



## PLANNING COMMITTEE

**DATE:** Wednesday, 16 February 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](http://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](http://www.tendringdc.gov.uk) Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages. For further details and general enquiries about this meeting, contact Keith Durran, email: [Kdurran@tendringdc.gov.uk](mailto:Kdurran@tendringdc.gov.uk) or on 01255686585

DATE OF PUBLICATION: Monday, 7 February 2022

## AGENDA

### **1 Apologies for Absence and Substitutions**

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

### **2 Minutes of the Last Meetings (Pages 1 - 26)**

To confirm and sign as correct records, the minutes of the meetings of the Committee, held on Tuesday 21 December 2021 and Tuesday 18 January 2022.

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 38**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 A.1 PLANNING APPLICATION - 19/00851/DETAIL - LAND EAST OF POND HALL FARM STOUR CLOSE HARWICH ESSEX CO12 5EW (Pages 27 - 66)**

This application seeks approval of the Reserved Matters (as outlined above) associated with the granting of planning permission 19/00917/OUT, which was a hybrid application for the comprehensive development of the site consisting of outline approval to create employment units (including start ups), café/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space, associated means of access, internal estate road and car parking. The full approval included the creation of retail shop units, foodstore, petrol filling station, associated highway works and improvements including a new roundabout off the A120 and link road, earthworks, service infrastructure and other associated works & improvements.

### **6 A.2 PLANNING APPLICATION - 21/02097/FUL - HOLLAND FOOTBALL CLUB THE CLUBHOUSE DULWICH ROAD HOLLAND-ON-SEA ESSEX (Pages 67 - 74)**

This application is before Members as Tendring District Council is the land owner.

### **7 A.3 PLANNING APPLICATION - 21/01687/FUL - JUBILEE FIELD NAZE PARK ROAD WALTON-ON-THE-NAZE ESSEX CO14 8JZ (Pages 75 - 82)**

This application is before Members as Tendring District Council is the land owner and applicant.

### **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 Tuesday, 15 March 2022.*

## **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.

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 21ST DECEMBER, 2021 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Codling, Fowler and Placey
<b>Also Present:</b>	Councillor McWilliams
<b>In Attendance:</b>	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Gary Guiver (Acting Director (Planning)), Graham Nourse (Assistant Director (Planning)), Trevor Faulkner (Planning Manager), Nick Westlake (Planning Officer), Keith Durran (Committee Services Officer) and Matt Cattermole (Communications Assistant).

**182. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

An apology for absence was received from Councillor Harris with no substitution.

**183. MINUTES OF THE LAST MEETING**

It was moved by Councillor Bray and seconded by Councillor Baker and :-

**RESOLVED** that the minutes of the last meeting of the Committee held on 7 December 2021 be approved as a correct record.

**184. DECLARATIONS OF INTEREST**

There were none on this occasion.

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

There were none on this occasion.

**186. A.1 PLANNING APPLICATION – 21/01257/OUT - LAND TO THE SOUTH OF WEELEY ROAD AND TO THE EAST OF BIRCH AVENUE AND PINE CLOSE GREAT BENTLEY**

Before the meeting, an update sheet had been distributed to the Committee with details of an update in respect of an Essex Highways Update received on 13/12/2021; building regulations approval; and a recommended additional condition.

It was reported that this application had been referred to the Planning Committee at the request of the Assistant Director (Planning) as the original outline application 17/01881/OUT had been refused by the Local Planning Authority and its decision was then subsequently overturned by the Planning Inspectorate. Within that appeal decision the Planning Inspector had included a Planning Condition (no 12) that ensured the 'link' to Birch Avenue from the host site would be 3m wide and a pedestrian and cycle link.

The Committee was reminded that the current application sought to vary condition 12 of application 17/01881/OUT (allowed on appeal APP/P1560/W/19/3231554) to remove the reference within condition 12 which required the pedestrian/cycle link between the site and Birch Avenue to be 3 metres in width and also allowing for that link between the site and Birch Avenue to be a pedestrian link only. That was because the applicant had discovered there was not 3m between 74 Birch Avenue and 76 Birch Avenue to construct such a link.

Members heard that, as established through the granting of outline application 17/0881/OUT, the principle of residential development for up to 136 dwellings on this site was acceptable. Within this application it was considered acceptable that the footpath link between the host site and Birch Avenue could be under 3m in width and pedestrian only as this should provide benefits to pedestrian safety when using the link rather than sharing the link with cyclists riding their bikes through. Cyclists would be allowed to walk their bikes through the link.

In the opinion of Officers the detailed design and layout was considered acceptable. The proposal would not result in any significant material harm to residential amenity or highway safety and would still support sustainable means to access the village.

The application was therefore recommended by Officers for approval subject to a legal agreement to secure the management of the footpath link, Public Open Space, Drainage features, landscaping and maintenance of the non-adopted highway network. Those latter elements were assessed more fully in the Reserved Matters application 21/00977/DETAIL.

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

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

Samuel Caslin, the agent acting on behalf of the applicant, spoke in support of the application.

Alison Clark, a resident, spoke against the application.

Councillor Lynda McWilliams, the local Ward Member, spoke against the application.

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
Does the Committee have the authority to go against the Planning Inspector's conditions?	Yes, the varied condition application can be considered by the Committee.
The Planning Inspector's condition was very specific and certain, what argument could be put forward that	In consultation with Essex Highways, who had also agreed that the proposed variance was

they were wrong?	acceptable.
<p>Could the following policies from the Local Plan be explained: SPL3 B&amp;C, SP 6, CP 1&amp;2.</p>	<p>Policy SPL3 says that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character.</p> <p>The adopted policy SP6 stated that the local planning authority shall deliver changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles.</p> <p>Policy CP1 of the Emerging Local Plan section Two 2013 - 2033 (emerging plan) and beyond states that proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.</p> <p>Emerging Policy CP2 states proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport.</p>

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

**RESOLVED** that the Assistant Director (Planning) (or equivalent authorised Officer) be authorised to refuse planning permission for the development, contrary to the Officers' recommendation of approval, for the following reasons:-

1. The 2021 National Planning Policy Framework (Framework) defines the social objective of sustainable development to

support strong, vibrant and healthy communities, by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The environmental aspect of sustainable development, as referenced in the Framework, seeks to protect and enhance our natural, built and historic environment; including making effective use of land, mitigating and adapting to climate change, including moving to a low carbon economy.

A move towards the use of sustainable transport modes is a key element in achieving a low car economy. The framework defines sustainable transport modes and being any efficient, safe and accessible means of transport with overall low impact on the environment including walking and cycling. Paragraph 92 of the framework states that Planning policies and decisions should aim to achieve healthy, inclusive and safe place which, are safe and accessible for example through the use of attractive, well designed, clear and legible pedestrian and cycle routes. Paragraph 97 of the framework states planning decisions should promote public safety, this includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

Paragraph 104 of the framework states that development proposals should consider opportunities to promote walking and cycling when considering high quality places. Paragraph 106 advises that planning policies should provide for attractive and well-designed walking and cycling networks. Paragraph 110 of the framework states that in assessing sites that may be allocated for development in plans it should be ensured that there is safe and suitable access to the site can be achieved to all users. Paragraph 112 of the framework states developments should give first priority to pedestrians and cycle movements both within schemes and with neighbouring areas. Developments should address the needs of people with disabilities and reduced mobility in relation to all modes of transport. Creating places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

Paragraph 130 of the framework states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Establish a sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Also that developments should create places that are safe, inclusive and accessible and which promote health and wellbeing with a high standard of amenity for existing and future

users and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience. Finally the framework states in paragraph 134 development that is not well designed should be refused.

At a local level the emerging local plan says in Policy SPL3 that all new development (including changes of use) should make a positive contribution to the quality of the local environment and protect or enhance local character. The design and layout of the development maintains and or provides safe and convenient access for people with mobility impairments and the development incorporates or provides for measures to minimise opportunities for crime and anti-social behaviour. Policy LP3 states that new residential developments has regard to accessibility to local services, and enhance that character in the immediate area.

Policy CP1 of the Emerging Local Plan section Two 2013 - 2033 (emerging plan) and beyond states that proposals for new developments for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.. In order to reduce dependence upon private car transport, improve the quality of life for local residents, facilitate business and improve the experience for visitors, all such applications should include proposals for walking and cycling routes and new or improved bus-stops/services. Emerging Policy CP2 states proposals for new development which contribute to the provision of a safe and efficient transport network that offers a range of sustainable transport choices will be supported. Major development proposals should include measures to prioritise cycle and pedestrian movements, including access to public transport.

The pre text to adopted Policy SP6 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states:

'through implementation of the Essex Cycling Strategy (2016), Cycling Action Plans have been prepared in all the NEAs to increase cycle levels; identify safety issues; identify gaps on key routes; identify ways of closing gaps; and create better cycle connectivity to key employment areas, development zones and schools. The provision of continuous cycle routes and a coherent cycle network will encourage people to make short trips by bicycle rather than by car.'

The adopted policy SP6 the local planning authority shall deliver changes in travel behaviour by applying the modal hierarchy and increasing opportunities for sustainable modes of transport that can compete effectively with private vehicles. Also provide a comprehensive network of segregated walking and cycling

routes linking key centres of activity. The policy also aims to facilitate the delivery of a wide range of social infrastructure required for healthy, active and inclusive communities, minimising negative health and social impacts, both in avoidance and mitigation. New developments should provide the conditions for a healthy community through the pattern of development, good urban design, access to local services and facilities; green open space and safe places for active play and food growing, and which are all accessible by walking, cycling and public transport.

Adopted policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that all new development must meet high standards of urban and architectural design. Responding positively to local character and context to preserve and enhance the quality of existing places and their environs. Also create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car.

Policy QL2 of the adopted 2007 Local Plan states that all new development proposals should be located and designed to avoid the reliance on the use of the private car and promote travel choice where cyclists are second in priority behind pedestrians that are first. Adopted Policy TR3a (2007 Local Plan) says where practicable all developments will be required to link with existing footpath and public rights of way networks and provide convenient, safe, attractive and direct routes for walking. Where appropriate, development should also improve links to and between pedestrian routes and public transport facilities, and support pedestrian priority measures.

Adopted Policy TR5 (2007 Local Plan) of the adopted Plan states that all major new developments should provide appropriate facilities for cyclists. These include safe, convenient and clearly defined access to, and circulation within the development site. Cycling provision at developments should link with existing cycle networks, and take account of the need for improvements to the network. Existing and proposed cycle routes will be safeguarded and existing routes should be safeguarded as part of the public highway network by legal order.

Adopted Policy COM1 (2007 Local Plan) states development involving buildings or spaces to which the public will have access as visitors, customers or employees will not be permitted if the design and layout does not provide safe and convenient access for people of all abilities. In particular, to ensure an inclusive environment development shall provide entrances which can be easily and safely accessed by all users, including those with mobility and sensory impairments. Provide safe and convenient access to the development for people of all abilities from parking

areas, drop-off points and adjoining public spaces; and clear signposting of accessible facilities and routes to accessible entrances.

Adopted Policy COM2 (2007 Local Plan) states all new development shall contribute to a safe and secure environment, which reduces the incidence and fear of crime and disorder by reducing criminal opportunity and fostering positive social interactions between legitimate users. In particular development shall:

1. maximise overlooking of areas which may be vulnerable to crime such as public spaces, car parking areas and footpaths;
2. maintain a discernible distinction between public and private spaces; and
3. provide a good standard of lighting to public spaces and routes.
  - i. Measures referred to in (1) above, to protect the security of people and property, must be compatible with the character and amenities of the area, which can be successfully achieved through good design.
  - ii. In appropriate cases the Council may seek developer contributions towards the provision of CCTV, lighting or other security measures.

The proposed pedestrian only footpath link would be contrary to the formation of a pedestrian / cycle link that was requested through the appeal decision associated with the original decision, cumulating in Condition 12 of the original decision being formed as part of the decision. The narrower pathway would be a less sustainable form of access reducing the ability or likelihood of cyclists to use the link significantly reducing the sustainability credentials of the original scheme that was highlighted as being of fundamental importance to the initial decision making process.

The narrowing to the link shall result in a compromised level of public safety for users especially where there is a 'pinch point' between 74 and 76 Birch Avenue. As a result of the reduced width especially via the pinch point throughout the link the possibility of mobility scooters, prams and wheelchair users finding passing difficult or impossible especially during the narrowest section is unacceptable to the local planning authority. Furthermore, the fear or perception of crime shall be increased by having sections along the link (either side of the pinch points) where individuals could hide behind outside of lines of sight of

others using this link. Again, this design element of the link is fundamentally objectionable to the Local Planning Authority. Due to the compromised overall reduced width design this is likely to result in less people using the link and a greater use of car movements to access local services and this is in complete contradiction to the instruction of the original Planning Inspector's decision and policies and guidance on such matters.

Overall, the link, due to its narrowed awkward design is less visually attractive and represents a poor design solution that fails to provide a continuous cycle route between the new development and the key centres of activity in the rural service centre of Great Bentley thus reducing the ability for cycling to compete effectively with private motor vehicles for trips to the centre of Great Bentley. It would fail to make people feel safe and secure when using the link, and fail to adhere to the social and environmental strands of sustainable development as defined by the framework together with aforementioned national and local policies listed above.

**187. A.2 PLANNING APPLICATION - 21/00977/DETAIL - LAND TO THE SOUTH OF WEELEY ROAD AND TO THE EAST OF BIRCH AVENUE AND PINE CLOSE GREAT BENTLEY**

Before the meeting, an update sheet had been distributed to the Committee with details of an update in respect of two new comments received from neighbouring properties; landscaping & biodiversity; archaeology; and recommended additional conditions.

The Committee was informed that this application had been referred to the Planning Committee at the request of the Assistant Director (Planning) as the original outline application had been refused by the Local Planning Authority and its decision had been subsequently overturned by the Planning Inspectorate.

Members were informed that the current application sought approval of the reserved matters relating to outline planning permission 17/0881/OUT, which granted planning permission for the erection of up to 136 dwellings with access from Weeley Road, informal recreation space, a local area of play and associated development. This application also included details of appearance, landscaping, access, layout and scale which had not been included as part of the outline.

The Committee was made aware that the application also dealt with the 'detail' of a footpath only link to Birch Avenue being under 3m in width. The original outline permission had required this link to be a pedestrian and cycle link and 3m wide. This matter had already been deliberated upon by the Committee earlier in the meeting when it had considered application 21/01257/OUT (Minute 186 referred).

As established through the granting of outline application 17/0881/OUT the principle of residential development for up to 136 dwellings on this site was

acceptable. [However, the Committee had not considered it to be acceptable under application 21/01257/OUT, that the footpath link to Birch Avenue could be under 3m in width and pedestrian only.]

The detailed design, layout, landscaping and scale were considered acceptable by Officers who felt that the proposal would result in no material harm to residential amenity or highway safety.

The application was therefore recommended by Officers for approval subject to a legal agreement to secure the management of the open space, drainage features, landscaping and non-adopted highway network.

