



PLANNING COMMITTEE

DATE:	Tuesday, 24 October 2023
TIME:	5.00 pm
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Fowler (Chairman)
Councillor White (Vice-Chairman)
Councillor Alexander
Councillor Bray
Councillor Everett

Councillor Harris
Councillor Placey
Councillor Sudra
Councillor Wiggins

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. 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.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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DATE OF PUBLICATION: Monday, 16 October 2023

AGENDA

1 Apologies for Absence and Substitutions

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

2 Minutes of the Last Meeting (Pages 1 - 20)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Thursday, 28 September 2023.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, 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 Report of the Director (Planning) - A.1 - 23-00864-FUL - Jubilee Ground, Naze Park Road, Walton-on-the-Naze (Pages 21 - 30)

Extension to temporary period relocation for 8 beach huts to remain on Jubilee Ground (with remaining 9 beach huts to be replaced within empty beach hut plots in various locations).

6 Report of the Director (Planning) - A.2 - 23-00547-FUL - 225 Point Clear Road, St Osyth (Pages 31 - 50)

Proposed sub division of site to form building plot and erection of three bedroom detached bungalow including new vehicular access to serve new dwelling and the host property.

7 Report of the Director (Planning) - A.3 - 22-01333-FUL - Land west of Turnpins Farm Walton Road Kirby le Soken (Pages 51 - 84)

Proposed re-plan of part of site to provide 21 additional smaller units increasing total from 210 approved to 231 (as alternative to part of planning permission 16/00031/OUT and 20/00303/DETAIL).

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 5.00 pm on Tuesday, 21 November 2023.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

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

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

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

Rights of members of the public to film and record meetings

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

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

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

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

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

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

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

Filming by the Council This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24

months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 6.00 pm in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE.

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

1. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes to speak is allowed;
2. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
3. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes to speak is allowed;
4. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes to speak is allowed;
5. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards

or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes to speak is allowed;

In accordance, with Council Procedure Rule 36.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 36.1; and

6. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative may be requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or, in their absence, the Vice-Chairman whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

WHICH MATTERS ARE COVERED BY THIS SCHEME?

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

Telephone the Committee Services Officer (“CSO”) (01255 686587 or 686584) during normal working hours on any weekday after the reports and agenda have been published; or

Email: democraticservices@tendringdc.gov.uk.

OR

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

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraphs 2 or 3 above), the right to speak under that category will be on a “first come, first served” basis.

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

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

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

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

WHAT SHOULD I SAY AT THE MEETING?

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

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

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

WHO DO I CONTACT FOR MORE INFORMATION?

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

Tendring District Council, Planning Services,
Town Hall, Station Road, CLACTON-ON-SEA, Essex CO15 1SE
Tel: 01255 686161 Fax: 01255 686417
Email: planningservices@tendringdc.gov.uk Web: www.tendringdc.gov.uk

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

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

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON THURSDAY, 28TH SEPTEMBER, 2023 AT 6.00 PM
IN THE COMMITTEE ROOM - TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Fowler (Chairman), White (Vice-Chairman), Alexander, Everett, Harris, Sudra and Wiggins
Also Present:	Councillors Baker (except items 38 – 41) and Land (items 36 - 38 only)
In Attendance:	Gary Guiver (Director (Planning)), John Pateman-Gee (Head of Planning & Building Control), Ian Ford (Committee Services Manager), Kai Aberdeen (Theatre General Manager (Technical)), Madeline Adger (Leadership Support Manager), Joanne Fisher (Planning Solicitor), Alison Newland (Planning Team Leader) (except items 40 and 41), Michael Pingram (Planning Officer) (except items 38 - 41), Bethany Jones (Committee Services Officer), Emma Haward (Leadership Support Assistant) and Jennie Wilkinson (Assets Surveyor) (Except Items 38 - 41).

33. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Bray and Placey (with no substitutes appointed).

34. MINUTES OF THE LAST MEETING

It was moved by Councillor Harris, seconded by Councillor Alexander and:-

RESOLVED that the minutes of the last meeting of the Committee, held on Thursday 31 August 2023, be approved as a correct record and signed by the Chairman.

35. DECLARATIONS OF INTEREST

Councillor Harris declared for the public record in relation to reports **A.2 – Planning Application 22/00979/DETAIL – Land to the South of Thorpe Road, Weeley, CO16 9AJ** and **A.3 – Planning Application 22/01332/FUL – Land South of Verity Gardens, Weeley, CO16 9FA** that he was a Ward Member and that he had called-in those applications at the request of the Weeley Parish Council. Councillor Harris also stated that he had spoken against the original Outline application. However, as some of his concerns on the Outline planning permission had been alleviated, he was not therefore pre-determined and he would take an unbiased, pragmatic approach to these applications and remain in the meeting.

36. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such Questions on Notice submitted by Councillors on this occasion.

37. REPORT OF THE DIRECTOR (PLANNING) - A.1 - PLANNING APPLICATION 23/00929/FUL – HONEYCROFT & 2 WALDEGRAVE WAY, LAWFORD, CO11 2DX

Committee members were told that this application was before the Planning Committee as Tendring District Council was the applicant.

Members were told that the application proposed the erection of 13 Sheltered Housing properties alongside a communal building. The site fell within the Settlement Development boundary for Lawford, whilst NPPG guidance sought to provide specialist housing for older people.

Committee members heard that the design, scale and layout of the proposal was supported by Officers, and that therefore there would not be significant harm to the amenities of neighbouring properties.

Members also heard that there would not be significant harm to existing trees and that ECC Ecology supported the proposal subject to conditions.

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 (MP) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of the Unilateral Undertaking and additional representations showing support for the application:

***"23/00929/FUL - Erection of 13 Sheltered Housing bungalows for persons 55 years old or older, and a new community facility building (on the site of recently demolished sheltered housing building).
Honeycroft & 2 Waldegrave Way, Lawford, Manningtree CO11 2DX
Unilateral Undertaking***

The Unilateral Undertaking to secure a financial contribution towards the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has now been completed.

Additional Representations

A letter has been received from Councillor Giancarlo Guglielmi on behalf of himself, Councillor Terry Barrett and Lawford Parish Council in support of the application, which reads as follows:

We write to express our combined strong support for this application, and we are sorry for not having submitted this representation before now.

The Chairman of Lawford Parish Council will attend the site visit on Thursday 28th September, but although we would have very much liked to have made our representation in person, regrettably we will not be able to attend the Committee meeting because of previous commitments.

We are delighted that this application will now be heard and determined by the Members of the Planning Committee, and we very much hope that they will agree with the Officer's recommendation and approve this scheme that has been long time coming.

We would like to thank the Property Team for the huge amount of work they have put into preparing this application, and come with a scheme that will offer first class accommodation for Tendring residents over 55, and as this site previously known as Honeycroft Sheltered Housing, has historically provided accommodation to people who had Lawford, Mistle, and Manningtree connections, we would very much like that this unwritten policy should continue.

We are very pleased to see that CONDITION 5 addresses the potential disturbance to neighbouring properties with regards to noise, dust, and the various stages of construction, as well as including a scheme to review issues with neighbours and the registration and details of the Considerate Constructors Scheme.

We are likewise very pleased to see that 3 CONDITION addresses 6.40 of the report that talks about Policies PPL10 and SPL3, that require consideration to be given to renewable energy generation and conservation measures. Although actual details have not been submitted with the proposal, we are happy that this will be dealt with by Officers.

We very much hope that Members will share our view of support for this proposal and we very much look forward to seeing this site that has sat empty for a very long time, being once again able to provide housing; and in some cases, free up larger council properties to those residents over 55 who would like to have scaled down but because there was nothing available have not been able to.

This will be excellent news to so many people on the Housing Register who are waiting for two- and three-bedrooms accommodation.

And if this scheme is approved it could become a great model to address other Council owned Housing Schemes that are now coming to the end of their time.

We thank you all for reading this and for taking it in consideration when you will debate the application on Thursday 28th September."

Chris Wragg, an agent for the applicant, spoke in support of the application.

The Portfolio Holder (Housing & Planning), Councillor Andy Baker, spoke in support of the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>How long before it is built and the first resident is moved in? Can we have an assurance that it isn't 6 years?</i>	<i>It has to be started within 3 years. Our understanding is that it will be started before Christmas.</i>
<i>Will the new policy around Biodiversity Net-Gain (BNG) coming in have an effect on this application?</i>	<i>There are no biodiversity considerations at this moment. The Council have contacted Essex County Council who have had no objections. We are not at</i>

	<i>the point just yet to have these considerations for this application.</i>
<i>This is a tight site so are we sure it can't be affected?</i>	<i>This application is being determined under present legislation and not future legislation therefore, it is not affected. Any future applications at this site would be subjected to any future legislation.</i>
<i>Can we have an assurance that no other trees will be affected by this other than the 3 trees mentioned in the report?</i>	<i>In Paragraph 6.29 of the report, the loss of three small trees is acceptable. Arboricultural Impact Assessment (AIA) says other trees will be protected.</i>
<i>Is it a community building or gardens? Where is this on the site?</i>	<i>It is a community building – Officer pointed to it on the screens provided.</i>

It was moved by Councillor Alexander, seconded by Councillor Harris, and unanimously:-

RESOLVED that:

- 1) the Head of Planning and Building Control be authorised to grant planning permission, subject to the agreed section 106 agreement and the planning conditions as stated at paragraph 8.2 of the Officer report, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) the sending of informative notes to the applicant as may be deemed necessary.

