Cox (Planning Officer), Keith Durran (Committee Services Officer), Debbie Bunce (Legal and Governance Administration Officer), Emma Haward (Leadership Support Assistant).
Also in attendance:	Chris Stoneham (Strategic Development Engineer, ECC Highways Department)

112. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Placey, with Councillor Allen substituting.

113. MINUTES OF THE LAST MEETING

It was moved by Councillor Bray, seconded by Councillor V Guglielmi and **RESOLVED** that the minutes of the last meeting of the Committee held on Wednesday 17 March 2021 be approved as a correct record.

114. DECLARATIONS OF INTEREST

Councillor Harris declared a personal interest in **Planning Application 20/00822/FUL – THE LAURELS PARSONAGE LANE TENDRING CLACTON ON SEA** due to being the Ward Member. He informed the Committee that he was not pre-determined and that he would therefore take part in the Committee’s deliberations.

Councillor V Guglielmi declared a personal interest in **Planning Application 20/01385/FUL – 2 HIGH STREET MANNINGTREE CO11 1AD** due to being the Ward Member. She informed the Committee that she was not pre-determined and that she would therefore take part in the Committee’s deliberations.

115. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

116. A.1 - PLANNING APPLICATION 20/00822/FUL - THE LAURELS, PARSONAGE LANE, TENDRING CO16 0DE

Councillor Harris had earlier in the meeting declared a personal interest in this application as he was the Ward Member. He had informed the Committee that he was not pre-determined and therefore took part in the Committee’s deliberations.

Members were reminded that this application had been originally submitted to the Planning Committee at the request of Councillor Harris (who had acted on behalf of Tendring Parish Council) by virtue, in their considered opinion of the site: *“being ‘backfill’ development, the site was outside the settlement boundary; the site was an unsustainable development with insufficient infrastructure; overdevelopment, the development would have led to unacceptable disturbance to neighbours; unacceptable access and highways issues; and there was no proven need for this type of property in an area that had already seen significant development.”*

The Planning Committee on its first consideration of this application had deferred a decision in order to seek clarification on matters regarding drainage and other relevant matters.

The Committee was reminded that the application related to what was essentially the rear garden area of The Laurels, Parsonage Lane, Tendring. The site was roughly ‘L’ in shape and approximately 0.2 hectares in size. The Laurels was one of a variety of dwelling types in the locale which comprised of detached and terraced two-storey, chalet and single-storey bungalows. The Laurels was unique in terms of its rear garden which was of a significant size in comparison to any other dwelling in the settlement.

The site was centrally located within the Tendring Green 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 was therefore considered to be acceptable subject to detailed design and impact considerations.

The application sought full planning permission for the erection of 3 detached three-bedroom detached single-storey bungalows, served by way of a single access providing access to a parking/turning area. The dwellings would be provided with surface parking and secure cycle-storage.

Members were informed that the proposal would not result in the loss of an area of public open space or safeguarded green space. The proposed bungalows were of a scale, design and appearance which was comparable with other bungalows in the vicinity. The retention of the brick-built garage provided a significant degree of screening from the public domain. The proposal would result in the loss of ten trees in total and as the site did not benefit from any protection in the form of preservation orders, as such any trees could be removed without any consent required from the Local Planning Authority. Two of those trees were damaged/dangerous having limited life expectancy, five were small fruit trees and the remaining three were not mature or established specimens – all mature, established trees were to remain and offer a significant verdant backdrop to the site. The proposed dwellings were single storey and located a sufficient distances from neighbouring dwellings so as not to result in a material loss of residential amenities. The new dwellings and retained dwelling were to be served by private garden areas and parking that accorded with standards.

The proposed development was in a location supported by Local Plan policies and would not result in any material harm to the character of the area and/or residential amenities.

However, the Committee was now informed that, notwithstanding its earlier recommendation, and following further consideration of additional evidence, County Highways had now recommended that the application be refused on highway safety grounds by virtue of the scheme being unable to demonstrate appropriate highway visibility splays onto Parsonage Lane.

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 refusal for the reason(s) stated in section 8.1 of the Officer report.

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

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

- (1) Additional comments from ECC Highways; and
- (2) Additional comments from third parties.

Ellie Kellett, a local resident, spoke against the application.

Parish Councillor Ted Edwards, representing Tendring Parish Council, spoke against the application.

Jack Wilkinson, the agent acting on behalf of the applicant, spoke in support of the application.

Matters raised by a Committee member:-	Officer's response thereto:-
What has changed since the change of recommendation?	Planning Officer (AC) confirmed that the information raised by the Highways was raised after the request from the Committee (as part of the work to alleviate the concerns) resulted in the preparation of the referenced map indicating Highways land.
Seven considerations are required for back-land development. Does this application meet all conditions?	Planning Officer confirmed that this application does meet all seven considerations, ultimately being from a subjective perspective.
Can Highways confirm that the measurements and records are accurate?	Officer (ECC) confirmed that measures were from a definitive record however; the visibility display did not extend to the boundary.
Where the application is in a settlement boundary in the current local plan – is it considered sustainable?	Planning Officer (AC) confirmed that Tendring Green which is outside the defined settlement boundary is considered sustainable subject to meeting criteria.
Which Local Plan has suitable weight for the application?	Planning Officer (TF) referred to paragraph 1.6 of the agenda pack regarding the comparison of developments and sustainability. The current adopted Local Plan takes precedent.
What does it mean to have a sustainable location?	Planning Officer (AC) confirmed that a site where there is access to facilities, employment, education etc. with no entire reliance on a

vehicle is classed as sustainable.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Alexander and **RESOLVED** that the Assistant Director (Planning) be authorised to refuse planning permission for the development, for the following reasons:-

1 The proposal failed to demonstrate that a safe means of access to the site could be achieved, by virtue of a 2.4m x 33m visibility splay to the site access not being deliverable within the limits of the public highway and/or land in the control of the applicant. For this reason the application was considered to be contrary to Paragraph 108 of the NPPF which sought to ensure that safe and suitable access to a development site could be achieved for all users and contrary to saved Policy QL10 and TR1a of the adopted Tendring District Local Plan 2007 and emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

2 Saved Policy HG13 stated that proposals for the residential development of backland sites would only be approved where it meets specific criteria, detailed as:- (i) the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use; (ii) where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings; (iii) a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged; (iv) the proposal does not involve "tandem" development using a shared access; (v) the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution; (vi) the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and (vii) the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development. The proposal was considered to fail to comply with the following criterion:-

ii) Where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings

iii) A safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged

The proposal would result in a less than satisfactory access/egress, used a shared access and was likely to result in an unreasonable loss of amenity to existing dwellings by reason of headlight overspill and increased vehicular noise adjacent the common boundary, for this reason the proposal was considered contrary to criterion ii and iii of Saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the

Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 and the aims of the NPPF.