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

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

Samuel Caslin, acting on behalf of the applicant, spoke in support of the application.

Alison Clark, a resident, spoke against the application.

Councillor Lynda McWilliams, the local Ward Member, spoke against the application.

<b>Matters raised by a Committee Member:-</b>	<b>Officer's response thereto:-</b>
Where in the report does it state it has to be 90mtrs splay on either side of the access?	The applicant is adhering to the Essex Highways Design Standards for this speed of road.
Where are the affordable houses? Also is it correct that the affordable houses don't have garages?	They tend to be situated at the western end of the site; albeit they are clustered in groups of no more than 10 dwellings per cluster and as such meet the requirements of the emerging Local Plan, at least 'technically' but perhaps not in the spirit of ensuring that the AH units are pepperpotted across the entire site. Yes none of the affordable houses have garages but in this case neither do many of the private units, so it is reasonable to conclude that the proposed scheme would be 'tenure blind'.
Will the possible archaeological aspect of this site be investigated?	There is a recommendation that assures this must take place.
Is there a way to challenge the	They would need a report from an

decision of the Tree Officer?	expert offering evidence in the contrary to the Officer that would then be considered.
Are the external chimney stacks actual useable chimneys or just faux chimneys?	Faux chimneys

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Placey and:-

**RESOLVED** that : consideration of application 21/00977/DETAIL be deferred in order to allow the Officers to attempt to resolve the following matters with the Applicant:-

- The footpath link;
- retention of the oak trees in the field;
- visibility splays to access;
- archaeological exploration;
- clustering of affordable housing to be reconsidered and better 'pepper potted' across development; and
- consideration to be given to extending 30mph speed limit to the east along Weeley Road.

**188. A.3 PLANNING APPLICATION - 21/00978/FUL - LAND TO THE SOUTH OF WEELEY ROAD GREAT BENTLEY**

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

**RESOLVED** that consideration of application 21/00978/FUL be deferred in on order to allow the outstanding matters in relation to application 21/00977/DETAIL to be first resolved.

**189. A.4 PLANNING APPLICATION - 21/01490/VOC - LAND ADJACENT 2 WIVENHOE ROAD ALRESFORD CO7 8AD**

It was reported that this application had been referred to the Planning Committee as one of the landowners was an employee of Tendring District Council. The application sought planning permission for the variation of condition 2 of application 19/01261/FUL to allow for design amendments to plots 2 and 3.

The Committee heard how the site fell adjacent to, but outside of, the Alresford Settlement Development Boundary within the Adopted Tendring Local Plan 2007 but fell inside the Settlement Development Boundary for Alresford within the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. It was considered by Officers that the design changes to Plots 2 and 3 were more of a traditional appearance and were in keeping with the different types of housing along Wivenhoe Road.

Members were informed that there would be no impact upon residential amenities, impact on trees or impact upon highways. Alresford Parish Council had no objection and one letter of support had been received.

<p>Is the only reason this application is before the Committee is because the applicant is a TDC staff member?</p>	<p>Yes, that is correct.</p>
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Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Baker and unanimously:-

**RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions and reasons:-

1. The development hereby permitted shall begin no later than 14 August 2023.

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

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

- Drawing no. 714/1
- Drawing no. 714/2
- Drawing no. 714/3
- Drawing no. 714/4
- Amended Site Plan – Scanned 11 Nov 2021

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

3. The development hereby approved shall be carried out in accordance with drawing no. RS/TP/01 – Tree Constraints Plan and Arboricultural Report – Dated 25/06/13 as submitted under application 21/01572/DISCON.

Reason - To ensure the protection of the retained trees on site.

4. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on approved

Drawing no. 714/1 submitted under 21/01572/DISCON 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 implementation and maintenance of the approved landscaping scheme for a period of five years in the interests of the character and quality of the development.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement of the dwelling houses, additions to their roofs or the construction of buildings incidental to their enjoyment, as permitted by Classes A, B and E of Part 1 of Schedule 2 of that order, shall take place.

Reason - To protect the semi-rural landscape and in the interests of visual amenity.

6. Prior to the first occupation of the dwellings hereby approved, the vehicular access and off street parking and turning facilities in regards to plot 1, as shown on approved drawing 41 Rev B submitted under 20/01409/FUL and in regards to plot 2 and 3 as shown on drawing no. 714/1 and an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority, shall be provided.

Reason - To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety.

7. The development hereby approved shall be carried out in accordance with the drawing no. 714/1/CMS and Construction Method Statement scanned 07 Sept 2021 submitted under application 21/01572/DISCON unless otherwise agreed in writing by the local planning authority.

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

**190. A.5 PLANNING APPLICATION - 21/01992/FULHH - 1 MYRTLE COTTAGES  
THORPE ROAD WEELEY CLACTON ON SEA CO16 9JL**

It was reported that this application was before Members as the applicant was a member of staff employed by Tendring District Council.

Members heard how the proposed extension would be located to the rear of the property and would be shielded from the street scene by the existing dwelling and garage. The extension was of a single storey nature and was considered to be of a size and scale appropriate to the existing dwelling with the application site retaining adequate private amenity space. The proposal did include the use of differing materials, however, due to its rearward location and the variety of materials within the locale, the use of such was considered acceptable in this instance.

The Committee was informed that the proposal would have some impact to neighbours in regards to residential amenities. However, when applying relevant calculations and assessment the impact would not result in such a significant loss of amenities that it would warrant the refusal of this application.

Is the only reason this is before the Committee because the applicant is a TDC staff member?	Yes, that is correct.
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Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Morrison and:-

**RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions and reasons:-

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plan:

Drawing No 01 Rev C

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

The meeting was declared closed at 8.27 pm

**Chairman**

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 18TH JANUARY, 2022 AT 6.00 PM  
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,  
CO15 1SE**

<b>Present:</b>	Councillors White (Chairman), Bray (Vice-Chairman), Alexander, Baker, Casey, Fowler, Harris and Placey
<b>Also Present:</b>	Councillor Chapman BEM, Coley, G Guglielmi and Councillor Nick Turner.
<b>In Attendance:</b>	Gary Guiver (Acting Director (Planning)), Joanne Fisher (Planning Solicitor), Graham Nourse (Assistant Director, Planning), Trevor Faulkner (Planning Manager), Susanne Chapman-Ennos (Planning Officer), Emma Haward (Leadership Support Officer) and Matthew Cattermole (Communications Assistant).

**191. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies were received from Councillor Codling, with no substitute.

**192. DECLARATIONS OF INTEREST**

Councillor Bray, reminded the Committee that he had not been present when **A.1 PLANNING APPLICATION 21/00046/FUL – TOPSL HOUSE, HIGH STREET, MISTLEY, MANNINGTREE** had originally been brought before the Committee and that therefore he would withdraw from the meeting at the appropriate juncture and would take no part in the Committee's deliberations and decision making on this application.

Councillor Harris declared a personal interest in **A.2 PLANNING APPLICATION 21/00202/FUL – MANOR FIELD, THORPE ROAD, TENDRING** due to the fact that he had "called-in" the application and that he was the Ward Member. He stated that he was not pre-determined on this matter and that, therefore, he would participate at the appropriate juncture in the Committee's deliberations and decision making on this application.

Councillor Bray declared a personal interest in **A.5 PLANNING APPLICATION 21/01527/FUL – 152 CONNAUGHT AVENUE, FRINTON ON SEA CO13 9AD** due to the fact that he was also a member of Frinton and Walton Town Council. He stated that he was not pre-determined on this matter however, on the grounds that he personally knew the applicant and he would not therefore, participate in the Committee's deliberations and decision making on this application.

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

There were none on this occasion.

**194. CHAIRMAN'S OPENING REMARKS**

The Chairman informed the Committee that prior to the commencement of the meeting Councillors Coley and G Guglielmi had informed the Council that they no longer wished to object to **A.1 PLANNING APPLICATION 21/00046/FUL – TOPSL HOUSE, HIGH STREET MISTLEY, MANNINGTREE.**

The Chairman advised the Committee and the public gallery that the Minutes of their previous meeting held on 21 December 2021 had not been published in time to be included on the Agenda for this meeting and that they would be taken now as an item at the next Committee meeting.

He further informed the meeting that agenda item **A.1 PLANNING APPLICATION 21/00046/FUL TOPSL HOUSE, HIGH STREET MISTLEY MANNINGTREE** was a previously deferred item and that consequently there would be no speakers under the Public Speaking Scheme on this application.

**195. A.1 PLANNING APPLICATION – 21/00046/FUL – TOPSL HOUSE, HIGH STREET MISTLEY, MANNINGTREE**

Further to Minute 192 above and for the reasons stated therein, Councillor Bray withdrew from the meeting during the Committee's consideration of this planning application and its decision making thereon.

Members recalled that this application had originally been referred to the Planning Committee at the request of Councillor Coley due to his concerns with the building being listed and being in a Conservation Area, the introduction of a stairway access to the first floor, change of use of the first floor to residential, and that the building was located on the edge of a busy working dock and there were parking issues. This application had been submitted to the Planning Committee's meeting held on 28th September 2021 when it had been deferred in order to allow for further negotiations on the application in relation to the omission or amendment of the balcony details to the rear and to address Essex County Council's (ECC) Heritage objections as well as consideration of the external staircase to address overlooking and private amenity issues with the immediate neighbouring property.

The Committee was informed that the application had now been amended with the external staircase omitted. As such, the application related now solely to the proposed balcony and window to a door to the Quay elevation only.

Members recalled that the application site was located within the settlement development boundary as defined within both the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The application site was also located within the Conservation Area and adjacent to a Grade II Listed Building.

It was reported that ECC Heritage had been consulted and had an objection to the proposed balcony.

The proposals were not considered by Officers to cause any impact upon the neighbouring amenities.

Mistley Parish Council had not commented on the amended application and no further letters of representations were received on the amended application.

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

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

Due to the application being previously deferred, there were no speakers under the Public Speaking Scheme.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
Had any objections been received?	The Planning Officer referred to paragraph 5 of the officer's report, where it stated that no objections had been received.

Due to a need to rectify a problem with her motor vehicle Councillor Fowler left the meeting at this juncture and did not return before the meeting had ended.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and:-

**RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning and conditions (and reasons):-

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

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans:  
 - Drawing no. TH05 REV12  
 - Drawing no. TH06 REV1  
 - Drawing no. TH12 REV1

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

3 Before any work is commenced drawings to a scale of not less than 1:20 fully detailing the new windows and doors and their surrounds to be used and indicating: materials; cross sections for glazing bars, cills, heads etc at a scale of 1:20; and method of glazing shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be installed/carried out in complete accordance with the approved details.

Reason - The application relates to a building in the Conservation area and adjacent to a Grade II Listed building and therefore such details are necessary in order to preserve and enhance the historic character.

4 No development shall be commenced until a schedule of external finish materials 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 and permanently maintained as such.

Reason - To ensure materials are of a very high quality to respect the building and its setting.

- In addition, the removal of the staircase.

**196. A.2 PLANNING APPLICATION – 21/00202/FUL – MANOR FIELD, THORPE ROAD, TENDRING**

Further to Minute 192 above and for the reasons stated therein, Councillor Harris had declared a Personal Interest in this matter.

The Committee was aware that the application had been called in by Councillor Peter Harris.

Officers reported that the proposal was for the change of use of part of an existing agricultural building into an agricultural vehicle repair workshop for agricultural vehicles, machinery and limited models of Land Rover vehicles. The site was located within a larger site which was used for agricultural purposes including sheep farming.

Members were informed that the proposal was in a rural location and would serve the surrounding agricultural community. Objections from Essex County Council Highways regarding the access from Thorpe Road and this Council’s Environmental Protection regarding noise and ventilation had been overcome and subject to conditions was considered by Officers to be acceptable.

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

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

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

- (1) A further third party objection that had been received.
- (2) Amendments to Proposed Conditions 3, 7 10 and 11.

Victoria Patten, a local resident, spoke in support of the application.

Jill Brattan, a local resident, spoke against the application.

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

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
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<p>A member of the Committee asked the Planning Officer to clarify that the barn was granted permission in 2018? Would officers have been likely to approve if the application initially proposed the use of a workshop?</p>	<p>The Planning Officer confirmed.  The Planning Officer confirmed that the building was not agricultural and therefore, would not have been recommended for approval if brought to the Committee for the proposed use in 2018.</p>
<p>It was also raised by a member of the Committee the definitive use of Land Rover Defenders.</p>	<p>Officers were unsure why Land Rover Defenders in particular were specifically noted. The Planning Officer advised that a condition could be put before the Committee whereby, the vehicle was not specified.</p>
<p>Were the sound reduction techniques of an approved standard?</p>	<p>The noise impact assessment raised initial concerns when submitted. The sound reduction techniques were in accordance with requirements.</p>
<p>There was a need for storage and disposal. There was no evidence of this in the plans.</p>	<p>The Planning Officer advised that submissions allowed storage for disposal to be taken off site. The officer referred to Condition 6 whereby, a proposed Waste Management System must be approved by local Planning Authority. Condition 11 also stated that 'no goods should be stacked, stored or deposited illegally'.</p>
<p>It was raised by a member of the Committee concerns relating to water and waste. Was there a proposal on how to address comforts such as washing hands?</p>	<p>The Planning Officer confirmed that it was not referred to specifically. A mobile facility could be conditioned by the Committee.</p>
<p>A member of the Committee referred to the use for vehicles that belong to the premises, was this correct?</p>	<p>The Planning Officer advised that the use was for agricultural repairs and machinery from other sites.</p>
<p>When the noise assessment was completed, was it completed under the assumption that doors would be closed?</p>	<p>The Planning Officer confirmed that the assessment was completed based on the assumption that the doors would be closed.</p>
<p>A member of the Committee referred to the floor plans, how much of the 23m length was proposed to have been taken up by the workshop?</p>	<p>The Planning Officer suggested that 60% of the building would have consisted of the workshop.</p>
<p>How effective would the log book have been, and how often would it have been inspected?</p>	<p>The Planning Officer informed the Committee that it was under the owners' discretion. The condition could be worded to record a timeframe.</p>
<p>It was clear that the application was outside of the development boundary of the emerging local plan. Was it correct that the application must have significant benefits to the local economy for permission to be granted?</p>	<p>The Planning Officer advised the Committee that the application was outside of the settlement boundary. The diversification of the application must be considered.</p>
<p>A member of the Committee asked if the site was unique in its merits.</p>	<p>The Planning Officer confirmed that the application was not unique and the services</p>

	could be provided elsewhere.
Concerns were raised regarding the lack of plans for exhaust fumes extraction, ramps, or location for scrap materials or an air compressor.	The Planning Officer referred to condition 11 whereby 'all materials will be kept within the premises'.
There was no mention of air tools within the report. Had the sound assessment taken into account these specific tools? Was there a possibility for air conditioning to be installed?	It was advised that air tools were not specifically assessed. Condition 5 referred to a Ventilation System to support air quality in the premises. It would be possible to re-word the condition.

