



PLANNING COMMITTEE

DATE:	Tuesday, 15 March 2022
TIME:	6.00 pm
VENUE:	Committee Room - 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. The space for the public and press will be made available on a first come first served basis. The meeting will normally be live streamed and the link to this is available at www.tendringdc.gov.uk/livemeetings. Those attending the meeting may therefore be filmed. After the meeting the recording of the live stream will normally be available using the same link.

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 01255 686007.

DATE OF PUBLICATION: Monday, 7 March 2022

AGENDA

1 Apologies for Absence and Substitutions

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

2 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.

3 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.

4 A.1 PLANNING APPLICATION 21.01560.FUL - LAND TO THE SOUTH OF MICHAEL WRIGHT WAY (Pages 1 - 40)

The application has been called in by Councillor Lynda McWilliams.

The proposal is for the erection of 6 detached dwellings with associated parking and landscaping. The site is located within the defined Settlement Development Boundary of Great Bentley and formed part of the red line area of the original Admirals Farm development to the east of the site that currently has approval for 59 dwellings. The land was allocated as 'landscaping' not designated Public Open Space within the original plans for the Admirals Farm development. The Children's Playground has been moved to the field opposite the host site. As such, it is considered there is not an in principle objection to using this site as an area for housing provision sustainably within the District.

5 A.2 PLANNING APPLICATION 21/02099/FUL - PLOT 5, LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON (Pages 41 - 60)

This application is before Members at the request of Councillor Bray, together with applications for Plot 4 (reference 21/02064/FUL) and Plot 6 (reference 21/01856/FUL).

The application relates to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, were approved by officers under delegated powers. Outline consent was approved subject to a condition requiring the dwellings to be single storey only.

6 A.3 PLANNING APPLICATION 21/02064/FUL - PLOT 4, LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON (Pages 61 - 80)

This application is before Members at the request of Councillor Bray, together with applications for Plot 5 (reference 21/02099/FUL) and Plot 6 (reference 21/01856/FUL).

The application relates to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, were approved by officers under delegated powers. Outline consent was approved subject to a condition requiring the dwellings to be single storey only.

7 A.4 PLANNING APPLICATION 21/01856/FUL - PLOT 6, LAND REAR OF HOLLY LODGE, BETTS GREEN ROAD, LITTLE CLACTON (Pages 81 - 100)

This application is before Members at the request of Councillor Bray, together with applications for Plot 4 (reference 21/02064/FUL) and Plot 5 (reference 21/02099/FUL).

The application relates to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, were approved by officers under delegated powers. Outline consent was approved subject to a condition requiring the dwellings to be single storey only.

8 A.5 PLANNING APPLICATION 21/01748/FUL - KINGSCLIFF HOTEL, 55 KINGS PARADE, HOLLAND-ON-SEA CO15 5JB (Pages 101 - 110)

The application has been referred to the Planning Committee at the request of Councillor Baker due to the fact that the building is out of character and does not improve the street scene, it is poorly designed and has a negative impact on the street scene, it is not in accordance with emerging Plan (Part 2) Policy SPL3 or PP2 and the negative impact upon neighbours.

This application seeks planning permission for the retention of the constructed dining pod.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Thursday, 31 March 2022.

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

Information for Visitors

FIRE EVACUATION PROCEDURE

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

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

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

Your calmness and assistance is greatly appreciated.

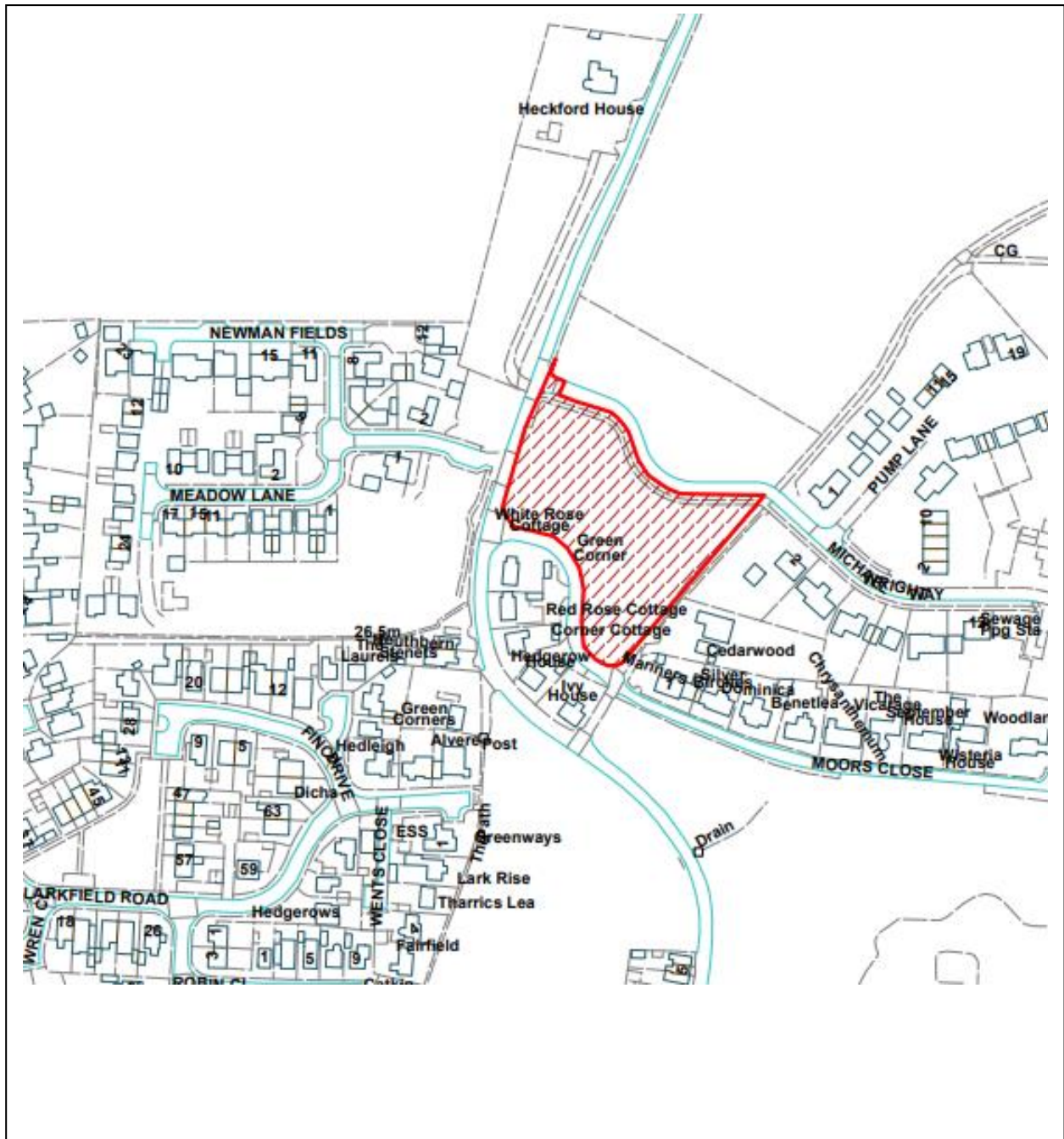
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PLANNING COMMITTEE

15th March 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.1 PLANNING APPLICATION – 21/01560/FUL – LAND TO THE SOUTH OF MICHAEL WRIGHT WAY GREAT BENTLEY



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Application: 21/01560/FUL

Town / Parish: Great Bentley Parish
Council

Applicant: Mr Steve Williams - Hills Residential Construction Ltd

Address: Land to The South of Michael Wright Way Great Bentley Essex

Development: Proposed erection of six detached dwellings and associated garaging and infrastructure (uplift on original application - 16/00133/OUT that approved the erection of 50 dwellings, garages, roads and associated works)

1. Executive Summary

- 1.1 The application has been called in by Councillor Lynda McWilliams. The reasons include that the development will have a negative impact on the character and appearance of the area, there are concerns regarding the increase in traffic within the village with the subsequent impact on pedestrian safety in the area. There will be a negative impact on neighbours in terms loss of residential amenity, via overlooking and the development would add to increased pressure on local services. Finally, as this was not an allocated site for housing this land should not be used for such a purpose when there is a positive housing supply within the District.
- 1.2 The proposal is for the erection of 6 detached dwellings with associated parking and landscaping. The site is located within the defined Settlement Development Boundary of Great Bentley and formed part of the red line area of the original Admirals Farm development to the east of the site that currently has approval for 59 dwellings. The land was allocated as 'landscaping' not designated Public Open Space within the original plans for the Admirals Farm development. The Children's Playground has been moved to the field opposite the host site. As such, it is considered there is not an in principle objection to using this site as an area for housing provision sustainably within the District.
- 1.3 The proposal is considered to be of a size, scale and design in keeping with the overall grain of residential development in the surrounding area. There are no concerns raised regarding the amenity impact on the neighbouring residential properties and subject to conditions is considered to be acceptable in regards to Highways, Parking, Landscaping and Appearance.

Recommendation:

That the Assistant Director for Planning be authorised to grant planning permission for the development subject to:-

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

2. Planning Policy

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

National Planning Policy Framework July 2021 (The Framework)
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond

Relevant Section 1 Policies

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

Relevant Section 2 Policies

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply

LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
LP8	Backland Residential Development
PPL1	Development and Flood Risk
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL8	Conservation Areas
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility

Supplementary Planning Guidance:

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
 Essex County Council Development Management Policies 2011
 Essex County Council Parking Standards Design and Good Practice Guide 2009
 Tendring Provision of Open Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's

HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016
16/01912/DETAIL	Proposed erection of 50 dwellings, garages and associated works.	Approved	12.05.2017
19/01021/OUT	Variation of condition 12 of approved application 16/00133/OUT to amend clause (ii).	Approved	17.10.2019
19/01204/DETAIL	Seeking approval for material changes further to application 16/01912/DETAIL (Plots 1 to 41).	Approved	14.11.2019
19/00307/DISCON	Discharge of Condition 11 (Surface Water Drainage) of 16/00133/OUT.	Approved	22.02.2019
20/00864/DETAIL	Amendments to Layout relating to plots 7, 8, 12, 31, 32, 35, 37, 38 and 39; Boundary conditions and realignments, Site entrance wall added; and Appearance and Scale relating to Plot 8 (approved under 16/01912/DETAIL).	Approved	07.10.2020
20/01054/DETAIL	Reserved matters application for a doctor's surgery for application 16/01999/OUT allowed at appeal APP/P1560/W/17/3174843	Approved	23.10.2020
20/00748/FUL	Re-design of the eastern parcel of the original application site to provide 18 new build dwelling houses comprising of 2, 3 and 4 beds	Approved	06.11.2020

4. ConsultationsHousing Services
30.11.2021

The NPPF states that affordable housing should be delivered on sites that are classed as "major developments". Major developments are defined in the NPPF as sites delivering 10 dwellings or more or sites that are greater in 0.5 hectares in area. This site is greater than 0.5 hectares and therefore is classed as a major development and as such, there is a requirement to deliver affordable housing on site or to make an off-site financial contribution in lieu of affordable housing.

The Council's emerging Local Plan requires that 30% of dwellings should be delivered as affordable housing on sites where it is required. As this application proposes 6 dwellings, the affordable housing requirement is for 1.8 dwellings.

Although there is a requirement to deliver affordable housing on site, my department would prefer that an off-site financial contribution is paid, based on an affordable element of 1.8 dwellings. In terms of the contribution itself, the Council's approach is to accept 10% of the open market value of 1.8 dwellings to arrive at the figure for the AH contribution. There are a number of detached four bedroom houses currently for sale in the CO7 area and they range in price from £590,000 to £425,000. The median figure is therefore £507,500. The contribution is assessed as follows:

Market value £507,500

10% of open market value = £50,750

Value if 1.8 units = £91,350 (£50,750 + £40,600)

Total contribution payable = £91,350.

ECC Schools
Service
03.03.2022

I can confirm that as this parcel of land is within the red outline for TEN/16/0133 it is considered appropriate to request a contribution for provision of EY&C, primary and secondary education and libraries as follows:

EY&C: Contribution of £9,325 @ £17,268 / place – Index Linked to Q1 2020

Primary Education: Contribution of £31,082 @ £17,268 / place – Index Linked to Q1 2020

Secondary Education: Contribution of £28,530 @ £23,775 / place - Index Linked to Q1 2020

Libraries: 6 units x £77.80 / unit – Contribution of £466.80

Please can I request that the legal agreement is reviewed by ELS to ensure the document captures this contribution requirement in its correct form.

NHS East Essex CCG No contribution is being requested.

ECC Highways Dept 25.02.2022 The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a previous site visit. It is noted that the amended scheme has all the proposed dwellings being accessed from the new road which has already been installed off Heckfords Road. The revised proposals offer adequate parking and turning facilities, considering these factors:

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

1. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

2. Prior to the occupation of any of the proposed development the internal road site access, parking and footway layout shall be provided in principle and accord with drawing numbers:

- 170116/101/01/V12 Amended proposed block plan.
- 170116/101/15 House type garage - elevations and floor plans

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.

3. No unbound material shall be used in the surface treatment of the vehicular access or private driveway throughout.

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

4. Prior to the occupation of any of the proposed dwellings, the proposed private drive for each access shall be constructed to a width of 6 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

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

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

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

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

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

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

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

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

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

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

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

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

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

Informative:

1: 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

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

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should

be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

3: 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.

Additional ECC
Highway Comment
04.03.2022

A provision of a new footway measuring no more than 2.0m in width on the west side of Heckfords Road opposite the existing footway to the development with associated drop kerb/ tactile paving (x1) for the new crossing point with the existing footway, extending southwards to the junction and radius kerb of Newman Fields with associated drop kerb/ tactile paving (x2) to link with the new footway running southwards within Newman Fields.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development in accordance with policy DM1, DM9, and DM17.

Note: Condition * requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

Essex County
Council Heritage
23.02.2022

The application is for proposed erection of six detached dwellings and associated garaging and infrastructure (uplift on original application - 16/00133/OUT that approved the erection of 50 dwellings, garages, roads and associated works).

The Site is located adjacent to the Great Bentley Conservation Area.

There is no objection to this application. Considering the development, on the opposite side of Heckfords Ford, this proposal provides an acceptable gateway development to the village.

I recommend a condition is attached requiring samples/details of all external materials and windows to ensure the development complies with paragraphs 197 (c) and 206 of the NPPF.

Essex County
Council
Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological interest.

15.12.2021

The proposed development lies immediately north of the historic settlement at Green Corner which appears as a small hamlet which grew up at the junction of Heckfords road at the northern edge of Bentley Green which is likely to be medieval in origin. The Tithe Map of c.1840 give the fieldname as Brewhouse Field which may indicate there was a structure relating to brewing within the vicinity. To the north the HER records a circular cropmark which may be prehistoric in date and various linears in the surrounding area are mapped. Immediately adjacent to the site an archaeological evaluation revealed medieval to postmedieval features of agricultural origin and a number of undated features. More recent evaluation and excavations in the immediate surrounding area have revealed well preserved elements of Bronze Age , Iron Age and Roman landscapes.

The above application proposes development which would require groundworks that are likely to impact on any potential surviving archaeological remains. The following recommendations are made inline with the National Planning Policy Framework:

RECOMMENDATION: Archaeological trial trenching and excavation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason for recommendation

The Essex HER shows that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

Environmental
Protection
20.12.2021

The Environmental Protection Team's comments are given below:

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is submitted:

Prior to the commencement of any construction, ground works or demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control. This should at minimum include the following where applicable.

- Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and

Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

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

- Emission Control

1) 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.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) 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.

4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. 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).

Lighting

Any lighting of the development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties and / or constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Tree & Landscape
Officer
16.02.2022

The amended layout places the position of the dwelling on plot 4 closer to T1 Oak, as identified in the amended Arboricultural Impact Assessment. The gable end of the dwelling is close to the edge of the tree Root Protection Area (RPA) but does not encroach into it. Consequently the development will not cause harm to the tree.

There appears to be sufficient usable garden area on plot 4 that will not be overshadowed or otherwise affected by the Oak meaning that a satisfactory juxtaposition between the tree and the dwelling has been achieved.

No other trees or significant vegetation will be affected by the development proposal.

The amended details relating to soft landscaping are sufficient to satisfactorily soften, screen and enhance the appearance of the appearance of the development.

UU Open Spaces
02.03.2022

There is currently a deficit of 1.73 hectares of equipped play in Great Bentley. However, there is more than adequate provision in terms of formal open space.
Recommendation

Due to the significant deficit of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. The play area in Great Bentley has recently been updated, however there are still improvements that are needed in this play area the contribution received will be used to make these improvements at Heckford Road, Great Bentley

Anglian Water
03.03.2022

The foul drainage from this development is in the catchment of Thorington Recycling Centre, which currently has capacity to treat the flows from your development site. Anglian Water cannot reserve capacity and the available capacity at the water recycling centre can be reduced at any time due to growth, environmental and regulation driven changes

ECC Suds
03.03.2022

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)

- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

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

Condition 1

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

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limit discharge rates to 3.3l/s i.e. 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. The 1 in 1 year greenfield runoff rate should be confirmed by calculations.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Permeable paving should be used for car parking areas and driveways in the proposed residential development.
- If infiltration devices such as soakaways are feasible and are used, then overflows from these systems should be connected to the existing basin or surface water sewer in the area so that there is no flooding when there are blockages in the infiltration system.