38. REPORT OF THE DIRECTOR (PLANNING) - A.2 - PLANNING APPLICATION 22/00979/DETAIL – LAND TO THE SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ

Members were told that the application had been referred to the Planning Committee as when Outline planning permission had been granted Members of the Committee had agreed that the Reserved Matters application(s) would be referred to the Planning Committee for its determination. In addition, Councillor Peter Harris, the Ward Member, acting on behalf of Weeley Parish Council had requested that the application be ‘called in’ to the Planning Committee, as the Parish Council had raised its concerns about the provision of Open Space within the development; concerns about the surface water drainage scheme; the design of the railway footbridge; and concerns over traffic management and the proposed vehicular access for the site.

The Committee heard that the current application sought approval of the reserved matters related to outline planning permission 19/00524/OUT, which had granted outline permission for the erection of up to 280 dwellings, a potential new primary school and children’s nursery, up to 3,000sqm of office (B1) floorspace and associated infrastructure and development including the provision of Public Open Space. The development had also approved through the outline planning permission a pedestrian footbridge over the railway line to the south of the application site.

Members were further informed that when the outline planning permission had been approved it had included approval of the vehicular access to the site – a single road leading from a modified priority junction on Thorpe Road. Whilst the access details had

been approved all other matters had been Reserved. The application now in front of Members included details of the appearance, landscaping, layout and scale, of the whole application site, excluding the education land and a relatively small parcel of land immediately to the south of Verity Gardens, as those details had not been included as part of the outline permission and were included for consideration in a current, separate application 22/01332/FUL.

Officers informed Members that, as established through the granting of outline application 19/00524/OUT, the principle of a mixed use, residential led development for up to 280 dwellings, with new education facilities, commercial office space, and pedestrian footbridge had all been found to be acceptable by the Council.

Members also heard that the detailed design, layout, landscaping, and scale were considered acceptable by Officers. The proposal would result in no material harm to residential amenity or highway safety and the application was therefore recommended by Officers for approval subject to the planning conditions listed in the Officer 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 Team Leader (AN) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of additional representations, change of wording for conditions and additional conditions:

“Additional Representations

Weeley Parish Council: Weeley Parish Council (WPC) considered this application at its meeting on 18 September 2023. It resolved to object to the application. WPC submitted objections to this application previously on 18 July 2022 and again on 20 March 2023. The reasons it objected previously still stand.

In considering the application on this occasion, serious concern was expressed about proposed parking provision at the school and business units. It is clearly woefully insufficient in terms of staff parking and parent parking.

You only need to look at the amount of vehicles parked in and around the Gorse Lane Industrial Estate to see how many vehicles this type of activity generates and that area was built with far more generous accommodation than this proposal and it is choked with traffic.

With regard to the proposed school, its proximity to the business units and parking provision, . Parking has over the years become an increasing problem at many schools. It doesn't make sense to design the problem in before the school is built.

WPC requests that the parking provision is reviewed and increased.

ECC Highway Authority: Please note this supersedes the previous recommendation dated: 12 May 2023 for this application.

In relation to drawing nos. 21/12/70 A - Amended education site access plan and 21/12/51 F - Amended parking layout plan, it is noted that the submitted plan(s) do not fully meet the requirements of Schedule 5 of the s106 dated 13th August 2019. The proposed location of the school car park at the front of the school, will create a source of noise and pollution on the school boundary and undermine the principle of making Active Travel the most attractive way to get to the school and there appears to no evidence supporting the need for a car park. It is considered that the access points are not in the correct positions to facilitate the traffic free school frontage that EEC strives to deliver or conform to the requirements as set out in Schedule 5 of the s106 dated 13th August 2019. The Highway Authority would welcome further engagement with the applicant, ECC Schools Service and ECC Urban Design to address the issues raised above.

Notwithstanding the above, should Members be minded granting planning permission, the Highway Authority would wish to see the following mitigation and conditions applied:

[Officer comment: Highways conditions are unchanged from their comments dated 12th May 2023 except updated plan numbers].

ECC Schools: The Land Compliance Study (LCS) does not cover the whole area of the education site as set out in the s106 Agreement, creating 'gaps' in the information required. The LCS needs to be reviewed and completed in accordance with the site area as set out in the s106 Agreement.

Also, the LCS states elements as 'met' yet there has been no information / details provided to support this.

- 1. An archaeology report has not been provided. This is shown as 'met' on the LCS, yet no evidence has been provided. Please could ECC have a copy of this report as this will need to be reviewed by ECC.*
- 2. Has an ecology report / study been provided / submitted? ECC need to understand / know what other species, apart from bats, are on the site and the mitigation strategy. Please could a copy of this report be provided as this will need to be reviewed by ECC.*
- 3. Has a topographical report / study been provided / submitted. Please could ECC have a copy of this report as this will need to be reviewed by ECC.*
- 4. Has a geotechnical report been provided / submitted. Please could ECC have a copy of this report as this will need to be reviewed by ECC.*
- 5. The LCS refers to the removal of an existing hedgerow that is currently on the school site.. Has consent for the removal been obtained? ECC require evidence to support the consent for removal. Will the hedgerow removal occur before the land transfer?*
- 6. There is an additional section of hedgerow shown within the Education Site. Can you confirm that this part of the hedgerow will be removed as well?*
- 7. The Tree Survey covers a different Education Site area than that set out in the s106 Agreement. A revised Tree Survey is required.*

8. *ECC require confirmation that the overhead powerline will be diverted before the land transfer. Has permission been sought, and if so, ECC require evidence to support this.*
9. *The trees and hedgerow shown along the school boundary will reduce the useable space within the Education Site. These need to be excluded from the Education Site and sit outside the school boundary.*
10. *The site contamination report has not been fully completed, therefore it cannot meet the requirement of Annex 1, Note 1 of Schedule 5 of the s106 Agreement dated 13th August 2019.*
11. *The Access Plan is NOT accepted. The vehicular access points on the north eastern boundary do not provide for a traffic free / pedestrianised frontage. The vehicular access, for staff, deliveries, emergency vehicles should be located on the eastern boundary, ideally where there is a gap in the fence (unit no's 69 & 70). Only one access point is required ie: not an in-out access. This was communicated to the developer in 2020.*
12. *The Access Plan is NOT accepted. ECC will not provide onsite parking for parents and actively encourage walking and cycling to school. This area within the Education Site should be shown grey like the rest of the education site.*
13. *The Utility Plan is NOT accepted. Please can the surface water drainage discharge connection point be shown on the utility plan along with the discharge rate. The school and EY need to connect into the wider development for surface water as per Schedule 5, Para 4.5 4.5 of the s106 Agreement dated 13th August 2019.*
14. *ECC are currently providing all electric buildings to meet with the net zero aspirations. The current developers guide is under review and the updated version will require 290kva for a 420 primary, no gas. The EYs would require 72kva, no gas, water 50mm 1.5l/s. A 100mm mains connection pressurised system is required, storage tank with pumps to fill the tank in 36 hours, and 2 telecom ducts. Can it be confirmed that this will be provided as there is a requirement for a new substation if the higher electric capacity could be achieved in two feeds? **Please note Alison**, the utility provision is not my area of expertise and this point may need to be further clarified with Infrastructure Delivery.*

Please note: these comments are not exhaustive and further comments may arise as we enter further discussions.

I trust these comments are informative and set out clearly the elements that need to be addressed to meet ECC requirements.

Officer comment: *Points 1-10 and 13-14 all relate to matters that are covered/controlled by Schedule 5 (Education Site) of the S106 agreement and the detailed requirements under Annex 1 (Education Site Specification) which the developer must comply with within set timescales of ECC serving the Education Site Notice. They are not therefore for consideration under this reserved matters application.*

In relation to Points 11 and 12 the amended Education Site Access Plan removes the parent parking area from the school site. As detailed at paragraph 6.57 of the report,

Officers consider it is sensible to provide the parent parking area to reduce the on street parking pressure associated with the education land. Additional condition 17 is recommended to ensure its provision and retention. Officer's also favour access into the education site for staff parking from the main highway linking through to the commercial element, rather than omitting Plot 69 as favoured by ECC Schools, due to the associated disturbance to neighbouring dwellings.