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

- does not offer any 'essential' need to warrant approval (Policy PP13);
- does not respond positively to local character & context to preserve & enhance the quality of existing places and their environs (Policy SP7);
- inappropriate location for this activity;
- precedent for other such applications;
- change from rural to industrial character; and
- other more suitable sites for such uses & no reason to site it in this rural location.

**197. A.3 PLANNING APPLICATION – 20/00907/FUL – LAND REAR OF 87 TO 89 TOWER STREET, LIME STREET, BRIGHTLINGSEA**

Members were informed that the application had been referred to the Planning Committee at the request of Ward Councillor Jayne Chapman BEM, due to her concern over the scale of the proposed storage building and the site's location (remote from the host dwelling), in an area liable to flooding where historic covenants would preclude the development.

The Committee was informed that the proposal was situated in an edge-of-settlement location, divorced from the applicant's flatted dwelling in Brightlingsea. Nevertheless, development plan policy would not have precluded the proposal in principle and it would not have materially harmed the character or appearance of the area, or wider landscape. There was a recreational functional need for the development to be located in this location and the proposal was compatible with adjoining land uses. Members were reminded that the site was not at risk of flooding and the proposal would not harm the residential amenity of neighbours, having particular regard to privacy and outlook, noise and disturbance. There would have been no harm to sites protected for their biodiversity importance, and there was no objection from the Local Highway Authority.

Subject to conditions, in the opinion of Officers the proposal would have therefore complied with the requirements of the development plan and material considerations did not contradict that.

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

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

An update sheet had been circulated to the Committee prior to the meeting to advise that Ward Councillor Jayne Chapman BEM had emailed Officers to comment that Brightlingsea Town Council had no objection to the use of the land as a garden, but were concerned about the size of the outbuilding and questioned why anyone would want an area of outdoor amenity space remote from a dwelling.

Also, that the Town Council was concerned over the potential for a residential use of the storage building in the future. The area was outside of the Settlement Development Boundary and was liable to flooding. Restrictions had been placed during the winter months on approved commercial uses [uses for commercial storage of boats and caravans]. Application TEN/1658/88 for open storage of boats, trailers and associated equipment had been refused planning permission on 27 September 1988 (east of Lime Street at the rear of the Masonic Hall).

Councillor Chapman BEM, a local Ward Member who had "called in" the application, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer's response thereto:-</b>
A member of the Committee referred to the Ward Member's concern for use.	The Planning Officer confirmed that the landscape was an improvement for the site, the use with condition 2 could be monitored.
Why was it necessary for 2 water tanks?	It is not clear for the reasons of 2 tanks, they will be placed adjacently and therefore were not deemed unacceptable.
A member of the Committee referred to paragraph 6.15 of the officer's report regarding the removal of permitted development rights.	The Planning Officer referred the Committee to condition 4 in relation to the boundary treatment to Lime Street.
What was the height of the proposed property and what would be stored?	The Planning Officer confirmed that the overall height was between its highest at 5m and lowest point of 3m.
Was there electricity on site? Members were informed that there was no water facility or electricity accessible from the site.	It was unknown. However, there was a water supply where the hose was gravity-fed from the proposed water tanks.

Following discussion by the Committee, it was moved by Councillor Bray, seconded by Councillor Placey and **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following planning conditions (and reasons):-

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

Location Plan Dated 25.07.2020  
 Site Plan Dated 22.06.2021, Dwg. No. TC 01.22  
 Elevations and Layout, Dwg. No. TC 01.21  
 Photographs of Summer House and Water tanks

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

2 The use of the storage building hereby permitted shall be limited to private use only, as set out in the application, and shall not be used for any B8 storage and distribution or any other commercial use.

Reason: In the interest of protecting the residential amenity of neighbours.

3 External lighting shall only be install in accordance with scheme of external lighting which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of preventing unnecessary light pollution.

4 Any boundary treatment to Lime Street shall only be erected in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity.

5 Notwithstanding the provisions 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 boundary treatment to Lime Street shall be erected other than as may have been expressly authorised by Condition 4 of this permission.

Reason: In order that such development can be controlled in the interests of visual amenity.

6 External materials and finishes, windows and doors of the storage building hereby approved, and any remaining hard/soft landscaping to be carried out, shall be in accordance with precise details which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of visual amenity.

Revised condition 2 (and reason):

*The use of the storage building hereby permitted shall be limited to private use only, as set out in the application, and shall not be used for any b8 storage and distribution or any other commercial us, or for any residential occupation as a dwelling.*

Reason: in the interest of protecting the residential amenity of neighbours and to ensure compliance with the development plan.

Additional condition 7 (surface water drainage – adapted from pins model conditions) prior to first use of the storage building, surface water drainage works shall have been

carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.

Reason: in order to address surface water run-off and ensure appropriate drainage.

**198. A.4 PLANNING APPLICATION – 21/01270/FUL – TESCO EXPRESS 32 - 34 HIGH STREET, MANNINGTREE CO11 1AJ**

The Committee was informed that the application had been referred to the Planning Committee by Councillor Giancarlo Guglielmi on grounds of *“the negative impact on the street scene and the Manningtree and Mistle Conservation Area with the incongruous gas cooler sited inappropriately imparting a constant noise by its humming which not only impacted on neighbours’ amenity, but also on their quality of life.”*

It was reported that the application sought retrospective planning permission for the CO2 gas cooler and as part of the application a timber enclosure was proposed.

Officers stated that it was regrettable that the CO2 gas cooler had already been installed prior to a grant of planning permission, however the application presented a development that was deemed to be acceptable in terms of design, visual impact and heritage considerations and so was recommended by Officers for approval subject to the necessary conditions set out in the Officer’s report.

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

At the meeting, an oral presentation was made by the Council’s Planning Officer (SC-E) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting to advise that the applicant’s (Tesco) Project Team had confirmed that they had reviewed all the available locations and based on the proximity to all resident properties, they had advised the current location would have been most suitable as to cause minimum impact from the noise and visual aspect. Post which, noise assessment had been carried out to validate the suitability of this location and required mitigation had been proposed.

Mrs Mandy Rose, a local resident, spoke against the application.

Councillor G Guglielmi, a local Ward Member who had “called–in” the application, spoke against the application.

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

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
It was raised by a member of the Committee that an application was previously refused. Was there alternative solutions available to the applicant? Was the impact on the	The Planning Officer confirmed that two previous applications were submitted and refused based on the impact on neighbours and the lack of details around the necessity. Members were reminded that no objections had been raised for

surrounding areas highlighted?	this application.
Was there still an impact on the neighbours?	The Planning Officer advised that a noise assessment, according to the British Standard had been carried out. The Planning Officer informed the Committee that the assessment took readings from the closest residential dwellings.
At what point was the assessment carried out?	The Planning Solicitor confirmed that the assessment had been carried out between the hours of 7:30pm and 12:00am.
A member of the Committee referred to the preservation or enhancement of the conservation area.	The Planning Officer informed the Committee that no objections had been raised with regards to the conservation perspective of the application.
What difference would a fence make to the acoustics?	The Planning Officer confirmed that the fence was to hide the visuals of the proposals. Conditions could be put forward whereby an acoustic fence could be recommended.
A Member referred to article 1, would it be relevant to this application?	The Planning Solicitor referred Members to paragraphs 1.8 and 1.10 of the officer's report whereby it stated 'human rights are always assessed', in particular articles 8, 1 and 10.
In terms of the environmental impact and CO2 hydrocarbons, was it more environmentally-friendly?	The Planning Officer confirmed that the impact was more environmentally-friendly.
Could the noise have been enclosed where there was necessary air flow?	The Planning Officer advised that a condition could be recommended for an alternative acoustic fence.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor Alexander and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Assistant Director (Planning) (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

Contrary to Policy EN17 of Adopted Local Plan and Policies SP7 and SPI3 of Emerging Local Plan with respect to local amenity issues/disturbance by reason of unacceptable noise impacts & Policy PPI8 of emerging Local Plans in terms of impact on conservation area.

At this point in the proceedings, the Chairman requested approval from Members of the Committee to continue the meeting past the allowed period of 3 hours as required by Council Procedure Rule 35.1. It was moved by Councillor Harris, seconded by Councillor Placey and **RESOLVED** that the Committee continue its deliberations.

**199. A.5 PLANNING APPLICATION – 21/01527/FUL – 152 CONNAUGHT AVENUE, FRINTON ON SEA CO13 9AD**

Further to Minute 192 above and for the reasons stated therein Councillor Bray left the meeting at this juncture and did not return before the meeting had ended.

It was reported that Councillor Turner had “called-in” the application, in relation to the impact of the proposal on the Conservation Area.

The Committee was reminded that the proposal was for a disabled access ramp to be located at the front entrance to the Pharmacy. The site was located within the defined Settlement Development Boundary of Frinton-on-Sea and also sat within the Frinton and Walton Conservation Area.

Members were informed that the proposal was considered by Officers to be of a size, scale and design in keeping with the overall site and surrounding area. There were no concerns raised regarding the impact on the neighbouring residential properties and subject to conditions it was considered acceptable.

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

At the meeting, an oral presentation was made by the Council’s Planning Officer (SC-E) in respect of the application.

Councillor Turner, a local Ward Member who had “called-in” the application, spoke against the application.

<b>Matters raised by Members of the Committee:-</b>	<b>Officer’s response thereto:-</b>
A member of the Committee raised concerns regarding the handrail and requested that this be a condition.	The Planning Officer advised that it would be permissible to condition a handrail however, it would compromise the findings of ECC Heritage.
A member of the Committee referred to condition 3 regarding ground works. It was requested than further more detailed plans be provided.	
It was requested by a Member that a condition be recommended for a handrail to be included in the application contrary to ECC Heritage findings.	The Assistant Director for Planning proposed deferring the application on the grounds of including details for a handrail.

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

- To give further consideration to the design of the access ramp and in particular the need for a safety rail. Consideration should be given to discussing re-design with Town Council and ECC Heritage. Revised plans should be more detailed to confirm external finishes.

The meeting was declared closed at 9.35 pm

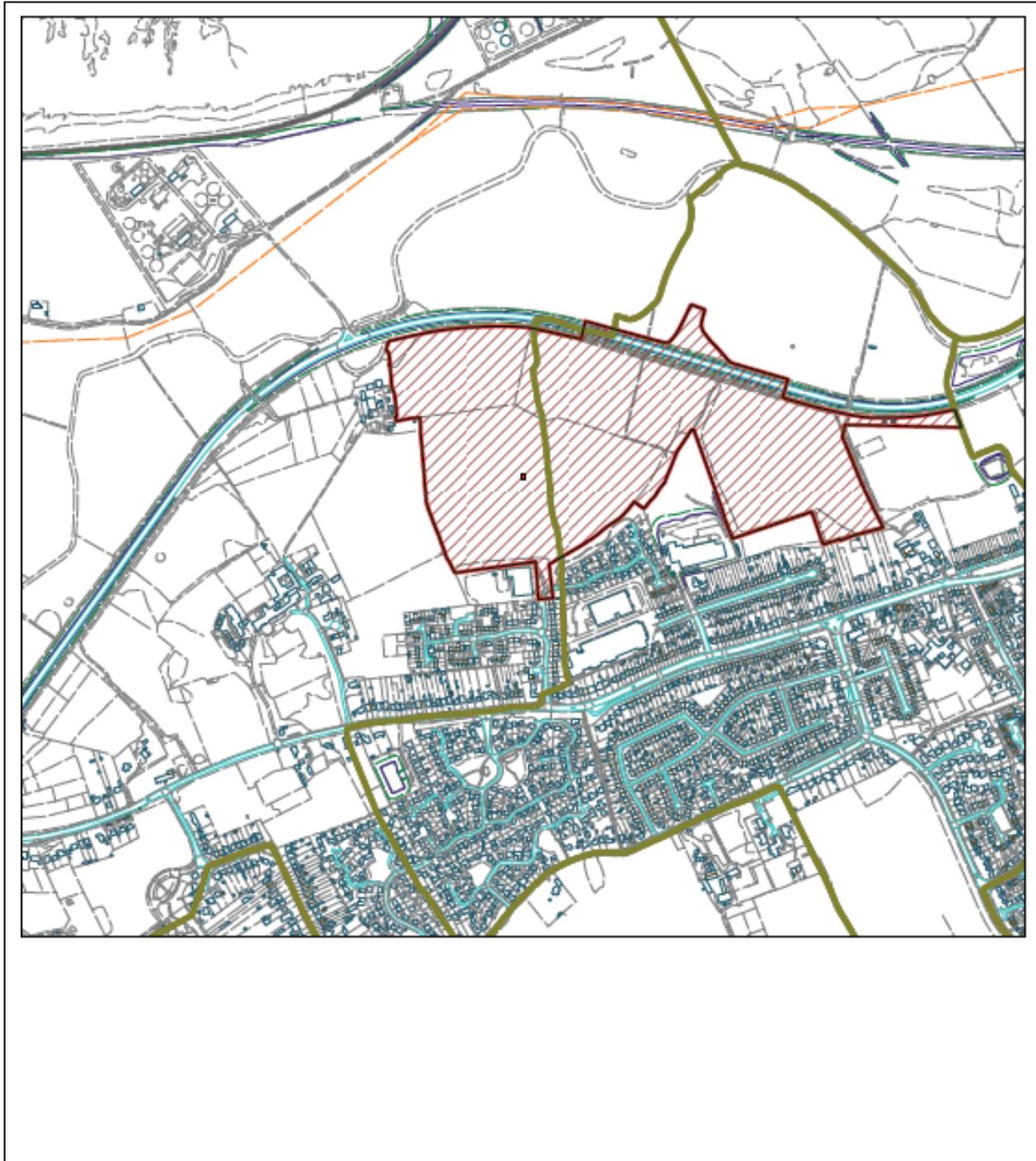
**Chairman**

## PLANNING COMMITTEE

16<sup>th</sup> FEBRUARY 2022

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### **A.1 PLANNING APPLICATION – 19/00851/DETAIL – LAND EAST OF POND HALL FARM STOUR CLOSE HARWICH ESSEX CO12 5EW**



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**Application:** 19/00851/DETAIL

**Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Harding Estates (East Anglia) Ltd

**Address:** Land East of Pond Hall Farm Stour Close Harwich Essex CO12 5EW

**Development:** Reserved matters application (access, appearance, landscaping, layout, scale) pursuant to Outlined Approval 14/01431/OUT, dated 8 June 2016) for the development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, 259 dwellings, landscaping, open space & associated means of access, internal estate roads and car parking.