- In case the existing detention basin at the site is moved or is used for proposed housing runoff then remodelling of the basin should be carried out.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

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

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

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

- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below.

<https://www.essex.gov.uk/protecting-environment>

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning

authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.
- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.
- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.
- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.
- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the

implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

5. Representations

5.1 Eleven objections have been received following a public consultation which included a site notice posted at the site and neighbouring consultation letters sent out to the adjacent properties.

5.2 Summary of Matters Raised

- Harmful appearance / aesthetics of the development,
- the increased traffic a significant risk to pedestrian safety
- Overdevelopment of the village
- Direct overlooking into habitable rooms and private open space of neighbouring dwellings
- Infilling the Green buffer is not acceptable
- The development must contain parking restrictions for the new dwellings and prohibit parking of any vehicles on Michael Wright Way. This road is very difficult to pass when vehicles are parked on the access road
- no consideration for the pressure on local amenities
- no safe access to the village
- Concerns with SUDS and rainwater runoff, the level of water within the swale (and no provision of life saving ring and or fence to enclose the swale)
- Disruption for residents during construction
- Habitat destroyed and damage to TPO tree
- Overdevelopment of site
- Increase in traffic in area
- Impacts on local infrastructure that is already stretched
- Suitable boundary treatments required to site to screen the development from neighbouring properties and retain privacy as existing trees/vegetation has been removed
- Vehicle parking within site is inadequate, no provision for visitors parking
- Land south of Michael Wright Way was being put aside for community purposes, such as a pharmacy, residents are being misled
- The LEAP (Play Area) has not been built

5.3 Great Bentley Parish Council objected to the proposal for the following reasons:

- Serious concern about the stretch of Heckfords Road which would be subject to 7 vehicular access points within 120 metres.
- There could be 70+ vehicles at peak hours with a 60mph limit going into a blind bend requiring a stopping distance of 73m.
- The Parish Council recommend that the proposed development area should remain as Open Space

5.4 All material planning considerations raised will be taken into account within the following assessment of the proposal.

6. Assessment

Site Context

- 6.1 The host site is located on the northern edge of Great Bentley within the defined settlement boundary. The site comprises of a single broadly rectangular parcel of land, immediately east of Heckford Road and South of Michael Wright Way. Michael Wright Way, leads off Heckford Road providing the entrance road into the Admirals Farm housing development to the east. The Admirals Farm development originally obtained permission for the erection of 50 dwellings, garages, roads and associated works approved via Outline application (Ref: 16/00133/OUT and Reserved Matters application 16/01912/DETAIL). An additional 9 dwellings were added to the total build number in 2020 via application (Ref: 20/00748/FUL). Michael Wright Way also provides access to a not yet constructed Doctors surgery that was approved via application (Ref: 20/01054/DETAIL) on the land immediate to the north of the host site, this land also includes a children's play area approved via (Ref: 21/00739/FUL) that has also not yet been constructed.
- 6.2 The host site has an area of 0.64 ha, the road Moors Close runs to the immediate south of the site and Moors Lane, a predominately pedestrian access, runs to the immediate east. The land is currently used in large part as a storage and servicing area for the wider Admirals Farm Development. The site is currently fenced off with only a small portion of western area of the site remaining open. Within this location, there is an existing drainage feature that was approved in 2019 via application (Ref: 19/00307/DISCON), Discharge of Condition 11 (Surface Water Drainage) of (Ref: 16/00133/OUT). The land was not designated as 'public open space' within the Admirals Farm Development. Instead, this land was designed as simply landscaping for the original housing development.
- 6.3 To the west opposite Heckford Road, is a new housing development for 49 dwellings approved via application (Ref: 15/01820/OUT) and Reserved Matters application 17/01759/DETAIL. This approved development has a set back from the road by 30 metres, with a landscape buffer in front, although there are two single storey garages with pitched roofs forward of the front building lines.
- 6.4 There are no protected trees on site. Although there is an Oak tree and a mature hedge to the south. There are several mature trees to the east of the host site. Great Bentley Conservation Area is located immediately to the south of the site. While approximately 650 metres to the north there are two Grade Two Listed farm buildings, approximately 400 metres to the west there is a single Grade Two Listed farm building. These are not affected by the proposals.
- 6.5 The site is within Flood Zone 1, which has a low risk of flooding. The surface water flood map shows Moors Lane and Moors Close both susceptible to surface water flooding during times of heavy rain, although this is not unusual for lower category roads / paths within the District. The land is flat with no noticeable gradient other than the suds feature that is on lower ground.
- 6.6 The dwellings opposite the host site, West of Heckfords Road within the new housing development of 49 dwellings, are two storey dwellings built in a traditional appearance.

The dwellings south of the host site, include a pair of 1 ½ storey cottage style buildings with dormer windows in the roof space, followed by a series of two storey buildings. The dwellings closest to the host site in this location benefit from rear outbuildings with pitched roofs. The dwellings to the immediate east include a two storey and single storey dwelling, before one reaches the Admirals Farm development that is most two storey detached dwelling houses, built using traditional Georgian and Victorian themes.

Proposal

- 6.7 The application seeks full planning permission for the erection of six detached dwellings and associated garaging and infrastructure, this is an uplift on original application (Ref: 16/00133/OUT, 50 in total dwellings) and subsequently (Ref: 20/00748/FUL, 59 in total dwellings). Therefore, if approved there will be 65 dwellings in total on the wider development. Proposed is a 25-metre set back from Heckford Road before the front building lines of the two dwellings that face Heckford Road. Of this distance, 20 metres is a landscape buffer. The other 4 dwellings are set within the remainder of the site, the drainage feature with the western corner is to be moved slightly to the western corner of the site.

Principle of Development

- 6.8 Officers accept there is a 6.6 year housing provision within the District and the site is not an 'allocated housing site'. However, the site lies within the Great Bentley Settlement Development Boundary as established within the adopted local plan. Local Policy SPL2 supports new development within defined settlement development boundaries that has regard to amenity, design, density, environmental and highway safety considerations as appropriate, and can take place without material harm to the character of the local area. Indeed, the pretext for Policy SLP2 says: *'Alongside the planned developments, it is likely that a number of currently unidentified 'windfall' sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period'*. 'Windfall' sites are defined as a 'site not specifically identified in the development plan. Local Policy LP2 has allocated a total of 1,260 dwellings within the plan period for 'Sites of less than 9 / windfall sites'.
- 6.9 Furthermore, at a National level Paragraph 69 of the Framework says (inter alia): small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: *'Support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'*

Although, such support can only be given subject to the development management and sustainable development criteria set out in the sections below. However, the use of non-allocated sites within settlement boundaries is accepted in principle via both National and Local policy.

- 6.10 Importantly, when assessing whether the use of this land is acceptable one needs to establish what the host site was used for within the approved Admirals Farm development for the erection of 50 dwellings, garages, roads and associated works approved via Outline application (Ref: 16/00133/OUT) and Reserved Matters application

(Ref: 16/01912/DETAIL). Within the Reserved Matters application, the land was shown as left-over landscaping space not specifically designated as 'Public Open Space'.

- 6.11 The Public Open Space within the site amounted to 11.7% of the total site area. This is over the 10% level required. The land the subject of the host application was not included in this calculation, although there was a playground area that was shown as Public Open Space. This has been transferred to the land immediately north of Michael Wright Way via approved application (Ref: 21/00739/FUL), thus there is no objection in principle to the land's use.
- 6.12 Given the overall grain of the surrounding built environment and regard to the siting of the existing properties, there is no objection to additional dwellings in this location as this would not significantly alter or harm the current pattern of residential development in the locality. As such the principle of residential development on the site is acceptable subject to the detailed considerations relevant to this proposal which are set out below.

Appearance, Layout and Scale (including housing mix)

- 6.13 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.14 Across the current approved 59 dwellings on the site (via application Ref: 16/01912/DETAIL and 20/00748/FUL) have the following mix of market housing:

8 x 2-bed bungalow	
13 x 2-bed house	Total 21 - 40%
16 x 3-bed house	
1 x 3 bed bungalow	Total 17 – 32%
15 x 4-bed house	Total 15 – 27.5%

There are 6 x 2-3 bed affordable making the total number of 59 Dwellings approved on site.

The proposed 6 four bedroom dwellings would make the total of 4 bed dwellings on site at 32%. However, having regard to the scale of the development in this village edge location, the character and scale of the neighbouring existing developments, no objection is raised. The proposed mix is broadly consistent with the requirements of the Strategic Housing Market Assessment Update 2015 that requires 42.2% of new owner-occupied dwellings to be three bedroom properties and 18.5% to be 4 bedrooms. It is noticeable also that number of 2 beds on site is far greater than the SHMA requires. As such, there is no objection to Policy LP2.

- 6.15 Amended plans have been submitted these include a landscaping buffer to the front of the site. This feature is similar to the residential development to the west of Heckford Road on the development for 49 dwellings (Ref: 17/01759/DETAIL). Albeit the landscape buffer opposite is some 25m compared to the host site's 20m landscape buffer. However, the host site has no forward facing garages, furthermore, only two dwellings face Heckford Road, meaning no fences face Heckford Road. This spacious relationship provides pleasant permeability through the site via views from Heckford Road especially. The landscaping is addressed in more detail below.
- 6.16 The layout is uncluttered, well spaced out and respectful to the character of the surrounding area. The housing density on site is approximately 9 dwellings per hectare which is well below the normal required minimum standard. Officers do not object to the two storey scale of the proposed dwellings having regard to the mixed character of the area which includes and two storey dwellings directly opposite and adjacent to the site. The quantity of development proposed is an appropriate response to the character of the area.
- 6.17 Two house types are proposed, both designs have been used with the Admiral Farm development. Both are generously proportioned 4 bed dwellings, known as the type 7 and type 8, there are three of each type. These dwellings have the following sizes:
- Type 7: Height = 8.3m Width = 18.5m (as garage is attached) Depth = 11.9m
- Type 8 : Height = 9.0m Width = 11.7m Depth = 7.8m
- 6.18 The type 7 dwelling has an integral double garage and is slightly larger in scale. The type 7 is located deeper within the development further south from Michael Wright Way. The finish is a reddish / orange brick, (materials are suggested to be conditioned). The type 7 dwelling is a very attractive, decorative building with over hanging eaves detail, exposed rafter feet, buff string courses, an external chimney stacks, a bay window and soldier courses.
- 6.19 The type 8 is a buff brick dwelling with two external chimney stacks, sash style windows on the front elevation, several string courses at ground and first floor. Also, the dwellings benefit from some pleasant lintel detailing.
- 6.20 Both dwellings will have Upvc windows and doors. The garden fencing is close board fencing and estate railing. The specific details have not been submitted with this application, but can be secured by condition. Subject to finished material the designs are considered to harmonise with the external materials and finishes in the surrounding area. The dwellings are well balanced in terms of symmetry and design and layout is well conceived. The submitted plans demonstrate the layout of the dwellings allow for a well-spaced development retaining at least 1 metre distance to both side and rear boundaries when in close proximity to roads and pavements.
- 6.21 All new dwellings must also accord with the Technical housing standards – nationally described space standards (2015) which sets out minimum gross internal floor space for new dwellings. From the plans submitted the proposed dwellings meet these requirements. It is also considered that the internal layout is appropriate with all habitable rooms having adequate natural light. With regards to garden sizes, the submitted plans show well in excess of the required amenity space (100 sq m) provision

for each dwelling. Plot 1 -172 sqm Plot 2 – 261 sqm Plot 3 – 231 sqm Plot 4 – 604 sqm Plot 5 – 343 sq Plot 6 – 266 sqm

- 6.22 Therefore, having regard to the above policy considerations, the proposal is considered to be policy compliant in terms of its scale, layout, appearance and design. The proposal would make more efficient use of the site, consistent with Paragraph 124 of the Framework, and, because it would not be at odds with the character and appearance of the area it would accord with the Policies, SP7, SPL3 and LP3.

Impact to heritage assets

- 6.23 The proposals would effect the setting of Great Bentley Conservation Area. Policy PPL8 states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The policy goes on to say that development will be refused where a number of criteria are not met. The Heritage Officer has no objections to the development subject to the provision of window details. Given this site is outside the Conservation Area, and the overall quality of the appearance of the buildings, this recommendation is considered unreasonable.
- 6.24 The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological interest. The proposed development lies immediately north of the historic settlement at Green Corner which appears as a small hamlet which grew up at the junction of Heckfords road at the northern edge of Bentley Green which is likely to be medieval in origin. The Historic Advisor has recommended a series of archaeological planning conditions that have been included within the recommendation.
- 6.25 Subject to compliance with the archaeological conditions, Officers have no objection with regards to impacts on heritage assets.

Impact on Residential Amenity

- 6.26 Paragraph 130 of The Framework maintains that policies and decisions should result in new development that creates places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. In addition, Policy SPL3 states that amongst other criteria 'buildings are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents'.
- 6.27 The application site is neighboured by a number of residential dwellings off Moors Close to the south and Moors Lane to the east. The Essex Design Guide says:

'Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.'

- 6.28 The proposed layout shows that a 15 metre distance is achieved across the site. Furthermore, the nearest back to back relationship is some 37 metres from the rear of plot 3 to the rear of White Rose Cottage, the first 1 ½ storey dwelling to the south of the

host site. This neighbouring dwelling also has a rear outbuilding with a pitched roof that shall help mitigate against overlooking.

- 6.29 Officers consider the proposed development has been designed to minimise any overlooking or loss of privacy issues, with all main habitable rooms located to the front and rear elevations, therefore separated from the shared boundaries by the rear amenity areas. The side windows on the type 8 dwelling at first floor level is an en suite that can be conditioned to be of obscured glass. The dwellings do not over dominate any neighbouring unit and no objection is raised. Garden sizes and internal floorspace would be sufficient to meet the needs of future occupants and provide a good level of amenity.

Trees and Landscaping

- 6.30 The 20 metre landscaped set back area adjacent to Heckford Road pays respect to the setting of the entrance to Great Bentley as one arrives from the north. Also, this set back is respectful of the Conservation Area to the south. The landscaping continues to the north of the site adjacent to Michael Wright Way as the landscaping plans show rather than side fence to pavement for plots 1 and 6 (that flank Michael Wright Way). There is a strip of planting adjacent to the garden boundary before the pavement, then a further wider strip of grass land before the road of Michael Wright Way itself. This soft planting finish on the land adjacent to the plot 1 and 6's garden curtilage softens the appearance of these plots and the trend continues as you enter the site itself, so there is a vegetation boundary shown rather than more urbanised garden fencing.
- 6.31 Given there is a public playground opposite and a large doctors surgery both to be built, this attention to landscaping is considered crucial to the success of the scheme. Officers recommend that areas of landscaping outside the residential curtilages are maintained by the private management company who are maintaining the other public open space land and landscaping areas of the wider Admirals Farm development.
- 6.32 The established hedges and mature trees to the southern and eastern boundaries are to be retained. The amended layout places the position of the dwelling on plot 4 closer to T1 Oak, as identified in the amended Arboricultural Impact Assessment. The gable end of the dwelling is close to the edge of the tree Root Protection Area (RPA) but does not encroach into it. Consequently the development will not cause harm to the tree.
- 6.33 The Landscape Officer comments there appears to be sufficient usable garden area on plot 4 that will not be overshadowed or otherwise affected by the Oak meaning that a satisfactory relationship between the tree and the dwelling has been achieved. Officers agree with this conclusion. No other trees or significant vegetation will be affected by the development proposal. The landscape Officer recommends the amended details relating to soft landscaping are sufficient to satisfactorily soften, screen and enhance the appearance of the appearance of the development. These plans are detailed within the recommendation.
- 6.34 Officers also recommend that details of any hard landscaping including fencing are submitted to the Local Planning Authority in advance of any installation. There is a well-established hedge around the boundaries of plot 3, 4 and 5. Officers recommend that the fence line is placed behind the hedge line, therefore the neighbouring dwellings outside the site area would retain their current visual amenity in regards of this vegetation feature and it is less likely to be cut down. The garden sizes are plenty large

enough to cater for the slight loss of garden area if the fence line is within the hedge boundary. The surrounding hedge would then be transferred into the management of the wider management company to ensure its upkeep.

- 6.35 Therefore, subject to planning condition and the S106 agreement to include the landscaping management no objection is raised.

Ecology and Biodiversity Implications

- 6.36 Policy PPL4 seeks to protect and enhance the local biodiversity and geodiversity. The eastern section of the site is an active development compound and has no conservation or biodiversity value. The western section of land is mown to grass and has low conservation / biodiversity value. The submitted ecology report confirms no protected species have been found on site. The established hedges and mature trees to the southern and eastern boundaries are to be retained.
- 6.37 The site is not of any specific designation nor is it considered to be within an especially rural setting. The proposed dwellings would intensify the built form within the site. However, there significant soft landscaping is proposed and the dwellings would all have rear garden areas, therefore it is not considered that there would be a net loss in Biodiversity. This conclusion would be reinforced if the hedge around plots 3, 4 and 5 is retained in full.