3 Saved Policy QL11 required all new development to be compatible with surrounding land uses and minimise any adverse environmental impacts. Development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties and the development (including any additional road traffic arising, would not have a materially damaging impact on air, land, water (including ground water), amenity, health or safety through noise, smell, dust, light, heat, vibration, fumes or other forms of pollution or nuisance).

The proposal was likely to have a materially damaging impact on the amenities of occupiers of nearby properties by reason of in an unreasonable loss of amenity to existing dwellings by reason of vehicular noise and fumes and headlight overspill. For this reason the proposal was considered contrary to Saved Policy QL11 of the adopted 2007 Local Plan and the aims of the NPPF.

117. A.2 - PLANNING APPLICATION 20/01385/FUL - 2 HIGH STREET, MANNINGTREE

Councillor V Guglielmi had earlier in the meeting declared a personal interest in this application as she was a local Ward Member. She had informed the Committee that she was not pre-determined and therefore took part in the Committee's deliberations.

Members were advised that the application had been referred to the Planning Committee by the Councillor G Guglielmi due to his concerns about the loss of the commercial premises in the 'Primary and main Shopping Frontage of Manningtree High Street'.

It was reported that the site was located inside the Development Boundary for Manningtree 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 host building was a Grade II Listed Building and former bank located in the Town Centre of Manningtree and within Manningtree Conservation Area. Planning permission had been obtained in 2017 for a retail unit at ground floor facing the High Street, with six flats making up the rest of the building and a separate dwelling-house to the rear.

The host building was not within the Primary Shopping Frontage area as designated by policy ER33.

Members were informed that a similar application to the current application had been submitted and refused in 2020 which had also looked to convert the ground floor retail unit to a residential use. The four reasons of refusal on that occasion had been:

- Poor levels of residential amenity internally and externally.
- Development proposed is within a Flood Risk 3 with Flood Risk implications.
- Unacceptable impact on the Listed Building and the Conservation Area.
- Lack of RAMS payment in accordance with the habitat regulations.

However, Officers considered that the current application had overcome those concerns.

The Committee was advised that the proposed development would not result in any material harm to the character of the area, residential amenities or highway safety. The application had therefore been recommended for approval by Officers subject to conditions and in conjunction with a completed legal agreement.

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

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

An update sheet had been circulated to the Committee prior to the meeting with confirmation in writing that the Environment Agency on 12 April 2021, had removed their objection to the application, with the suggested Planning Condition changes set out below:

"3 The development hereby approved shall be carried out in its entirety as shown on the submitted plans. One residential unit may be occupied before works to the front facade of the building and new shop front have been installed and the works carried out in accordance with the schedule agreed within application 20/01722/FUL.

Reason - The development has been permitted due to the significant benefits that would result for the listed building, and it is essential that the works are carried out as a package of improvements in the interest of the character and setting of the listed building.

15 There shall be no public access to the cellar and it shall not be used for retail sales or residential habitation. The cellar is for storage purposes for the ground floor flat only.

Reason - In the interest of public and residential safety as the site falls within a flood-risk zone and the cellar could be subject to rapid inundation in the event of flooding.

22. Copies of the amended 'Flood Warning and Evacuation Plan' for 2 High Street, Manningtree, dated March 2021, shall be given to each new residential residing at the development.

Reason - In the interest of public and residential safety as the site falls within a flood-risk zone and the cellar could be subject to rapid inundation in the event of flooding."

Parish Councillor Ruth Stocks, representing Manningtree Town Council, spoke against the application.

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

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

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

Matter raised by a Committee member:-	Officer's response thereto:-
In reference to parking facilities, why was parking mentioned in the original application and not in the most recent application?	Planning Officer confirmed that this was not a reason for refusal. The car park mentioned is locked overnight. The new application reduced the demand for parking in the area.
Cycling provision available for all properties?	A condition had been put forward for provision for cycling and subsequently a discharge of the condition relating to this. There are no outdoor amenity space, however, there is a basement for storage purposes.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Harris and **RESOLVED** that, contrary to the Officers' recommendation of approval, the Assistant Director (Planning) be authorised to refuse planning permission for the development, for the following reasons:-

1 The National Planning Policy Framework 2019 (NPPF) at paragraph 127 stated that planning decisions should ensure that developments would function well and add to the overall quality of the area. Furthermore, Paragraph 108 of the NPPF sought to ensure that safe and suitable access to a development site could be achieved for all users.

Saved Policy TR7 said for residential development within town centres and for all non-residential development, the adopted car parking standards would be applied. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 stated that planning permission would only be granted if amongst other things; access to the site was practicable and the highway network would be able to safely accommodate the additional traffic the proposal would generate and the design and layout of the development provided safe and convenient access for people. The sentiments of this policy were carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The current Essex County Council Parking Standards 2009 set out the requirements for residential development, two bedroom dwelling requires 2 parking spaces. In this case, no parking spaces were provided.

The proposed development failed to provide sufficient off street parking facilities for the proposed dwellings in line with the current Parking Standards. The proposal would therefore lead to additional vehicles being left parked in the surrounding streets or adjoining highway causing conditions of highways safety, obstruction and congestion. The proposed development therefore failed to provide car parking facilities sufficient to satisfy the likely demands of the site, thereby contrary to Saved Policy TR7, Emerging Policy SPL3, Essex County Council Parking Standards (2009), and Saved Policy QL10 (vi) which required new development to be designed to meet its functional needs.

Furthermore, the National Planning Policy Framework stated Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they met all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy TR1a stated proposals for development affecting highways would be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated. The Highway Authority identified a need for a financial contribution of £2,000 (index linked) towards the introduction of any future residents parking scheme for the surrounding roads subject to any scheme being put forward by the North Essex Parking Partnership.

A completed unilateral undertaking or Section 106 legal agreement to secure the relevant contributions towards a possible future residents parking scheme had not been provided and the application was therefore contrary to saved policy TR1a of the adopted Tendring District Local Plan 2007.

2 Paragraph 85 of the National Planning Policy Framework (2019) stated that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Policy ER3 of the Adopted Tendring Local Plan 2007 stated that land in, or allocated for employment use would normally be retained for that purpose, and its change of use would only be permitted if the applicant could demonstrate that it was no longer viable or suitable for any form of employment use. Within this, the applicant should have either submitted evidence of a sustained but ultimately unsuccessful marketing exercise, undertaken at a realistic asking price or demonstrate that the land was inherently unsuitable and/or not viable or suitable for any form of employment use.