Schedule 5 (Education Site) of the S106 contains a wide range of detailed criteria. The required pedestrian and construction grounds maintenance/emergency vehicle access are provided to the Education Site with no objection to these elements from ECC. Their objection relates to the two points of vehicular access outside the northern confines of the Education Site serving the proposed parent parking area and feeding into the Education Site to the indicative staff parking area. Schedule 5 (2.) states "The Owner hereby covenants 2.1 not to use or allow or permit any works or activities to be carried out on the Education Site that may render the Education Site unsuitable for use as an Education Facility in any way or add to the cost or time taken to construct an Education Facility including for the avoidance of doubt storage and or car parking". There is no conflict as no works are to be carried out on the Education Site under this reserved matters application.

Schedule 5 4.4 states "to agree in writing with the County Council the Education Site Utility Plan and the Education Site Access Plan ensuring always that there are no ransom strips that prevent full access to the Education Site or use of Utilities PROVIDED ALWAYS that the Owner shall not submit any reserved matters application for the Development that will impact upon or limit options to access service or supply the Education Site until the Owner has agreed with the County Council all appropriate aspects of the Education Site Access Plan and / or Education Site Utility Plan" Annex 1 Education Site Specification Checklist The Education Site shall be or have:-
....."Level with surrounding areas and in particular with suitable points of access (vehicular and pedestrian)"....."Accessible from suitable public highways (not a cul de sac) and safe direct walking & cycling routes"... These are requirements on the owner not the Local Planning Authority and do not prevent determination of the reserved matters application. Whether the reserved matters layout impacts upon or limits options to access the Education Site is also considered to be subjective.

Alterations to recommended conditions

Alteration to condition 1 Approved Plans: 1) to add amended Education Site Access Plan to the approved plans list as it is referred to in additional condition 17 below. 2) To correct landscaping plans to show the added defensive planting 3) Updated Boundary Treatment Plan to show parent parking within the temporary 1.8m high welded mesh school fencing.

1. APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission, with the exception of approved drawing 2467-LLA-ZZ-00DR-L-0214 P07 –

Detailed Planting Proposals – Sheet 14 of 17 and 2467-LLA-ZZ-00-DR-L-0215 P09 – Detailed Planting Proposals – Sheet 15 of 17.

Prior to commencement of development above slab level a scheme for the planting of additional trees around the proposed railway footbridge shall be submitted to and approved in writing by the Local Planning Authority. The planting scheme shall include details of the timing of the planting.

Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

*Site Location Plan – 21/12/01 Rev.A
General Layout & Phasing Plan – 21/12/02 Rev.C
Proposed Block Plan – 21/12/03 Rev.F
Proposed Site Plan Parcel A – 21/12/04 Rev.F
Proposed Site Plan Parcel B – 21/12/05 Rev.F
Proposed Site Plan Parcel C – 21/12/06 Rev.F
Proposed Site Plan Parcel D – 21/12/07 Rev.F
House Type Key Plan Open Market Housing – 21/12/08 Rev.F
House Type Key Plan Affordable Housing – 21/12/09 Rev.F
House Type A & B Floor Plans & Elevations – 21/12/10 Rev.D
House Type C & D Floor Plans & Elevations – 21/12/11 Rev.D
House Type E Floor Plans & Elevations – 21/12/12 Rev.D
House Type F Floor Plans & Elevations – 21/12/13 Rev.D
House Type G Floor Plans & Elevations – 21/12/14 Rev.D
House Type H Floor Plans & Elevations – 21/12/15 Rev.D
House Type J Floor Plans & Elevations – 21/12/16 Rev.D
House Type J (Variation) Floor Plans & Elevations – 21/12/17 Rev.D
House Type K Floor Plans & Elevations – 21/12/18 Rev.D
The Chloe & The Chloe (Variation) Floor Plans & Elevations – 21/12/19 Rev.D
The Bettina Floor Plans & Elevations – 21/12/20 Rev.D
The Cecilia Floor Plans & Elevations – 21/12/21 Rev.D
The Darcey Floor Plans & Elevations – 21/12/22 Rev.D
The Olivia Floor Plans & Elevations – 21/12/23 Rev.D
The Olivia (Variation) Floor Plans & Elevations – 21/12/24 Rev.D
The Georgia Floor Plans & Elevations – 21/12/25 Rev.D
The Damask Floor Plans & Elevations – 21/12/26 Rev.D
The Damask (Variation) Floor Plans & Elevations – 21/12/27 Rev.D
The Amelia Floor Plans & Elevations – 21/12/28 Rev.D
The Eleanor Floor Plans & Elevations – 21/12/29 Rev.D
The Alexander Floor Plans & Elevations – 21/12/30 Rev.D
The Ruby Floor Plans & Elevations – 21/12/31 Rev.D
The Anna Floor Plans & Elevations – 21/12/32 Rev.D
The Victoria Floor Plans & Elevations – 21/12/33 Rev.D
The Imogen Floor Plans & Elevations – 21/12/34 Rev.D
The Imogen (Variations) Floor Plans & Elevations – 21/12/35 Rev.D
The Willow Floor Plans & Elevations – 21/12/36 Rev.D
The Berkeley Floor Plans & Elevations – 21/12/37 Rev.D
The Braithwaite Floor Plans & Elevations – 21/12/38 Rev.D
The Braithwaite (Weeley) Floor Plans & Elevations – 21/12/63 Rev.D*

Proposed Outbuildings – 21/12/39 Rev.D
Office Unit A Floor Plans & Roof Plan – 21/12/40 Rev.E
Office Unit A Elevations – 21/12/41 Rev.E
Office Unit B Floor Plans & Roof Plan – 21/12/42 Rev.D
Office Unit B Elevations – 21/12/43 Rev.E
Office Unit C Floor Plans & Roof Plan – 21/12/44 Rev.D
Office Unit C Elevations – 21/12/45 Rev.D
Accommodation Schedule – 21/12/49 Rev.H
Footpath Context & Site Layout – 21/12/50 Rev.A
Parking Layout Plan – 21/12/51 Rev.F
Boundary Treatment Plan - 21/12/53 Rev.I
Demolition Plan - 21/12/61
External Works Materials Plan – 21/12/62 Rev.F
Proposed PROW Plan 21/12/67 Rev.D
Cycle/Pedestrian Access 21/12/69 Rev.D
Network Rail Fencing Plan - 21/12/71 Rev E
Education Site Access Plan - 21/12/70 Rev B

2467-LLA-ZZ-00DR-L-0001 P07 – Landscape Masterplan
2467-LLA-ZZ-00DR-L-0201 P07 – Detailed Planting Proposals – Sheet 1 of 17
2467-LLA-ZZ-00DR-L-0202 P09 – Detailed Planting Proposals – Sheet 2 of 17
2467-LLA-ZZ-00DR-L-0203 P09 – Detailed Planting Proposals – Sheet 3 of 17
2467-LLA-ZZ-00DR-L-0204 P08 – Detailed Planting Proposals – Sheet 4 of 17
2467-LLA-ZZ-00DR-L-0205 P08 – Detailed Planting Proposals – Sheet 5 of 17
2467-LLA-ZZ-00DR-L-0206 P08 – Detailed Planting Proposals – Sheet 6 of 17
2467-LLA-ZZ-00DR-L-0207 P07 – Detailed Planting Proposals – Sheet 7 of 17
2467-LLA-ZZ-00DR-L-0208 P08 – Detailed Planting Proposals – Sheet 8 of 17
2467-LLA-ZZ-00DR-L-0209 P07 – Detailed Planting Proposals – Sheet 9 of 17
2467-LLA-ZZ-00DR-L-0210 P09 – Detailed Planting Proposals – Sheet 10 of 17
2467-LLA-ZZ-00DR-L-0211 P07 – Detailed Planting Proposals – Sheet 11 of 17
2467-LLA-ZZ-00DR-L-0212 P07 – Detailed Planting Proposals – Sheet 12 of 17
2467-LLA-ZZ-00DR-L-0213 P07 – Detailed Planting Proposals – Sheet 13 of 17
2467-LLA-ZZ-00DR-L-0214 P07 – Detailed Planting Proposals – Sheet 14 of 17
2467-LLA-ZZ-00DR-L-0215 P10 – Detailed Planting Proposals – Sheet 15 of 17
2467-LLA-ZZ-00DR-L-0216 P08 – Detailed Planting Proposals – Sheet 16 of 17
2467-LLA-ZZ-00DR-L-0217 P07 – Detailed Planting Proposals – Sheet 17 of 17

2467-LLA-ZZ-00DR-L-0301 P01 - Landscape Specification and Details
2467-LLA-ZZ-00DR-L-0401 P03 - LEAP Proposals
2467-LLA-ZZ-00DR-L-0402 P03 - Public Open Space to School Entrance Proposals
2467-LLA-ZZ-00DR-L-0002 P08 - Land Plan