Highway Safety/Parking

- 6.38 Paragraph 110 of the Framework seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SP7 seeks new development to include parking facilities that are well integrated as part of the overall design. The sentiments of these policies are carried forward within Policies SPL3 and CP1. Furthermore, the Essex County Council Parking Standards 2009 set out the parking requirements for new development.
- 6.39 The Local Highway Authority has been consulted on this application and subject to conditions and mitigation including visibility splays, turning facility, no unbound material, width of private drive, surface water, vehicle and cycle parking, new boundary, garage sizes and the provision of travel packs, the proposal is considered to be acceptable.
- 6.40 The Essex County Council Parking Standards 2009 require that dwellings with 2 or more bedrooms be served by a minimum of 2 parking spaces. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied upon to provide a parking space, should measure 7 metres by 3 metres internally. The submitted plans show that each dwelling would be served by a garage and parking space that meets policy requirements. A turning box is provided to ensure that vehicles entering and leaving the site can do so in a forward gear in the interests of highway safety. Given the width of the internal road the fact that all dwellings have double garages, Officers are content that sufficient space for visitor parking on the site would be achieved. Bike storage is considered achievable within the garage spaces.
- 6.41 With regards to pedestrian safety, there is an alternative route into the village for pedestrians via Moors Close to the east, however this would not be passable for all citizens all year round. Therefore, ECC Highways have request a condition to install a

footway to the west of the side adjacent to Heckfords Road. This would be within Highways ownership and this can be achieved via Section 278 agreement. Also, the 30 mph sign is being moved 50 metres to the north of the site, therefore the traffic shall moving at a slower speed within this area. The footpath shall benefit also residents throughout Great Bentley if they wish to walk to the expected Doctors Surgery and Playground located on the field to the north of the host site.

- 6.42 Subject to the use of conditions and Section 278 agreement, the proposal is not considered to result in any unacceptable harm to highway safety or result in residual cumulative impacts on the highway network that would be severe. According to Paragraph 111 of the Framework, planning permission should not therefore be refused on highways grounds.

Legal Obligations - Recreational Impact Mitigation

- 6.43 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation.
- 6.44 This new residential development lies within the Zone of Influence. The site is not within or directly adjacent to one of the European designated sites, but is approximately 3000 metres from the Colne Estuary SPA, SAC and Ramsar. The Council's Habitats Regulation Assessment has concluded that, with the proposed mitigation (which can be secured by means of the S106 agreement), the project would not have an Adverse Effect on the Integrity of the sites included within the Essex Coast RAMS. Therefore, subject to the signing of the S106 agreement the proposal is in accordance with the Essex Coast RAMS SPD.

Legal Obligations - Open Space/Play Space Contribution

- 6.45 Policy HP5 states that for residential development of over 11 dwellings in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built. There is currently a deficit of 1.73 hectares of equipped play in Great Bentley. However, there is more than adequate provision in terms of formal open space. Due to the significant deficit of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. The play area in Great Bentley has recently been updated, however there are still improvements that are needed in this play area and the contribution received will be used to make these improvements at Heckford Road, Great Bentley
- 6.46 Such a contribution meets the tests under Paragraph 57 of the Framework and is recommended to be included in the Section 106 agreement. The proposal therefore complies with Policy HP5.

Other legal requirements

- 6.47 The original Section 106 document relating to the 50 units (Ref: 16/00133/OUT

approved in 2016) included contributions towards: Affordable housing, Health care contributions, RAMS payments and Education provision. Public Open Space was covered via an on site Play Area that is located to the north of the host site.

- 6.48 As this application is an uplift application on the original scheme all Departments have been notified in order to establish if additional contributions are required.
- 6.49 With regards to Affordable Housing, the NPPF states that affordable housing should be delivered on sites that are classed as "major developments". Major developments are defined in the NPPF as sites delivering 10 dwellings or more or sites that are greater in 0.5 hectares in area. This site is greater than 0.5 hectares and therefore is classed as a major development and as such, there is a requirement to deliver affordable housing on site or to make an off-site financial contribution in lieu of affordable housing.
- 6.50 The Council's Local Plan LP5 requires that 30% of dwellings should be delivered as affordable housing on sites where it is required. As this application proposes 6 dwellings, the affordable housing requirement is for 1.8 dwellings. The Housing Officer has accepted a contribution of £91,350 to be made towards Affordable housing.
- 6.51 A RAMS payment is also required as outlined above and a new payment for Public Open Space.
- 6.52 ECC Education have also requested £77,346.80 towards Education the break down is as follows:

Early Years & Child Care, primary and secondary education and libraries:

- EY&C: Contribution of £9,325 @ £17,268 / place – Index Linked to Q1 2020
- Primary Education: Contribution of £31,082 @ £17,268 / place – Index Linked to Q1 2020
- Secondary Education: Contribution of £28,530 @ £23,775 / place - Index Linked to Q1 2020
- Libraries: 6 units x £77.80 / unit – Contribution of £466.80

- 6.53 The NHS have not requested any contributions. A Section 106 agreement is outlined in the recommendations below.

Contaminated Land Environmental Protection

- 6.54 It has been identified that there may be potential contamination on the site. The applicant is therefore required to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure proposed site is free from contamination. This can be secured by the standard contaminated land condition added to any grant of planning permission. Subject to the verification report the site would be suitable for the proposed use, and the development would therefore accord with Policy PPL5 and Paragraph 183 of the Framework. The EP Department have also requested a Construction Method Statement, this shall monitor noise and emission controls from the site.
- 6.55 Also requested prior to any commencement of development is a Construction Method Statement, in order to minimise potential nuisance to nearby existing residents caused

by construction works. This should have regard to noise control, vehicle movements and working hours, use of machinery and mobile plant, piling works and both emission and dust control. This can be secured by condition to any grant of planning permission. Equally, a lighting condition can be included to ensure it does not cause avoidable intrusion to adjacent residential properties and / or constitute a traffic hazard/cause unnecessary light pollution outside the site boundary.

Renewable Energy

- 6.56 Policy PPL10 addresses the renewable energy generation and energy efficiency measures for residential development involving the creation of one or more dwellings. Measures including electric car charging points should be considered. Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This can reasonably be dealt with by the use of a planning condition. Additional measures are not sought in this case due to the small-scale nature of the proposal and proximity to the Conservation Area.

Flood Risk and Drainage

- 6.57 As the site is below 1 ha in size and within Flood Zone 1 a specific Flood Risk Assessment for this site is not required. However, outside the red line boundaries the local Moors Close and Moors Lane are susceptible to local flooding during times of heavy rain. Therefore, after consultation with ECC Suds several surface water planning conditions are considered necessary in this instance to ensure that this localised surface water flooding is not made any worse by the proposal. Equally, the application involves the slight repositioning of the attenuation basin to the west of the site, involving a move of the feature some 3 metres to the west. The drainage feature collects water from the road of the wider Admiral Farm development. The applicant is in the process of submitting a new discharge of conditions application to regularise this minor change.
- 6.58 The foul water connection will be via the existing sewer in Michael Wright Way. Anglian Water have confirmed they have they have capacity to collect these flows at Thorrington Water Recycling Centre. A foul water drainage strategy is recommended to be submitted prior to commencement of development.
- 6.59 Therefore, subject to planning conditions there are no objections with regards to flood risk, surface water run off or foul water drainage on site.

7. Conclusion

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. The development is modest in its scale with regard to the site area. The visual appearance is reflective of the local vernacular and the impact on residential amenity is considered acceptable. There is requested an uplift on Affordable Housing contributions, ECC Education, RAMS and Public Open Space payments. While pedestrian safety is ensured via the additional pavement requested to the west of the site. In the absence of material harm resulting from the proposal the application is recommended for approval.

8. Recommendation

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

CATEGORY	TERMS
Affordable Housing Provision	£91,350
Education contribution	£77,346.80
Financial contribution towards RAMS.	£127.30 per dwelling
Open Space	Based on number of bedrooms

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 strict accordance with the following approved plans:

21.5181.01 g Amended soft landscape proposals - sheet 1 of 2
21.5181.02 g Amended soft landscape proposals - sheet 2 of 2
170116/101/01/v12 Amended proposed block plan
170116/101/ht/11 House type 7 - elevations
170116/101/ht/10 House type 7 - floor plans
170116/101/ht/13 House type 8 - elevations
170116/101/ht/12 House type 8 - floor plans
170116/101/15 House type garage - elevations and floor plans
170116/101/00 Site plan
Amended arboricultural impact assessment received 04 Feb 2022
Amended arboricultural impact assessment appendix 1-6 received 04 Feb 2022
Amended ecology report received 02 Feb 2022

Reason: In the interests of proper planning and for the avoidance of doubt.

3. Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:

- safe access to/from the site;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- measures to control the emission of dust and dirt during demolition and construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of hours of deliveries relating to the demolition and construction of the development;
- details of hours of site clearance or construction;
- a scheme to control noise and vibration during the demolition and construction phase, including details of any piling operations.

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

Reason - In the interests of residential amenity and highway safety and to reduce the likelihood of complaints of statutory nuisance.

4. Prior to the commencement of any above ground works, a scheme of hard landscaping works for the site which shall include all boundary treatments and any proposed changes in ground levels shall be submitted to and approved, in writing, by the Local Planning Authority. The approved details shall ensure that the fence line for plots 2, 3, 4 and 5 allows the existing hedge line to face Moors Close and Moors Lane, with fencing positioned behind the existing hedge line in this location. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being first occupied and thereafter be retained in the approved form.

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

5. Prior to above ground works, a scheme for the provision of electric vehicle charging facilities for each dwelling shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order, prior to first occupation of the respective plot.

Reason: In order to promote sustainable transport.

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

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

7. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

8. Prior to the occupation of any of the proposed development the internal road site access, parking and footway layout shall be provided in principle and accord with drawing numbers:

- 170116/101/01/V12 Amended proposed block plan.
- 170116/101/15 House type garage - elevations and floor plans

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

9. No unbound material shall be used in the surface treatment of the vehicular access or private driveway throughout.

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

10. Prior to the occupation of any of the proposed dwellings, the proposed private drive for each access shall be constructed to a width of 6 metres for at least the first 6 metres from the back of Carriageway / Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

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

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

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

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

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

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

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

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

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

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

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

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

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

17. a) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
- b) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in a) above.
- c). The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The Essex HER shows that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

18. No development shall commence until a Landscape and Public Open Space Management Plan including a lighting strategy, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved, in writing, by the Local Planning Authority. The Landscape and Public Open Space Management Plan so approved shall be carried out in accordance with the details and timescales to be contained in that document.

Reason - To ensure the proper planning, management and maintenance of the approved landscaping and open space in the interests of amenity and the character and appearance of the area. It will form a new edge to the village and it is essential that the development includes adequate provision for structural tree planting and for the soft landscaping to mature and create an appropriate landscaped context for the built development as Permitted.

19. No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The approved scheme shall subsequently be implemented prior to occupation.

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

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

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development. Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

21. Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk. Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

22. The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

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

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

Reason - To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

24. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected on the northern, western or southern (to Moors Close) boundaries of the site, or forward of plots 1 and 2 except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority by way of a planning application.

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

25. Prior to commencement of any above ground works details of the proposed facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - Insufficient details have been provided with the application, in the interests of visual amenity.

26. Works shall be carried out in full accordance with the Arboricultural Impact Assessment dated 28th November 2020 by Tree Planning Solutions unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect existing mature vegetation on site.

27. All first-floor side facing windows shall be of obscured glass to a level equivalent to Pilkington Level 5 and maintained as such for the life time of the development.

Reason - In the interests of residential amenity.

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

in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the adequate retention and maintenance of the approved landscaping scheme for a period of five years in the interests of visual amenity, the quality of the development and the character of the area.

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

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

30. Prior to occupation of the development a new footway measuring no more than 2.0m in width on the west side of Heckfords Road opposite the existing footway to the development shall be provided. This shall include associated drop kerb/ tactile paving (x1) for the new crossing point with the existing footway, extending southwards to the junction and radius kerb of Newman Fields with associated drop kerb/ tactile paving (x2) to link with the new footway running southwards within Newman Fields.

Reason: To make adequate provision within the highway for the movement and safety of the additional pedestrian traffic generated as a result of the proposed development.

8.3 Informatives

Positive and Proactive Statement

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

Highways Informatives

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

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

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

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

- 3: 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.

Note: Condition 30 requires a Legal Agreement between the Applicant/ Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

Archaeology Informative

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

SUDS Informative

In relation to condition 19 the scheme should include but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Limit discharge rates to 3.3l/s i.e.1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. The 1 in 1year greenfield runoff rate should be confirmed by calculations.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm events within 24 hours of a 1 in 30 year event plus climate change.
- Permeable paving should be used for car parking areas and driveways in the proposed residential development.
- If infiltration devices such as soakaways are feasible and are used, then overflows from these systems should be connected to the existing basin or surface water sewer in the area so that there is no flooding when there are blockages in the infiltration system.
- In case the existing detention basin at the site is moved or is used for proposed housing runoff then remodelling of the basin should be carried out.

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

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

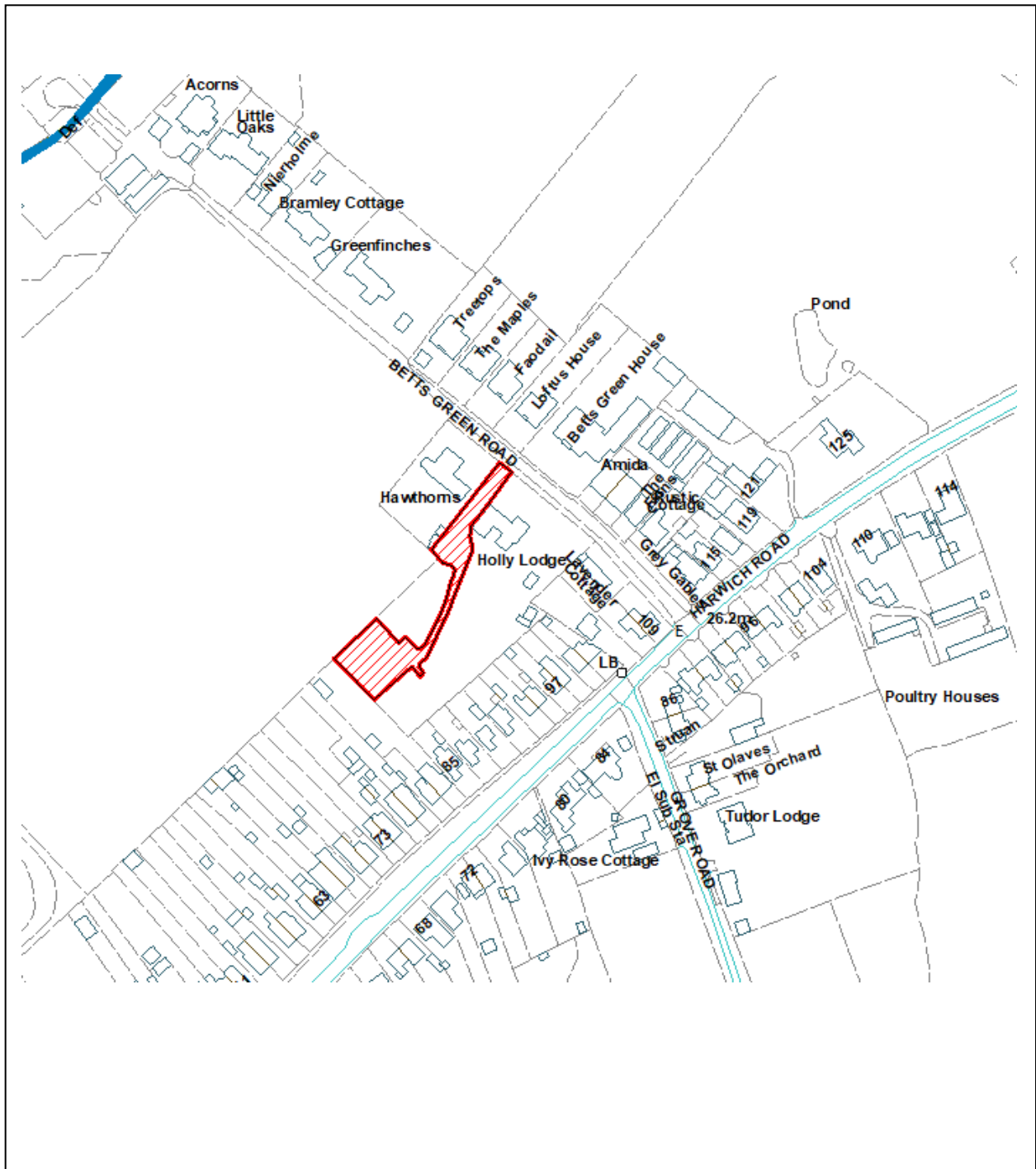
- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

15th March 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 21/02099/FUL – PLOT 5 LAND REAR OF HOLLY LODGE BETTS GREEN ROAD LITTLE CLACTON CLACTON ON SEA CO16 9NH



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Application:	21/02099/FUL	Town / Parish: Little Clacton Parish Council
Applicant:	Mr Strutt	
Address:	Plot 5 Land rear of Holly Lodge Betts Green Road Little Clacton CO16 9NH	
Development:	Proposed erection of one cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	

1. Executive Summary

- 1.1 This application is before Members at the request of Councillor Bray, together with applications for Plot 4 (reference 21/02064/FUL) and Plot 6 (reference 21/01856/FUL).
- 1.2 The application relates to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, were approved by officers under delegated powers. Outline consent was approved subject to a condition requiring the dwellings to be single storey only.
- 1.3 The application seeks full planning permission for the erection of a chalet style 1.5 storey dwelling, varying the height, design and layout of the previously approved bungalow on Plot 5. The proposed dwelling will have an eaves height of 4 metres (previously 2.4 metres) and an overall ridge height of 7.41 metres (previously 5.3 metres). Plot 5 is located to the north-west corner of the wider site, away from existing neighbouring dwellings fronting Harwich Road.
- 1.4 Councillor Bray has referred the application(s) to Planning Committee due to concerns with; street scene impact and harm to the character of the area from the increased height of the dwelling; the increased size and height leading to a cramped appearance; harm to neighbouring amenities; and the potential to cause greater strain on the 'unmade' Betts Green Road from the enlarged dwelling(s).
- 1.5 Betts Green Road and Harwich Road comprise a variety of single, 1.5 and 2 storey dwellings. The proposal will add variety to the character of the development itself. Sufficient space is retained around the dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling does not increase the number of bedrooms originally approved and does not increase the parking requirements.
- 1.6 Whilst there will be a clear increase in height, having carefully considered the individual merits of the application, the plot layout and distance to neighbouring dwellings, the revised proposal will not result in any material harm that would justify a refusal of planning permission.
- 1.7 Members should note, application reference 21/00289/FUL for a similar variation to Plot 1 was approved by officers under delegated powers on 30th July 2021. Concerns were raised by Councillor Bray and neighbouring residents at the time, but the application was not referred to committee for determination. The application was amended to address the concerns and subsequently approved in the absence of any material harm.
- 1.8 The development has commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL and the necessary financial contribution toward recreational disturbance (RAMS) has been paid. Therefore, this current application does not require a unilateral undertaking.