The proposal would have resulted in the loss of a town centre employment use within a town centre location. The proposal would see the change of use of an existing A1/A2/B1a use to a C3 residential use.

The submitted marketing information showed that the site had been marketed for Retail only between the dates of 9th October 2018 until 31st January 2020. However, since September 1st 2020 a new use class had been introduced, Class E. This new use class allowed for a far wider number of possible uses for the ground floor unit. The fact that a marketing campaign had not taken place including this wider number of possible uses under Class E demonstrated a significant deficiency within the current marketing campaign submitted with this application.

It was therefore considered that the information supplied had failed to demonstrate that the site had been marketed to its fullest potential and had therefore failed to demonstrate the site was inherently unsuitable or not viable for any form of employment use. The proposal therefore failed to accord with saved policy ER3 of the Tendring District Local Plan 2007 and Paragraph 85 of the National Planning Policy Framework, to the detriment of the local economy and reducing the commercial capacity of the town centre location.

IMPORTANT INFORMATION :-

The local planning authority considered that the following policies and proposals in the development plan were relevant to the above decision:

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
ER3 Protection of Employment Land
ER31 Town Centre Hierarchy and Uses
ER33 Non-retail Uses Within Primary Shopping Frontages
HG1 Housing Provision
HG3 Residential Development Within Defined Settlements
HG9 Private Amenity Space
COM6 Provision of Recreational Open Space for New Residential Development
EN6 Biodiversity
EN6A Protected Species
EN11A Protection of International Sites European Sites and RAMSAR Sites
EN12 Design and Access Statements
EN17 Conservation Areas
EN22 Extensions or Alterations to a Listed Building
TR7 Vehicle Parking at New Development
SP1 Presumption in Favour of Sustainable Development
SP6 Place Shaping Principles
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
PP3 Village and Neighbourhood Centres
PPL1 Development and Flood Risk
PPL8 Conservation Areas
PPL9 Listed Buildings
CP1 Sustainable Transport and Accessibility
EN23 Development Within the Proximity of a Listed Building
NPPF National Planning Policy Framework February 2019
National Planning Practice Guidance
Tending District Local Plan 2007
Tending District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

Positive and Proactive Statement

The Local Planning Authority acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues were so fundamental to the proposal that it had not been possible to negotiate a satisfactory way forward and due to the harm which had been clearly identified within the reasons for the refusal, approval was not possible.

The meeting was declared closed at 8.53 pm

Chairman

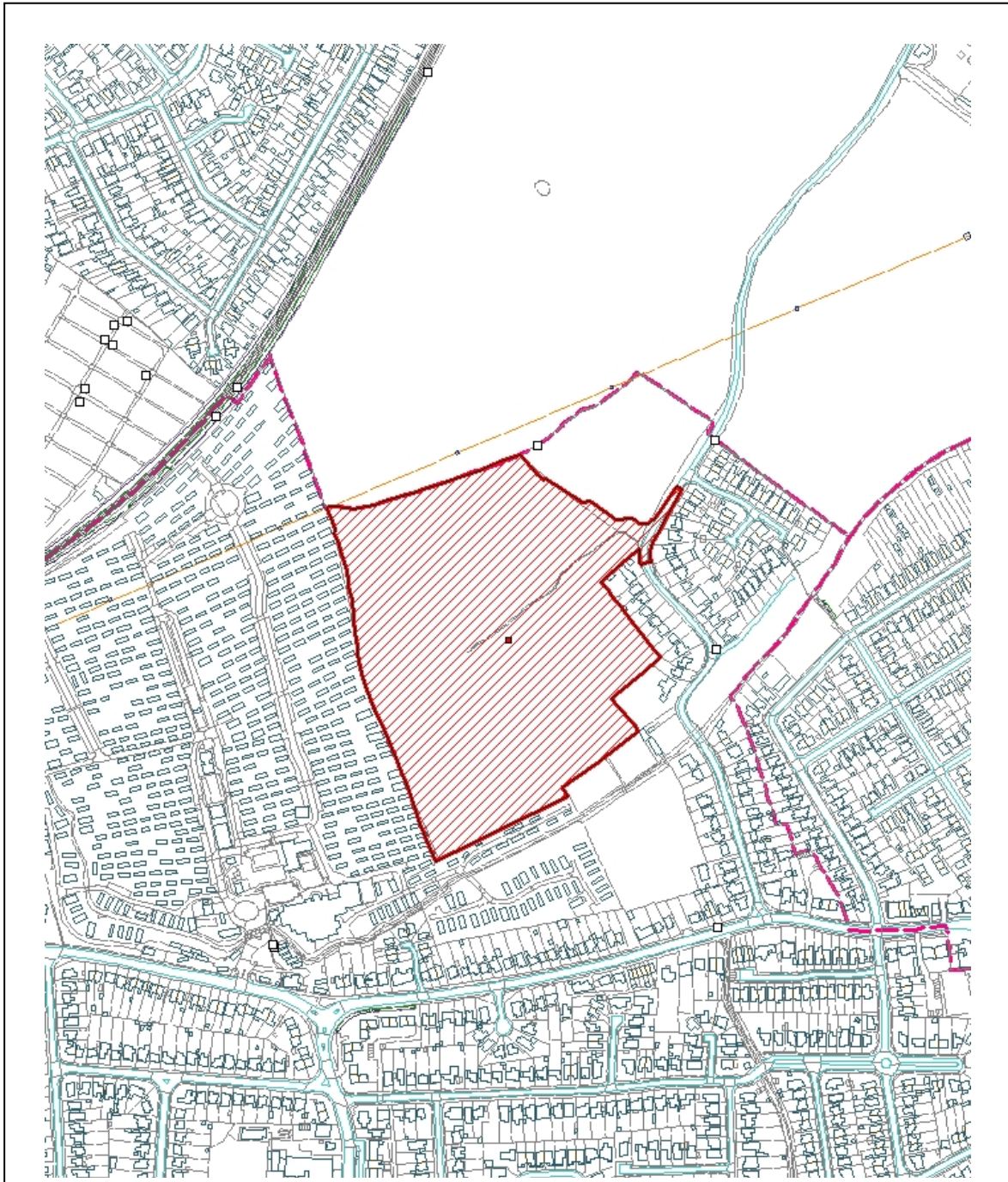
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PLANNING COMMITTEE

8th June 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.1 & 2 PLANNING APPLICATION – 20/01416/DETAIL AND 21/00042/DISCON – LAND NORTHWEST OF SLADBURYS LANE CLACTON ON SEA ESSEX CO15 6NU



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Application: 20/01416/DETAIL

Town / Parish: Clacton Non Parished

Applicant: Mr R Giles

Address: Land Northwest of Sladburys Lane Clacton On Sea Essex CO15 6NU

Development: Reserved matters application for residential development up to 132 dwellings with associated open space, landscaping, drainage, parking, servicing and utility infrastructure, with new vehicular access via Sladbury's Lane.