65203381-SWE-ZZ-XX-DR-R-0001 Rev.B01 - Existing General Arrangement
65203381-SWE-ZZ-XX-DR-R-0002 Rev.B01 – Proposed General Arrangement
65203381-SWE-ZZ-XX-DR-R-0003 Rev.B01 – Proposed Sectional Elevations
65203381-SWE-ZZ-XX-DR-R-0004 Rev.B01 – Proposed Northern Ramp General Arrangement
65203381-SWE-ZZ-XX-DR-R-0005 Rev.B01 - Proposed Southern Ramp General Arrangement
65203381-SWE-ZZ-XX-DR-R-0006 Rev.B01 – Proposed Sectional Elevation North Side
65203381-SWE-ZZ-XX-DR-R-0007 Rev.B01 - Proposed Sectional Elevation South Side
65203381-SWE-ZZ-XX-DR-R-0008 Rev.B01 – Proposed Main Span

65203381-SWE-ZZ-XX-DR-R-0009 Rev.B01 – Proposed Main Span Details
65203381-SWE-ZZ-XX-DR-R-0011 Rev.B01 - Proposed Ramp Details – Sheet 2 of 5
65203381-SWE-ZZ-XX-DR-R-0012 Rev.B01 - Proposed Ramp Details – Sheet 3 of 5
65203381-SWE-ZZ-XX-DR-R-0013 Rev.B01 - Proposed Ramp Details – Sheet 4 of 5
65203381-SWE-ZZ-XX-DR-R-0014 Rev.B01 - Proposed Ramp Details – Sheet 5 of 5
65203381-SWE-ZZ-XX-DR-R-0015 Rev.B01 – Main Deck Trestle Supports
65203381-SWE-ZZ-XX-DR-R-0016 Rev.B01 - Ramp Trestle Supports
65203381-SWE-ZZ-XX-DR-R-0021 Rev.B01 - Proposed Ramp Details – Sheet 1 of 5

TPSar6990117TPP - Tree Protection Plan

TPSarQU0018 – Tree Protection Plan and Method Statements

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development. Details of additional tree planting on both the northern and southern side of the railway track are required to help mitigate the visual impact of the new pedestrian footbridge.

Additional Conditions

17. PROVISION OF PARENT PARKING

CONDITION: Prior to first use of the education land for education purposes the parent parking area (coloured green on the Education Site Access Plan drawing number 21/12/70 rev B) including associated landscaping and vehicular access shall be laid out in its entirety and made available to the public, unless otherwise agreed in writing by the Local Planning Authority. The parent parking area shall then be retained in its approved form thereafter for the sole purpose of vehicle parking associated with the education land.

REASON: To ensure the provision and retention of the approved parent parking area to reduce on street parking pressure associated with the education land.

18 FURTHER APPROVAL: PROVISION OF OFFICE CYCLE PARKING.

CONDITION:

No development above slab level of the hereby approved office buildings shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority details of secure cycle storage for an additional five cycle spaces to serve the office buildings. The cycle storage as approved shall be provided prior to first occupation of any of the office buildings and shall be retained thereafter.

REASON: To ensure that sufficient space for the on site parking of cycles is provided to encourage sustainable means of transport.

Correction to report

Paragraph 6.78 there are 70 residential visitor parking spaces (not 68 as stated in the report) which accords with the parking standards.”

Will Vote, the agent for the applicant, spoke in support of the application.

Carol Bannister, a member of the public, spoke against the application.

Parish Councillor Christine Hamilton (Chairman of Weeley Parish Council), spoke against the application.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>How many parking spaces are proposed for the school?</i>	<i>25 outside the education site. Essex County Council Education & Highway authorities would prefer a parking free frontage to the school.</i>
<i>Will the amount of parking planned be sufficient for the nursery and the school uses?</i>	<i>It is a 56-place nursery, there is still separate access and parking. Separate staff parking is provided for the school.</i>
<i>There are concerns around the Section 106 Legal Agreement – are we in a position to condition the use of the 2.4-hectare education site?</i>	<i>Option starts at occupation of 20th dwelling and ends at the occupation of the last dwelling. If not used as a school, then it reverts back to the owner. However, the education part of the site is not part of this application. Currently, it remains as agricultural land and will remain so unless a planning permission is granted for a different use.</i>
<i>Is there a way of imposing a Clause that requires the Education Authority to make a firm decision as to whether it wants a school early in the process?</i>	<i>We are tied by the Section 106 Legal Agreement that went with the Outline Planning Permission. The Education Authority sets its own terms and conditions.</i>
<i>Can we have assurance that the parking spaces for the parent parking scheme will be provided regardless of whether the school is provided?</i>	<i>To use the land for anything other than the approved parent parking would require a further planning application.</i>
<i>Can we have an assurance that we can give the residents of Weeley that in 2033 we won’t be getting another application that says the school is not needed and seeks further residential development?</i>	<i>No, Officers cannot give that assurance. The decision is the Education Authority’s to make.</i>
<i>Is there a demonstrated need for another school?</i>	<i>The Outline Planning application documents demonstrated that provision of this development would generate a need for another school.</i>
<i>As this development is being built, children will move onto the site. Where will they go to school in the period before 2032 when the school will be</i>	<i>The Section 106 requires a two-form school and a financial contribution.</i>

<i>provided? Can we impose a Clause whereby at a certain level of take up, the school is provided otherwise further development is stopped?</i>	
<i>Is there an assurance that the financial contribution will benefit the residents of Weeley?</i>	<i>It will be down to the Education Authority to decide where that money is spent, though under the Section 106 Legal Agreement, there is a requirement that it will be spent at the Weeley School or schools in the District.</i>
<i>Is putting a condition where phasing is linked to the development of the school possible?</i>	<i>Yes, at the Outline or Full Application stage this is agreeable, but it does not form part of this application, so it is a moot point.</i>
<i>Where are the commuting and foraging routes for Bats on this site?</i>	<i>Officers shared the relevant areas on the aerial photograph on the screen.</i>
<i>There are concerns that putting a hole through the hedge at the front of the site for access would interrupt a bat commuting route.</i>	<i>Essex Place Services have not objected to this aspect of the planning application.</i>
<i>What was the condition on the Outline planning permission that referred to the lighting and effect on wildlife?</i>	<i>Condition 17 on the outline planning permission – there will be a need for a further condition on this application to meet the requirements of Essex Place Services.</i>
<i>There are concerns that the external lighting proposed for dwellings near the Bat commuting route will not meet the recommendations of Essex Place Services.</i>	<i>Officers could put a condition on, that would remove external lighting of dwellings. The justification would be the duty to protect wildlife.</i>
<i>Can you confirm what the Healthcare Provision money would be spent on and where?</i>	<i>The amount is £97,000 +, it will be spent on the Thorpe-le-Soken Surgery.</i>
<i>With the 57% increase of Weeley, were the Fire Brigade consulted on this or on the outline application?</i>	<i>No – they are a non-statutory consultee. Their role would be part of the Building Regulations process.</i>
<i>Can we consult them now?</i>	<i>Number of dwellings at outline stage are the determining principle of whether the Fire Brigade is consulted.</i>
<i>Why was there not a financial contribution included within the Section 106 Legal Agreement?</i>	<i>Consultees decide at what point in the process they are consulted. Can take away the point of whether the Fire Brigade is consulted as part of major applications. This site is within the Local Plan for which an Infrastructure Delivery Strategy was required. The Fire Brigade was consulted on that Strategy and the grant required. The Fire Brigade play a key role in the Building Regulations process.</i>
<i>Can we have clarity on any flooding or drainage issues within this application?</i>	<i>We've dealt with this by conditions imposed on the outline planning</i>

	<i>application.</i>
<i>What happens to the original footpath when it is diverted over the new railway bridge?</i>	<i>It will be available for public to still access the woodland.</i>
<i>What amendments will be made to the access road and when? Is there a Traffic Management Plan (TMP) for construction traffic? Especially a need to avoid using Crow Lane.</i>	<i>In Condition 24 of the Outline application permission, it sets out all the requirements for the access road. Condition 9 covered the TMP.</i>
<i>Has the TMP been agreed yet?</i>	<i>No.</i>
<i>Can we prevent use of Crow Lane in the TMP by construction traffic?</i>	<i>Yes, we can.</i>
<i>Referred to raw sewage leakage issue in rear vicinity, what assurances are being given?</i>	<i>This development must deal solely with its own burden. Anglia Water has the duty and responsibility to solve all issues with the sewage provision of this site and the surrounding area.</i>

It was moved by Councillor Alexander, seconded by Councillor Everett and:-

RESOLVED that:

- 1) the Head of Planning and Building Control be authorised to grant reserved matters approval subject to the conditions as stated at paragraph 8.2 of the Officer, or as amended or added to in the Planning Officers Update Sheet, or as added to the meeting in respect of an additional condition to exclude lighting on the external appearance of the dwellings or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of conditions as referenced is retained;
- 2) the sending of any informative notes to the applicant, as may be deemed necessary; and,
- 3) the Head of Planning and Building Control be required to note and take on board the Committee’s wish that any traffic management plan be approved under the relevant planning condition attached to planning permission 19/00524/OUT ensure that construction traffic is not permitted to use Crow Lane.