## 1. Executive Summary

- 1.1 This application seeks approval of the Reserved Matters (as outlined above) associated with the granting of planning permission 19/00917/OUT, which was a hybrid application for the comprehensive development of the site consisting of outline approval to create employment units (including start ups), café/restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open space, associated means of access, internal estate road and car parking. The full approval included the creation of retail shop units, foodstore, petrol filling station, associated highway works and improvements including a new roundabout off the A120 and link road, earthworks, service infrastructure and other associated works & improvements.
- 1.2 By way of background, Members of the Planning Committee resolved to approve the above outline planning permission at the Planning Committee meeting held on 20<sup>th</sup> October 2015 subject to conditions and a legal agreement. A different, albeit relevant, application for the Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19, was refused planning permission by the Council in March 2021.
- 1.3 As established through the granting of outline permission 14/01431/OUT, the principle of mixed use commercial/employment and residential development for up to 297 is acceptable on this site (a total of 259 dwellings are proposed under this reserved matters application).
- 1.4 For the reasons outlined in the report below, the detailed access, appearance, landscaping, layout and scale are considered acceptable subject to conditions and a unilateral undertaking to secure a RAMS contribution. Specifically the proposal would result in a high quality scheme in terms of its overall design and layout, and will result in no material harm to residential amenity or highway safety. There is no conflict with any of the key and most important planning policies and legislation for determining this reserved matters application.
- 1.5 The application is therefore recommended for approval subject the conditions outlined at 8.2 below.

**Recommendation:**

That the Assistant Director for Planning be authorised to grant reserved matters approval 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):

RAMS payment in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements

- b) Subject to the conditions and informatives 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**

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

*Adopted Tendring District Local Plan 2013-2033*

Relevant Section 1 Policies:

SP1	Presumption in Favour of Sustainable Development
SP2	RAMS
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP5	Employment
SP6	Infrastructure & Connectivity
SP7	Place Shaping Principles

Relevant Section 2 Policies:

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving health and wellbeing
HP2	Community facilities
HP3	Green Infrastructure
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps

PPL7	Archaeology
PPL9	Listed buildings
PPL10	Renewable Energy Generation and Energy Efficiency measures
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

*Local Planning Guidance*

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

**Status of the Local Plan**

- 2.1 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). Therefore, the 'development plan' for Tendring now comprises the adopted Section 1 and Section 2 of the Tendring District Council 2013-33 and Beyond Local Plan, together with any neighbourhood plans that have been brought into force.
- 2.2 In relation to housing supply:
- 2.3 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')
- 2.4 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**

14/01431/OUT	Hybrid application for proposed comprehensive development & the creation of employment floorspace (including start up units) consisting of:	Approved	08.06.2016
	Outline approval for development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, up to 297 dwellings, landscaping, open		

space & associated means of access, internal estate roads & car parking.

Full approval for the creation of retail shop units, foodstore, petrol filling station, associated highway works & improvements including a new roundabout off the A120 & link road, earthworks, service infrastructure & other associated works & improvements.

19/00239/DISCON	Discharge of condition 17 (Roundabout Solution) to approved Planning Application 14/01431/OUT.	Approved	14.05.2019
19/00576/DISCON	Discharge of condition 2 (Strategic Phasing Plan) of application 14/01431/OUT.	Approved	17.10.2019
19/00754/DISCON	Discharge of conditions for Phase 1 only: 7 (Ecological Enhancement), 10 (Archaeology), 11 (Local Recruitment) and 15 (Construction Management) of approved application 14/01431/OUT.	Approved	17.10.2019
19/01632/LUEX	Construction of part of the permitted link road in accordance with permission 14/01431/OUT in order to begin development on the part of the permission granted in full in accordance with condition 21 and Section 56 of the Town and Country Planning Act 1990, as amended.	Approved	04.12.2019
20/00385/OUT	Variation of conditions 1 and 19 of approved application 14/01431/OUT to allow up to 80 residential unit occupations prior to completion of associated highway works and improvements including a new roundabout off the A120 as prescribed by condition 19.	Refused	19.03.2021
21/01787/DISCON	Discharge of condition 2 (Strategic phasing plan) of application 14/01431/OUT.	Approved	03.12.2021

#### 4. **Consultations**

UU Open Spaces

No response

Officer comment: *A publically accessible open space*

*equating to 10% of the residential parcel is provided with children's play equipment*

Housing Services

It was agreed in the outline approval for the site that the applicant would deliver 10% of the site for affordable housing and make a financial contribution. The applicant has accounted for 26 dwellings of the 259 on site to be delivered for affordable housing.

I can confirm that there remains a high demand for housing in the Harwich area and can confirm that I have no objections to the mix of homes proposed in the reserved matters application.

ECC Highways Dept  
Final comments following two requests for revisions

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

Officer comments: All conditions and informatives recommended by ECC highways have been included in section 8.2 and 8.3 below

Environmental Protection  
05.07.2019

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

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

' Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible.

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 5228:2014.

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 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. 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.

3) 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).

*Officer comment: The outline consent 14/01431/OUT is subject to conditions requiring amongst other things a Construction Method Statement at condition 15. This addresses all of the requirements within the above condition. However, it is considered reasonable and necessary to include a Construction and Environmental Management Plan as a planning condition in the event that this reserved matters application is approved.*

Environmental Protection  
(comments dated 24/11/2021)

**Contaminated Land**: With reference to the previously submitted Contaminated Land report within the 2014 planning application, dated August 2013. The report advises that samples taken from the proposed Commercial / Industrial areas showed no exceedances in relation to acceptable guideline values, and as such the risk associated to human health is considered low. The

area considered for Residential also showed no exceedances within the samples taken, however page 16 of the aforementioned reports highlights a level of uncertainty due to the minimal samples taken. As such we would like to request confirmation on the validity of the 2014 assessment and its findings in relation to current legislation and guidance. This justification response should also discuss the findings of the original report in relation to the soil samples within the residential area of the site, and whether further sampling would be appropriate, or not. Having consideration for the original authors comments we feel it would be prudent to confirm the number of suitable samples in relation to the size of the residential development.

**REASON:** *to protect the health of end users*

*Officer comment: The issue of contaminated land was considered at the time of the original outline permission. The comments on the samples are noted, although there is no further condition attached to the outline permission which would have been the appropriate time to attach such a condition. The site is greenfield and therefore the level of contamination would not have changed from the time the original outline consent was granted. Given that the Reserved Matters application is to address the specific reserved matters in respect of scale, layout, landscape and materials, it is considered unreasonable to require a further condition on contaminated land. Any reserved matters approval will however be subject to an appropriately worded informative to ensure there is a watching brief being implemented on site and to remind the developer of their minimum requirements for dealing with unexpected ground conditions being encountered during construction.*

**Noise:** With reference to the submission on a formal Noise Impact Assessment within the previous 2014 planning application, dated 8<sup>th</sup> July 2014, the Environmental Protection Team are requesting further information on the confirmed mitigation strategies and details on the expected reduction of noise levels achieved by the proposed mitigation be submitted. This relates to all aspects of the development (construction and operational stages) as outlined within the aforementioned report, and includes –

- Construction Activity
- Service Yard Activity
- Car Parking
- Mechanical Plant associated with the proposed development
- Cinema and A3 use
- Warehouse and Business Units
- Existing and Future Traffic
- Road Traffic

Appropriate assessment criteria has been justified within the 2014 report, and clarification on the validity of these criteria would also be required in relation to current Legislation, British Standards and other relevant applicable guidance.

**REASON:** *to ensure compliance with the relevant standards and guidelines and to protect the amenity of existing and future residential premises*

Officer comment: *Condition 15 of the outline consent requires the submission of a construction method statement to include the above, condition 20 of the same outline consent requires details of all service yard and parking layouts, in any event, ECC highways is satisfied with the car parking arrangements insofar as this reserved matters application is concerned. In terms of mechanical plant associated with the proposed development and noise matters insofar as the cinema and A3 use is concerned, there is a requirement at condition 14 of the outline permission to provide details of all external plant and machinery to be approved by the Local Planning Authority. However, for the cinema and A3 uses, given the comments from Environmental Protection, it is considered appropriate to secure further details on the noise levels generated within a planning condition to ensure that the noise generated is consistent with what was originally assessed in the mitigation strategy that accompanied the outline permission. .*

**Odour Control:** A scheme for the associated extractor / ventilation systems for all business units and proposed food outlets, shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include measures to control noise and odour from any extractor systems.

**REASON:** *To control the noise or odour emitted from the site in the interests of protecting existing and possible future residential amenity*

Officer comment: *A condition will be included to secure the above*

**Lighting:** Any proposed lighting of the development must ensure relevant measures are taken to ensure that any lighting of the development will 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:** *In the interest of protecting residential amenity*

Officer Comment: *Planning condition 14 on the outline consent requires detail of all external lighting.*

**Air Quality:** The 2014 applications submitted Air Quality report outlines measures to be taken within the Construction Phase (Appendix 13.1), of which we are satisfied with and agree with the proposed mitigation strategies, and would request this is conditioned to any subsequent planning approval.

With reference to the Operational Stage, the Environmental Protection team request an air quality assessment be undertaken in accordance with - Land Use Planning and Development Control: Planning for Air Quality (Institute of Air Quality Management), or an acceptable equivalent. The assessment should evaluate pollutant concentrations, with reference to relevant health-based air quality objectives, at the facades of existing and proposed receptors; and as such would request this is attached as a condition to any subsequent planning approval.

**REASON:** To prevent people from being exposed to unacceptable levels of air pollution.

Officer comment: *The outline application included an air quality assessment and consideration was given to this element, including other relevant air quality matters at the time the original permission was granted. Given that the outline application is addressing reserved matters in respect of scale, layout, landscaping and materials, it is considered unreasonable to request a new air quality assessment at this stage especially in light of relevant matter being substantially settled at outline stage.*

Waste Management  
25.06.2019

All access roads to be constructed to suitable standards to withstand the weight of 23 tonne refuse and recycling vehicles.

Any bin stores associated with flats or apartments to be of adequate size to accommodate bulk bins for fortnightly collection of refuse and fortnightly collection of dry recyclables in relation to households using the bin stores.

Building Control and Access  
Officer  
19.06.2019

No adverse comments at this time.

Tree & Landscape Officer  
18.11.2021

The information provided in relation to soft landscaping proposals are comprehensive and show a good level of tree shrub and hedgerow planting across the whole site.

Planting proposals relating to infrastructure, industrial/commercial parts of the site and detailed soft

landscaping for residential areas are sufficient to soften screen and enhance the appearance of the proposed development.

Waste Management  
27.10.2021

All access roads to be constructed to suitable standard to withstand weight of 26 tonne collection vehicles and width of 2.5 metres collection vehicles.

Urban Design Advisor

Place Services have been engaged within the pre-app discussions for the above site where we would consider discussions with the applicant team have been positive regarding the residential development phase of works. Through the ongoing dialog several areas and topics have been discussed where we would consider acceptable amendments have been submitted as a result of these discussions. Overall, we support the proposals submitted where we would consider the urban design matters respond to the context of the site, reflect the outline application, and add to the overall quality of the wider place.

There are however several areas we would consider can be amended as part of the application process to ensure quality in placemaking is delivered. These include the following:

#### Soft Landscaping Proposals

The proposals present a good coverage for tree planting where quantities have been driven to the northern boundary boarding the industrial uses. We would recommend a maintenance and management proposals to accompany the soft landscape proposals is submitted where a clear understanding of ownership and maintenance requirements are outlined.

As discussed within the pre-app discussions, we would have concerns around the extent of timber knee rail used around the development. The finish has limited lifespan where its reduction in quality in a short period can have large impacts on key spaces. As per our discussions at pre-app stage we would be open to the use of timber knee rail to less prominent locations but recommend an uplift in finish, such as estate railing to more prominent locations, for example areas fronting the main public open spaces and arrival spaces. This would marry with the pastiche approach to architecture.

The location of the play provision is supported. We have concerns over the use of plastic seating in what is promoted as a natural character to play. Suggest these are removed and replaced with furniture more in keeping. In line with the outline permission, it was stipulated that a footpath would be provided through the landscaped boundaries of the site. It is unclear on the submitted

plans if this is being proposed. Further clarification is required.

#### Built Form

We support the quality and finish of the proposed house types. It is considered the elevations and detailing promote a quality expected where there are clear links to the surrounding context of Harwich. Many of the initial comments and concerns have been addressed within the pre-app discussion where we would consider the layout and arrange to respond well to the outline application and urban design principles.

Discussions we held around roof materials as part of the pre-app discussion. It was outlined that a mix of colours and finishes should be proposed across the site to ensure the scheme is not monotonous in appearance, as well as reflecting neighbouring developments. It's noted within the application pack this amendment hasn't been included. We recommend this review is undertaken.

#### Hard Landscaping

Overall, the hard landscaping proposal is acceptable. We have raised several areas we would recommend are reviewed and updated.

Roadway to plots 35,36,28,29 should be in a block paving finish to indicate a homezone type character.

Private drives which front onto public open space should again be finished in a block paving.

The crossing point between the north and south open spaces should be more defined by extending the block paving across the footpaths to meet with the open spaces. This will help demarcate a crossing section and help aid in reducing vehicle speeds.

Surface material of the footpath to the landscape edges need to be defined within these plans. Nothing currently proposed.

#### Sustainability

It is noted there is no aspirations or commitments to sustainability measures outlined as part of this development. We recommend the DAS or standalone document is submitted to ensure a sustainable development is delivered. This should include detail around transport, energy, and construction methods.

#### Summary

We support the principle of development where layout and built form are supported. We recommend that the

above recommendations are included within the application where we would consider this would bring development up to Tendring's expectations of quality and placemaking.

*Officer comment: Further revised plans were submitted in response to the points raised above. At the time of writing an updated comment/response from Urban Design was not yet available. Any subsequent reply will be reported to the Planning Committee via a late representation document.*

Building Control and Access  
Officer  
08.11.2021  
Essex County Council Heritage

No adverse comments at this time.

The proposed site is adjacent to the group building that forms the Pond Hall Farmhouse complex. The farmstead is shown on late nineteenth century map and the farmhouse itself has a potential to be considered a non-designated asset. We recommend that the applicant submits an assessment of the potential impacts of the development on the significance of this non-designated asset and its setting and of the measures to mitigate any eventual impact. This could be in the form of a Heritage Statement which should take account of Historic England guidance The Setting of Heritage Assets.

*Officer Comment: The amended Planning Design and Access statement submitted by the applicant contains a heritage section and information. In addition, the site benefits from outline consent for 297 dwellings, significantly more than the 259 now proposed. It is therefore considered unreasonable to require the applicant to submit future heritage information at this late stage in the process on a matter that was substantially settled through the outline approval.*

A pill box is also located within the Site, this is considered a non-designated asset. We understand that the intentions of the applicant in the amended proposal is to retain the pill box, within the landscaping of the residential area. We positively support this decision and recommend that the applicant supplies a Management Plan to assess how the asset would be maintained and sustainably managed in this development, this could be provided by condition.

*Officer comment: The pill box will be retained and will form part of the layout and open space of the proposed residential parcel.*

ECC SuDS Consultee  
03.11.2021

Thank you for your email received on 26/10/2021 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

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 associated documents which accompanied the planning application, we do not object to the granting of the planning permission 19/00851/DETAIL. The application should be subject to the same conditions applied to the outline application (14/0143/OUT).