Application: 21/00042/DISCON

Town / Parish: Clacton Non Parished

Applicant: Mr R Giles

Address: Land to The North West of Sladburys Lane Clacton On Sea Essex CO15 6NU

Development: Discharge of condition 10 (Surface Water Drainage) of the planning application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

1. Executive Summary

- 1.1. It was requested that this application be referred to Committee for a decision by Cllr. Stephenson for the following reasons:
 - Several garden sizes amongst the many plots do not comply with Policy in that they are too small
 - Only 1 bungalow is to be made wheelchair adaptable – it should be all of them
 - The SUDs report does not mitigate for the flood risk that is possible
- 1.2. The site is on the north-eastern edge of Clacton, it is divided into two fields by a line of trees and existing vegetation. To the north of the site beyond an agricultural field is the Colchester to Clacton railway line. To the east and south of site are the residential properties of Sladbury's Lane and the Happy Valley Bowls and Tennis Club.
- 1.3. The current application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury's Lane. This application includes details of access, appearance, landscape, layout and scale which were not included as part of the outline application.
- 1.4. As established through the granting of outline application 15/01351/OUT, at appeal, the principle of residential development for up to 132 dwellings on this site is acceptable. The appeal decision also deals with matters of impact on protected species, biodiversity and flood risk.
- 1.5. The detailed design, layout, access, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.

- 1.6. The flood risk details submitted in the form of a SuDS Design and Management Report are sufficient to discharge condition No. 10 (Surface Water) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

Recommendation:

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

20/01416/DETAIL

- 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 toward RAMS

- b) Subject to the conditions stated in section 8.2

21/00042/DISCON

That the Head of Planning be authorised to approve discharge of Condition No. 10 (Surface Water Drainage) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

2. Planning Policy

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- | | |
|------|--|
| 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 |
| HG4 | Affordable Housing in New Developments |

HG7	Residential Densities
COM1	Access for All
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN2	Local Green Gaps
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11B	Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
EN11C	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites
EN12	Design and Access Statements
EN13	Sustainable Drainage Systems
TR1A	Development Affecting Highways
TR1	Transport Assessment
TR3A	Provision for Walking
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR7	Vehicle Parking at New Development

Section 1: North Essex Authorities' Shared Strategic Section 1 Plan, adopted January 2021

- SP1 Presumption in Favour of Sustainable Development
- SP2 RAMS
- SP4 Meeting Housing Needs
- SP6 Infrastructure & Connectivity
- SP7 Place Shaping Principles

Section 2: Emerging

- SPL1 Managing Growth
- SPL3 Sustainable Design
- 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
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

- 2.1 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.
- 2.2 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.3 The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.
- 2.4 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.5 Where emerging policies are particularly relevant to a planning application and can be given 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.
- 2.6 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

3. Relevant Planning History

15/01351/OUT Outline planning application for Refused and 11.08.2016 residential development up to 132 Allowed at dwellings and open space, including Appeal provision for a sports field and a new vehicular access via Sladbury's Lane.

4. Consultations

TDC Environmental Protection
12.01.2021

Noise Impact Assessment

With reference to the formal noise report, dated 21st December 2020; it does confirm the need for mitigation measures in order to achieve compliance with the relevant standards and guidelines values. In light of this we have the following comments to make -

Mitigation as laid out in section 5, page 23 of the submitted document confirms that in order to ensure required internal noise levels, as laid out in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings). Glazing should be designed to achieve a minimum of 22dBR, W + Ctr, in accordance with BS8233:2014.

Due to the inability to achieve the standards as laid out in BS8233 for noise levels both during day time and night time periods, with the windows open, the report proposes attenuated background ventilators, with a minimum sound reduction performance of 24dB, will be required, if acoustic trickle vents are to be utilised.

The report also states that the external noise measured is that of 54dB. In accordance with the standards laid out in BS8233:2014, this value is within the threshold for the upper guideline value of 55dB; therefore negating the need for any mitigation to be undertaken within these areas.

In line with these findings, if the applicant is able to provide suitable evidence of the proposed materials, glazing and ventilation, confirming its effectiveness for compliance with the relevant British Standards, we have no reason to object to this proposal, providing the above evidence is submitted and approved in writing prior to the commencement of any development.

Contaminated Land

There is some indication of potential contamination from

our contaminated land database. The proposed site is also situated near a railway line and cemetery. The applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure proposed site is free from contamination. Therefore the standard contaminated land condition is to be applied.

Playground Equipment

Any playground equipment and impact absorbing surfaces, to comply with BS EN 1176 and BS EN 1177 respectively.

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction, Environmental Protection ask that the following is conditioned.

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection Team. This report should include, but is not limited to, the following information -

Noise Control

- The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

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

Emission Control

- All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dust Control

- Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

ECC SuDS Consultee
13.11.2020

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:

The information provided as part of this application is sufficient to discharge condition 10 of 15/01351/OUT.

Informatives

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
- It is the applicant's responsibility to check that

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

TDC Waste Management
10.11.2020

All access roads to be constructed to suitable standard to allow access and withstand weight of 32 tonne refuse vehicles to collect waste as part of the kerbside collection service from all properties.

Anglian Water Services Ltd
12.11.2020

We have reviewed the applicant's submitted surface water drainage information (SudS design and management report) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge.

TDC Building Control and Access
Officer
06.11.2020

Agent will need to show how access for a fire fighting appliance is to be provided in accordance with Approved Document B.

ECC Highways Dept
06.04.2021

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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

- No development shall take place, including any ground works or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development

- wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

- Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principal and accord with Drawing Numbers:
929 PL 01 Rev. D - Amended Site Layout Plan.
R984-008 Rev. C - Proposed access arrangements
929 PL 04 Rev. C - Amended parking provision

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

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

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

- The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

- Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles.

Reason: To ensure adequate space for parking off the highway is provided in the interest of

highway safety in accordance with Policy DM8.

- 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.

- 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.

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

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

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

Informatives:

- 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.
- Areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.
- 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.
- 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 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

- 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.