39. REPORT OF THE DIRECTOR (PLANNING) - A.3 - PLANNING APPLICATION 22/01332/FUL – LAND SOUTH OF VERITY GARDENS, WEELEY, CO16 9FA

Members were told that this application had been referred to the Planning Committee as when Outline planning permission had been granted for the larger site, which had included this application site, Members of the Committee had agreed that the Reserved Matters application(s) would be referred to the Planning Committee for determination. In addition, Councillor Peter Harris, the Ward Member, acting on behalf of Weeley Parish Council, had also requested that the application be ‘called in’ to the Planning Committee for its determination, the Parish Council having raised its concerns about the access to the site not being suitable, the inability of emergency vehicles to access all dwellings; and the dwellings being too close to existing dwellings, and the adverse impact this would have on residents’ privacy.

The Committee was told that the application sought full planning permission for the erection of three dwellings on a small parcel of land that formed part of a much larger site which the Council had granted outline planning permission for. The outline planning permission (19/00524/OUT) allowed for the erection of up to 280 dwellings, a new primary school and children's nursery, up to 3,000sqm of office (B1) floorspace and associated infrastructure and development including the provision of Public Open Space.

Officers informed Members that because it was proposed that the three dwellings were accessed across land that was outside the 'red line' of the outline planning permission the applicant had submitted the application for full planning permission, so it was not pursuant to the outline planning permission. A separate application which sought approval for the Reserved Matters for development (22/00979/DETAIL), including the erection of 277 dwellings on land to the south of the application site, had just been determined by the Committee under Minute 38 above. If both applications were approved a total of 280 dwellings would be erected within the area that had outline planning permission. That would be consistent with the maximum number of dwellings that had been allowed under the outline planning permission.

The Committee was made aware that there was no objection to the principle of residential development as the land already had outline planning permission for residential development. Furthermore, the site was located within the Weeley Settlement Development Boundary and was specifically designated to be part of a mixed-use development in the adopted Tendring District Local Plan. The detailed design, layout, landscaping and scale were considered acceptable by Officers. There were no objections from consultees and Officers considered that the proposal would not result in harm to residential amenity of a level that would warrant refusal of planning permission. The application was therefore recommended by Officers for approval subject to the legal agreement and planning conditions listed.

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

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

An update sheet had been circulated to Members of the Committee prior to the meeting regarding additional representations and an update on the report:

"Additional Representations

Weeley Parish Council: Weeley Parish Council (WPC) considered this application at its meeting on 18 September 2023. It resolved once again to object strongly to these proposals.

WPC previously considered this application on 28 September 2022 and again on 20 March 2023. On both previous occasions, it resolved to object to this application.

Reviewing the plans via a desktop exercise indicates that these proposed properties are being squeezed in to an area that is patently too small to accommodate them. However, a site visit make highlights the cramped nature of the area.

Concern was raised previously about access by emergency vehicles, there is no evidence to indicate that the Fire Service has been consulted. If it hasn't then in these particular circumstances, it should be.

A separate application for 277 dwellings on this site has been lodged. The Parish Council is baffled that the developer would jeopardize the success of this large development by submitting a separate application for three dwellings that most local people see as wholly unsuitable in terms of access.

Officer comment: *The fire service are not consulted on 'minor' applications and are not a statutory consultee. The private drive is of sufficient width to accommodate a fire pumping appliance as detailed within the Building Regulations.*

Waste Manager: Looking at the mapping system and the layout of the development if the highway of Verity Gardens has been constructed to a suitable standard to allow full access and sustain the weight of a 26 tonne, 2.5 metre wide collection vehicle then households should be able to present their waste and recycling for collection outside of their properties and not need to present on the neighbouring road of Barleyfield Drive. I suspect that the alleged actions are taking place as a sole purpose of ease to the collection driver rather than out of necessity due to design and moving forward happy to take this up with Veolia if needed.

Officer comment: *Condition 4 requires submission and approval of a waste strategy.*

Report Update

Update in relation to paragraph 6.35 and the Construction Management Plan condition. The agent has verbally confirmed that these dwellings would be built from the main site to the rear, retaining everyday access to the existing bungalows. Condition 3 requires submission and approval of a detailed Construction Management Plan which includes details such as protection measures for roads adjoining the site, security hoarding, and directional signage."

Will Vote, the applicant's agent, spoke in support of the application.

Anthony Burrows, a member of the public, spoke against the application.

Parish Councillor Christine Hamilton, Chairman of the Weeley Parish Council, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
<i>What is the distance between the properties and the dividing fence?</i>	<i>The width drive is 3.8m. It is 5.5m wide at the access. The separation of the properties is 11.4m – 12.4m.</i>
<i>Are you satisfied that there is enough space for vehicle movements? Whose responsibility is it to maintain this private road?</i>	<i>There have been no objections from the Highway Authority. The existing bungalows have it in their Deeds to maintain the roads.</i>

<i>What happens when new bungalows are built?</i>	<i>That is down to the developer. That is outside the Council's control.</i>
<i>What did the indicative plan show for this site on the Outline Planning Permission?</i>	<i>It was approved under Condition 4 of the outline and showed properties fronting those in Verity Gardens.</i>
<i>Does the fence match the red line in the outline application?</i>	<i>That is correct.</i>
<i>What would the gap be if the access had not been changed?</i>	<i>Under the Essex Design Guide, it would have been 25m as it would necessarily have been a back garden. The access road to the new properties would have been deeper into the site.</i>
<i>Can you clarify if it is a parking space or a passing bay?</i>	<i>Under the approved plan, it is a visitor parking space. This can be changed by a Condition.</i>
<i>Regarding SPL 3 (a), (b) and (c), do you think that this meets the Local Plan Policy?</i>	<i>Yes, it does but it is down to Members as to what weight to apply in deliberations.</i>
<i>What is the reason for this switch around in terms of access?</i>	<i>The approved plan showed this sort of access but the access the applicant has chosen was not within the outline permission. The applicant chose not to go with a 1.8m back fence and an 'inactive frontage'.</i>
<i>Have we got an Ecology statement from Place Services for this application?</i>	<i>This site was covered in the Ecology Statement that covered the whole site of the wider development and this was felt to be sufficient.</i>
<i>Do you agree that we need a specific statement from Essex Place Services for this application to fulfil legal requirements as to ecology matters?</i>	<i>The ecology statements for the Outline and Reserved Matters are a material matter for this application and the Planning Officers were satisfied that this was sufficient.</i>
<i>Is the splay from the garages paved or bricked?</i>	<i>Off the private drive but within the plots.</i>
<i>What is the width of the entrance?</i>	<i>5.5m wide for the first 6 metres then goes down to 3.8m. This goes with the private drive provision in the Highways Guidance.</i>
<i>Is 5.5m width enough for two vehicles to pass each other?</i>	<i>That is the requirement under the Guidance.</i>
<i>Regarding the Open Plan, what about the impact of pedestrians?</i>	<i>That is the provision under the Highway Guidance.</i>
<i>Is the house going to be served by the main road (Plot 1)?</i>	<i>There is no access to the roundabout.</i>
<i>Could the bungalows be moved back to facilitate a turning point on both sides of the road?</i>	<i>There are many options available, but this is what the applicant has chosen to propose. In terms of the standards, this application is 'tight' but it fits.</i>
<i>Is there anywhere else on the wider site that has similar face-to-face separation?</i>	<i>No.</i>
<i>Did the Highways Authority conduct a desktop survey rather than a site visit?</i>	<i>Yes, that is correct.</i>

It was moved by Councillor Harris, seconded by Councillor Everett and:-

RESOLVED that, contrary to the Officers' recommendation of approval, application 22/01332/FUL be refused for the following reasons:-

"The proposed development if approved, by reason of its siting, layout, access would be out of keeping with the prevailing spacing and pattern of development of the existing surrounding development. The development fails to enhance the character of locality.

Furthermore, if approved, it would likely generate a significant increase in noise levels and disturbance including impact on privacy due to the construction process and subsequent occupation of the three dwellings. By reason of the layout, siting, landscaping and scale of the development this impact would directly affect the quality of life for the neighbouring residents in close proximity, with due regard given to known persons with protected characteristics defined under the Equality Act 2010 who relies on a quiet environment for their well-being and amenity.

On this basis the proposal is considered to be contrary to Local Plan Section 1 Policy SP6 part C and Section 2 SPL3 as a whole and including part C and NPPF including Section 8. Promoting healthy and safe communities and Section 12 Achieving well-designed places highlighting Para 130F."

40. REPORT OF THE DIRECTOR (PLANNING) - A.4 - REVISED PLANNING ENFORCEMENT POLICY AND HARM RISK ASSESSMENT PRIORITISATION SCHEME

The Committee heard that the National Planning Policy Framework (NPPF) required local planning authorities to consider publishing a local planning enforcement policy or plan, which described how the Council would manage planning enforcement in a way which was appropriate to their specific area. The NPPF also made clear that planning enforcement was discretionary and that local authorities should act proportionately in responding to breaches of planning control.