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

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](mailto:suds@essex.gov.uk).

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. 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.

**Appendix 1 - Flood Risk responsibilities for your Council**

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its

lifetime.

## 5. Representations

- 5.1 The Ramsey and Parkeston Parish Council (R&PPC), as well as Harwich Town Council were consulted (the site is located in the Parish of Ramsey and Parkston and just outside the border of Harwich Town Council. The R&PPC commented as follows:
- 5.2 **The Ramsey & Parkeston Parish Council** gave its' support to the outline application (14/02432/OUT) in 2014; however with the amended plans presented in application 19/00851/DETAIL it appears the Bus Gate has been re-sited from the original plans at the end of Stour Close (Bowling Green access roadway) for the use of bus and emergency vehicles only; giving concerns for the additional traffic on Stour Close, a narrow road not built for accommodating the potential large numbers of vehicles. We therefore object to the revised plan and re-iterate our comments submitted 25 November 2014 that Assurance to be gained that vehicular access/egress to the site will be restricted via Clayton Road & Stour Close to emergency vehicles only.
- 5.3 The Parish Council also objects to the impact on existing properties with no plan for shielding boundaries to those properties.
- 5.4 Together with the recent approval of a housing development of 300 properties the Parish Council redraw their support for this development on the basis of the local infrastructure not being able to support the needs of the additional residents.
- 5.5 **Harwich Town Council** commented as follows:
- 5.6 Harwich Town Council objects to any aspect of this development that requires significant vehicular movement accessing or egressing the site from anywhere other than the A120 and believes that the construction of the roundabout should be completed prior to any other aspect of the development, to enable this to happen. The council also has great concerns that the commitment to infrastructure projects and retail units within the outline consent seems to be diminishing in importance to the point where the only priority is housing. This, the Council also believes to be totally unacceptable.
- 5.7 Officer Comment: *Revised plans were submitted by the applicant in an attempt to address these concerns (see Assessment section below). Also further clarification on the bus gate issue is provided in the Assessment Section of the report under the highways section. There will be no private vehicular access at all to the development from the south via Stour Close. In terms of the comment on local infrastructure being unable to support the needs of the additional residents, as outlined above the site benefits from outline consent for up to 297 dwellings and a mixture of commercial and employment floorspace, issues such as impact on local infrastructure was considered, and settled as part of the assessment of the outline application which was subsequently approved by TDC at its Planning Committee. As outlined below, this outline approval remains extant and a material consideration of full weight.*
- 5.8 Following a total of 3 rounds of public consultation over the lifetime of the application (due to 3 sets of revisions being submitted), 30 letters of objection have been received. The specifics of the objections are outlined in the 'Assessment' section of the report below and also, where necessary and relevant, responded to in the same section. Some letters of support were also received from local residents.

## 6. Assessment

### Site Context

- 6.1 The application site lies to the south of the A120 bypass, which runs between Harwich (to the east) and Colchester (to the west), with the A120 bypass defining the northern boundary of the site. As outlined above the site benefits from outline consent for up to 297 dwellings as well as employment floorspace, some café/restaurant units, public house, drive thru restaurants, cinema and a hotel.
- 6.2 The southern boundary of the site borders Harwich/Dovercourt, including an indoor bowls centre, existing residential development at Stour Close, woodland and scrub on the land of a light industrial factory, and the Valley Road residential neighbourhood. This boundary comprises a native tree and shrub belt in the western half of the site; and hedgerow and mature trees in the eastern half of the site.
- 6.3 In terms of heritage assessment, the site is not in a conservation area and the nearest listed buildings are located along Michaelstow Drive to the west (Michaelstow Hall and The Stable Range – both grade II listed), Rockhaven to the south east (also grade II listed and located to the south of Main Road), and finally the Grade II listed Vicarage Farmhouse is located to the east and a reasonable distance away from the easternmost boundary of the application site. ECC Heritage is of the view that the adjacent Pond Hall Farmhouse complex has the potential to be considered a non-designated asset.
- 6.4 In terms of access to public transport options, the overland train station of Dovercourt and Harwich Town are located approximately 2.3 miles and 2.8 miles (respectively) from the site towards east. These overland stations provide good links into London and other larger towns and cities in the east of England and further afield. The current closest bus stops to the site are located at Ramsey Road (some 450m from application site) and Main Road (approximately 1200m away). There are bus services to and from Colchester, Clacton on Sea, Parkeston and Harwich International Port. It is possible to access both these bus stops safely on foot due to the existence of footpaths along Stour Close, Clayton Road, Main Road and Ramsey Road. The site is also well located in terms of its proximity to the wider built up area of Harwich, Ramsey and Dovercourt, with its range of attendant services, facilities and employment areas. All these facilities mentioned in the preceding sentence are also located within cycling and in some instances reasonable walking distance of the application site. The site is also located within cycling distance (450m) of National Cycle Route 51, within provides a cycle link to areas further afield such as Cambridgeshire, Suffolk (including Ipswich) and Colchester to the south.

### 6.5 Proposal

This application seeks approval of the reserved matters (access, appearance, landscaping, layout, scale) associated with the granting of Outlined Approval 14/01431/OUT, dated 8 June 2016) for the development of site to create employment units, cafe / restaurant units, public house, drive thru restaurants, cinema, hotel, 259 dwellings, landscaping, open space & associated means of access, internal estate roads and car parking.

The proposed housing mix and tenure split is summarised in the table below:

<b>Unit Size (no of bedrooms)</b>	<b>Overall Total provided (including %)</b>	<b>Dwelling type</b>	<b>Split (between Apartments and Houses)</b>	<b>Number of Open Market Dwellings</b>	<b>Number of Affordable Units</b>
1 Bedroom Units	75 (29%)	Apartment	4	0	4
		House	71	65	6

2 Bedroom Units	99 (38%)	Apartment	6	0	6
		House	93	90	3
3 Bedroom Units	60 (23%)	House	60	55	5
4 Bedroom Units	25 (10%)	House	25	23	2
<b>TOTAL</b>	<b>259</b>	<b>TOTAL</b>	<b>259</b>	<b>233</b>	<b>26</b>

6.6 Vehicular access to the wider development site will be off the A120 to the north via the approved (and legally implemented) new roundabout and spine road, with a secondary roundabout providing a four way access to the warehouse and start up business space to the west, the petrol filling station, drive thru restaurants and cinema to the east and the residential parcel to the south west. The hotel will be accessed via the first section of the main spine road off the A120.

6.7 All dwellings and apartments will have a maximum height of two storeys. The precise details of the appearance, layout, landscaping and parking provision are set out below in the assessment section of this report.

6.8 Principle of Development

6.9 Outline Planning Permission 14/01431/OUT was granted on 8<sup>th</sup> June 2016. It was a ‘hybrid’ application (part outline and part full) for a mix of uses including retail, leisure, residential and employment uses. The detailed (i.e. the ‘full’ part of the) planning permission has been granted for the foodstore, petrol filling station and non-food retail units and the road infrastructure serving the site. The outline part of the planning permission has been granted for the residential phase (at the time comprising up to 297 units – under this reserved matters application 259 units are proposed), as well as the employment units, leisure/food and beverage uses, hotel and public house.

6.10 The full element of the permission – namely the foodstore, petrol filling station and non-food retail units and the road infrastructure serving the site - was lawfully implemented in 2019 through the construction of part of the spine road. Indeed a Certificate of Lawfulness of Proposed Use or Development (see ‘Planning History’ section above) has been issued under Section 192 of the Town and Country Planning Act 1990 (as amended) dated 4th December 2019, and this demonstrates that the full part of the permission has been lawfully implemented in perpetuity. The reserved matters application for those uses in the outline part of the sites (i.e. the application the subject of this report) – and specifically the residential phase, the employment units, leisure/food and beverage uses, hotel and public house - was submitted in June 2019, within the timeframe stipulated and therefore in line with the time limit requirements of the outline consent.

6.11 The outline consent ref 14/01431/OUT therefore remains extant and the principle of the mixed use residential and commercial/industrial development on this site has been established by the granting of the outline planning permission (planning reference – 14/01431/OUT).

6.12 Important clarity and background to articulate the exact extent of this reserved matters application:

6.13 Of note is the fact that the foodstore, retail units, petrol filling station, the spine road and indeed the two roundabouts on the new spine road – all these elements benefit from full (i.e. detailed) planning permission and therefore do not form part of this Reserved Matters application. As these elements are not part of this reserved matters application, for completeness they are nevertheless shown on the submitted drawings because logically and pragmatically it make sense to see how the development as a whole will fit together on this key gateway site. In addition, the Applicant could not logically exclude the roundabout and the service roads from the

layout even though they are granted in full because there is clearly a requirement to connect the sites to the highway network and not least statutory and third party consultees need to see the holistic picture insofar as the development proposals are concerned. This reserved matters application therefore only relates to the following elements:

- 259 residential units
- B2 / B8 warehouse units – 24,051 sqm GIA
- Business units – 2,461 sqm GIA (now Use Class E(g)(i))
- Restaurant / café units – 2,130 sqm (now Use Class E(b))
- Public house – 651 sqm (now sui generis Use Class)
- Drive thru units – 493 sqm (now sui generis Use Class)
- Cinema – 2,509 sqm GIA (now sui generis Use Class)
- Hotel – 2,205 sqm GIA (Use Class C1)

6.14 Layout (entire application area)

- 6.15 Paragraph 130 of the National Planning Policy Framework 2021 states that planning should involve good architecture, layout and landscaping. Adopted policies SPL3 and LP3 of the Tendring District Local Plan 2013-2033 support these objectives.
- 6.16 The proposed site wide layout by and large, and logically follows on from the hybrid consent with the warehouse units fronting the A120 (to the west of the main roundabout), the business units and new public house will be located on the south side of the new road extending in a western direction, the hotel with its associated car parking spaces and an attenuation basin is located immediately west of the new spur road between the main and secondary roundabout. On the eastern side of the new spur road and roundabouts are the cinema and drive through units.
- 6.17 The residential parcel which will contain the 259 residential units is located to the south west of the spur road and roundabout, and to the north of the properties along Stour Close and the indoors bowls centre. Vehicular access to the development site (in its entirety) will be off the A120 – put differently, no vehicular access to the development from the south (via Stour Close) will be possible other than for busses (public transport) and only during certain times as access will be restricted through the provision of a bus gate/bollards (details to be confirmed via a separate conditional discharge application)
- 6.18 As shown on the proposed layout plans a circular walk is proposed around the residential parcel that will form part of the perimeter landscaping to include a series of interconnecting pathways throughout the development. This will allow residents and visitors to easily navigate around the site.
- 6.19 Officers consider that the layout presents a clear, legible and permeable layout. Dwellings are either outward facing, with many of the dwellings facing onto the central public open space corridor or onto the wider landscape buffer around the site boundary, with dwellings having clearly defined defensible public fronts and private rear gardens. Parking spaces are provided on plot between or in front of dwellings. The submitted layout also allows for extensive areas of landscaping to be created along street frontages and in front of dwellings.
- 6.20 Each of the proposed dwellings have their own private amenity space. In terms of garden space, Policy LP4 of the adopted Local Plan 2013-2033 states new residential developments should provide for 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. The garden areas provided range from approximately 50 sqm for one bedroom dwellings, 75 sqm for two bed dwellings and 100 sqm for three + bedroom dwellings. All the dwellings are provided with garden areas which meet the requirements of policy LP4 and indeed

the proposal complies with the Essex Design Guide in terms of back to back distances, garden sizes, parking spaces and open space provision.

- 6.21 ECC Urban Design have been involved in revisions to the layout to secure changes to enhance the overall legibility and layout of the development and confirmed they are satisfied with the overall layout of the proposal.
- 6.22 The site layout has also been designed to allow sufficient room for refuse and recycling vehicles to safely and adequately collect waste. ECC Highways has confirmed that the scheme is acceptable from a highways layout perspective.
- 6.23 Overall the proposed layout is considered to be acceptable and in accordance with relevant adopted policies, regional guidance and the NPPF 2021.

### **Appearance and Scale**

- 6.24 In terms of the residential element, the parcel is set within the same strong landscape framework established by the outline permission, including the central open space area which accounts for 10% of the gross residential site area.
- 6.25 With a mixed character of property type and style in the vicinity and specifically to the south, and with the design of the proposal taking some cues from the Essex Design Guide, it is considered that the scheme would respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public open space and additional landscaping (both interspersed and around the perimeter of the residential parcel) would also assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.26 The contemporary design approach employed seeks to create high-quality homes which draw inspiration from strong precedents, whilst also strongly and successfully nodding to the more traditional architectural styles found in the wider vicinity of the site, especially in the historic part of Harwich to the east. The simple material palette and design interventions presents an opportunity to provide a strong architectural character to the site. The use of brick detail adds interest and character to the elevations and it is positive to see the use of coloured brick and detailed porches, which will further add to the contribution of a high quality sense of place, which will be defined as attractive dwellings set around the public open space roughly in the centre of the parcel, with articulated dwellings interspersed and around the perimeter, again facing landscaped areas. This urban design approach is considered to be successful and acceptable having regard to the site constraints and the prevailing character of the area.
- 6.27 In terms of the scale of the residential element, nine different house types are proposed on a parcel which will contain 259 dwellings, this level of variation is welcomed. None of the house types proposed will exceed two storeys in height, with some containing accommodation on the second floor (in the roof space) through carefully designed dormer windows and rooflights. The overall scale of dwellings proposed, at two stories across the site, is considered to be entirely appropriate for this location.
- 6.28 Overall, it is considered that the proposed external design, appearance and scale of the residential element is acceptable and appropriate to its setting. The residential element provides an appropriate mix and variety of units which will result in a strong sense of place. Accordingly, this element of the proposal is considered acceptable with respect to paragraph 126 of the National Planning Policy Framework (which sets out the Government's commitment in terms of delivering a wide choice of high quality homes and places that are beautiful and sustainable) and the Tendring District Local Plan to 2033 which sets out the council's

commitment to supporting the aims and objectives of the NPPF in terms of Section 1 adopted Policies SP1, SP3 and SP6 (sustainable development) and SP7 (good quality design).