Environment Agency
16.02.2021

In line with our comments to the outline application 15/01351/OUT it appears that all of the build development will be situated in Flood Zone 1 - please refer to advice note 8 of the Local Flood Risk Standing Advice.

If this is not the case please re-consult us with an FRA.

Environment Agency
26.04.2021

The discharge rate will fall within the remit of the Lead Local Flood Authority so the Environment Agency will not be providing comment.

Natural England
06.05.2021

No objection subject to appropriate mitigation being secured.

We are satisfied that the mitigation described in the Appropriate Assessment is in line with our strategic-level advice. The mitigation should rule out an 'adverse effect on the integrity of the European designated sites that are included within the Essex Coast RAMS from increase recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

5. **Representations**

19 letters of objection and a petition with 812 signatures have been received which raise the following concerns:

- The local roads are not suitable for the increase in traffic
- The proposal will result in an increase in road accidents
- Narrow roads are not suitable for HGV's or large lorries
- The adverse impact of the drainage ponds on neighbouring properties
- Increase in flooding
- Surface water and drainage issues
- Surface water will be discharged into Pickers Ditch which is never maintained and already floods
- The sustainable drainage ponds and swales lie within Flood Zone 3
- Increase pressure on doctor's surgery, schools, dentists and hospitals
- Loss of wildlife
- There are far more suitable areas to build on
- Loss of privacy
- Noise from construction, vehicles, building works and subsequent house occupancy
- Using agricultural land for housing will increase the import of food
- Lack of private amenity space
- No easy access to a bus stop

6. **Assessment**

Site Context

- 6.1 The site is on the north-eastern edge of Clacton, it is divided into two fields by a line of trees and existing vegetation. To the north of the site beyond an agricultural field is the Colchester to Clacton railway line. To the east and south of site are the residential properties of Sladbury's Lane and the Happy Valley Bowls and Tennis Club. Further residential development lies to the north-east of the site on the opposite side of Sladbury's Lane. Immediately adjacent to the west of the site is the Valley Farm Holiday Park.

- 6.2 The surrounding area is generally characterised by a mixture of one, one and a half and two storey properties. The materials used in the area is generally brick and render with clay and concrete roof tiles.

Planning History

- 6.3 Planning Application 15/01351/OUT sought planning permission for a residential development of up to 132 dwellings and open space, including provision for a sports field, new vehicular access via Sladbury's Lane. This application was refused by Planning Committee in August 2016, but later allowed on Appeal in October 2017.

Proposal

- 6.4 The current application seeks approval of the reserved matters (access, appearance, landscaping, layout and scale) relating to outline planning permission 15/01351/OUT, which was allowed at appeal, for the erection of up to 132 dwellings and open space, including provision for a new sports field, new vehicular access and access via Sladbury's Lane. This application includes details of access, appearance, landscape, layout and scale which were not included as part of the outline application.
- 6.5 The proposal seeks permission for 132 new dwellings; 3no. 1 bed dwelling; 48 no. 2 bed dwellings; 62 no. 3 bed dwellings and 19 no. 4 bed dwellings.
- 6.6 The majority of the proposed dwellings are two storey in height with 19 of the proposed dwellings being single storey.
- 6.7 Public Open Space is proposed to the southern part of the site, in accordance with the parameter plan approved at appeal.
- 6.8 Vehicular access to the site is proposed by a new roundabout on Sladbury's Lane. This access will provide the sole point of vehicular access to the site.

Principle of Development

- 6.9 The principle of development has been established by the granting of outline planning permission for up to 132 dwellings on this site at appeal.
- 6.10 Condition No. 4 of the appeal decision states that 'the reserved matters shall be in general conformity with the indicative site layout plan Drawing No. 256.201.02 and the proposed built development parameters plan Drawing No. 256.213.02'. These drawings show a new roundabout on Sladbury's Lane; the built development to the northern part of the site; the open space to the southern part of the site and a landscape buffer around the proposed built development.
- 6.11 The proposed plan complies with the above condition; therefore there can be no 'in principle' objection to the proposed development.

Appearance

- 6.12 All of the proposed dwellings address the street, to create an active street frontage. There are some dwellings which also have side elevations that face onto the street; these elevations are either set back from the street or in less prominent locations within the development and are therefore considered to be acceptable and not result in any adverse impact.

- 6.13 In terms of materials, the plans show a mixture of red brick, red tiles, render and boarding. No specific details of these materials have been provided at this stage; however, the use of acceptable materials can be secured by condition. The mix shown will ensure variety and visual interest across the development.
- 6.14 It is therefore considered that the detailed design and appearance of the proposed dwellings is acceptable.

Layout

- 6.15 Condition No. 4 of the outline consent, granted at appeal requires the reserved matters application to be in general conformity with the indicative site layout plan Drawing No. 256.201.02 and the proposed built development parameters plan Drawing No. 256.213.02'. The proposed development is in general conformity with this plan and therefore meets this condition. The Inspector considered that development in general conformity to this plan is acceptable subject to detailed considerations.
- 6.16 Each of the proposed dwellings, have their own private amenity space. Policy HG9 of the Saved Plan requires 50 sq.m for 1 bed dwellings, 75 sq.m for 2 bed dwellings and 100 sq.m for dwellings with 3 or more beds. Out of the 132 dwellings proposed 11 of the 2 bedroom units do not fully meet the minimum standards set out in Policy HG9 of the Saved Plan. These are set out in the table below:

Plot No.	Amenity Space Provision (sq.m)	Policy Requirement (sq.m)
33	67	75
34	71	75
46	72	75
47	72	75
64	72	75
108	58	75
109	65	75
119	63	75
120	65	75
122	70	75
123	68	75

- 6.17 Notwithstanding the above, they are all provided with a useable area in terms of the shape of the garden and there is access to nearby areas of open space within the proposed development. It is considered that given the scale of development proposed and the level of provision of on-site public open space, that the proposed provision of public open spaces is acceptable.
- 6.18 Parking is provided either to the front or sides of the dwellings, they are situated in small clusters, in appropriate locations throughout the site and therefore do not dominate the proposed development.
- 6.19 In conclusion, there is no objection to the layout of the proposed development.

Scale

- 6.20 The proposed dwellings are predominately two storey in height with some single storey dwellings along the rear boundary and towards the centre of the site. In terms of the 'parameters' set down at outline stage this allowed for development of up to two storeys. It

is, therefore considered that no objection can be raised to the scale of the proposed development.