- 1.9 In the absence of any material harm resulting from the revised proposal for Plot 5, the application is recommend for approval.

Recommendation: Full Approval

Subject to the conditions stated in section 8.2

2. Planning Policy

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

National:

National Planning Policy Framework July 2021

National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP10 Renewable Energy Generation and Energy Efficiency Measures

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Essex Design Guide

Local Planning Guidance

Essex County Council Parking Standards 2009

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

02/01535/FUL	Addition to bungalow.	Approved	30.09.2002
14/30325/PREAPP	Residential development of 9 dwellings.	Refused	26.09.2014

21/00289/FUL	Erection of 1 no. cottage style dwelling (variation to design and position of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Approved	30.07.2021
21/01856/FUL (Plot 6)	Proposed erection of 1 cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Current	
21/02064/FUL (Plot 4)	Proposed erection of one cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Current	

4. Consultations

ECC Highways Dept
31.01.2022

The Highway Authority observes that Betts Green Road is classified as a Private Road and would not normally comment but as the application site is close to Harwich Road and it is noted that the application is to vary the design and position of dwelling and is similar to previous application 21/00289/FUL that altered Plot 1, considering these factors:

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

1. Prior to the occupation of the development the internal layout shall be provided in principle with drawing number: 0952_A_SC_201/A Proposed block plan
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

3. The single garage should have a minimum internal measurement of 7m x 3m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County

Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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

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

Informative:

1: The connection to Betts Green Road should be to the specifications of the Street Manager/ Residents Association.

2: The proposed vehicular access must be constructed at right angles to the highway boundary and/ or to the proposed carriageway.

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

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

5. Representations

- 5.1 The representations and objections received in respect of this application are summarised below. The objections raised are addressed in the relevant sections of the main report below, at Section 6 – Assessment.

Parish Council

- 5.2 Little Clacton Parish Council object to the application on the following grounds:

- The original application in 2018 was for bungalows.
- Higher buildings with more bedrooms.
- 2 parking spots and a garage are insufficient for a four bedroom property.
- Will turn this into a cramped site.
- The intended height would have an impact on views from the rear of properties in Harwich Road.

Local / Neighbouring Residents

- 5.3 3 letters of objection have been received from local residents. The concerns raised can be summarised as follows:
- Too high – not a 'cottage' style dwelling.
 - Overbearing visual impact on gardens of properties fronting Harwich Road.

- Loss of view.
- Overlooking and loss of privacy.
- Lack of infrastructure to support such development.
- Harm to wildlife.
- Narrow and unmade Betts Green Road is insufficient to take any traffic.
- Access for fire appliances, ambulances or refuse collection vehicles is insufficient with no turning areas.
- Houses would increase the traffic and noise.
- Years of noise and disruption from building works.

Member Referral

5.4 This application is before Members at the request of Councillor Bray, together with applications for Plot 4 (reference 21/02064/FUL) and Plot 6 (reference 21/01856/FUL), also referred to committee by Councillor Bray.

5.5 Councillor Bray raises the following points:

The height of the new proposal is not consistent with the conditions of the appeal decision. These will be clearly visible from Harwich Road and would be out of character with the current street scene. The increase in size and number of the bedrooms is not consistent with the appeal decision and will potentially cause even greater strain on the unmade Betts Green Road. The increased size and height of the new proposal will lead to the development being of cramped appearance and will detract from, rather than add to, the street scene.

I do not believe that the planning inspector intended the proposed outcome, given the substantial and vastly more impactful presence that the new proposal seeks to achieve, when reaching his decision at the appeal hearing and would have refused this current application.

6. Assessment

6.1 The main considerations in this instance are:

- Site Context;
- The Proposal;
- Relevant Planning History and Principle of Development;
- Scale, Layout and Appearance;
- Highway Safety, Access and Parking;
- Trees and Landscaping;
- Biodiversity and Protected Species;
- Residential Amenities;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space; and,
- Other Matters.

Site Context

6.2 The application site is located on the northern side of Harwich Road, to the south-west of Betts Green Road within the settlement of Little Clacton. The application relates to 'Plot 5' of the wider development approved under planning application references 16/02108/OUT and 18/00872/DETAIL / 20/01073/DETAIL for 8 bungalows. The site lies within the extended Little Clacton Settlement Development Boundary as defined on Map B.19 of the adopted Tendring District Local Plan 2013-2033 and Beyond.

- 6.3 The site formally comprised of paddock land to the rear of Holly Lodge but development has now commenced under the original approval (and recent approval for variations to Plot 1 reference 21/00289/FUL).
- 6.4 Either side of the site access are existing dwellings, one a detached bungalow and the other being a detached chalet style dwelling. To the south of the site is linear residential development along Harwich Road, mostly 2 storey in height. Across the frontage of the site, which incorporates the residential curtilage of 'Holly Lodge', are several mature trees.
- 6.5 On the opposite side of Betts Green Road are several bungalows, a recent development of two chalet properties and 7 large detached dwellings beyond.

The Proposal

- 6.6 The application seeks full planning permission for the erection of one no. 1 chalet style dwelling being a variation to the single storey bungalow approved under planning application 16/02108/OUT with the details approved under application 18/00872/DETAIL.
- 6.7 Below is a summary of the differences between the approved and proposed schemes:

Scheme	Number of bedrooms	Garage	Parking spaces	Eaves height	Ridge Height	Orientation within plot
Original	3	Single detached	2	2.4	5.3	East facing
Proposed	3	Single attached	2	4	7.1	South facing

Relevant Planning History and Principle of Development

- 6.8 The principle of residential development on the site for 8 dwellings has been established by the approval of application 16/02108/OUT with the details approved under application 18/00872/DETAIL, and the access (serving this plot and the wider site) varied by application 20/01073/DETAIL.
- 6.9 Objections have been raised in relation to the development being contrary to the Planning Inspectorate’s findings and decision. However, the development was approved by officers under delegated powers and was not subject of an appeal. Objections have also been raised in regard to the lack of infrastructure to support the development. Again, as the principle of the development for 8 dwellings has been established and this development does not increase the number of units or bedrooms, this issue cannot be introduced as a reason to object to the amended development.
- 6.10 Planning application 16/02108/OUT was approved subject to a number of conditions, including Condition 8 for single storey properties only and Condition 9 controlling extensions and alterations to the dwellings. The wording of these conditions are shown below;

8 The development shall consist of single storey properties only.

Reason - To ensure the development relates appropriately to the character and appearance of the area, in the interests of visual amenity.

9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

Order revoking and re-enacting that Order with or without modification), there shall be no additions to the properties, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the properties retain sufficient private amenity space and the impact upon surrounding residents is not harmed.

- 6.11 Notwithstanding the conditions imposed on the original permission, every application must be considered on its own merits. The conditions themselves do not stop future development but allow the Local Planning Authority the opportunity to assess the detailed impact in accordance with current policies and material considerations at the time of the decision.
- 6.12 A similar approval to vary Plot 1 from a bungalow to a chalet dwelling was approved by officers under delegated powers on 30th July 2021(application reference 21/00289/FUL). Following the receipt of concerns from neighbouring residents and Councillor Bray regarding the height, design and impact on residential amenities, an amended scheme was sought from the agent. Amendments included the reduction in ridge height and a half hipped roof arrangement together with the submission of a building massing plan demonstrating the mixed character of the area. Although concerns were raised by Councillor Bray, the application was not referred to Planning Committee for determination. Having assessed the revised development for Plot 1, officers were satisfied that no material harm to the character of the area or neighbouring amenities would result, therefore delivering a policy compliant development for which a refusal of planning permission could not be justified.
- 6.13 The approved variation of Plot 1 does not set a precedent for the acceptability of other plots on the site to be amended to chalet style dwellings. As stated above, every application must be assessed on its merits.

Scale, Layout and Appearance

- 6.14 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 6.15 Betts Green Road and Harwich Road comprise a variety of single, 1.5 and 2 storey dwellings as clearly demonstrated by the Building Heights plan accompanying the application (drawing number 0952_A_SC_209/A). In the context of this mixed character area there can be no objection to the alternative height and design proposed. The proposal is almost identical to the variation approved for Plot 1. The proposal will add variety to the character of the development itself whilst being in keeping with Plot 1 and the wider character of the area.
- 6.16 In terms of layout, ample space is retained around the dwelling to all plot boundaries and to existing and proposed neighbouring properties. The revised dwelling and its siting within the plot increases the distance to the neighbouring properties fronting Harwich Road with open fields to the rear. The steep roof pitch and half hip roof arrangement minimises the bulk of the roof and visual impact of the height increase. For these reasons, the proposal will not appear cramped within its plot, nor cumulatively contribute to a cramped development overall.

- 6.17 The appearance of the proposed dwelling is considered acceptable in design terms incorporating a protruding brick plinth, exposed rafters, render banding and decorative fascia detailing, all contributing positively to the quality of the design and overall development.
- 6.18 Objections have been raised to the height and size of the proposed dwelling appearing out of character and creating a cramped development. However, the merits of the proposal as assessed above demonstrate that no material harm will result from the revised development.

Highway Safety, Access and Parking

- 6.19 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 6.20 Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.
- 6.21 The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is provided. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.22 Under application 18/00872/DETAIL Plot 5 was originally approved as a 3 bedroom detached bungalow with a detached single garage and 2 parking spaces. The proposed development, although 1.5 storey, also accommodates 3 bedrooms with an attached single garage (utility area to the rear). The revised proposal does not increase the parking requirements and will remain compliant with the Parking Standards.
- 6.23 Objections have been raised in relation to increased traffic and the narrow, unmade condition of Betts Green Road being unsuitable to serve the development and related larger vehicles. However, the principle of 8 no. 3 bedroom dwellings accessed via Betts Green Road has been established. The proposed variation does not increase the number of dwellings nor the number of bedrooms originally approved. Furthermore, the proposed amendments to the design and appearance of the dwelling occupying Plot 5 does not alter the access arrangements approved under 16/02108/OUT and 18/00872/DETAIL as varied by application 20/01073/DETAIL. For these reasons, it would be wholly unreasonable to refuse planning permission on highway safety grounds.
- 6.24 A suitable Construction Method Statement (satisfying the aims of Condition 6 of the outline planning application reference 16/02108/OUT) also accompanies this application. The development will also incorporate an electric vehicle charging point within the garage in accordance with the aims of Policy PPL10 above.
- 6.25 The Highway Authority raise no objection to this proposal subject to conditions, which will be imposed where necessary having regard to the scale of development and the planning history.

Trees and Landscaping

- 6.26 Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing

trees are retained wherever possible. Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

- 6.27 At the outline stage of the application process the developer provided a full Tree Survey and Report in order to show the extent of the constraint that the trees are on the development potential of the land. This information was in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations. The information provided demonstrated how the retained trees would be protected for the duration of the construction phase of any planning permission that may be granted. This information was also in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations and includes a Tree Protection Plan.
- 6.28 The site layout secures the retention and physical protection of trees afforded formal legal protection by Tree Preservation Order 84/13 and also shows the retention of the other large trees on the land. Most notably T1 Oak, T10 Lime and T16 Pine (using the numbering system of the tree report). In terms of the development of the main body of the application site to the rear of Holly Lodge there are no implications for trees on the land other than the construction of the access road within the Root Protection Area of T1 Oak. This has been constructed using 'No Dig' specification to avoid causing harm to tree roots.
- 6.29 No trees, other significant vegetation or proposed landscaping will be adversely affected by the revised development proposal.

Biodiversity and Protected Species

- 6.30 Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".
- 6.31 Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 6.32 During the outline and reserved matters stages of the application process the necessary preliminary appraisals and follow up reports were undertaken in accordance with the above-mentioned policies and guidance. These comprised of the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Greenlight Environmental Consultancy Ecological Appraisal and Mitigation and Enhancement details.
- 6.33 These details remain unaltered together with the ecology report submitted with the original application. In accordance with conditions imposed on the earlier permission, the vegetation has now been removed post the bird nesting season and it can be confirmed that there are no changes to the ground levels on the site.
- 6.34 Objections have been raised in relation to the harm to wildlife and biodiversity. However, the site has undergone all necessary preliminary and follow up ecology reports and the development will secure biodiversity enhancements as approved under 18/00872/DETAIL. There can be no objection to the development on ecology or biodiversity grounds.

Residential Amenities

- 6.35 Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP 4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.
- 6.36 Furthermore, the Essex Design Guide offers guidance on maintaining acceptable sunlight and daylight to neighbouring dwellings. The daylight and sunlight tests are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). This document suggests that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the facade. This would result in spacing of at least 10m between opposing houses. In most cases, however, and in order to develop and maintain an attractive townscape, it is desirable for this spacing to be less.
- 6.37 Under application 18/00872/DETAIL Plot 5 (House Type B) was originally approved as a 3 bedroom detached bungalow with a detached single garage and 2 parking spaces. The approved bungalow has an eaves height of 2.4 metres and an overall ridge height of approximately 5.3 metres with an east facing orientation. Plot 5 is located to the north-west corner of the wider site, away from existing neighbouring dwellings fronting Harwich Road.
- 6.38 The proposed 1.5 storey dwelling will have an eaves height of 4 metres and an overall ridge height of 7.41 metres. The proposed ridge height will be 2.1m higher than the previously approved bungalow. Whilst there will be a clear increase in height, in comparison to the original approval the position of the dwelling will be further from the shared boundary with Plot 4, the front elevation of Plot 4 and further from the neighbouring properties fronting Harwich Road.
- 6.39 The separation distances and juxtaposition with neighbouring dwellings are considered to be sufficient to ensure no harmful overlooking, overshadowing or increased sense of enclosure compared to previous approval will occur.
- 6.40 The application site also benefits from a generous rear garden with open fields beyond therefore being of a size and configuration that will meet the needs and expectations of future occupants in accordance with policy requirements.
- 6.41 Objections have been raised regarding the visual impact on gardens of the properties fronting Harwich Road as well as overlooking and loss of privacy. However, having carefully considered the proposal against the above-mentioned policies and guidance, the proposed design and increase in height and bulk are considered to be acceptable.
- 6.42 Objections have also been raised relating to the loss of view and disruption from building works associated with the development. However, a loss of view is not a material planning consideration. Furthermore, any disruption from building works is an inevitable part of the planning process and cannot be the basis of a refusal of planning permission. This is temporary disruption and can be appropriately managed through appropriate working hours controlled by the Construction Method Statement and relevant environmental protection legislation.
- 6.43 In light of the above, the proposal is considered to be acceptable from a residential amenity perspective.

Financial Contribution - Recreational Disturbance

- 6.44 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. Mitigation measures must be secured prior to occupation.
- 6.45 The application scheme proposes a dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 4,500 metres from the Hamford Water SAC, SPA and Ramsar sites. New housing development within the Zoi would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site.
- 6.46 Local Plan Policy SP 2 states that contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The current charge is £127.30 per dwelling (likely to increase in April 2022).
- 6.47 To ensure that new residential development would not adversely affect the integrity of European Designated Sites in compliance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017, an application would need to be accompanied by a completed unilateral undertaking to secure the legal obligation. However, in this instance, development has commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL. The necessary financial contribution toward recreational disturbance (RAMS) has been paid in full for all eight dwellings. Therefore, this current application does not require a unilateral undertaking.