Members were told that the purpose of the Enforcement Policy was to provide elected Members and the wider public with a clear understanding of how planning enforcement would be delivered, and the criteria used in making assessment of potential breaches of planning law.

The Committee was informed that the Council's current Planning Enforcement Policy had been adopted, by decision of the Planning Committee following its meeting on 1 September 2022. The revised version now before it incorporated specific changes recommended by the Resources and Services Overview and Scrutiny Committee following the report of the Task & Finish Working Group looking at the Council's Planning Enforcement Function, which had subsequently been endorsed by the Cabinet.

The Committee had before it the published Officer report containing the Policy details for Planning Enforcement with the recommendation to adopt the revised version of the Planning Enforcement Policy 2023 and the associated Harm Risk Assessment Prioritisation Scheme.

At the meeting, an oral presentation was made by the Council’s Director (Planning) (GG) in respect of the Policy.

Matters raised by Members of the Committee:-	Officer’s response thereto:-
<i>On page 128, section 4 of the report, should it include ‘Protected Species’ with a score of 2?</i>	<i>This can be added but I would suggest a criteria of “Harm to Biodiversity”.</i>
<i>Is an unlawful “change of use” included or covered?</i>	<i>It is covered sufficiently within the Planning Enforcement Policy as it covers everything that requires permission. This is covered on page 145 of the Agenda.</i>

It was moved by Councillor Harris, seconded by Councillor Alexander, and:

RESOLVED that the

1. the revised version of the Planning Enforcement Policy 2023 and the associated Harm Risk Assessment Prioritisation Scheme be adopted, subject to the inclusion of a criteria of “Harm to Biodiversity” with a score of 2, under Point 4 of the Harm Risk Assessment Prioritisation Scheme.

41. FUTURE MEETINGS OF THE COMMITTEE - COMMENCEMENT TIME

Members were informed that, at the request of the Chairman of the Committee, Members were to consider whether to amend the start time of future meetings of the Planning Committee.

An update sheet had been circulated to Members prior to the meeting with advice from the Council’s Monitoring Officer as follows:

“Advice has been received from the Council’s Monitoring Officer that the Planning Committee does not have the delegated power and that only Full Council can amend the permanent start time of a Committee’s meetings under the Council’s Constitution (Council Procedure Rule 35.1 (Ordinary Meetings of Committees)).

The Monitoring Officer has therefore suggested that the Committee instead considers passing the following resolution at its meeting on 28 September:-

“That –

- (a) the meetings of the Planning Committee due to be held on Tuesday 24 October 2023 commencing at 6.00 p.m. and on Tuesday 21 November 2023 commencing at 6.00 p.m. be cancelled;**
- (b) the Chairman of the Planning Committee be requested to exercise their delegated power under Council Procedure Rule 35.2 (Special Meetings) and to call special meetings of the Planning Committee to be held on the following dates:-**

Tuesday 24 October 2023 commencing at 5.00 p.m.

Tuesday 21 November 2023 commencing at 5.00 p.m.

- (c) ***Full Council be requested to change the permanent commencement time of meetings of the Planning Committee from 6.00 p.m. to 5.00 p.m.””***

It was moved by Councillor Everett, seconded by Councillor Fowler and:-

RESOLVED that:

- (a) *the meetings of the Planning Committee due to be held on Tuesday 24 October 2023 commencing at 6.00 p.m. and on Tuesday 21 November 2023 commencing at 6.00 p.m. be cancelled;*

- (b) *the Chairman of the Planning Committee be requested to exercise their delegated power under Council Procedure Rule 35.2 (Special Meetings) and to call special meetings of the Planning Committee to be held on the following dates:-*

Tuesday 24 October 2023 commencing at 5.00 p.m.

Tuesday 21 November 2023 commencing at 5.00 p.m.

- (c) *Full Council be requested to change the permanent commencement time of meetings of the Planning Committee from 6.00 p.m. to 5.00 p.m.”*

The meeting was declared closed at 10.09 pm

Chairman

PLANNING COMMITTEE

24 OCTOBER 2023

REPORT OF THE DIRECTOR OF PLANNING

A.1 PLANNING APPLICATION – 23/00864/FUL – JUBILEE GROUND NAZE PARK ROAD WALTON ON THE NAZE CO14 8JZ



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Application:	23/00864/FUL	Expiry Date:	31st October 2023
Case Officer:	Michael Pingram	EOT Date:	
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Jennie Wilkinson - Tendring District Council		
Address:	Jubilee Ground, Naze Park Road, Walton-on-the-Naze, CO14 8JZ		
Development:	Extension to temporary period of relocation for 8 beach huts to remain on Jubilee Ground (with remaining 9 beach huts to be replaced within empty beach hut plots in various locations).		

1. Executive Summary

- 1.1 The application is before the Planning Committee as Tendring District Council are the applicant.
- 1.2 The proposal involves the further temporary siting of eight beach huts following the initial temporary permission for a total of 17 beach huts in June 2022, which expired in August 2023. Of those 17 beach huts, 9 have since been relocated, but a further temporary permission is sought in order to allow time for the completion of cliff stabilisation works. The remaining eight beach huts are to be moved back to their original location upon completion of these works.
- 1.3 The proposal is not considered to result in significant harm to an area of land allocated as Safeguarded Open Space, and will not harm existing trees, highway safety or the amenities of any local residents.

Recommendation: Approval

- 1) That the Head of Planning and Building Control be authorised to grant planning permission subject to the conditions as stated at paragraph 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

2. Planning Policy

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

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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
- SP3 Spatial Strategy for North Essex
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- HP4 Safeguarded Local Greenspace
- PP14 Priority Areas for Regeneration
- PPL4 Biodiversity and Geodiversity
- CP1 Sustainable Transport and Accessibility

Local Planning Guidance:
Essex Design Guide

Status of the Local Plan

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

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

3. Relevant Planning History

21/01687/FUL	Proposed temporary relocation of (x17) beach huts from Eastcliff to the edge of Jubilee Field.	Approved	17.06.2022
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4. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

Essex County Council Ecology

25.09.2023

Thank you for consulting Place Services on the above application.

No ecological objection

Summary

We have reviewed the submitted information relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

ECC Highways Dept

20.09.2023

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority.

5. Representations

- 5.1 Frinton and Walton Town Council recommend approval.
- 5.2 There have been no other letters of representation received.

6. Assessment

Site Description

- 6.1 The application site is a section of the Jubilee Ground, which is a recreation ground and play area, which lies adjacent to the Walton-on-the-Naze seafront and to the south of Naze Park Road, within the parish of Walton-on-the-Naze.
- 6.2 The wider site consists predominantly of open grassed land with a play area to the north-west of the eight beach huts, which themselves are set in two banks of four and enclosed with 1 metre high fencing. The wider character of the area is urban in nature, with residential properties to the north, east and west.
- 6.3 The site falls within the Settlement Development Boundary for Walton-on-the-Naze within the adopted Local Plan 2013-2033, and is allocated as Safeguarded Open Space, and also falls within a Priority Area for Regeneration. Adjacent to the south is Flood Zones 2 and 3, but the site itself is outside of this designation.

Planning History

- 6.4 In June 2022, under reference 21/01687/FUL, retrospective planning permission was granted for the temporary relocation of 17 beach huts from Eastcliff (via East Terrace) to the current application site at Jubilee Field. Condition 2 of this planning permission stated that the period of this permission shall expire on 16th August 2023, at which time the beach huts and fencing shall be removed.
- 6.5 The application was granted a temporary planning permission on the basis that it was estimated the works at East Terrace would be completed within 12 months. However, the current submission is accompanied by a Planning Statement which confirms the works have yet to be carried out to the cliff, and it remains unsafe for the beach huts to be moved back to their original location. However, of the previously allowed 17 beach huts, 9 have now been relocated in empty beach hut plots at various alternative locations.

Description of Proposal

- 6.6 This application, therefore, seeks planning permission for the retention of the remaining eight beach huts until such time as the cliff stabilisation works have been completed where the beach huts were originally located.
- 6.7 The proposal seeks a temporary permission for a total of three years, in order to allow sufficient time for the cliff stabilisation works to be completed, and more specifically to allow sufficient time to secure the necessary funding to facilitate these works.

Principle of Development

- 6.8 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.
- 6.9 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.

Safeguarded Open Space

- 6.10 Policy HP4 states development that would result in the loss of the whole or part of areas designated as Safeguarded Open Space will not be permitted unless the site is replaced by the provision of a new site of at least equal quality/size, it has been demonstrated there is no longer a demand for the site or it is not appropriate for other open space functions, and would not result in the loss of an area important to visual amenity.
- 6.11 The proposed beach huts are sited in an area allocated as Safeguarded Open Space within the recently Adopted Local Plan. However, on this occasion, Officers acknowledge that the works are a temporary rather than permanent measure, to allow time for cliff stabilisation works to be carried out. In any case, the siting of the beach huts is on the edge of the Safeguarded Open

Space and would not result in any short-term harm to the use of the land, and would also not prevent use or access to the paths and play area. Therefore, Officers do not consider that there would be such a degree of harm that it warrants recommending a reason for refusal.