- 6.29 In terms of the employment/commercial elements along the northern sections of the site, starting with the proposed warehouses along the A120, these buildings will have a maximum height of 13.6m, and a combined Gross External area of 266,915 sq.ft. The largest warehousing building has a Gross External area of 105,750 sq.ft. This section of the development also includes five employment units, to be located between the residential and warehouse buildings. The largest of these units has a Gross External area of 7,500 sq.ft, and the units have a combined Gross External area of 29,075 sq.ft. The submitted plans confirm a maximum height of 8.4m. All these buildings will be built using profile cladding and powder coated aluminium panels – exact details of these materials will be confirmed via condition.
- 6.30 In terms of the café/restaurant units and public house, the café/restaurant units will be located on the ground floor of the cinema building, located on the eastern parcel of the application site, comprising five separate units of 4,000 sq.ft and 5,000 sq.ft. The total Gross External area of the units will be 23,980 sq.ft. The public house will be located to the north east of the residential scheme, and to the east of the employment units. The building will have a maximum height of 10.4m. These buildings will be finished in natural coloured facing brick, natural finish roofing tiles, light coloured render as well as double glazed windows/doors dark grey frames and black timber fascias/argeboards - exact details of these materials will be confirmed via condition.
- 6.31 In terms of the Drive Thru Restaurants and the actual Cinema building, these will be located to the north of the eastern parcel of the development. The two drive thru restaurants will comprise a building with a footprint of 3,500 sq.ft, and a building of 1,800 sq.ft. The buildings will have a maximum height of 5.7m. The submitted plans confirms that the larger of the two buildings will be finished in predominantly timber cladding and render; and the smaller building will comprise a blue facing brick and white render. A seven-screen cinema is also included in the development and will take up the first and second floor of the café/restaurant building, with a total Gross External area of 29,450 sq.ft. The 'cinema' part of the building will be finished in powder coated glazing dark frames; stainless steel cladding panels; engineered brickwork; powder coated steel doors; Kalwall vertical panels; aluminium signage; and Weatherboard cladding – again exact details of these materials will be confirmed via condition.
- 6.32 In terms of the hotel, it will be a 63-bedroom hotel to be located to the east of the warehouses, and will have a maximum height of 14.3m and a Gross External area of 25,350 sq.ft. The hotel building will be finished in timber weatherboarding; natural stone; dark grey double glazed windows; black timber weatherboarding; natural coloured brick; natural coloured roofing tiles; and light coloured render - exact details of these materials will be confirmed via condition.
- 6.33 Having regard to the above, and specifically the functional and pragmatic location of the employment and commercial elements of the scheme to the north and adjacent to the A120, it is considered that the overall appearance and scale of this element is acceptable and in accordance with all the relevant policies governing design and scale.

#### Heritage Impact

- 6.34 The amended Planning Design and Access statement submitted by the applicant contains a heritage section and information and appropriately describe heritage assets in the wider vicinity that may be affected by this reserved matters application. The site benefits from outline consent for 297 dwellings, significantly more than the 259 now proposed and the nearest group of listed buildings to the residential parcel are the buildings at Michaelstow Hall. Having regard to the above, the reserved matters application cannot be said to have more of an impact on these listed buildings than the consented outline permission, the latter which was found to be acceptable. Moreover, a landscape bund and a significant area of countryside will separate these listed buildings from the westernmost section of the residential parcel. The listed

buildings to the east and south east of the site are clearly separated by significant intervening development. The Pond Hall Farmhouse complex is not formally recognised as a non-designated heritage asset as it does not feature on a local list. In any event, the site benefits from outline and detailed consent and the impact on this farmhouse complex has been settled as part of the outline approval.

#### Housing Mix and Affordable Housing

6.35 The details of the housing mix and tenure split is outlined under the 'Proposal' section of this report. TDC's Housing colleagues confirmed that the outline approval for the site would deliver 10% of the overall number of units for affordable housing. The affordable units will also be indistinguishable from the private units in terms of their appearance and spread ('peppercotted') along the northern, and northern/central parts of the site with some of them directly overlooking the central open area and landscape bunds to the north, as illustrated on the submitted plans, elevations and tenure plan. Financial viability was a consideration at outline stage and the section 106 legal agreement (attached to the outline consent) also include a review mechanism. In line with the section 106 this reserved matters application has accounted for 26 dwellings of the 259 on site to be delivered as affordable housing. Housing colleagues have confirmed that there remains a high demand for housing in the Harwich area and have confirmed to no objections to the overall mix of homes proposed in the reserved matters application as the proposed mix is consistent with the identified needs set out within the latest Council's Strategic Housing Market Assessment.

#### Highway Safety/Parking

6.36 Paragraph 110 of the NPPF (2021) requires Councils to, when making decisions, take account of whether:

- a) appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

6.37 Policy CP1 in the adopted Local Plan to 2033 states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

6.38 This reserved matters application has been reviewed in detail by ECC Highways who have asked for the following revisions

##### Residential Development:

- Revisions / amendment to the vehicle accesses to plots: 27, 137,139, 147, 148, 203 and 204 to shown the access points at right angles to the carriageway.
- Inclusion of the traffic calming proposals for the internal layout and the need for these to be spaced a minimum of 60 metres/ maximum of 100 metres.
- Although covered by a specific condition on the outline consent, ECC highways have asked for clarity (on revised plans) in respect of the location of the proposed bus gate to the south (off Stour Close) on the relevant drawing. To clarify, the location of the bus gate will remain as per the fully approved details under application reference 14/01431/OUT and as shown on the approved drawing C4-13027-011, listed at condition 1 of the approved outline permission, which is in a location to the north east of the forked access to the indoor bowls club and would therefore not impede on the bowls clubs' ability to continue to access their site. There is also a compliance condition listed at condition 16. This Reserved Matters application does not cover

the parts of the site already approved in full, and precise details in respect of the bus gate should be provided under the submission of condition 19(h) of the outline permission.

Cinema:

ECC Highways sought clarification in terms of the parking allocation for this building due to the inclusion of 5 x restaurant units in this building. There is a sizeable car park provided on the eastern parcel with overall parking provision for 736 cars (including disabled spaces)

Pub:

Clarification on the car parking provision for the pub building which is 70 car parking spaces and approved as such as part of the parameter plans for the outline consent.

Business Units Type A to D:

ECC Highways sought an increase in car parking spaces from 61 to 69 spaces which the developer duly provided.

Drive-Thru areas:

ECC Highways sought minor revisions to the layout of this area particularly for servicing the drive-thru restaurants including the provision of swept path diagrams for the largest vehicles that will be delivering to the site and also where the loading and unloading of the vehicles will be taking place, particularly for the smaller drive-thru. Again these details were duly confirmed.

Overall ECC Highways raised no objection to the scheme as a whole subject to conditions and informatives which are all NPPF compliant and included below. The proposal, from a highways and transport perspective is therefore in accordance with the relevant adopted local policies and national planning policy guidance

### Landscaping

- 6.39 A comprehensive soft landscaping scheme has been provided which shows the retention and improvement of the landscaping bunds along the perimeter of the site. The overall landscaping scheme includes the planting of in the region of 427 new trees predominantly in and around the residential parcel. Along with an acceptable range of landscaped features with street trees, shrubbery and front gardens, it is considered that these element would contribute positively to the character of the residential element of the development and indeed the wider area.
- 6.40 The landscaping proposals will also assist in enhancing the appearance of the development from key public views within the site for example at locations looking northwards and/or southwards over the newly created public open space (standing on the northern or southern sections of the circular route through the development).
- 6.41 An area of public open space (POS) of 10% of the gross site area for the residential parcel is proposed in a central north, south axis. The Urban Design Team at ECC-Place Services reviewed the layout of the wider proposed and indeed this element of the scheme and requested revisions and improvements which the developer provided via their design team. The revised plans show a revised arrangement, to now clearly include the retention of the World War II pillbox, further planting on the northern (commercial/employment parcels), around the perimeter of the residential parcel and indeed on the central public open space as well as additional tree planting to help break up this area. All these further landscaping enhancements have been secured within the revised plans. There will be a condition seeking details of a comprehensive landscape management plan to provide clarity and certainty as to the longer term management and maintenance responsibilities of the publically accessible landscaped areas/areas not falling in freehold/private ownership.

### Biodiversity

- 6.42 Condition 7 of outline planning permission 14/01431/OUT required the submission of a Biodiversity and Ecological Enhancement and Mitigation Scheme and Management Plan for that particular phase of the development to include a survey to confirm or otherwise the presence of protected species on the site and a management plan to demonstrate how biodiversity within the site will be encouraged by the development. This condition remains relevant and subject to discharge prior to commencement of development of any phase as identified within the approved Phasing Plan.

### Impact on Residential Amenity

- 6.43 The NPPF at paragraph 130 states that planning should secure developments with a high standard of amenity for existing and future users. Adopted policy SL7 of the Local Plan to 2033 seeks to protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.44 The proposed layout has been carefully considered and the plans demonstrate that sufficient spacing of on average 40 metres between existing properties to the south will be achieved thereby not causing any adverse impacts in respect of loss of light, outlook or privacy. This arrangement is considered to be in accordance with the Essex Design Guide which states that;
- 6.45 *Where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary. Where the rear faces of the new houses are approximately parallel to those of the existing homes, the rear of the new houses may not encroach any closer than 15m to an existing rear boundary – even though with a closer encroachment, 25m between the rears of the houses could still be achieved.*
- 6.46 Back to back distances between proposed opposing residential dwellings are generous and complies with the Essex Design Guide. The landscape buffer to the north as well as the warehouse and business units between the residential parcel and the A120 will also act as a noise buffer and will ensure a much improved situation not only for future occupiers of the development but also for existing residents further to the south in terms of noise reduction from the A120.
- 6.47 Ultimately the proposed detailed layout, appearance, landscaping and scale of the development is acceptable from a residential amenity perspective and in accordance with the relevant adopted policy and local guidance (Essex Design Guide).

### Drainage

- 6.48 The site is gently undulated with levels varying across the site, the land generally slopes down from the south to the north but there are variations to this due to the undulated nature of the wider site and area. As part of key layout, landscaping and other considerations the Applicants were advised to specifically consider levels and a SuDs strategy for the site. The Applicant has done that. The Lead Local Flood Authority (LLFA – ECC Suds) confirmed no objection to the granting of this reserved matters application 19/00851/DETAIL subject to the conditions applied to the outline application (14/01431/OUT). As outlined above and below the conditions the subject of the outline consent remain relevant and there are a number of drainage and surface water conditions to be discharged which will be the subject of separate conditional discharge applications.

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

- 6.49 The original S106 attached to the hybrid permission remains in place to fund infrastructure such as contributions of £330,169 for local education and £89,560 for the NHS. The original outline consent was subject to an affordable housing contribution equating to 10% of the overall number of dwellings proposed (including a reviewing mechanism). A total of 259 dwellings are proposed under this reserved matters application therefore equating to 26 affordable Homes – 18 of these will be affordable rent, and 8 intermediate housing.
- 6.50 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.
- 6.51 This residential development lies within the Zone of Influence (Zoi). The site is not within or directly adjacent to one of the European designated sites, but is sited approximately 555 metres from the Stour Estuary Ramsar and SPA and 2031 metres from Hamford Water SPA and SAC. New housing development within the Zoi would be likely to increase the number of recreational visitors to these area, and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.
- 6.52 The Applicant has indicated they are willing to entire into a unilateral undertaking and a proportionate financial contribution will be secured in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. The unilateral undertaking is in the final process of being completed. With this mitigation in place the development is considered to be in accordance with Policy PPL4 and SP2 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## Consultation

- 6.53 Following public consultation which included 3 rounds of letters (following 3 sets of revisions) sent to nearby and surrounding residents (as well as site notices), 30 comments and objections were received objecting on the grounds which include noise pollution, air quality, impact of development on essential infrastructure, loss of green space, inappropriate design, highways safety, no bus gate to the south of the site (preventing private traffic from entering the development from the south), drainage concerns, inappropriate highways infrastructure and excessively scaled development. Some letters in support of this application were also received.
- 6.54 Officer comment: *The matters raised by third parties outlined above have been addressed in the 'Assessment' section of this report.*

## **7. Conclusion**

- 7.1 As established through the granting of outline 14/01431/OUT application the principle of mixed use commercial (to include warehouses, business units, a hotel, cinema and other commercial floorspace) including residential development for up to 297 dwellings on this site is acceptable.
- 7.2 The detailed design, layout, appearance and landscaping are considered acceptable for all the reasons outlined in this report. The proposal would result in no material harm to residential amenity or highway safety and is considered acceptable in urban design terms.

7.3 Other matters relating to biodiversity enhancement and mitigation, street furniture, archaeology, drainage etc. are to be considered under separate planning conditions imposed on the hybrid consent (reference 14/01431/OUT) and LPA officers understand that these are being prepared/ at present, and will be submitted to the District Council within separate discharge of condition applications.

7.4 The reserved matters application is therefore recommended for approval subject to the necessary conditions outlined at 8.2 below and a unilateral undertaking to secure the RAMS payment.

## 8. **Recommendation**

8.1 The Planning Committee is recommended to approve the reserved matters application subject to a RAMS contribution, and the following conditions and informatives as set out below:

### 8.2 Conditions and Reasons

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

<b>Drawing title</b>	<b>Dwg no.</b>	<b>Rev</b>
Masterplan	PH-165-002	B
Detailed Layout	PH-165-003	B
Materials Layout	PH-165-004	B
Storey Heights	PH-165-005	B
Tenure Plan	PH-165-006	B
Boundary Treatment Plan	PH-165-007	B
Refuse and Recycling	PH-165-008	B
Open Space Plan	PH-165-009	B
Mistley House Type	PH-165-030	A
Kirby House Type	PH-165-031	A
Oakley House Type	PH-165-032	A
Beaumont House Type	PH-165-033	A
Raven House Type	PH-165-034	A
Bentley A House Type	PH-165-035	A
Bentley B House Type	PH-165-036	A
Bromley A House Type	PH-165-037	A
Bromley B House Type	PH-165-038	A
Thorpe House Type	PH-165-039	A
Horseley House Type	PH-165-040	A
Thorrington House Type	PH-165-041	A
Walton House Type	PH-165-042	B
Lawford A House Type	PH-165-043	A
Lawford B House Type	PH-165-044	A
Weeley House Type	PH-165-045	A
Sutton A House Type	PH-165-046	A
Sutton B House Type	PH-165-047	A
Brantham House Type	PH-165-048	A
Apartment Block Plan	PH-165-050	B
Apartment Block Elevations	PH-165-051	C
Garage	PH-165-070	A
Bin Store	PH-165-071	A
Street Scenes AA B CC *	PH-165-080	
Street Scenes DD *	PH-165-081	