Financial Contribution - Open Space and Play Space

- 6.48 Policy HP5 of the 2013-2033 Local Plan aims to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. For smaller scale developments better served by an existing nearby area of open or play space, a financial contribution may be sought through a legal agreement. The contribution should be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.
- 6.49 The original development was approved at a time when open space contributions were not sought for developments of this size and scale. The principle of 8 no. 3 bedroom dwellings on the site has been established. The proposed variation does not increase the number of dwellings nor the number of bedrooms originally approved. Therefore, it would unreasonable to seek a financial contribution toward open space as part of this application given the establish fall-back position.

Other Matters - Previous Conditions

- 6.50 Whilst this planning application is a freestanding development proposal that has been assessed on its own merits, the application site forms part of a wider development site for 8 dwellings subject of a number of conditions and requirements imposed on the approval notices. This revised application must remain compliant with any relevant report findings and conditions. These are summarised below:

- **16/02108/OUT**
 - Condition 3 – Ecological Management and Enhancement Scheme
 - Condition 6 – Construction Method Statement (approved under 21/00440/DISCON)
 - Condition 7 – Surface Water Drainage Strategy (approved under 21/00440/DISCON)
 - Condition 10 – In accordance with Tree Survey

Condition 11 – Timing of clearance (site cleared in accordance)

- **18/00872/DETAIL**

Condition 4 – Implementation of approved landscaping

Condition 6 – Turning / driveways / garages provided prior to occupation and retained

Condition 7 – In accordance with Ecological Appraisal and Enhancement details

- **20/01073/DETAIL**

Condition 2 – Implementation of revised landscaping

Condition 3 – Provision of junction visibility splays prior to occupation

Condition 4 - No dig technology

6.51 In order to ensure compliance with the previously approved details, where relevant and necessary, appropriately worded conditions are recommended at section 8.2 should Members be mindful to approve the application.

7. **Conclusion**

7.1 For the reasons set out above, officers are satisfied that the proposed variation will not result in any material harm to visual amenity, the character of the area or neighbouring amenities that would warrant refusal of planning permission.

7.2 In the absence of any material harm resulting from the revised proposal for Plot 5, officers are recommending 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 **TIME LIMIT:**

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 **APPROVED PLANS:**

The development hereby permitted shall be carried out in strict accordance with the following approved plans and materials details:

0823_A_SC_22	Proposed Site Plan
0823_A_SC_23	Proposed Floor Plans
0823_A_SC_24A	Proposed Elevations
0952_A_SC_300	Site Assembly Plan
0952_A_SC_301	Elevation Comparison Drawing

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

3 **MATERIALS DETAILS:**

Prior to the commencement of any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of the development hereby permitted shall be 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 - Materials are a visually essential requirement to ensure a quality development and insufficient information has been provided within the application.

4 IN ACCORDANCE WITH SURFACE WATER DRAINAGE STRATEGY:

No part of the development shall be occupied or brought into use until the agreed method of surface water drainage approved under 21/00440/DISCON has been fully installed and is available for use.

Reason - To minimise the risk of surface water flooding.

5 IN ACCORDANCE WITH TREE SURVEY:

The development shall be carried out in accordance with the Tree Survey and Tree Constraints Plan (Drawing No. 6183-D) dated 4.09.17 unless otherwise agreed in writing by the Local Planning Authority.

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

6 NO DIG TECHNOLOGY:

All hard surface areas within the root protection area of the retained Oak tree adjacent to the access shall be constructed using no dig technology.

Reason - To ensure the longevity of the retained tree in the interests of visual amenity.

7 NO FENCES FORWARD OF DWELLING:

Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwelling hereby approved.

Reason - In the interests of visual amenity to retain a spacious appearance and in the interests of the quality of the development.

8 IMPLEMENTATION OF APPROVED LANDSCAPING:

All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping 0823_A_SC_25 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

9 IN ACCORDANCE WITH ECOLOGY DETAILS:

The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Mitigation and Enhancement details - Timetable for Implementation and Proposed

Ecological Enhancement Plan drawing ref. PA-40 as previously approved under application reference 18/00872/DETAIL.

Reason - In the interest of biodiversity.

10 POROUS SURFACING:

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

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

11 PARKING DIMENSIONS:

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each garage shall have internal dimensions of 7 metres x 3 metres in accordance with the EPOA Parking Standards.

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

12 PROVISION & RETENTION OF ROAD/TURNING/PARKING:

The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

13 CYCLE PARKING:

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.

14 VISIBILITY SPLAYS:

Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

15 IN ACCORDANCE WITH CMS:

The accompanying Construction Method Statement shall be adhered to throughout the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

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

8.3 Informatives

Positive and Proactive Statement

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

Legal Agreement Informative - Recreational Impact Mitigation

This development is subject of a planning obligation securing a financial contribution toward recreational disturbance mitigation in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. According to our records, this contribution has been paid in full upon the commencement of the development under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL.

Highways Informatives

1: The connection to Betts Green Road should be to the specifications of the Street Manager/Residents Association.

2: The proposed vehicular access must be constructed at right angles to the highway boundary and/ or to the proposed carriageway.

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

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

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

9. Additional Considerations

Public Sector Equality Duty (PSED)

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

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

Human Rights

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

Finance Implications

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

10. Background Papers

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

(as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

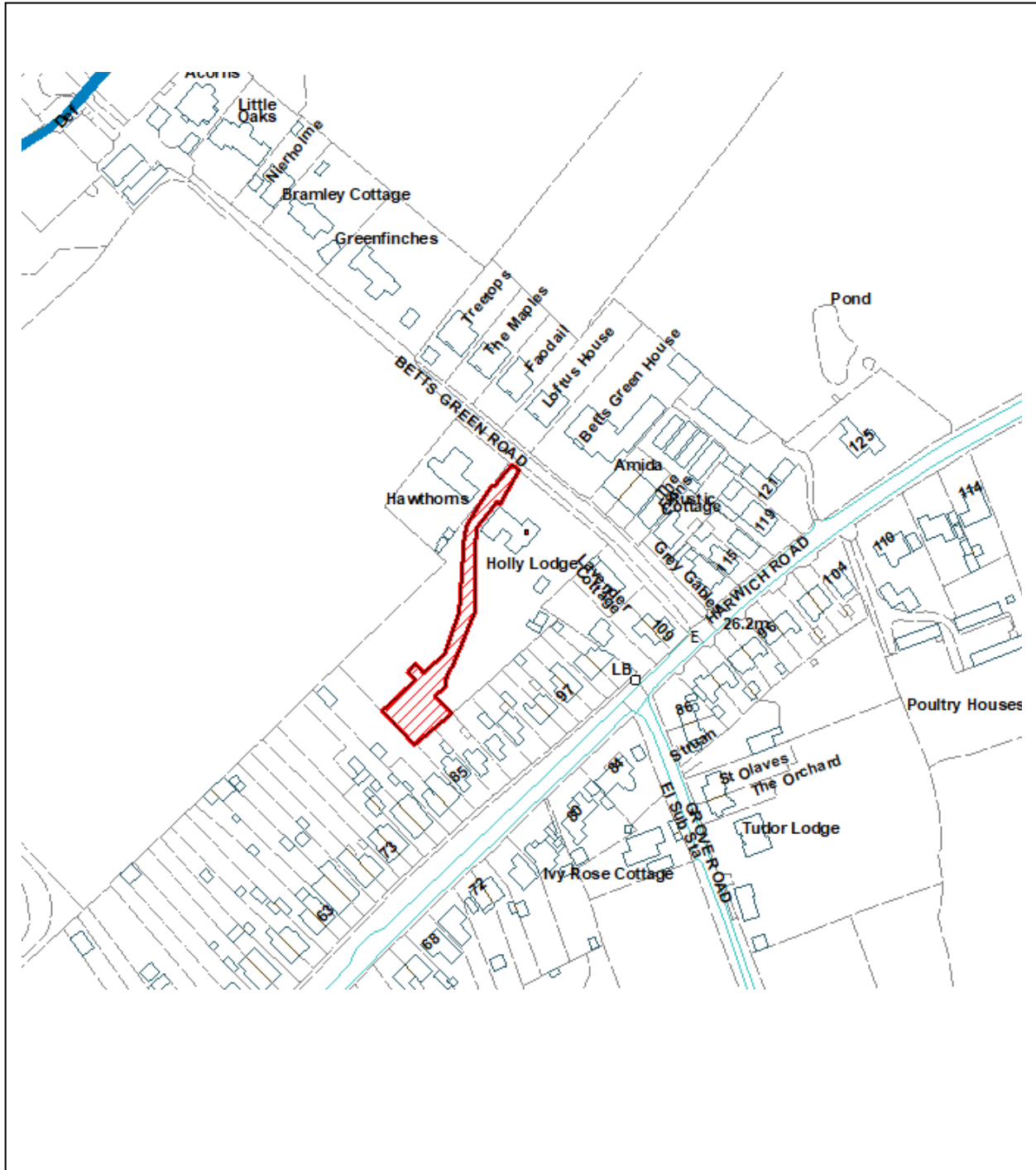
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PLANNING COMMITTEE

15th March 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.3 PLANNING APPLICATION – 21/02064/FUL – PLOT 4 LAND REAR OF HOLLY LODGE BETTS GREEN ROAD LITTLE CLACTON CLACTON ON SEA CO16 9NH



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Application:	21/02064/FUL	Town / Parish: Little Clacton Parish Council
Applicant:	Mr Sorrell	
Address:	Plot 4 Land rear of Holly Lodge Betts Green Road Little Clacton CO16 9NH	
Development:	Proposed erection of one cottage style dwelling. (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL)	

1. Executive Summary

- 1.1 This application is before Members at the request of Councillor Bray, together with applications for Plot 5 (reference 21/02099/FUL) and Plot 6 (reference 21/01856/FUL).
- 1.2 The application relates to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, were approved by officers under delegated powers. Outline consent was approved subject to a condition requiring the dwellings to be single storey only.
- 1.3 The application seeks full planning permission for the erection of a chalet style 1.5 storey dwelling, varying the height, design and layout of the previously approved bungalow on Plot 4. The proposed dwelling will have an eaves height of 4 metres (previously 2.4 metres) and an overall ridge height of 7.41 metres (previously 5.3 metres) with all three rear facing first floor dormer windows to be obscure glazed (serving en-suites and a bathroom). Plot 4 is located to the south-west corner of the wider site, adjacent to 85 and 87 Harwich Road.
- 1.4 Councillor Bray has referred the application(s) to Planning Committee due to concerns with; street scene impact and harm to the character of the area from the increased height of the dwelling; the increased size and height leading to a cramped appearance; harm to neighbouring amenities; and the potential to cause greater strain on the 'unmade' Betts Green Road from the enlarged dwelling(s).
- 1.5 Betts Green Road and Harwich Road comprise a variety of single, 1.5 and 2 storey dwellings. The proposal will add variety to the character of the development itself. Sufficient space is retained around the dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling does not increase the number of bedrooms originally approved and does not increase the parking requirements.
- 1.6 Whilst there will be a clear increase in height, having carefully considered the individual merits of the application, the plot layout and distance to neighbouring dwellings, the revised proposal will not result in any material harm that would justify a refusal of planning permission.
- 1.7 Members should note, application reference 21/00289/FUL for a similar variation to Plot 1 was approved by officers under delegated powers on 30th July 2021. Concerns were raised by Councillor Bray and neighbouring residents at the time, but the application was not referred to committee for determination. The application was amended to address the concerns and subsequently approved in the absence of any material harm.
- 1.8 The development has commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL and the necessary financial contribution toward recreational disturbance (RAMS) has been paid. Therefore, this current application does not require a unilateral undertaking.

- 1.9 In the absence of any material harm resulting from the revised proposal for Plot 4, the application is recommend for approval.

Recommendation: Full Approval

Subject to the conditions stated in section 8.2

2. Planning Policy

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

National:

National Planning Policy Framework July 2021

National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP10 Renewable Energy Generation and Energy Efficiency Measures

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Essex Design Guide

Local Planning Guidance

Essex County Council Parking Standards 2009

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

02/01535/FUL	Addition to bungalow.	Approved	30.09.2002
14/30325/PREAPP	Residential development of 9 dwellings.	Refused	26.09.2014

21/00289/FUL	Erection of 1 no. cottage style dwelling (variation to design and position of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Approved	30.07.2021
21/01856/FUL (Plot 6)	Proposed erection of 1 cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Current	
21/02064/FUL (Plot 5)	Proposed erection of one cottage style dwelling. (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL)	Current	

4. Consultations

ECC Highways Dept
31.01.2022

The Highway Authority observes that Betts Green Road is classified as a Private Road and would not normally comment but as the application site is close to Harwich Road and it is noted that the application is to vary the design and position of dwelling and is similar to previous application 21/00289/FUL that altered Plot 1, considering these factors:

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

1. Prior to the occupation of the development the internal layout shall be provided in principle with drawing number: 0952_A_SC_201/A Proposed block plan
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

3. The single garage should have a minimum internal measurement of 7m x 3m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County

Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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

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

Informative:

1: The connection to Betts Green Road should be to the specifications of the Street Manager/ Residents Association.

2: The proposed vehicular access must be constructed at right angles to the highway boundary and/ or to the proposed carriageway.

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

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

5. Representations

- 5.1 The representations and objections received in respect of this application are summarised below. The objections raised are addressed in the relevant sections of the main report below, at Section 6 – Assessment.

Parish Council

- 5.2 Little Clacton Parish Council object to the application on the following grounds:

- The original application in 2018 was for bungalows.
- The goal posts are being moved to higher buildings with more bedrooms.
- Having a domino effect with the other proposed properties.
- 2 parking spots and a garage are insufficient for a four bedroom property.
- Will turn this into a cramped site.
- The intended height would have an impact on views from the rear of properties in Harwich Road.

Local / Neighbouring Residents

- 5.3 4 letters of objection have been received from local residents. The concerns raised can be summarised as follows:
- Too high – not a 'cottage' style dwelling.

- Overbearing visual impact on gardens of properties fronting Harwich Road.
- Loss of view.
- Overlooking and loss of privacy.
- Lack of infrastructure to support such development.
- Harm to wildlife.
- Narrow and unmade Betts Green Road is insufficient to take any traffic.
- Access for fire appliances, ambulances or refuse collection vehicles is insufficient with no turning areas.
- Houses would increase the traffic and noise.
- Years of noise and disruption from building works.

Member Referral

5.4 This application is before Members at the request of Councillor Bray, together with applications for Plot 5 (reference 21/02099/FUL) and Plot 6 (reference 21/01856/FUL), also referred to committee by Councillor Bray.

5.5 Councillor Bray raises the following points:

The height of the new proposal is not consistent with the conditions of the appeal decision. These will be clearly visible from Harwich Road and would be out of character with the current street scene. The increase in size and number of the bedrooms is not consistent with the appeal decision and will potentially cause even greater strain on the unmade Betts Green Road. The increased size and height of the new proposal will lead to the development being of cramped appearance and will detract from, rather than add to, the street scene.

I do not believe that the planning inspector intended the proposed outcome, given the substantial and vastly more impactful presence that the new proposal seeks to achieve, when reaching his decision at the appeal hearing and would have refused this current application.

6. Assessment

6.1 The main considerations in this instance are:

- Site Context;
- The Proposal;
- Relevant Planning History and Principle of Development;
- Scale, Layout and Appearance;
- Highway Safety, Access and Parking;
- Trees and Landscaping;
- Biodiversity and Protected Species;
- Residential Amenities;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space; and,
- Other Matters.

Site Context

6.2 The application site is located on the northern side of Harwich Road, to the south-west of Betts Green Road within the settlement of Little Clacton. The application relates to 'Plot 4' of the wider development approved under planning application references 16/02108/OUT and 18/00872/DETAIL / 20/01073/DETAIL for 8 bungalows. The site lies within the extended Little Clacton Settlement Development Boundary as defined on Map B.19 of the adopted Tendring District Local Plan 2013-2033 and Beyond.

- 6.3 The site formally comprised of paddock land to the rear of Holly Lodge but development has now commenced under the original approval (and recent approval for variations to Plot 1 reference 21/00289/FUL).
- 6.4 Either side of the site access are existing dwellings, one a detached bungalow and the other being a detached chalet style dwelling. To the south of the site is linear residential development along Harwich Road, mostly 2 storey in height. Across the frontage of the site, which incorporates the residential curtilage of 'Holly Lodge', are several mature trees.
- 6.5 On the opposite side of Betts Green Road are several bungalows, a recent development of two chalet properties and 7 large detached dwellings beyond.