Appearance, Layout and Scale

- 6.12 Paragraph 126 of the NPPF states that 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.
- 6.13 Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.
- 6.14 The proposal is sited in close proximity 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 consistent to the surrounding character and appearance of the area.
- 6.15 The overall size of the development is not excessive, having been reduced by approximately half in comparison to the scheme supported under permission 21/01687/FUL. Whilst the beach huts are clearly visible from a number of public viewpoints given the surrounding open land, the development is a temporary measure and does not block any coastal views.

Highway Safety

- 6.16 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.
- 6.17 The location within the Jubilee Ground is accessible by various modes of transport and is well located within Walton on the Naze, and Essex Highways Authority have raised no objections following consultation. As such the proposal is considered to be acceptable on highways grounds.
- 6.18 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 a slight continued intensification of the use of the nearby parking facilities, this would not be significant, and would be temporary in any case. Given this, and that the site is considered to be highly accessible as discussed above, it is considered the development would not have a detrimental impact on highway or pedestrian safety.

Impact to Neighbouring Amenities

- 6.19 The NPPF, at paragraph 130, states that development should create 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. Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.
- 6.20 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 30 metres 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

- 6.21 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 proposal is for a temporary permission only, and the site would be returned to its original state upon the removal of the huts.

7. Conclusion

- 7.1 This retrospective application would see the extension to the temporary siting of eight beach huts following the initial permission granted in June 2022. The principle of development is acceptable as it allows the continuation of facilities for beach hut users whilst cliff stabilisation works are carried out that in turn enhances coastal community provision. Furthermore, the proposal would not result in long-term harm to land allocated as Safeguarded Open Space, and there is also not considered to be any significant harm in respect of neighbouring amenities, existing trees, or to highway safety. As such the proposal is considered to comply with local and national planning policies and is therefore recommended for approval.

8. Recommendation

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

8.2 Conditions and Reasons

- 1 CONDITION: The period of this permission for the temporary change of use of land to allow siting of a maximum of eight beach huts shall expire on 25 October 2026, by which date the beach huts and fencing hereby permitted shall have been removed.

REASON: A temporary planning permission is only acceptable in this sensitive and prominent location in order to allow a temporary location for the hut while cliff stabilisation works conclude.

- 2 CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below.

Documents titled 'Temporary Relocated Beach Hut Location Plan', 'Temporary Relocated Beach Hut Block Plan' and 'Planning Statement'.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: Upon the cessation of the hereby permitted development, 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

Positive and Proactive Statement

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

Note: This permission is considered on the basis of being a retrospective permission and has already commenced. On this basis a condition on time for commencement has not been applied and further reference made to the planning condition for a temporary time period.

Highways Informatives:

i. 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

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

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

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application. It is noted that the huts are sited on land owned by the Council, but any revenue or connection that the Council may have in this regard is not given any material weight as Local Planning Authority and/or the planning decision recommended and as may be made.

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/>.

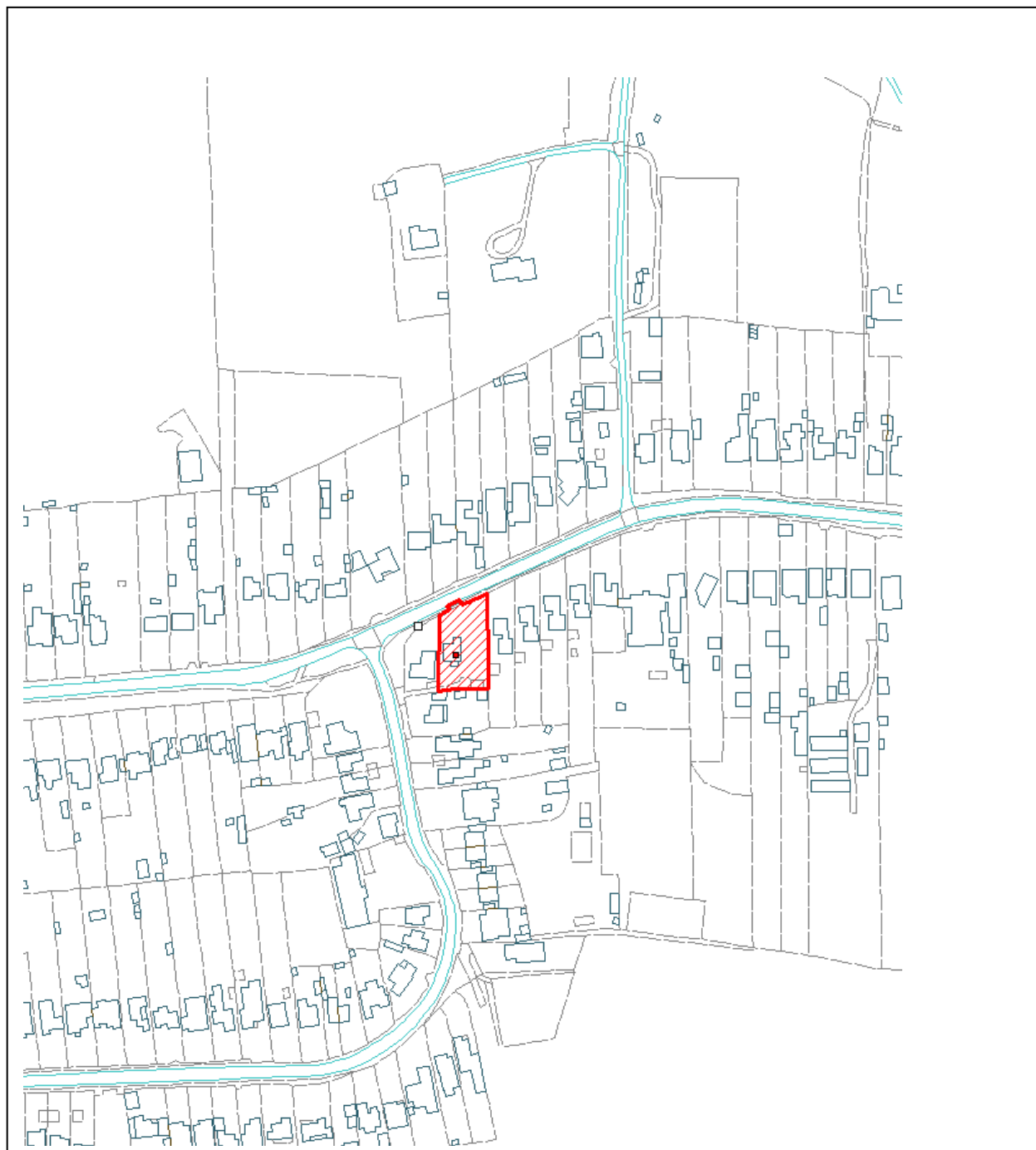
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PLANNING COMMITTEE

24th October 2023

REPORT OF THE DIRECTOR OF PLANNING

A.2 PLANNING APPLICATION – 23/00547/FUL – 225 POINT CLEAR ROAD ST OSYTH CLACTON ON SEA CO16 8JJ



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Application:	23/00547/FUL	Original Expiry Date:	22nd June 2023
Case Officer:	Amy Lang	Agreed EOT Date:	27th October 2023
Town/ Parish:	St Osyth Parish Council		
Applicant:	Mr Hoult - B H Property Development Ltd		
Address:	225 Point Clear Road St Osyth Clacton on Sea CO16 8JJ		
Development:	Proposed sub division of site to form building plot and erection of three bedroom detached bungalow including new vehicular access to serve new dwelling and the host property.		

1. Executive Summary

- 1.1 The application is before Members as the proposal represents a departure from the Local Plan, proposing new residential development outside of the St Osyth Settlement Development Boundary (SDB) as defined within the adopted Tendring District Local Plan 2013 to 2033 and Beyond.
- 1.2 The application relates to the side garden of number 225 Point Clear Road, St Osyth. The site is located on the southern side of Point Clear Road, close to the junction with Dumont Avenue and is surrounded by residential development on all sides.
- 1.3 The site lies outside of the defined SDB of St Osyth and there is no defined settlement for Point Clear within the adopted Local plan. The application is therefore contrary to the spatial strategy set out within adopted Local Plan Section 1 Policy SP7 and Section 2 Policy SPL2. However, Local Plan Policy SPL2 does not preclude residential development outside of the defined boundary, but rather requires careful consideration of the scale of development in relation to the settlement hierarchy category, site-specific characteristics, and sustainability of the site.
- 1.4 In this instance, the site-specific merits of the case and a recent appeal decision are of significant weight in the assessment of this application. Namely, the previous outline application for 1 no. dwelling (reference 21/02082/OUT) refused due to the lack of RAMS UU only, and the appeal decision at a nearby site (rear of 172 Point Clear Road appeal reference APP/P1560/W/22/3311836) allowed on the basis that the site is within walking distance of amenities and public transport and the scale of development would be proportionate to the size of this settlement.
- 1.5 Officers are satisfied that existing services and facilities within Point Clear would be capable of supporting the proposed development of 1 dwelling, and that these are accessible within safe walking distance of the site. The proposed single storey dwelling is of a scale and design that will appear as an infill plot, in keeping with the linear pattern and scale of residential development in the locality.
- 1.6 In line with the conclusions of the above-mentioned appeal, other than the high-level policy conflict regarding the location of the site outside the defined settlement development boundary, the development would not result in any material harm in terms of design, impact, residential amenities or highway safety, and is acceptable in all other regards.