Access/Highway Safety

- 6.21 Concerns have been raised regarding the impact of increase traffic; however, this was an issue which was considered at outline stage when it was concluded that subject to Highway Improvements secured by conditions that *'overall the impacts in traffic and transport terms would be acceptable and in accord with relevant policy'*.
- 6.22 Access is a consideration for this application, however, conditions imposed on the Appeal Decision state that the development shall be in accordance with a parameter plan, which shows a roundabout on Sladbury's Lane (Condition No. 4) and Condition No. 7 states that No dwelling shall be occupied until the following have been provided or completed in complete accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority:
- a roundabout in Sladbury's Lane to provide access to the proposal site as shown in principle on the planning application drawings;
 - upgrades to the two bus stops on the B1032 Holland Road to the west of its junction with Sladbury's Lane;
 - the widening (and provision of dropped kerbs/tactile paving crossing points) of the footway on both sides of Sladbury's Lane to a minimum of 2 metres where possible between the proposed site access roundabout and the B1032 Holland Road; and
 - residential travel information packs.

Given this condition, it is considered that there can be no objection to the provision of a roundabout to provide access to the site.

- 6.23 Furthermore, Essex County Council Highways have been consulted on the application and have advised that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to conditions to cover the following:
- A Construction Method Statement;
 - The development being in accordance with the submitted plans;
 - Details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage);
 - Provision of car parking and turning areas prior to occupation;
 - The size of car parking spaces and garages;
 - Provision of cycle parking;
 - Provision of Residential Travel Packs

All of the above conditions are included within the recommendation below, with the exception of the Construction Method Statement and the provision of Residential Travel Packs as these are already covered by conditions on the outline consent.

- 6.24 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 spaces 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 compliance with the above standards with all dwellings having at least 2 parking spaces and the large units having 3 parking spaces, plus visitor parking throughout the site.
- 6.25 For the above reasons the proposal is considered acceptable in highway safety terms.

Impact on Residential Amenity

- 6.26 The nearest residential dwellings are those in Sladbury's Lane. These properties lie adjacent to the proposed Public Open Space and on the opposite side of Sladbury's Lane adjacent to the proposed roundabout. It is accepted that the proposal will result in some impact in terms of general noise and disturbance both during construction and subsequent occupation. However, at the time of the appeal, the Inspector was satisfied that it would be possible to provide a detailed scheme for 132 dwellings which would not adversely affect the living conditions of neighbouring occupiers.
- 6.27 As the proposed dwellings are located away from the neighbouring properties, it is considered that there would be no adverse impact on the neighbour's amenities in terms of overlooking.
- 6.28 In terms of the residential amenity of the proposed residents, the noise report confirms the need for mitigation measures in order to achieve compliance with the relevant standards and guidelines due to the proximity of the railway line. The mitigation measures include specialised glazing and attenuated background ventilators, if acoustic trickle vents are to be utilised, which can be secured by condition, as set out in the recommendation. The Council's Environmental Health Team also recommend conditions relating to contaminated land, which is included in the recommendation and a Construction Method Statement which is secured by a condition on the outline consent.
- 6.29 The majority of the proposed dwellings do not have a direct back-to-back relationship, but where there is it meets the required standards as set out in the Essex Design Guide of 25 metres, with the exception of the relationship between Plots 115 and 116 and Plots 122-125, where the distance is 20 metres. Plots 115 and 116 are single storey, so on balance this relationship is considered acceptable.
- 6.30 It is considered that a condition to remove permitted development rights for dormer windows is necessary across the whole of the site to ensure that adequate residential amenity is retained.

Landscaping/Biodiversity

- 6.31 The Appeal Inspector stated that the '*negative impacts on the Local Green Gap would be minimal and capable of being offset by the landscape strategy*'. A condition was then added to the appeal decision to require, details of hard and soft landscaping and a landscape management plan. The proposal is in accordance with the landscape strategy and further landscaping details will be dealt with via conditions.
- 6.32 The impact on biodiversity and protected species was detail with at the outline stage; the Inspector concluded that based on the successful implementation of the mitigation and enhancement measures detailed in the Ecological Report and Ecological Addendum, no significant adverse effects are predicted.
- 6.33 The Inspector then imposed a condition to ensure that development is carried out in accordance with the recommendations of the reports. This condition still applies.
- 6.34 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. The contribution is secured by unilateral undertaking.
- 6.35 The application site lies within the Zone of Influence (ZoI) of the Essex Estuaries Special Area of Conservation; the Colne Estuary Ramsar Site and the Hamford Water Ramsar Site.

New housing development within the ZOI would be likely to increase the number of recreational visitors at these sites 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.

6.36 A proportionate financial contribution of £125.58 per dwelling would need to be secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. The applicant has agreed to pay this and provide the following on site:

- A series of bound gravel surfaced paths which would provide routes around and through the public open space, supplemented by more informal mown paths.
- Two circular walks, each approx. 690m long, giving a combined total length of 1,380m
- A proposed public open space which would incorporate a 'dogs off lead' area and three dog waste bins

Natural England have been consulted and raise no objection to the proposal subject to appropriate mitigation being secured. They confirm that they are satisfied with the above mitigation, which should rule out an adverse effect on the integrity of the European designated sites that are included within the Essex Coast RAMS from increase recreational disturbance.

Drainage/Flood Risk

6.37 A number of concerns have been raised with regard to flooding and the fact that the development will exacerbate an existing localised flooding problem.

6.38 However, at the appeal stage a surface water scheme had been proposed which demonstrates that surface water management is achievable in principle and conditions have been imposed requiring further details; these details have been submitted as part of this current application and a separate discharge of condition application (21/00042/DISCON).

6.39 Essex County Council Flood and Water Management Team have been consulted on the application and raise no objection to the discharge of condition application. Following the letters of objections further clarification was sought from them, the response can be summarised as follows:

- The development under current legislation only has to deal with the flood risk produced by the development and the developer is not responsible for reducing existing flood risk in the area. The proposal is seeking to discharge at a maximum rate of 4.5 l/s, which is the 1 in 1 greenfield rate for the site. This will improve flood risk by reducing the run off rate into the ditch for larger storm events. For a 1 in 100 year storm event for example the pre development discharge rate would be 18.6 l/s and the post development discharge rate will be 4.5 l/s. Therefore considerably reducing the discharge rate for larger storm events and therefore reducing flood risk.
- In terms of the construction phase. We would expect the same discharge rate as approved as part of the proposed development. This should be managed during the construction phase and it should be ensured that fine soils and silt are captured and not discharged into the ditch. This should be dealt with as part of the construction management plan.
- A flood compensation area is not something we can ask for. As stated previously the developer has a responsibility to deal with flood risk from the development and not to compensate for existing flood risk in the area.
- As part of the planning application a maintenance plan has been provided. If the surface water drainage system is maintained as stated within the report a blockage should not occur. It is the duty of the local planning authority to ensure suds features are being maintained as stated.