The Proposal

- 6.6 The application seeks full planning permission for the erection of one no. 1 chalet style dwelling being a variation to the single storey bungalow approved under planning application 16/02108/OUT with the details approved under application 18/00872/DETAIL.
- 6.7 Below is a summary of the differences between the approved and proposed schemes:

Scheme	Number of bedrooms	Garage	Parking spaces	Eaves height	Ridge Height	Orientation within plot
Original	3	Single detached	2	2.4	5.3	North facing
Proposed	3	Single attached	2	4	7.1	North facing

Relevant Planning History and Principle of Development

- 6.8 The principle of residential development on the site for 8 dwellings has been established by the approval of application 16/02108/OUT with the details approved under application 18/00872/DETAIL, and the access (serving this plot and the wider site) varied by application 20/01073/DETAIL.
- 6.9 Objections have been raised in relation to the development being contrary to the Planning Inspectorate’s findings and decision. However, the development was approved by officers under delegated powers and was not subject of an appeal. Objections have also been raised in regard to the lack of infrastructure to support the development. Again, as the principle of the development for 8 dwellings has been established and this development does not increase the number of units or bedrooms, this issue cannot be introduced as a reason to object to the amended development.
- 6.10 Planning application 16/02108/OUT was approved subject to a number of conditions, including Condition 8 for single storey properties only and Condition 9 controlling extensions and alterations to the dwellings. The wording of these conditions are shown below;

8 The development shall consist of single storey properties only.

Reason - To ensure the development relates appropriately to the character and appearance of the area, in the interests of visual amenity.

9 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any

Order revoking and re-enacting that Order with or without modification), there shall be no additions to the properties, nor shall any buildings, swimming or other pool enclosures be erected except in accordance with drawings showing the design and siting of such additions or building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the properties retain sufficient private amenity space and the impact upon surrounding residents is not harmed.

- 6.11 Notwithstanding the conditions imposed on the original permission, every application must be considered on its own merits. The conditions themselves do not stop future development but allow the Local Planning Authority the opportunity to assess the detailed impact in accordance with current policies and material considerations at the time of the decision.
- 6.12 A similar approval to vary Plot 1 from a bungalow to a chalet dwelling was approved by officers under delegated powers on 30th July 2021(application reference 21/00289/FUL). Following the receipt of concerns from neighbouring residents and Councillor Bray regarding the height, design and impact on residential amenities, an amended scheme was sought from the agent. Amendments included the reduction in ridge height and a half hipped roof arrangement together with the submission of a building massing plan demonstrating the mixed character of the area. Although concerns were raised by Councillor Bray, the application was not referred to Planning Committee for determination. Having assessed the revised development for Plot 1, officers were satisfied that no material harm to the character of the area or neighbouring amenities would result, therefore delivering a policy compliant development for which a refusal of planning permission could not be justified.
- 6.13 The approved variation of Plot 1 does not set a precedent for the acceptability of other plots on the site to be amended to chalet style dwellings. As stated above, every application must be assessed on its merits.

Scale, Layout and Appearance

- 6.14 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 6.15 Betts Green Road and Harwich Road comprise a variety of single, 1.5 and 2 storey dwellings as clearly demonstrated by the Building Heights plan accompanying the application (drawing number 0952_A_SC_209/A). In the context of this mixed character area there can be no objection to the alternative height and design proposed. The proposal is almost identical to the variation approved for Plot 1. The proposal will add variety to the character of the development itself whilst being in keeping with Plot 1 and the wider character of the area.
- 6.16 In terms of layout, ample space is retained around the dwelling to all plot boundaries and to existing and proposed neighbouring properties. The footprint of the revised proposal is slightly smaller to that of the original approval. The revised dwelling and its siting within the plot increases the distance to the neighbouring properties fronting Harwich Road. The steep roof pitch and half hip roof arrangement minimises the bulk of the roof and visual impact of the height increase. For these reasons, the proposal will not appear cramped within its plot, nor cumulatively contribute to a cramped development overall.

- 6.17 The appearance of the proposed dwelling is considered acceptable in design terms incorporating a protruding brick plinth, exposed rafters, render banding and decorative fascia detailing, all contributing positively to the quality of the design and overall development.
- 6.18 Objections have been raised to the height and size of the proposed dwelling appearing out of character and creating a cramped development. However, the merits of the proposal as assessed above demonstrate that no material harm will result from the revised development.

Highway Safety, Access and Parking

- 6.19 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 6.20 Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.
- 6.21 The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is provided. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.22 Under application 18/00872/DETAIL Plot 4 was originally approved as a 3 bedroom detached bungalow with a detached single garage and 2 parking spaces. The proposed development, although 1.5 storey, also accommodates 3 bedrooms with an attached single garage (utility area to the rear). The revised proposal does not increase the parking requirements and will remain compliant with the Parking Standards.
- 6.23 Objections have been raised in relation to increased traffic and the narrow, unmade condition of Betts Green Road being unsuitable to serve the development and related larger vehicles. However, the principle of 8 no. 3 bedroom dwellings accessed via Betts Green Road has been established. The proposed variation does not increase the number of dwellings nor the number of bedrooms originally approved. Furthermore, the proposed amendments to the design and appearance of the dwelling occupying Plot 4 does not alter the access arrangements approved under 16/02108/OUT and 18/00872/DETAIL as varied by application 20/01073/DETAIL. For these reasons, it would be wholly unreasonable to refuse planning permission on highway safety grounds.
- 6.24 A suitable Construction Method Statement (satisfying the aims of Condition 6 of the outline planning application reference 16/02108/OUT) also accompanies this application. The development will also incorporate an electric vehicle charging point within the garage in accordance with the aims of Policy PPL10 above.
- 6.25 The Highway Authority raise no objection to this proposal subject to conditions, which will be imposed where necessary having regard to the scale of development and the planning history.

Trees and Landscaping

- 6.26 Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing

trees are retained wherever possible. Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

- 6.27 At the outline stage of the application process the developer provided a full Tree Survey and Report in order to show the extent of the constraint that the trees are on the development potential of the land. This information was in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations. The information provided demonstrated how the retained trees would be protected for the duration of the construction phase of any planning permission that may be granted. This information was also in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations and includes a Tree Protection Plan.
- 6.28 The site layout secures the retention and physical protection of trees afforded formal legal protection by Tree Preservation Order 84/13 and also shows the retention of the other large trees on the land. Most notably T1 Oak, T10 Lime and T16 Pine (using the numbering system of the tree report). In terms of the development of the main body of the application site to the rear of Holly Lodge there are no implications for trees on the land other than the construction of the access road within the Root Protection Area of T1 Oak. This has been constructed using 'No Dig' specification to avoid causing harm to tree roots.
- 6.29 No trees, other significant vegetation or proposed landscaping will be adversely affected by the revised development proposal.

Biodiversity and Protected Species

- 6.30 Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".
- 6.31 Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 6.32 During the outline and reserved matters stages of the application process the necessary preliminary appraisals and follow up reports were undertaken in accordance with the above-mentioned policies and guidance. These comprised of the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Greenlight Environmental Consultancy Ecological Appraisal and Mitigation and Enhancement details.
- 6.33 These details remain unaltered together with the ecology report submitted with the original application. In accordance with conditions imposed on the earlier permission, the vegetation has now been removed post the bird nesting season and it can be confirmed that there are no changes to the ground levels on the site.
- 6.34 Objections have been raised in relation to the harm to wildlife and biodiversity. However, the site has undergone all necessary preliminary and follow up ecology reports and the development will secure biodiversity enhancements as approved under 18/00872/DETAIL. There can be no objection to the development on ecology or biodiversity grounds.

Residential Amenities

- 6.35 Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP 4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.
- 6.36 Furthermore, the Essex Design Guide offers guidance on achieving acceptable rear privacy. Where habitable rooms are located at the rears of neighbouring properties and the rear facades face each other, the general rule is that a minimum spacing of 25m between the rears of the properties is required. The rears of houses may be positioned more closely together than stipulated above if one or both of the houses concerned is designed so as not to overlook the other. This would require an intervening fence or other visual barrier set above eye-level between facing ground-floor windows. An example of how to achieve this is by appropriate internal layout so that only bathrooms and landings provided with above eye-level windows are rear-facing.
- 6.37 In addition, the Essex Design Guide also offers guidance on maintaining acceptable sunlight and daylight to neighbouring dwellings. The daylight and sunlight tests are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). This document suggests that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the facade. This would result in spacing of at least 10m between opposing houses.
- 6.38 Under application 18/00872/DETAIL Plot 4 (House Type C) was originally approved as a 3 bedroom detached bungalow with a detached single garage and 2 parking spaces. The approved bungalow has an eaves height of 2.4 metres and an overall ridge height of approximately 5.3 metres with a north facing orientation. Plot 4 is located to the south-west corner of the wider site, sharing a rear boundary with 85 and 87 Harwich Road.
- 6.39 The proposed 1.5 storey dwelling will have an eaves height of 4 metres and an overall ridge height of 7.41 metres. The proposed ridge height will be 2.1m higher than the previously approved bungalow. Whilst there will be a clear increase in height, the position of the dwelling is a further 3.7 metres from the rear boundary than the originally approved scheme and the roof pitch is angled away from the neighbouring properties.
- 6.40 The additional bulk and height aside, the other key difference between this proposal and the previously approved scheme is the provision of habitable accommodation in the first floor roof space. The three new dormers in the rear roofslope will be between 22.6m metres and 27 metres away from directly opposing rear elevations of properties along Harwich Road. Moreover, the layout of the first floor accommodation means that these three rear facing dormer windows serve a bathroom and two en-suite bathrooms all to be obscure glazed.
- 6.41 The separation distances and juxtaposition with neighbouring dwellings together with the internal accommodation layout are considered to be sufficient to ensure no harmful overlooking, overshadowing or increased sense of enclosure compared to previous approval will occur.
- 6.42 The relationship between the proposed dwelling and the nearest neighbouring properties within the development (Plots 3 and 5 yet to be constructed) will remain similar compared to the previously approved situation and remain compliant with the Essex Design Guide.

- 6.43 The application site also benefits from a generous rear garden of a size and configuration that will meet the needs and expectations of future occupants in accordance with policy requirements.
- 6.44 Objections have been raised regarding the visual impact on gardens of the properties fronting Harwich Road as well as overlooking and loss of privacy. However, having carefully considered the proposal against the above-mentioned policies and guidance, the proposed design and increase in height and bulk are considered to be acceptable.
- 6.45 Objections have also been raised relating to the loss of view and disruption from building works associated with the development. However, a loss of view is not a material planning consideration. Furthermore, any disruption from building works is an inevitable part of the planning process and cannot be the basis of a refusal of planning permission. This is temporary disruption and can be appropriately managed through appropriate working hours controlled by the Construction Method Statement and relevant environmental protection legislation.
- 6.46 In light of the above, the proposal is considered to be acceptable from a residential amenity perspective.

Financial Contribution - Recreational Disturbance

- 6.47 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. Mitigation measures must be secured prior to occupation.
- 6.48 The application scheme proposes a dwelling on a site that lies within the Zone of Influence (Zol) being approximately 4,500 metres from the Hamford Water SAC, SPA and Ramsar sites. New housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site.
- 6.49 Local Plan Policy SP 2 states that contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The current charge is £127.30 per dwelling (likely to increase in April 2022).
- 6.50 To ensure that new residential development would not adversely affect the integrity of European Designated Sites in compliance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017, an application would need to be accompanied by a completed unilateral undertaking to secure the legal obligation. However, in this instance, development has commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL. The necessary financial contribution toward recreational disturbance (RAMS) has been paid in full for all eight dwellings. Therefore, this current application does not require a unilateral undertaking.

Financial Contribution - Open Space and Play Space

- 6.51 Policy HP5 of the 2013-2033 Local Plan aims to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. For smaller scale developments better served by an existing nearby area of open or play space, a financial contribution may be sought through a legal agreement. The contribution should be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.

6.52 The original development was approved at a time when open space contributions were not sought for developments of this size and scale. The principle of 8 no. 3 bedroom dwellings on the site has been established. The proposed variation does not increase the number of dwellings nor the number of bedrooms originally approved. Therefore, it would be unreasonable to seek a financial contribution toward open space as part of this application given the established fall-back position.

Other Matters - Previous Conditions

6.53 Whilst this planning application is a freestanding development proposal that has been assessed on its own merits, the application site forms part of a wider development site for 8 dwellings subject of a number of conditions and requirements imposed on the approval notices. This revised application must remain compliant with any relevant report findings and conditions. These are summarised below:

- **16/02108/OUT**

Condition 3 – Ecological Management and Enhancement Scheme

Condition 6 – Construction Method Statement (approved under 21/00440/DISCON)

Condition 7 – Surface Water Drainage Strategy (approved under 21/00440/DISCON)

Condition 10 – In accordance with Tree Survey

Condition 11 – Timing of clearance (site cleared in accordance)

- **18/00872/DETAIL**

Condition 4 – Implementation of approved landscaping

Condition 6 – Turning / driveways / garages provided prior to occupation and retained

Condition 7 – In accordance with Ecological Appraisal and Enhancement details

- **20/01073/DETAIL**

Condition 2 – Implementation of revised landscaping

Condition 3 – Provision of junction visibility splays prior to occupation

Condition 4 - No dig technology

6.54 In order to ensure compliance with the previously approved details, where relevant and necessary, appropriately worded conditions are recommended at section 8.2 should Members be mindful to approve the application.

7. Conclusion

7.1 For the reasons set out above, officers are satisfied that the proposed variation will not result in any material harm to visual amenity, the character of the area or neighbouring amenities that would warrant refusal of planning permission.

7.2 In the absence of any material harm resulting from the revised proposal for Plot 4, officers are recommending 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 **TIME LIMIT:**

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 APPROVED PLANS:

The development hereby permitted shall be carried out in strict accordance with the following approved plans:

0952_A_SC_202/B Proposed Site Layout Plan
0952_A_SC_203/A Proposed Floor Plans
0952_A_SC_205/C Proposed Elevations
0952_A_SC_208/A Proposed Street Scene
0952_A_SC_300 Site Assembly Plan
0952_A_SC_301 Elevation Comparison Drawing

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

3 OBSCURE GLAZED REAR WINDOWS:

Prior to the occupation of the dwelling hereby approved, the rear facing first floor dormer windows shall be obscure glazed with top hung openings only, as shown on approved drawing 0952_A_SC_205/C and retained in this approved form in perpetuity.

Reason - For the avoidance of doubt and in the interests of residential amenities.

4 MATERIALS DETAILS:

Prior to the commencement of any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of the development hereby permitted shall be 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 - Materials are a visually essential requirement to ensure a quality development and insufficient information has been provided within the application.

5 IN ACCORDANCE WITH SURFACE WATER DRAINAGE STRATEGY:

No part of the development shall be occupied or brought into use until the agreed method of surface water drainage approved under 21/00440/DISCON has been fully installed and is available for use.

Reason - To minimise the risk of surface water flooding.

6 IN ACCORDANCE WITH TREE SURVEY:

The development shall be carried out in accordance with the Tree Survey and Tree Constraints Plan (Drawing No. 6183-D) dated 4.09.17 unless otherwise agreed in writing by the Local Planning Authority.

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

7 NO DIG TECHNOLOGY:

All hard surface areas within the root protection area of the retained Oak tree adjacent to the access shall be constructed using no dig technology.

Reason - To ensure the longevity of the retained tree in the interests of visual amenity.

8 NO FENCES FORWARD OF DWELLING:

Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwelling hereby approved.

Reason - In the interests of visual amenity to retain a spacious appearance and in the interests of the quality of the development.

9 IMPLEMENTATION OF APPROVED LANDSCAPING:

All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details 0952_A_SC_06/A shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

10 IN ACCORDANCE WITH ECOLOGY DETAILS:

The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Mitigation and Enhancement details - Timetable for Implementation and Proposed Ecological Enhancement Plan drawing ref. PA-40 as previously approved under application reference 18/00872/DETAIL.

Reason - In the interest of biodiversity.

11 POROUS SURFACING:

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

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

12 PARKING DIMENSIONS:

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each garage shall have internal dimensions of 7 metres x 3 metres in accordance with the EPOA Parking Standards.

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

13 PROVISION & RETENTION OF ROAD/TURNING/PARKING:

The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

14 CYCLE PARKING:

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.

15 VISIBILITY SPLAYS:

Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

16 IN ACCORDANCE WITH CMS:

The accompanying Construction Method Statement shall be adhered to throughout the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

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

8.3 Informatives

Positive and Proactive Statement

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

Legal Agreement Informative - Recreational Impact Mitigation

This development is subject of a planning obligation securing a financial contribution toward recreational disturbance mitigation in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. According to our records, this contribution has been paid in full upon the commencement of the development under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL.

Highways Informatives

1: The connection to Betts Green Road should be to the specifications of the Street Manager/ Residents Association.

2: The proposed vehicular access must be constructed at right angles to the highway boundary and/ or to the proposed carriageway.