<b>Drawing title</b>	<b>Dwg no.</b>	<b>Rev</b>
MASTERPLAN*	19186-2043	-
MASTERPLAN	19186-2044	P-04
SITE LAYOUT PLAN – BUSINESS UNITS	19186-2045	P-03
SITE LAYOUT PLAN – WAREHOUSE UNITS 1 & 2	19186-2046	P-02
SITE LAYOUT PLAN – WAREHOUSE UNIT 3	19186-2047	P-02
SITE LAYOUT PLAN – WAREHOUSE UNIT 4	19186-2048	P-02
SITE LAYOUT PLAN – PUBLIC HOUSE	19186-2049	P-03
SITE LAYOUT PLAN – CINEMA	19186-2050	P-02
SITE LAYOUT PLAN – HOTEL	19186-2051	P-02
SITE LAYOUT PLAN - DRIVE THRU	19186-2052	P-04
Drive-Thru Restaurants Vehicle Swept Path Assessment Out of Hours FTA Rigid HGV (Eastern Unit)	J000313-ATR101	
Drive-Thru Restaurants Vehicle Swept Path Assessment Large Refuse Collection Vehicle (Eastern Unit)	J000313-ATR102	
Drive-Thru Restaurants Vehicle Swept Path Assessment 7.5t Luton Van Servicing (Eastern Unit)	J000313-ATR103	
Drive-Thru Restaurants Vehicle Swept Path Assessment Luxury 4x4 via DriveThru Lane (Eastern Unit)	J000313-ATR104	
Drive-Thru Restaurants Vehicle Swept Path Assessment Out of Hours FTA Rigid HGV (Western Unit)	J000313-ATR105	
Drive-Thru Restaurants Vehicle Swept Path Assessment Large Refuse Collection Vehicle (Western Unit)	J000313-ATR106	
Drive-Thru Restaurants Vehicle Swept Path Assessment 7.5t Luton Van Servicing (Western Unit)	J000313-ATR107	
Drive-Thru Restaurants	J000313-ATR108	

<b>Drawing title</b>	<b>Dwg no.</b>	<b>Rev</b>
Vehicle Swept Path Assessment Luxury 4x4 via DriveThru Lane (Western Unit)		

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

2. All changes in ground levels, hard landscaping, planting, seeding or turfing shown the approved hard and soft landscaping drawing no's:

- JBA 21/267 -01 B
- JBA 21/267 -02 B
- JBA 21/267 -03 B
- JBA 21/267 -04 B
- JBA 21/267 -05 B
- JBA 21/267 -06 B
- JBA 21/267 -07 B
- JBA 21/267 -08 B
- JBA 21/267 -09 B
- JBA/21/267 -10 A
- JBA/21/267 -11 A
- JBA/21/267 -12 A
- JBA/21/267 -13 A
- JBA/21/267 -14 A
- JBA/21/267 -15 A
- JBA/21/267 -16 A
- JBA/21/267 -17 A
- JBA/21/267 -18 A
- W2335 Hard Landscape Proposals - 1001
- W2335 Hard Landscape Proposals - 1002
- W2335 Infrastructure Landscape Proposals - 1004
- W2335 Infrastructure Landscape Proposals - 1005
- W2335 Industrial Landscape Proposals - 1007
- W2335 Industrial Landscape Proposals - 1008

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 amenity.

3. Prior to the first occupation of any of the phases of the approved Strategic Phasing Plan a landscape contractual arrangement must be in place to ensure the maintenance of all public soft landscaped areas on behalf of the residents, business and users of the development, for the lifetime of the development.

Reason: To ensure appropriate maintenance of the approved landscaping scheme, in the interests of visual amenity, the quality of the development and the character of the area.

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

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

5. Prior to above ground works in any phase identified within the approved Strategic Phasing Plan, a scheme for the provision of electric vehicle charging facilities for the dwellings, commercial, business, hotel, cinema, and industrial buildings hereby approved 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 dwelling.

Reason: In order to promote sustainable transport.

6. No phase of the development identified within the approved Strategic Phasing plan shall be occupied until a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter

Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate.

7. Prior to the occupation of any phase of the proposed development the internal road and footway layouts shall be provided in principle and accord with Drawing numbers:
- PH-165-002 Rev. B:- Master Plan.
  - PH-165-003 Rev. B:- Detail Layout
  - 19186-2044 P-04 :- Masterplan
  - 19186-2045 P-03 :- Site Layout Plan – Business Units
  - 19186-2049 P-03 :- Site Layout Plan – Public House
  - 19186-2052 P-04 :- Site Layout Plan – Drive Thru
  - 2046 P-02 - Amended warehouse units 1 and 2 - site layout plan
  - 2047 P-02 - Amended warehouse units 3 - site layout plan
  - 2048 P-02 - Amended warehouse units 4 - site layout plan
  - 2051 P-02 - Amended hotel - site layout plan

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

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

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

9. Notwithstanding the details shown on drawing PH-165-003 Rev. B, prior to occupation, details of a type of bollards/barrier to be located across the private road between plots 15/16, 57/58, 95/96 and 229/230 shall be submitted for approval. The development shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety in accordance with policy DM1.

10. Prior to the Drive-Thru Restaurants becoming operational a Delivery and Servicing Plan, and a Car Park Management Plan shall be submitted to, and agreed in writing with, the Local Planning Authority. The Plans to include the following, and be adhered to at all times:
- i. Deliveries and refuse collection to the development to be managed in advance and limited to outside of operational hours only.
  - ii. An area to be kept clear outside operational hours to facilitate servicing and refuse collection.

- iii. A parking management strategy to be in place limiting customers to a maximum 60-minute stay only.
- iv. All parking spaces to be provided for customers only. No staff parking to be permitted to park on site.

Reason: In the interests of highway safety to ensure accordance with Policy DM1 and DM19.

11. Prior to the first use of any external lighting / floodlighting within the development site, the light source shall be so positioned and shielded, in perpetuity, to ensure that users of the highway are not affected by dazzle and/or glare, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that users of the highway are not subjected to glare and dazzle from lighting within the development in the interest of highway safety in accordance with Policy DM1.

12. Any gates provided at any vehicular access points shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway / cycleway or where no provision of footway/cycleway is present, the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent footway/cycleway/carriageway in the interest of highway safety in accordance with policy DM1.

13. Prior to first occupation a scheme for the associated extractor / ventilation systems for any business units (where relevant) and or food outlets hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include measures to control noise and odour from any extractor systems. The details shall thereafter be implemented in accordance with the approved details and retained as such

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

14. Prior to above ground works in any phase identified within the approved Strategic Phasing Plan the precise details of the manufacturer and types and colours of all the external facing materials and roofing materials to be used in the construction of all the buildings hereby approved shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in relation to external appearance and in the interests of residential amenity.

15. Prior to the occupation of any dwelling the details of the equipment used in the Locally Equipped Play area shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be those used in the development and installed prior to the first occupation of any dwelling on site.

Reason: To ensure a satisfactory development in relation to public open space and in the interests of residential amenity.

16. Prior to the commencement of development in any phase identified within the approved Strategic Phasing Plan a Construction and Environmental Management Plan shall have first been submitted to and approved in writing by the Local Planning Authority. This shall include a method statement for the following (where applicable):
- i) Provision for: the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials storage of plant and materials used in constructing the development, and; wheel and underbody washing facilities
  - ii) 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.
  - iii) 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.
  - iv) 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.
  - v) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
  - vi) 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.
  - vii) Prior to the installation of any external lighting precise details shall have first been submitted to and approved in writing by the local planning authority. Any external lighting shall be designed so as to prevent any unnecessary light spill. 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/ 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. Thereafter external lighting shall only be installed in accordance with such details as may have been approved.
  - viii) All waste arising from any 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.
  - ix) No materials produced as a result of the site development or clearance shall be burned on site.
  - x) 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.

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

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

17. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the site is free from contamination.

18. Prior to above ground works in any phase identified within the approved Strategic Phasing Plan precise details of the provision, siting, design and materials of screen walls and fences shall have been submitted to and approved in writing by the Local Planning Authority. The approved screen walls and fences shall be erected prior to the dwellings to which they relate being occupied and thereafter be retained in the approved form.

Reason - In the interests of visual and residential amenity.

19. Notwithstanding the provisions 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 fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road.

Reason - In the interests of visual and highway safety.

20. Before any specified plant and/or machinery is used on any of the A3 restaurant units or the Cinema building hereby approved, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.

Reason - In the interests of visual and residential amenity.

### 8.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### **Highways Informatives:**

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](mailto:development.management@essexhighways.org)**

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

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

In paved areas, whether 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.

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

5: Areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

6: 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.

#### SUDS informatives

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

8. Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

9. 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 LLFA standing advice note available on the ECC website.

10. 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.

11. 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.

12. The LLFA 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.

### 13. Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)
- You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.
- We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)
- We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.
- Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.
- Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

- Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

#### 14. Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

#### Contamination informative

15. Developer is hereby advised that the responsibility for the safe development of the site lies with them. The minimum requirements for dealing with unexpected ground conditions being encountered during construction:

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be:

- re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or • treatment of material on site to meet compliance targets so it can be re-used; or
- removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

## **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/>.

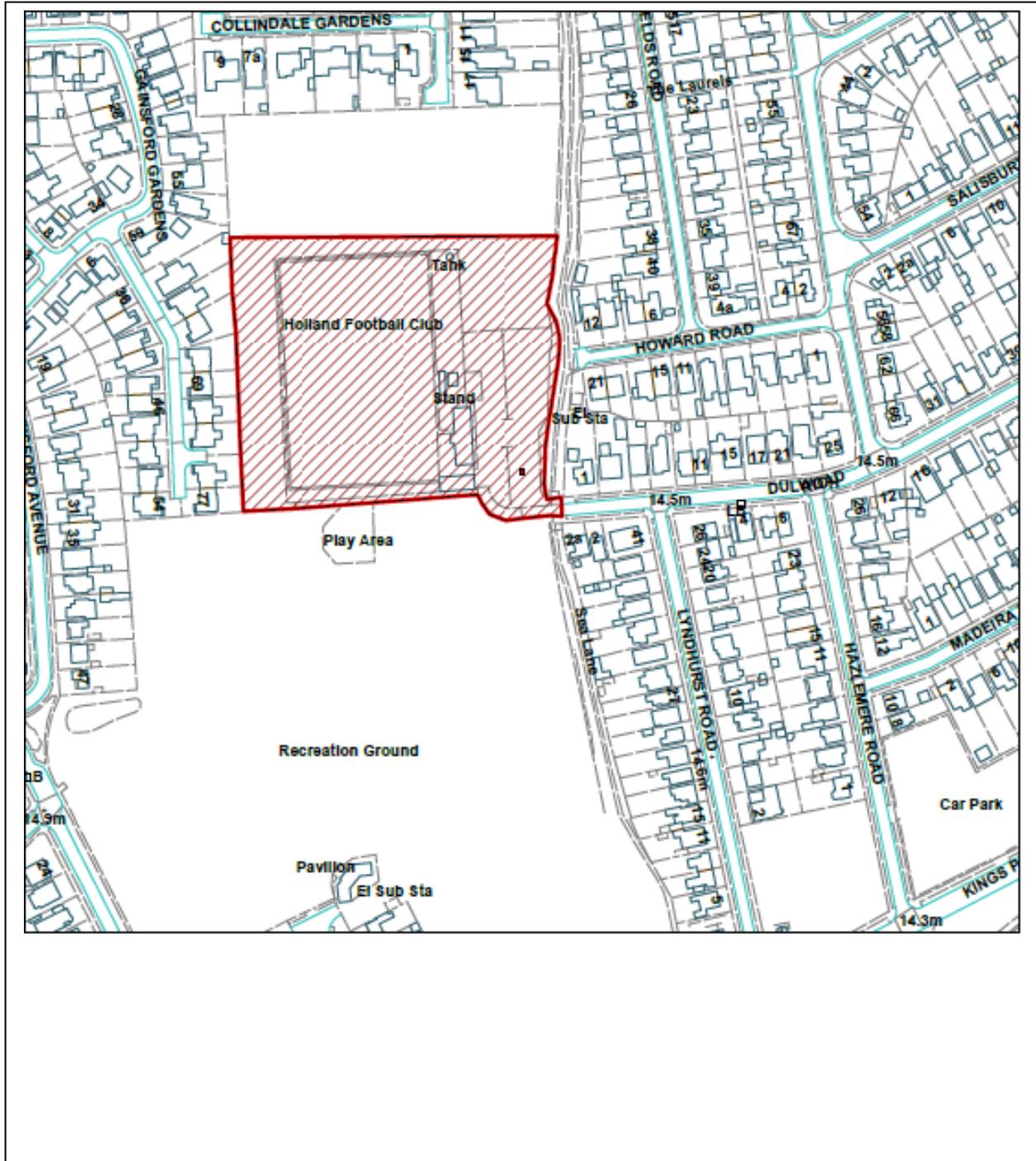
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## PLANNING COMMITTEE

16<sup>th</sup> FEBRUARY 2022

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### A.2 PLANNING APPLICATION – 21/02097/FUL – HOLLAND FOOTBALL CLUB THE CLUBHOUSE DULWICH ROAD HOLLAND ON SEA ESSEX



**Application:** 21/02097/FUL

**Town / Parish:** Clacton Non Parished

**Applicant:** Holland FC

**Address:** Holland Football Club The Clubhouse Dulwich Road Holland On Sea Essex  
CO15 5HP

**Development:** Extension to clubhouse

## 1. **Executive Summary**

- 1.1 This application is before Members as Tendring District Council is the land owner
- 1.2 The proposal involves the construction of an extension to the existing clubhouse building. The proposal would improve the facilities available, supporting the Holland-on-Sea Football Club and the wider community.
- 1.3 The proposals are considered to be of a size, scale and design in keeping with the existing building and there are no concerns raised regarding the impact on the neighbouring residential properties in the surrounding streets given the existing use of the site.

### **Recommendation:**

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

- a) Subject to the conditions stated in section 8.2.

## 2. **Planning Policy**

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

NPPF National Planning Policy Framework July 2021  
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond Section 1 (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development  
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design  
HP2 Community Facilities  
HP5 Open Space, Sports & Recreation Facilities  
CP1 Sustainable Transport and Accessibility

## **Status of the Local Plan**

- 2.2 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**

09/00921/FUL	Proposed retention of existing posts and new floodlights to serve sports training area.	Approved	02.11.2009
14/00931/FUL	Demolition of existing leisure facilities and construction of new leisure facilities including playing pitch, club house, changing facilities and car parking. Residential development of 65 no. bungalows.	Approved	20.07.2015
17/01849/FUL	Covered stand, provision of 6 floodlights. 10m high ball stop netting, 2.4m wire sports fencing and amendment to car park in relation to sport pitches approved under 14/00931/FUL.	Approved	30.01.2018
18/00472/FUL	Covered stand, provision of 6 floodlights, 10m high ball stop netting, 2.4m wire sports fencing and amendment to car park (amended scheme).	Approved	19.06.2018

## **4. Consultations**

Tree & Landscape Officer 12.01.2022	No trees or other significant vegetation will be adversely affected by the development proposal. Taking into account the location of the application site there appears to be little need for, or public benefit to be gained by, new soft landscaping associated with proposed development.
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## **5. Representations**

- 5.1 No representations have been received following a public consultation which included a site notice posted at the site and neighbour consultation letters sent out to the adjacent properties.

## **6. Assessment**

Site Context

- 6.1 The application site is accessed from the western end of Dulwich Road located between the settlements of Clacton-on-Sea and Holland-on-Sea and is sited within the wider Eastcliff Recreation Ground. The site comprises of a football pitch, viewing stands, a clubhouse, providing social facilities, bar, toilets, storage and changing rooms and a parking area and is used by Holland-on-Sea Football Club. The recreation ground is bordered by residential properties and is close to the seafront. The site is within flood zone 1 which has a low risk of flooding.