- As part of this development they are diverting part of an existing ditch. They therefore need to ensure that they have section 23 consent, which has not been submitted.

6.40 It was also advised that as the discharge point is a main river that the Environment Agency should be consulted. The Environment Agency has responded saying that the discharge rate falls within the remit of the Lead Local Flood Authority so they will not be providing comment.

6.41 Given the above, it is considered that the proposed surface water drainage system is sufficient to ensure that the proposed development will not cause additional flooding. It is accepted that there is a current issue but the developer only has to deal with the surface water from the proposed development and cannot be held accountable to solve an existing issue. As the Environment Agency and Essex County Council Lead Local Flood Authority raise no objection to the proposal it is considered that a refusal on this basis cannot be substantiated and that 21/00042/DISCON should be approved.

Section 106 of the Town and Country Planning Act 1990

6.42 A legal agreement was secured at outline stage requiring: an education contribution for primary education; provision of 30% affordable housing; on-site provision of open space and a healthcare contribution of £241.21 per dwelling. This legal agreement and all conditions on the outline consent, granted at appeal, will still apply.

7. Conclusion

7.1 As established through the granting of outline application 15/01351/OUT, at appeal, the principle of residential development for up to 132 dwellings on this site is acceptable. The appeal decision also deals with matters of impact on protected species, biodiversity and flood risk.

7.2 The detailed design, layout, access, landscaping and scale are considered acceptable. The proposal would result in no material harm to residential amenity or highway safety.

7.3 The flood risk details submitted in the form of a SuDS Design and Management Report are sufficient to discharge condition No. 10 (Surface Water) of Planning Application 15/01351/OUT approved on appeal APP/P1560/W/17/3169220.

7.4 The application is therefore recommended for approval subject to a legal agreement to secure the necessary financial contribution towards RAMS.

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.	£125.58 per dwelling

8.2 Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:

929-PL-01 E

929-PL-02 C
929-PL-03 C
929-PL-04 C
929-PL-05 C
929-PL-06 C
929-PL-07 C
929-PL-08 C
929-PL-07 C
929-PL-10 A
929-PL-11 A
929-PL-12
929-PL-13 B
929-PL-14 B
929-PL-15 B
929-PL-16 B
929-PL-17 B
929-PL-18 B
929-PL-19
929-PL-20 A
929-PL-21 A
929-PL-22
929-PL-23 A
929-PL-24 A
929-PL-25
929-PL-26 A
929-PL-27 A
929-PL-28 A
929-PL-29 A
929-PL-30 A
929-PL-31 A
929-PL-32 C
929-PL-33 A
929-PL-34 A
929-PL-36
929-PL-37 A
929-PL-38 B
E17840-TLP-001

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

2. Prior to the commencement of development evidence of the proposed materials, glazing and ventilation, confirming its effectiveness for compliance with BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) 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 a suitable level of amenity for proposed residents.

3. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of [x] years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

4. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principal and accord with Drawing Numbers:
929 PL 01 Rev. D - Amended Site Layout Plan.
R984-008 Rev. C - Proposed access arrangements
929 PL 04 Rev. C - Amended parking provision

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 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. Any dwelling hereby permitted shall not be occupied until such time as a car parking and turning area has been provided. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

7. 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.

8. 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.

9. Prior to the first occupation of any dwelling hereby permitted details of the proposed cycle parking shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved details and retained as such thereafter.

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

10. No development shall be commenced until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development.

Reason - To ensure that materials of an acceptable quality appropriate to the area are used and insufficient information has been submitted in this regard.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 2016 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - In the interest of amenities of the occupants of the neighbouring and proposed properties.

Informatives

1. Any playground equipment and impact absorbing surfaces, shall comply with BS EN 1176 and BS EN 1177 respectively.
2. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
3. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place.
4. It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
5. 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.
6. Areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.
7. 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.

8. 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.
9. 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.
10. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

11. 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.

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

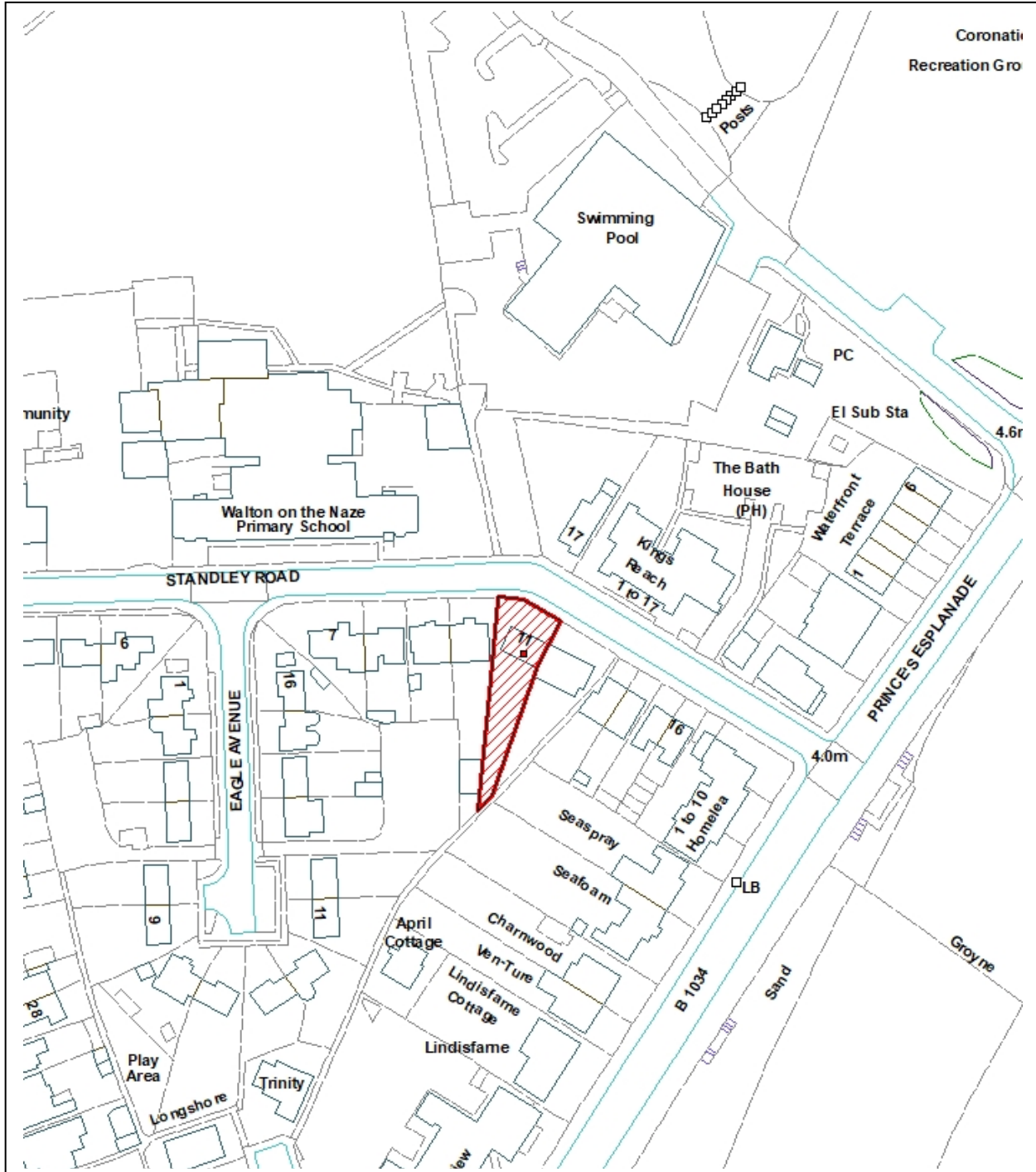
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