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

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

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

9. Additional Considerations

Public Sector Equality Duty (PSED)

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

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

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

10. Background Papers

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

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PLANNING COMMITTEE

15th March 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.4 PLANNING APPLICATION – 21/01856/FUL – PLOT 6 LAND REAR OF HOLLY LODGE BETTS GREEN ROAD LITTLE CLACTON CLACTON ON SEA CO16 9NH



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Application:	21/01856/FUL	Town / Parish: Little Clacton Parish Council
Applicant:	Mr Sorrell	
Address:	Plot 6 Land rear of Holly Lodge Betts Green Road Little Clacton CO16 9NH	
Development:	Proposed erection of one cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	

1. Executive Summary

- 1.1 This application is before Members at the request of Councillor Bray, together with applications for Plot 4 (reference 21/02064/FUL) and Plot 5 (reference 21/02099/FUL).
- 1.2 The application relates to the wider development approved under planning application references 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL (the later DETAIL for amendments to the access only) for 8 bungalows on land to the rear of the property known as Holly Lodge, Betts Green Road, Little Clacton. The outline application, and subsequent reserved matters, were approved by officers under delegated powers. Outline consent was approved subject to a condition requiring the dwellings to be single storey only.
- 1.3 The application seeks full planning permission for the erection of a chalet style 1.5 storey dwelling, varying the height, design and layout of the previously approved bungalow on Plot 6. The proposed dwelling will have an eaves height of 4 metres (previously 2.4 metres) and an overall ridge height of 7.41 metres (previously 5.5 metres). Plot 6 is located to the north of the wider site away from existing neighbouring dwellings fronting Harwich Road.
- 1.4 Councillor Bray has referred the application(s) to Planning Committee due to concerns with; street scene impact and harm to the character of the area from the increased height of the dwelling; the increased size and height leading to a cramped appearance; harm to neighbouring amenities; and the potential to cause greater strain on the 'unmade' Betts Green Road from the enlarged dwelling(s).
- 1.5 Betts Green Road and Harwich Road comprise a variety of single, 1.5 and 2 storey dwellings. The proposal will add variety to the character of the development itself. Sufficient space is retained around the dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling does not increase the number of bedrooms originally approved and does not increase the parking requirements.
- 1.6 Whilst there will be a clear increase in height, having carefully considered the individual merits of the application, the plot layout and distance to neighbouring dwellings, the revised proposal will not result in any material harm that would justify a refusal of planning permission.
- 1.7 Members should note, application reference 21/00289/FUL for a similar variation to Plot 1 was approved by officers under delegated powers on 30th July 2021. Concerns were raised by Councillor Bray and neighbouring residents at the time, but the application was not referred to committee for determination. The application was amended to address the concerns and subsequently approved in the absence of any material harm.
- 1.8 The development has commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL and the necessary financial contribution toward recreational disturbance (RAMS) has been paid. Therefore, this current application does not require a unilateral undertaking.

- 1.9 In the absence of any material harm resulting from the revised proposal for Plot 6, the application is recommend for approval.

Recommendation: Full Approval

Subject to the conditions stated in section 8.2

2. Planning Policy

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

National:

National Planning Policy Framework July 2021

National Planning Practice Guidance

Local:

Tendring District Local Plan 2013-2033 and Beyond Section 1

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting Housing Needs

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP10 Renewable Energy Generation and Energy Efficiency Measures

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Tendring Provision of Recreational Open Space for New Development SPD 2008

Essex Design Guide

Local Planning Guidance

Essex County Council Parking Standards 2009

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

3. Relevant Planning History

02/01535/FUL	Addition to bungalow.	Approved	30.09.2002
14/30325/PREAPP	Residential development of 9 dwellings.	Refused	26.09.2014

21/00289/FUL	Erection of 1 no. cottage style dwelling (variation to design and position of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Approved	30.07.2021
21/02099/FUL (Plot 5)	Proposed erection of 1 cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Current	
21/02064/FUL (Plot 4)	Proposed erection of one cottage style dwelling (Variation to design of dwelling as approved under 18/00872/DETAIL and 20/01073/DETAIL).	Current	

4. Consultations

ECC Highways Dept
31.01.2022

The Highway Authority observes that Betts Green Road is classified as a Private Road and would not normally comment but as the application site is close to Harwich Road and it is noted that the application is to vary the design and position of dwelling and is similar to previous application 21/00289/FUL that altered Plot 1, considering these factors:

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

1. Prior to the occupation of the development the internal layout shall be provided in principle with drawing number: 0952_A_SC_201/A Proposed block plan
Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

3. The single garage should have a minimum internal measurement of 7m x 3m.
Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County

Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

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

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

Informative:

1: The connection to Betts Green Road should be to the specifications of the Street Manager/ Residents Association.

2: The proposed vehicular access must be constructed at right angles to the highway boundary and/ or to the proposed carriageway.

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

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

5. Representations

- 5.1 The representations and objections received in respect of this application are summarised below. The objections raised are addressed in the relevant sections of the main report below, at Section 6 – Assessment.

Parish Council

- 5.2 Little Clacton Parish Council support this application.

Local / Neighbouring Residents

- 5.3 6 letters of objection have been received from local residents. The concerns raised can be summarised as follows:

- Too high – not a 'cottage' style dwelling.
- Overbearing visual impact on gardens of properties fronting Harwich Road.
- Loss of view.
- Loss of light.
- Overlooking and loss of privacy.
- Lack of infrastructure to support such development.
- Disruption and harm to wildlife.
- Narrow and unmade Betts Green Road is insufficient to take any traffic.

- Access for fire appliances, ambulances or refuse collection vehicles is insufficient with no turning areas.
- Houses would increase the traffic and noise.
- Years of noise and disruption from building works.
- Surface water flooding.

5.4 1 letter of support has been received. The comments made can be summarised below:

- Site is some 60/70 metres from Harwich Road.
- Previous permission for 3 bedroom bungalows, not two.
- There is no overlooking to the front or rear.
- A mixture in this development would look good.
- Traffic would not be greater than the previous applications as same amount of bedrooms.

Member Referral

5.5 This application is before Members at the request of Councillor Bray, together with applications for Plot 4 (reference 21/02064/FUL) and Plot 5 (reference 21/02099/FUL), also referred to committee by Councillor Bray.

5.6 Councillor Bray raises the following points:

The height of the new proposal is not consistent with the conditions of the appeal decision. These will be clearly visible from Harwich Road and would be out of character with the current street scene. The increase in size and number of the bedrooms is not consistent with the appeal decision and will potentially cause even greater strain on the unmade Betts Green Road. The increased size and height of the new proposal will lead to the development being of cramped appearance and will detract from, rather than add to, the street scene.

I do not believe that the planning inspector intended the proposed outcome, given the substantial and vastly more impactful presence that the new proposal seeks to achieve, when reaching his decision at the appeal hearing and would have refused this current application.

6. Assessment

6.1 The main considerations in this instance are:

- Site Context;
- The Proposal;
- Relevant Planning History and Principle of Development;
- Scale, Layout and Appearance;
- Highway Safety, Access and Parking;
- Trees and Landscaping;
- Biodiversity and Protected Species;
- Residential Amenities;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space; and,
- Other Matters.

Site Context

6.2 The application site is located on the northern side of Harwich Road, to the south-west of Betts Green Road within the settlement of Little Clacton. The application relates to 'Plot 6' of the wider development approved under planning application references 16/02108/OUT and 18/00872/DETAIL / 20/01073/DETAIL for 8 bungalows. The site lies within the extended Little

Clacton Settlement Development Boundary as defined on Map B.19 of the adopted Tendring District Local Plan 2013-2033 and Beyond.

- 6.3 The site formally comprised of paddock land to the rear of Holly Lodge but development has now commenced under the original approval (and recent approval for variations to Plot 1 reference 21/00289/FUL).
- 6.4 Either side of the site access are existing dwellings, one a detached bungalow and the other being a detached chalet style dwelling. To the south of the site is linear residential development along Harwich Road, mostly 2 storey in height. Across the frontage of the site, which incorporates the residential curtilage of 'Holly Lodge', are several mature trees.
- 6.5 On the opposite side of Betts Green Road are several bungalows, a recent development of two chalet properties and 7 large detached dwellings beyond.

The Proposal

- 6.6 The application seeks full planning permission for the erection of one no. 1 chalet style dwelling being a variation to the single storey bungalow approved under planning application 16/02108/OUT with the details approved under application 18/00872/DETAIL.
- 6.7 Below is a summary of the differences between the approved and proposed schemes:

Scheme	Number of bedrooms	Garage	Parking spaces	Eaves height	Ridge Height	Orientation within plot
Original	3	Single detached	2	2.4	5.5	South facing
Proposed	3	Single detached	2	4	7.1	South facing

Relevant Planning History and Principle of Development

- 6.8 The principle of residential development on the site for 8 dwellings has been established by the approval of application 16/02108/OUT with the details approved under application 18/00872/DETAIL, and the access (serving this plot and the wider site) varied by application 20/01073/DETAIL.
- 6.9 Objections have been raised in relation to the development being contrary to the Planning Inspectorate’s findings and decision. However, the development was approved by officers under delegated powers and was not subject of an appeal. Objections have also been raised in regard to the lack of infrastructure to support the development. Again, as the principle of the development for 8 dwellings has been established and this development does not increase the number of units or bedrooms, this issue cannot be introduced as a reason to object to the amended development.
- 6.10 Planning application 16/02108/OUT was approved subject to a number of conditions, including Condition 8 for single storey properties only and Condition 9 controlling extensions and alterations to the dwellings. The wording of these conditions are shown below;

8 The development shall consist of single storey properties only.

Reason - To ensure the development relates appropriately to the character and appearance of the area, in the interests of visual amenity.

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

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in order to ensure that the properties retain sufficient private amenity space and the impact upon surrounding residents is not harmed.

- 6.11 Notwithstanding the conditions imposed on the original permission, every application must be considered on its own merits. The conditions themselves do not stop future development but allow the Local Planning Authority the opportunity to assess the detailed impact in accordance with current policies and material considerations at the time of the decision.
- 6.12 A similar approval to vary Plot 1 from a bungalow to a chalet dwelling was approved by officers under delegated powers on 30th July 2021(application reference 21/00289/FUL). Following the receipt of concerns from neighbouring residents and Councillor Bray regarding the height, design and impact on residential amenities, an amended scheme was sought from the agent. Amendments included the reduction in ridge height and a half hipped roof arrangement together with the submission of a building massing plan demonstrating the mixed character of the area. Although concerns were raised by Councillor Bray, the application was not referred to Planning Committee for determination. Having assessed the revised development for Plot 1, officers were satisfied that no material harm to the character of the area or neighbouring amenities would result, therefore delivering a policy compliant development for which a refusal of planning permission could not be justified.
- 6.13 The approved variation of Plot 1 does not set a precedent for the acceptability of other plots on the site to be amended to chalet style dwellings. As stated above, every application must be assessed on its merits.

Scale, Layout and Appearance

- 6.14 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 6.15 Betts Green Road and Harwich Road comprise a variety of single, 1.5 and 2 storey dwellings as clearly demonstrated by the Building Heights plan accompanying the application (drawing number 0952_A_SC_209/A). In the context of this mixed character area there can be no objection to the alternative height and design proposed. The proposal is almost identical to the variation approved for Plot 1. The proposal will add variety to the character of the development itself whilst being in keeping with Plot 1 and the wider character of the area.
- 6.16 In terms of layout, sufficient space is retained around the dwelling to all plot boundaries and to existing and proposed neighbouring properties. Having regard to the original approval, the siting of the proposed dwelling within the plot and the distance to neighbouring properties fronting Harwich Road is comparable. As with Plot 5, Plot 6 has open fields to the rear. The steep roof pitch and half hip roof arrangement minimises the bulk of the roof and visual impact of the height

increase. For these reasons, the proposal will not appear cramped within its plot, nor cumulatively contribute to a cramped development overall.

- 6.17 The appearance of the proposed dwelling is considered acceptable in design terms incorporating a protruding brick plinth, exposed rafters, render banding and decorate facia detailing, all contributing positively to the quality of the design and overall development.
- 6.18 Objections have been raised to the height and size of the proposed dwelling appearing out of character and creating a cramped development. However, the merits of the proposal as assessed above demonstrate that no material harm will result from the revised development.

Highway Safety, Access and Parking

- 6.19 Paragraph 108 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 6.20 Furthermore, Policy PPL10 of the Local Plan states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations.
- 6.21 The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is provided. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.22 Under application 18/00872/DETAIL Plot 5 was originally approved as a 3 bedroom detached bungalow with a detached single garage and 2 parking spaces. The proposed development, although 1.5 storey, also accommodates 3 bedrooms with a detached single garage. The revised proposal does not increase the parking requirements and will remain compliant with the Parking Standards.
- 6.23 Objections have been raised in relation to increased traffic and the narrow, unmade condition of Betts Green Road being unsuitable to serve the development and related larger vehicles. However, the principle of 8 no. 3 bedroom dwellings accessed via Betts Green Road has been established. The proposed variation does not increase the number of dwellings nor the number of bedrooms originally approved. Furthermore, the proposed amendments to the design and appearance of the dwelling occupying Plot 6 does not alter the access arrangements approved under 16/02108/OUT and 18/00872/DETAIL as varied by application 20/01073/DETAIL. For these reasons, it would be wholly unreasonable to refuse planning permission on highway safety grounds.
- 6.24 A suitable Construction Method Statement (satisfying the aims of Condition 6 of the outline planning application reference 16/02108/OUT) also accompanies this application. The development will also incorporate an electric vehicle charging point within the garage in accordance with the aims of Policy PPL10 above.
- 6.25 The Highway Authority raise no objection to this proposal subject to conditions, which will be imposed where necessary having regard to the scale of development and the planning history.

Trees and Landscaping

- 6.26 Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible. Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.
- 6.27 At the outline stage of the application process the developer provided a full Tree Survey and Report in order to show the extent of the constraint that the trees are on the development potential of the land. This information was in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations. The information provided demonstrated how the retained trees would be protected for the duration of the construction phase of any planning permission that may be granted. This information was also in accordance with BS5837: 2012 Trees in relation to design, demolition and construction Recommendations and includes a Tree Protection Plan.
- 6.28 The site layout secures the retention and physical protection of trees afforded formal legal protection by Tree Preservation Order 84/13 and also shows the retention of the other large trees on the land. Most notably T1 Oak, T10 Lime and T16 Pine (using the numbering system of the tree report). In terms of the development of the main body of the application site to the rear of Holly Lodge there are no implications for trees on the land other than the construction of the access road within the Root Protection Area of T1 Oak. This has been constructed using 'No Dig' specification to avoid causing harm to tree roots.
- 6.29 No trees, other significant vegetation or proposed landscaping will be adversely affected by the revised development proposal.

Biodiversity and Protected Species

- 6.30 Paragraph 174 of the National Planning Policy Framework 2021 require that Local Planning Authorities contribute to and enhance sites of biodiversity or geological value whilst paragraph 179 requires Local Planning Authorities to safeguard components of local wildlife-rich habitats. Paragraph 99 of Circular 06/2005 states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" it goes on to state "The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances".
- 6.31 Adopted Local Plan Policy PPL4 states that proposals for new development should be supported by an appropriate ecological assessments and, where relevant, provide appropriate mitigation and biodiversity enhancements to ensure a net gain.
- 6.32 During the outline and reserved matters stages of the application process the necessary preliminary appraisals and follow up reports were undertaken in accordance with the above-mentioned policies and guidance. These comprised of the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Greenlight Environmental Consultancy Ecological Appraisal and Mitigation and Enhancement details.
- 6.33 These details remain unaltered together with the ecology report submitted with the original application. In accordance with conditions imposed on the earlier permission, the vegetation has now been removed post the bird nesting season and it can be confirmed that there are no changes to the ground levels on the site.

6.34 Objections have been raised in relation to disturbance and harm to wildlife and biodiversity. However, the site has undergone all necessary preliminary and follow up ecology reports and the development will secure biodiversity enhancements as approved under 18/00872/DETAIL. There can be no objection to the development on ecology or biodiversity grounds.

Residential Amenities

6.35 Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP 4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

6.36 Furthermore, the Essex Design Guide offers guidance on maintaining acceptable sunlight and daylight to neighbouring dwellings. The daylight and sunlight tests are set out in the Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice' (2011). This document suggests that adequate daylight in interiors is achieved at an unobstructed 25° angle from a point 2m above floor-level at the facade. This would result in spacing of at least 10m between opposing houses. In most cases, however, and in order to develop and maintain an attractive townscape, it is desirable for this spacing to be less.

6.37 Under application 18/00872/DETAIL Plot 6 (House Type A) was originally approved as a 3 bedroom detached bungalow with a detached single garage and 2 parking spaces. The approved bungalow has an eaves height of 2.4 metres and an overall ridge height of approximately 5.5 metres with an east facing orientation.

6.38 The proposed 1.5 storey dwelling will have an eaves height of 4 metres and an overall ridge height of 7.41 metres. The proposed ridge height will be 1.9 metres higher than the previously approved bungalow. The front facing dormer windows are to be obscure glazed minimising any neighbouring impact. Whilst there will be a clear increase in height in comparison to the original approval, the separation distances and juxtaposition with neighbouring dwellings are considered to be sufficient to ensure no harmful overlooking, overshadowing or increased sense of enclosure will occur.

6.39 The application site also benefits from a generous rear garden with open fields beyond therefore being of a size and configuration that will meet the needs and expectations of future occupants in accordance with policy requirements.

6.40 Objections have been raised regarding the visual impact on gardens of the properties fronting Harwich Road as well as overlooking and loss of privacy. However, having carefully considered the proposal against the above-mentioned policies and guidance, the proposed design and increase in height and bulk are considered to be acceptable.