#### Proposal

- 6.2 The application seeks planning permission to construct a single storey pitched roof rear extension to the existing clubhouse to extend the indoor seating area.
- 6.3 The extension measures 5.8m deep, 6.75m wide, with an eaves height of some 2.5m and a maximum height of 3.5m. The external materials proposed are face brick and concrete tiles to match the existing clubhouse.

#### Principle of Development

- 6.4 Paragraph 92 of the NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places which amongst others should, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of safe and accessible green infrastructure and sports facilities. Paragraph 93 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should amongst others, plan positively for the provision and use of shared spaces, community facilities (such as sports venues and open spaces) and other local services to enhance the sustainability of communities and residential environments.
- 6.5 The Holland Football Club was established in 2006 and permission for the existing clubhouse and grounds was approved in 2015. The club has a successful men's first team and provides football training facilities for around 12-14 other teams, for both adults and children, in and around the Clacton Area. Therefore the principle of development is in line with the aims of the NPPF and would improve the existing facilities for this well-established football club to the benefit of the local community. The proposal is therefore considered to be acceptable in principle subject to detailed policy considerations outlined below.

#### Appearance, Layout and Scale

- 6.6 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).
- 6.7 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.
- 6.8 The social area of the clubhouse currently makes up only 25% of the total floorspace, with the other 75% made up of changing rooms, shower and toilet facilities for the home and away teams as well as the referees, public toilets including a disabled W.C and kitchen area. The

proposed extension to the existing Clubhouse would provide much needed space to accommodate both spectators and teams using the football club.

- 6.9 The overall size, scale and design of the Clubhouse extension is considered to be acceptable. The extension is located to the rear of the existing clubhouse, within the existing patio area and is thus screened from the public realm and is considered to be proportionate to the size and scale of the main Clubhouse building.
- 6.10 The extension does not encroach on any existing playing area and retains adequate access between the extension and the pitch to access the rest of the site.
- 6.11 Overall, the appearance, scale and layout of the proposal is considered to be in character with the locality and the proposal is considered acceptable with regard to Policies SP7 and SPL3.

#### Highway Safety/Parking

- 6.12 Policy CP1 seeks new development that is sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 6.13 Given the current use of the Clubhouse and its location within the Eastcliff Recreation Grounds, which is accessible by all modes of transport and is centrally located for both Clacton-on-Sea and Holland-on-Sea, it is not considered that the development proposed would have a detrimental impact on highway or pedestrian safety. There is adequate car parking provided to the front of the Clubhouse and the extension would not necessarily lead to a huge upsurge in visitors to the club, albeit better accommodate those whom already use the club.

#### Impact on Residential Amenity

- 6.14 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.
- 6.15 Policy SP7 states that all new development protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Policy SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.16 The Clubhouse building currently provides ancillary facilities of a social nature to support the use of the Football Club. The extension is sited within the grounds, on an area of existing patio and is around 55m from the nearest residential property. Therefore it is not considered that the proposal would have a harmful impact on the neighbouring occupiers in the surrounding residential areas over and above that which already exists.

#### Trees and Landscaping

- 6.17 Given the current use of the site, no trees or other significant vegetation would be adversely impacted by the development proposal. It is also considered that given the location of the extension, it does not necessitate any further soft landscaping, neither is there any real public benefit to be gained from additional landscaping within the site.

## **7. Conclusion**

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. 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 informative.

### **8.2 Conditions and Reasons**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

0925\_A\_SC\_02/A - Proposed site plan

0925\_A\_SC\_04 - Proposed elevations and floor plans

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

### **8.3 Informatives**

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

## **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/>.

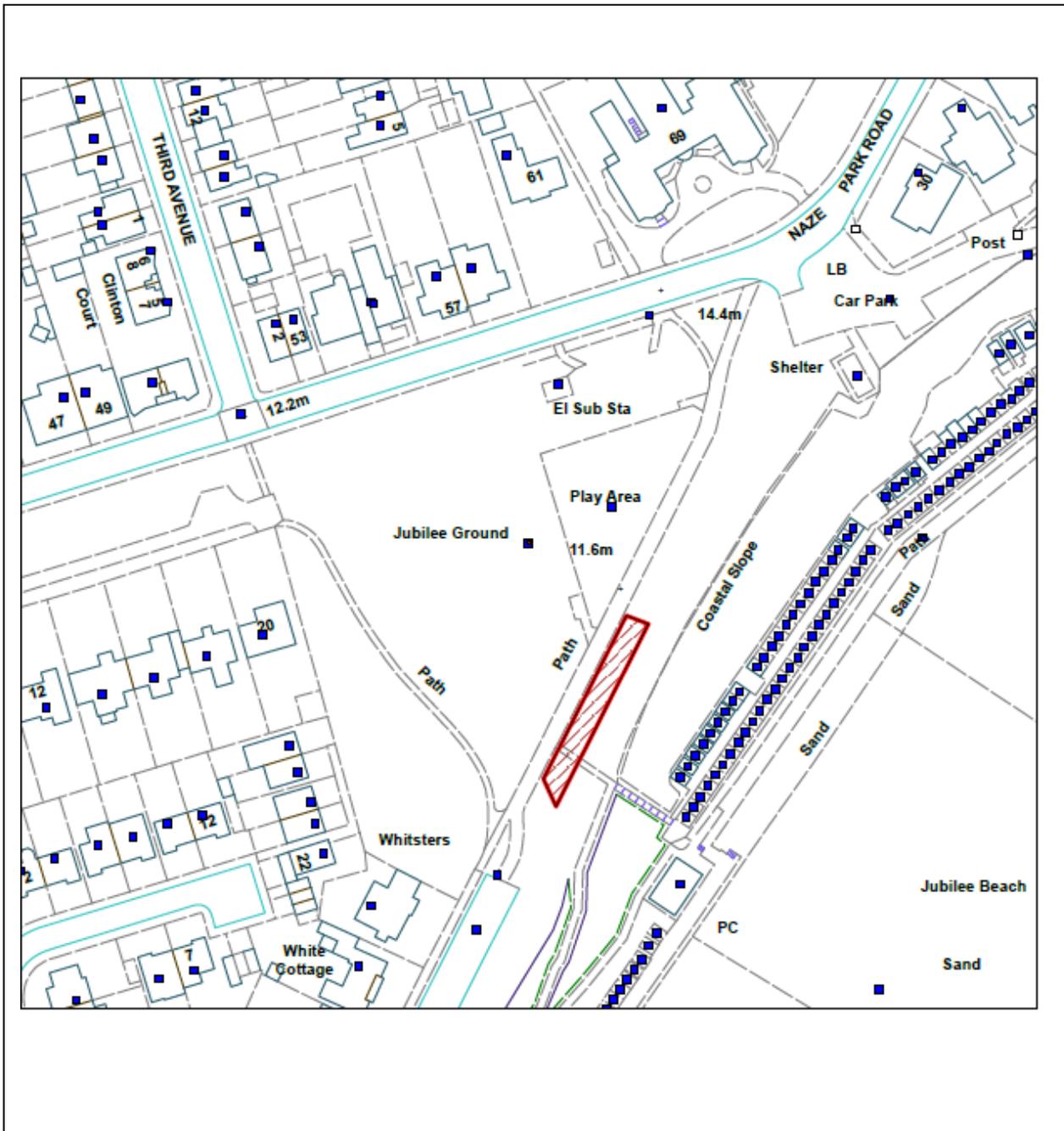
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## PLANNING COMMITTEE

16<sup>th</sup> FEBRUARY 2022

### REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

#### **A.3 PLANNING APPLICATION – 21/01687/FUL – JUBILEE FIELD NAZE PARK ROAD WALTON ON THE NAZE ESSEX CO14 8JZ**



**Application:** 21/01687/FUL

**Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mrs Nina Underwood - Tendring District Council

**Address:** Jubilee Field Naze Park Road Walton On The Naze Essex CO14 8JZ

**Development:** Proposed temporary relocation of (x17) beach huts from Eastcliff to the edge of Jubilee Field.

## 1. **Executive Summary**

- 1.1 This application is before Members as Tendring District Council is the land owner and applicant.
- 1.2 The proposal involves the temporary siting of 17 beach huts to Jubilee Fields in Walton on the Naze. The huts were located there in the summer of 2021 and as such the application is retrospective. The huts will be sited on Jubilee Fields whilst works take place to the sea wall at East Terrace, Walton on the Naze. The huts are to be moved back to their original location on completion of the works which is expected to be in an estimated 12 months' time.
- 1.3 The proposals are considered to be of a scale and appearance which is in keeping with the character of the surrounding area and there are no concerns raised regarding the amenity impacts on nearby residential properties.

### **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.

NPPF 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)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL3 Sustainable Design

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

CP1 Sustainable Transport and Accessibility

PPL4 Biodiversity and Geodiversity

PPL1 Development and Flood Risk

### **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**

None

### **4. Consultations**

Essex County Council Ecology No response given. It is therefore considered that the temporary development will not cause harm to wildlife or habitats.

Environment Agency No response given. It is therefore considered that there would be no increased risk to persons by way of flooding, nor would the development significantly increase flooding elsewhere.

### **5. Representations**

5.1 Frinton and Walton Town Council support the proposal.

### **6. Assessment**

#### Site Context

6.1 The application site is a section of the Jubilee Ground, a recreation ground and play area which lies adjacent to the seafront in Walton on the Naze. The recreation ground has residential properties to its northern, eastern and western boundaries and the seafront lies to the south west. Close to the seafront there are rows of beach huts which are accessed from the Jubilee Ground by way of a descending pathway. The site is within the development boundary of Walton, the Coastal Area at The Naze whereby existing recreational facilities are protected, and the urban regeneration area of Walton on the Naze. The site is within flood zone 1 which has a low risk of flooding.

## Proposal

- 6.2 The application seeks retrospective temporary planning permission for the location of 17 beach huts onto an area of the recreation ground which is closest to the seafront. There is a close board fence to three sides of the site, leaving the front of the huts, facing the sea, exposed. The beach huts will be in this place during the proposed works to the sea wall that are to be taking place at East Terrace. The works at East Terrace are in response to health and safety concerns. The works are yet to be finalised in terms of both specification and funding. An estimate of 12 months (from the present) has been provided for the completion of the works. On completion of those works, the beach huts will be removed and returned to their original location and the fence will be taken down. To allow for the works at East Terrace to take place, and for the huts to be returned to their original siting, it is considered reasonable to impose a condition whereby the planning permission is restricted to a realistic timescale of 18 months from the present. The application is retrospective as the huts have been in situ since the summer of 2021.
- 6.3 The site area has been given as approximately 348 m<sup>2</sup> and allows for an existing pedestrian pathway to continue through the site.

## Principle of Development

- 6.4 Paragraph 92 of the NPPF requires planning policies and decisions to aim to achieve healthy, inclusive and safe places which amongst others should, enable and support healthy lifestyles, especially where this would address identified local health and well-being needs, for example through the provision of coastal beach huts. Paragraph 93 states that in order to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should amongst others, plan positively for the provision and use of shared spaces, community facilities (such as sports venues and open spaces) and other local services to enhance the sustainability of communities and residential environments. Therefore, consideration is given to the impact on community provision by the location of the huts to the Jubilee Ground.
- 6.5 Notwithstanding that there would be a temporary reduction in usable, publicly-accessible community space by way of the location of the beach huts, the principle of development is in line with the aims of the NPPF as it would mean the continuation of facilities for beach hut users, whilst vital works are carried out in another part of the District that would in turn enhance coastal community provision. The proposal is therefore considered to be acceptable in principle subject to detailed local plan policy considerations.

## Appearance, Layout and Scale

- 6.6 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. (Para 126 NPPF).
- 6.7 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.

- 6.8 The proposal is sited in close proximity of other beach huts, close to the seafront in a location where beach huts or similar types of coastal development could reasonably be expected. As such the placement of the beach huts appears congruent to the surrounding character and appearance of the area.
- 6.9 The overall size of the development is not excessive in comparison to other linear beach hut placements and the surrounding open land. Whilst the beach huts are clearly visible from public viewpoints, they do not block any coastal vistas.
- 6.10 The development does encroach onto public recreation land, however the placement of the beach huts does not significantly prevent the use of the Jubilee Ground, any access paths or the play area.
- 6.11 Overall, the appearance, scale and layout of the proposal is considered to be in character with the locality and the proposal is considered acceptable with regard to Policies SP7 and SPL3.

#### Highway Safety/Parking

- 6.12 Policy CP1 seeks new development that is sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.
- 6.13 Given the current use of the beach huts that exist in the area, and the location within the Jubilee Ground, which is accessible by various modes of transport and is well located for Walton on the Naze, the proposal is considered to be acceptable on highways grounds. There is adequate public car parking provision close to the site on Naze Park Road and within a public car park 250 yards along the nearby Old Hall Lane. Whilst it is accepted that there will be some intensification of the use of the nearby parking facilities, this would not be significant, it would be temporary, and given that the site is considered to be highly accessible, it is further considered that the development would not have a detrimental impact on highway or pedestrian safety and complies with local policy CP1.

#### Impact on Residential Amenity

- 6.14 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.
- 6.15 Policy SP7 states that all new development protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Policy SPL3 seeks new development that does not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.16 The use of beach huts within this location is considered to be a low-key use that would have minor, if any, impacts on nearby residential or public amenity. The nearest residential site is approximately 30m from the development and it is considered that the living conditions of the residents of that property are unaffected. Therefore, it is considered that the proposal would not have a harmful impact on the neighbouring occupiers in the surrounding residential areas.

#### Trees and Landscaping

- 6.17 No trees or other significant vegetation would be adversely impacted by the development proposal. However, it is accepted that there will be damage caused by the development to a section of the existing grass area of Jubilee Ground. However, the site should be returned to its original state upon the removal of the huts and this matter can be secured by planning condition.

## 7. Conclusion

- 7.1 It is considered that the proposed development is consistent with the National and Local Plan Policies identified above. The retrospective development is considered necessary to meet the needs of the public by way of providing alternative beach hut accommodation whilst vital public works are taking place. In the absence of any identified 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 informative.

### 8.2 Conditions and Reasons

1. The development hereby permitted shall be retained in accordance with the following approved drawings:

Site Location Plan

Existing Block Plan

Proposed Block Plan

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

2. The period of this permission shall expire on 16.08.2023 at which date the beach huts and fencing hereby permitted shall be removed.

**Reason –** This planning permission has been assessed and granted on a temporary basis. Permanent planning permission would require the circumstances of the development to be assessed on the basis of permanent, rather than temporary, impacts.

3. Upon the cessation of use, all beach huts and fencing shall be removed from Jubilee Ground and the site and its landscape features returned to its condition prior to the commencement of the approved development.

**Reason-** To ensure the reinstatement and protection of coastal views and landscape in the interests of visual amenity and local biodiversity.

### 8.3 Informatives

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

## 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.tendingdc.gov.uk/online-applications/>.