8th June 2021

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 21/00286/FUL – 11 STANDLEY ROAD WALTON ON THE NAZE CO14 8PT



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Application: 21/00286/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Emma Picking

Address: 11 Standley Road Walton On The Naze CO14 8PT

Development: Erection of two storey rear extension

1. **Executive Summary**

- 1.1 The application is before Members as Tendring District Council is the applicant.
- 1.2 The proposed extension will be located to the rear of the property and will be largely shielded from the streetscene by the existing dwelling. The extension is of a two storey nature and is considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The use of matching materials will blend the development with the host dwelling and is not thought to have any significant adverse effect on visual amenity.
- 1.3 The proposed rear extension does not result in any significant loss of light or undue loss of privacy to the adjacent neighbouring dwellings and is considered to be acceptable in terms of residential amenities.

Recommendation: Approval

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

- a) Subject to the conditions stated in section 8.2

2. **Planning Policy**

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

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- | | |
|------|--|
| 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 |

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

SP1 Presumption in Favour of Sustainable Development

SPL3 Sustainable Design

PPL1 Development and Flood Risk

Local Planning Guidance

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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.
- 2.3 Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.
- 2.4 The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.
- 2.5 The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.
- 2.6 Where emerging policies are particularly relevant to a planning application and can be given 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.

3. Relevant Planning History

18/01738/HHPNOT	Proposed single storey rear extension with flat roof, measuring 4m in depth and 2.5m in height.	20.11.2018
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4. Consultations

Not Applicable

5. Representations

Frinton and Walton Town Council support this application.

6. Assessment

Site Context

- 6.1 The application site is located towards the south of Standley Road inside the development boundary of Frinton on Sea. The site is also located within national flood zones 2 and 3. The site serves a semi-detached two storey dwelling finished in render with a pitched tiled roof.

Proposal

- 6.2 This application seeks planning permission for a two storey rear extension. The proposed extension will measure 3 metres deep by 6 metres wide with an overall pitched roof height of 8.2 metres. The proposed extension is of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The proposal will be designed using materials to match those of the existing dwelling, the exterior walls will be of a matching render with a pitched tiled roof and the windows and doors will be white UPVC. The proposal is of a design an appearance in keeping with the existing dwelling and surrounding area and will have no adverse impact on visual amenities.

Principle of Development

- 6.3 The principal of the development is considered acceptable as the proposal simply seeks to extend and improve the host dwelling. The main considerations are the design and impacts as set out below.

Flood Risk

- 6.4 The application site falls within flood zones 2 and 3. The proposed ground floor level of the extension will be the same as that of the existing dwelling which is in accordance with the Environment Agency's standing advice for 'Minor Extensions' within Flood Zones 2 and 3, which requires that '*...floor levels are either no lower than existing floor levels or 300mm above the estimated floor level*' and therefore considered acceptable. In addition, as a two-storey dwelling there will be a safe means of escape in the event of a flood event.

Appearance, Design and Visual Impact

- 6.5 The site is located in a residential area. The surrounding streetscene is comprised from a mixture of semi-detached two storey dwellings, apartment buildings and a primary school / pre-school.
- 6.6 The proposed extension is located to the rear of the property and will be largely shielded to the streetscene with limited views from the gap between the host site and neighbouring dwelling towards the west of the site. The proposed extension is considered to be of a size and scale appropriate to the existing dwelling and surrounding area with the use of matching materials blending it in with the existing dwelling with no adverse impact on visual amenities.
- 6.7 The proposed rear extension is therefore considered to be acceptable in terms of design and appearance.

Impact on Residential Amenity

- 6.8 The proposed rear extension will be constructed approximately 0.7 metres from the shared neighbouring boundary line east of the site. Due to its close proximity to this dwelling guidelines set out within the Essex Design Guide have been applied to this application. The Essex Design Guide makes reference to The Building Research Establishment's report "Site Layout Planning for Daylight and Sunlight" 1991 which suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of the existing window being within a combined plan and section 45 degree overshadowing zone. Using the sunlight/daylight calculations specified in the Essex Design Guide the 45 degree line down from the extension roof would not intercept the neighbouring dwelling to the east in both plan and elevation. Any loss of light that may be caused by the proposal is therefore not considered to be so significant as to justify refusing planning permission.
- 6.9 Due to its positioning within the site the proposal will not have a significant effect on the loss of light to the adjacent neighbouring dwellings.
- 6.10 The proposal will include the installation of two rear windows at first floor levels. These windows will provide the dwelling with views of the neighbouring properties and therefore result in a degree of loss of privacy to these dwellings. However, as the existing dwelling already has windows at first floor level located at the rear, the installation of these new windows will not be providing the dwelling with any new additional views, the loss of privacy is therefore not considered to be so significant as to justify refusing planning permission. There are no new windows proposed at first floor level on the side elevations. The proposal is, therefore considered to have no significant impact on loss of privacy to the adjacent neighbouring dwellings.
- 6.11 The proposed rear extension is considered to be acceptable in terms of residential amenities.

Highway Safety/Parking

- 6.12 The proposal neither generates an additional need for parking nor decreases the parking provisions at the site and will not impact on highway safety.

7. Conclusion

- 7.1 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.

8.2 Conditions and Reasons

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Number A2020-50-02.

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

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.

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.

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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