6.41 Objections have also been raised relating to the loss of view and disruption from building works associated with the development. However, a loss of view is not a material planning consideration. Furthermore, any disruption from building works is an inevitable part of the planning process and cannot be the basis of a refusal of planning permission. This is temporary disruption and can be appropriately managed through appropriate working hours controlled by the Construction Method Statement and relevant environmental protection legislation.

6.42 In light of the above, the proposal is considered to be acceptable from a residential amenity perspective.

Financial Contribution - Recreational Disturbance

- 6.43 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. Mitigation measures must be secured prior to occupation.
- 6.44 The application scheme proposes a dwelling on a site that lies within the Zone of Influence (Zol) being approximately 4,500 metres from the Hamford Water SAC, SPA and Ramsar sites. New housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water and in combination with other developments it is likely that the proposal would have significant effects on the designated site.
- 6.45 Local Plan Policy SP 2 states that contributions will be secured from development towards mitigation measures in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy 2018-2038 (RAMS). The current charge is £127.30 per dwelling (likely to increase in April 2022).
- 6.46 To ensure that new residential development would not adversely affect the integrity of European Designated Sites in compliance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017, an application would need to be accompanied by a completed unilateral undertaking to secure the legal obligation. However, in this instance, development has commenced under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL. The necessary financial contribution toward recreational disturbance (RAMS) has been paid in full for all eight dwellings. Therefore, this current application does not require a unilateral undertaking.

Financial Contribution - Open Space and Play Space

- 6.47 Policy HP5 of the 2013-2033 Local Plan aims to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types. For smaller scale developments better served by an existing nearby area of open or play space, a financial contribution may be sought through a legal agreement. The contribution should be used towards the delivery of improvements, expansion or new open spaces and/or sports facilities.
- 6.48 The original development was approved at a time when open space contributions were not sought for developments of this size and scale. The principle of 8 no. 3 bedroom dwellings on the site has been established. The proposed variation does not increase the number of dwellings nor the number of bedrooms originally approved. Therefore, it would unreasonable to seek a financial contribution toward open space as part of this application given the establish fall-back position.

Other Matters - Previous Conditions

- 6.49 Whilst this planning application is a freestanding development proposal that has been assessed on its own merits, the application site forms part of a wider development site for 8 dwellings subject of a number of conditions and requirements imposed on the approval notices. This revised application must remain compliant with any relevant report findings and conditions. These are summarised below:

- **16/02108/OUT**

Condition 3 – Ecological Management and Enhancement Scheme

Condition 6 – Construction Method Statement (approved under 21/00440/DISCON)

- Condition 7 – Surface Water Drainage Strategy (approved under 21/00440/DISCON)
- Condition 10 – In accordance with Tree Survey
- Condition 11 – Timing of clearance (site cleared in accordance)

- **18/00872/DETAIL**

- Condition 4 – Implementation of approved landscaping
- Condition 6 – Turning / driveways / garages provided prior to occupation and retained
- Condition 7 – In accordance with Ecological Appraisal and Enhancement details

- **20/01073/DETAIL**

- Condition 2 – Implementation of revised landscaping
- Condition 3 – Provision of junction visibility splays prior to occupation
- Condition 4 - No dig technology

6.50 In order to ensure compliance with the previously approved details, where relevant and necessary, appropriately worded conditions are recommended at section 8.2 should Members be mindful to approve the application.

6.51 Objections have been received in relation to surface water flooding and flooding within neighbouring gardens. However, a strategy has been agreed and any disturbance should be appropriately mitigated through the approved scheme.

7. Conclusion

7.1 For the reasons set out above, officers are satisfied that the proposed variation will not result in any material harm to visual amenity, the character of the area or neighbouring amenities that would warrant refusal of planning permission.

7.2 In the absence of any material harm resulting from the revised proposal for Plot 6, officers are recommending 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 TIME LIMIT:

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 APPROVED PLANS:

The development hereby permitted shall be carried out in strict accordance with the following approved plans:

0823_A_SC_22	Proposed Site Layout Plan
0823_A_SC_23	Proposed Floor Plans
0823_A_SC_24	Proposed Elevations
0952_A_SC_214B	Proposed Elevations showing obscure glazing
0952_A_SC_300	Site Assembly Plan
0952_A_SC_301	Elevation Comparison Drawing
0952_A_SC 271	Garage Floor Plan and Elevations

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

3 MATERIALS DETAILS:

Prior to the commencement of any above ground works, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of the development hereby permitted shall be 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 - Materials are a visually essential requirement to ensure a quality development and insufficient information has been provided within the application.

4 IN ACCORDANCE WITH SURFACE WATER DRAINAGE STRATEGY:

No part of the development shall be occupied or brought into use until the agreed method of surface water drainage approved under 21/00440/DISCON has been fully installed and is available for use.

Reason - To minimise the risk of surface water flooding.

5 IN ACCORDANCE WITH TREE SURVEY:

The development shall be carried out in accordance with the Tree Survey and Tree Constraints Plan (Drawing No. 6183-D) dated 4.09.17 unless otherwise agreed in writing by the Local Planning Authority.

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

6 NO DIG TECHNOLOGY:

All hard surface areas within the root protection area of the retained Oak tree adjacent to the access shall be constructed using no dig technology.

Reason - To ensure the longevity of the retained tree in the interests of visual amenity.

7 NO FENCES FORWARD OF DWELLING:

Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of fences, walls or other enclosures, shall be erected forward of the front elevation of the dwelling hereby approved.

Reason - In the interests of visual amenity to retain a spacious appearance and in the interests of the quality of the development.

8 IMPLEMENTATION OF APPROVED LANDSCAPING:

All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved landscaping details 0952_A_SC_213 shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - To ensure the implementation of the approved scheme and adequate maintenance of the landscaping for a period of five years in the interests of the character of the surrounding area.

9 IN ACCORDANCE WITH ECOLOGY DETAILS:

The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal and Great Crested Newt Survey dated 30th July 2018 and the Mitigation and Enhancement details - Timetable for Implementation and Proposed Ecological Enhancement Plan drawing ref. PA-40 as previously approved under application reference 18/00872/DETAIL.

Reason - In the interest of biodiversity.

10 POROUS SURFACING:

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

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

11 PARKING DIMENSIONS:

Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each garage shall have internal dimensions of 7 metres x 3 metres in accordance with the EPOA Parking Standards.

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

12 PROVISION & RETENTION OF ROAD/TURNING/PARKING:

The development shall not be occupied until such time as the road, turning, driveways and garages have been provided in accordance with the approved plans and shall be retained in this approved form thereafter.

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

13 CYCLE PARKING:

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.

14 VISIBILITY SPLAYS:

Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 59 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

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

15 IN ACCORDANCE WITH CMS:

The accompanying Construction Method Statement shall be adhered to throughout the construction phase of the development unless otherwise agreed in writing by the Local Planning Authority.

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

8.3 Informatives

Positive and Proactive Statement

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

Legal Agreement Informative - Recreational Impact Mitigation

This development is subject of a planning obligation securing a financial contribution toward recreational disturbance mitigation in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017. According to our records, this contribution has been paid in full upon the commencement of the development under the originally approved applications 16/02108/OUT, 18/00872/DETAIL and 20/01073/DETAIL.

Highways Informatives

1: The connection to Betts Green Road should be to the specifications of the Street Manager/ Residents Association.

2: The proposed vehicular access must be constructed at right angles to the highway boundary and/ or to the proposed carriageway.

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

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

Standard Informative 1: The Provisions of the Essex Act 1987, Section 13 (Access for the Fire Brigade) may apply to this Development and will be determined at Building Regulation Stage.

Standard Informative 2: You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control section at Tendring District Council.

Standard Informative 3: If the development includes the construction of a new building on or at the boundary of 2 properties, work to an existing party wall or party structure or involve excavation near to and below the foundation level of neighbouring buildings, you are advised that the provisions of the Party Wall Act 1996 may apply to this development. An explanatory booklet concerning the implications of this Act is available online or from the District Council.

9. Additional Considerations

Public Sector Equality Duty (PSED)

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

Human Rights

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

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by

Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

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

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PLANNING COMMITTEE

15 March 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.5 PLANNING APPLICATION – 21/01748/FUL – KINGSCLIFF HOTEL 55 KINGS PARADE HOLLAND ON SEA CLACTON ON SEA CO15 5JB



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Application: 21/01748/FUL

Town / Parish: Clacton Non Parished

Applicant: Stephen Gook - Flying Trade Group PLC

Address: Kingscliff Hotel 55 Kings Parade Holland On Sea Clacton On Sea CO15 5JB

Development: Proposed retention of constructed dining pod.

1. **Executive Summary**

- 1.1 The application has been referred to the Planning Committee at the request of Councillor Baker due to the fact that the building is out of character and does not improve the street scene, it is poorly designed and has a negative impact on the street scene, it is not in accordance with emerging Plan (Part 2) Policy SPL3 or PP2 and the negative impact upon neighbours.
- 1.2 This application seeks planning permission for the retention of the constructed dining pod.
- 1.3 The application site is located within the settlement development boundary of the Tendring District Local Plan 2013-2033.
- 1.4 Local Plan Policy PP8 states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors.
- 1.5 A condition is imposed in regards to lighting and to restrict the use of music within the pod.
- 1.6 The dining pod is considered acceptable in terms of its design and appearance and it is considered that it will not cause any material impact upon neighbouring amenities.

Recommendation:

That the Assistant Director for 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**

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

National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP7 Place Shaping Principles

PP8 Tourism

SPL3 Sustainable Design

Local Planning Guidance

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

3. Relevant Planning History

92/00839/FUL	(Kingscliff Hotel, 55 Kings Parade, Holland on Sea) Rear extension	Approved	07.08.1992
12/00251/FUL	First floor extension to provide six additional bedrooms.	Approved	14.05.2012
13/01239/NMA	Additional fixed element not indicated on original submission.		04.11.2013
13/01404/FUL	Variation of Condition 2 of 12/00251/FUL to include the proposed/installed extract ducts from the kitchen and revised window sizes/positions to north, south and western elevations.	Approved	17.03.2014
14/01504/FUL	Erection of 3 bedroom house & associated landscaping works.	Withdrawn	11.02.2015

4. Consultations

Building Regulations
04.03.2022

Provided that the dining pod has a floor area of no more than 15m² and will not be used for sleeping accommodation it will be exempt under the Building Regulations, by virtue of Schedule 2, Class 6; Small detached buildings, item 3. Please see an excerpt below:

CLASS 6

Small detached buildings

1. A detached single storey building, having a floor area which does not exceed 30m², which contains no sleeping accommodation and is a building—

(a) no point of which is less than one metre from the boundary of its curtilage; or

(b)which is constructed substantially of non-combustible material.

2. A detached building designed and intended to shelter people from the effects of nuclear, chemical or conventional weapons, and not used for any other purpose, if—

(a)its floor area does not exceed 30m²; and

(b)the excavation for the building is no closer to any exposed part of another building or structure than a distance equal to the depth of the excavation plus one metre.

3. A detached building, having a floor area which does not exceed 15m², which contains no sleeping accommodation.

With regards to the fire safety aspect, this would be a matter for the owner of the premises to incorporate this new building into his Fire Risk assessment under his obligations to the Regulatory Reform Order 2005. This legislation is enforced by the Fire and Rescue Service.

Environmental Protection
09.02.2022

I can confirm that given the information below the EP Team would suggest that no music is allowed to be played within the Pod.

Our original response was based on information stating that no music was to be played in the pod, however, given the information now indicates that the use of a speaker will be permitted by the site to enable patrons to play music from their mobile device and given there is no limiter associated with the level of noise, a speaker by its nature, indicates music will be played and this would have the potential for a level of audibility outside of the pod. In addition, the type of materials used within the construction may not be effective in minimising sound escape; we do have some concerns in relation to this activity.

As a result of this, the EP Team would suggest that should this application be given approval, a condition relating to the use of music should be considered.

Reason: to protect the amenity of nearby residential dwellings.

Environmental Protection
20.01.2022

Given the confirmation from the Agent we have no comments to make in relation to noise.

We would suggest that the use of the pod is conditioned on any potential, subsequent, approval; and in addition would request an informative in relation to lighting is included -

Lighting: Any lighting of the pod in question should be located, designed and directed [or screened] so that it does not [cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary]. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

REASON - to protect the amenity of nearby residential

5. Representations

5.1 Clacton is non parished.

5.2 1 letter of support has been received stating the following:

The Kingscliff is an asset to the area and should be encouraged. As for the pod I don't have a problem with it's look it appears to be a standard design as I've seen the same thing in a number of places, it's distinctive and modern which brings the area up to my mind many people are going for a more modern look with their homes you don't have to look too far to see them.

5.3 1 letter of objection has been received raising the following concerns:

- Number 45 Kings Parade did not receive a planning notification

In response to this concern, neighbouring properties are only notified if they share a common boundary with the application site. A site notice was also erected to notify neighbours.

- No planning notice has been displayed outside of the Kingscliff Hotel

A site notice was erected on 10th November 2021 on the lamppost along Kings Parade in front of the Kingscliff Hotel to notify neighbours of the proposed development which allows up to 21 days for representation to be submitted.

- Concerns that the pod is used for separate parties to the Kingscliff

It has been confirmed within an email dated 20th January 2022 from the planning agent that the pod will be used for dining purposes only which will be ancillary to the Kingscliff hotel only.

- Concerns in regards to the noise from the pod

This has been addressed within the report, however a condition will be imposed so that no music is allowed to be played within the pod.

- Concerns that there is no building control application and no fire regulations approval for the pod

The floor area of the dining pod is approximately 18.09 square metres which exceeds the 15 square metres outlined by building regulations and therefore it is likely that building regulations application is required. Regardless, this concern is not a material planning consideration, the onus is on the applicant to seek any necessary building control and fire regulations approval.

- Concerns that the pod is used for separate dining and alcohol with no license.

As stated above, the pod will be used ancillary to the Kingscliff Hotel. The current alcohol license for the Kingscliff Hotel covers the use of alcohol within the dining pod.

- Concerns that there is a covenant along the front of Kings Parade to restrict development

Covenants are separate from planning and therefore this is not a material planning consideration. If such a covenant does exist the applicant would need to take legal advice.

6. **Site Assessment**

Site Description

- 6.1 The application site refers to the Kingscliff Hotel located in Holland on Sea. The Kingscliff Hotel is located on a corner plot between Kings Parade and Kings Avenue. The application site is located within the settlement development boundary of Clacton on Sea.

Proposal

- 6.2 This application seeks planning permission for the retention of a dining pod.

Principle of Development

- 6.3 Policy PP8 of the Tendring District Local Plan 2013 – 2033 states that to attract visitors to the Tendring District and support economic growth in tourism, the Council will generally support proposals that would help to improve the tourism appeal of the District to visitors, subject to other relevant policies in the Local Plan. It is therefore considered that the principle of the dining pod which is ancillary to the Kingscliff Hotel is acceptable in this location subject to the detailed considerations below.

Design and Appearance

- 6.4 One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design. Policies SP1 and SPL 3 of the Tendring District Local Plan 2013-2033 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties.
- 6.5 The dining pod is visible along Kings Parade. The pod is located to the south west of the Kingscliff Hotel with access through to the main dining area.
- 6.6 The proposal is single storey in nature and is constructed from clear polythene sheets over a timber frame. The pod can seat up to 8 people and has a width of 4.8 metres and a height of 3 metres.
- 6.7 Although visible to the street scene, it is set back from the highway and is in line with the existing band stand to the south of the dining pod. It is considered that the design and appearance is acceptable and would result in no material harm to visual amenity or the character of the surrounding area.

Impact upon Neighbouring amenities

- 6.8 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.9 The application site is located within a predominantly residential area. The activity associated with use of the dining pod could cause harm to the living conditions of neighbouring properties, in particular from noise. There is obviously already the potential for noise from patrons using the hotel garden. The pod is located approximately 14 metres away from the boundary shared with number 49 Kings Parade.

6.10 Environmental Protection have stated that a lighting condition should be imposed to ensure that this does not adversely impact neighbouring properties. A condition is also recommended to ensure that no music is played within the dining pod particularly due to the thin nature of the polythene sheets. Subject to these conditions the proposal would result in no material harm to residential amenity.

7. Conclusion

7.1 The retention of the dining pod subject to the conditions relating to the lighting and the use of music is acceptable in this location in terms of visual amenity and residential amenity. .

8. Recommendation

8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informative's.

8.2 Conditions and Reasons

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

- Drawing No. KH100 REV A

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

2 Any lighting within the dining pod shall be located, designed and directed/screened so that it does not cause Avoidable Intrusion to neighbouring properties.

Reason - To protect the amenity of nearby residential dwellings

3 No music of any kind shall be played within the dining pod at any time unless otherwise agreed in writing by the Local Planning Authority.

Reason – To protect the amenity of nearby residential dwellings.

4 The dining pod hereby approved shall not be occupied at any time other than for purposes ancillary to the Kingscliff Hotel, 55 Kings Parade, Holland on Sea.

Reason - The site is unsuitable for an independent tourism or restaurant use in this location.

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.

Informative in relation to Condition 2

"Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

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;
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