Recommendation: Approval subject to Unilateral Undertaking and Conditions, as follows:

That the Head of Planning and Building Control be authorised to grant planning permission subject to:

- 1) The completed Unilateral Undertaking securing;
 - Financial contribution of £156.76 (index linked) towards RAMS.
 - Financial contribution towards the Public Realm (index linked in accordance with the scale of contributions) to upgrade Dumont Avenue Play Area.
- 2) The conditions stated at paragraph 9.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 3) The informative notes as may be deemed necessary.

2. **Planning Policy**

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

National:

National Planning Policy Framework July 2023 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

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
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP6	Infrastructure and Connectivity
SP7	Place Shaping Principles

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

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
PPL1	Development and Flood Risk
PPL2	Coastal Protection Belt
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL10	Renewable Energy Generation
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Provision of Recreational Open Space for New Development May 2008 (under review)

Local Planning Guidance
EPOA Essex County Council Parking Standards 2009

3. The Development Plan

3.1 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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

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

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

3.2 Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

At the time of writing, there are no adopted or draft neighbourhood plans relevant to this site.

4. **Relevant Planning History**

4.1 Application site (225 Point Clear Road):

21/02082/OUT	Outline with All Matters Reserved for a proposed residential dwelling.	Refused	25.08.2022
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4.2 Nearby site (Rear of 172 Point Clear Road):

22/00315/FUL	Proposed erection of detached bungalow and associated access, parking and passing bay.	Refused	25.08.2022
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22/00059/REFUSE	22/00315/FUL - Allowed on appeal ref. APP/P1560/W/22/3311836	Allowed	16.08.2023
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5. **Consultations**

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.

All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

<u>ECC Highways Dept</u>	16.05.2023
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The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019.

No objections subject to conditions.

<u>ECC Highways Dept</u>	02.06.2023	<i>Follow up comments</i>
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With regards to application 23/00547/FUL, the proposed access fully complies with safety and efficiency standards therefore there is no basis for an objection to the application.

<u>UU Open Spaces</u>	23.05.2023 and 11.10.2023
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The play facilities in Point Clear are limited, there is one play area located in Dumont Avenue. This play area needs updating to cope with any further development. A contribution towards play provision is justified and relevant to this application. The Parish Council have plans in place to update the safety surfacing at Dumont Avenue play area.

<u>Environmental Protection</u>	23.05.2023
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No objections submit to conditions, as follows:

1. Contaminated Land watching brief and remediation.
2. Construction Management Plan.

At the present time there are no trees or other significant vegetation on the application site.

The soft landscaping proposed by the applicant shows the planting of 2No. Heavy Standard specimen trees; one either side of the proposed vehicular access. The species and specification for the trees is acceptable and they will be attractive features in their setting.

In terms of the potential impact of the development on the public realm it is considered that the amenity of the locality could be improved by additional planting secured as part of the development of the site. In this regard a new hedgerow should be planted on the garden side of the proposed low boundary wall.

Acceptable species would be:

Laurel - Prunus rotundifolia
Privet – Ligustrum ovalifolium or
Holly – Ilex aquifolium

Plants should be supplied in a container size of at least 3 litres or be 60 - 90cm tall if provided as bare root plants. Many other species would be equally acceptable.

If the tree planting shown on the Block Plan submitted with the application, and the new hedge planting, as described above, were to be secured by a planning condition then it is considered that the proposed development could be satisfactorily assimilated into its setting.

6. Representations

6.1 Parish Council

The Parish Council state in full “St Osyth Parish Council raise no objections with regards to the proposed development itself, but do raise highway concerns as follows:

- Parish strongly object to this application on the grounds of highway safety, especially given the statement from Essex Highways Officer which states that no site visit was undertaken in conjunction with this planning application.
- The creation of two new access and egress points from and onto Point Clear Road is totally unacceptable.
- Traffic is often observed travelling in excess of the posted 30 mph speed limit, and proposed entrance is only 140 metres from the site of a fatal traffic collision, which occurred on 11th August 2019. It should also be noted that the proposed access is 90 metres from the entrance to a residential care home.
- For Essex Highways to approve the proposed access without even attending the site is an absolute disgrace, and the apparent lack of interest puts local residents at risk.”

6.2 Other Representations

No individual letters of representation or objection have been received.

7. Assessment

7.1 The main considerations relevant to the assessment of the application for the proposed development can be summarised as follows:

- Site Context

- Description of Development
- Planning History and Background
- Recent Nearby Appeal Decision
- Principle of Development
- Scale, Layout and Visual Impact
- Trees and Landscaping
- Residential Amenities
- Access, Highway Safety and Parking
- Sustainable Construction & Energy Efficiency Measures
- Drainage and Foul Sewage Disposal
- Planning Obligation – Open Space and Play Space
- Planning Obligation – Recreational Disturbance

Site Context

- 7.2 The application relates to the side garden of number 225 Point Clear Road, St Osyth. The site is located on the southern side of Point Clear Road, close to the junction with Dumont Avenue and is surrounded by residential development on all sides.
- 7.3 The donor property (a chalet bungalow) has been recently renovated and the application site has been physically separated and enclosed by temporary fencing. The remainder of the rear garden serving the host dwelling age by a new 1.8m high close boarded fence.
- 7.4 A prefabricated flat roofed double garage, currently being used for storage purposes, stands at the back of the site which is accessed via a hardened private access way leading off Dumont Avenue.
- 7.5 A short row of two storey dwellings stand to the immediate east of the site, whilst a bungalow stands to the immediate west on the corner of Point Clear Road and Dumont Avenue. A longer line of bungalows stand on the north side of Point Clear Road. The area is predominantly residential in character.
- 7.6 The site lies outside of the defined Settlement Development Boundary of St Osyth. Within the adopted Local Plan, the settlement development for Point Clear has been removed. This is covered in further detail within the assessment below.

Description of Development

- 7.7 The application seeks full planning permission for the sub-division of the site to form a building plot, and the erection of a three bedroomed detached bungalow, including a new, central vehicular access to serve the new dwelling and the host dwelling.
- 7.8 Officers note that, at the time of visiting the site, a new block paved driveway had been laid but a dropped kerb is yet to be installed.
- 7.9 The principal front elevation of the proposed dwelling would be in line with the host dwelling, with a fully hipped front feature extending toward the highway, but no further forward than the neighbouring property at number 217 Point Clear Road.
- 7.10 The site frontage proposes a shared hardstanding and parking area and would retain the existing garage at the rear of the site as an ancillary outbuilding for the proposed dwelling. The front boundary will be enclosed by a 600mm high brick wall to match to the proposed dwelling, with a central break to allow for the access. New tree planting is also proposed to the front of the host dwelling and proposed dwelling.

7.11 The existing private driveway to the rear of the site (off Dumont Avenue) is to be retained for use by the severed host dwelling (not the proposed dwelling).

Relevant Planning History and Background

7.12 In law it is required that decisions are accord with the development plan unless material considerations indicate otherwise. Therefore, the starting position is to understand if this in conflict with the development plan. Policy SPL2 sets out that outside of SDBs the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan. SPL1 lists the settlements but doesn't include this location. It may be possible to compare this built-up area that surrounds this site to a comparable growth centre listed to consider pattern or scale of growth. However, the policy does not provide the provision to encourage or discourage this development should that comparison be made. There are no other policies that are considered to apply in this case to confirm the development is contrary to the development/local plan. The conclusion being this is not a development for which there is a general presumption in favour of new development in terms of the development plan.

7.13 Next, we turn to the material considerations and in this matter, there are two needing to be highlighted. The first being the planning history of the site itself.

7.14 This application follows a previously refused outline application for 1 no. dwelling under reference 21/02082/OUT. The application was submitted in December 2021 and refused planning permission in August 2022 for a single reason – namely due to the lack of a Unilateral Undertaking to secure the required financial contribution in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy.

7.15 Application 21/02082/OUT was submitted prior to the full adoption of the new 2013-2033 Local Plan. At the time of submission, Point Clear had a defined settlement development boundary (SDB). The SDB for Point Clear was removed within the new 2013-2033 adopted Local Plan. Consequently, due to the transition period between the previous 2017 Local Plan and the full adoption of the 2013-2033 Local Plan the previous application was refused solely on the absence of a RAMS UU.

7.16 Given the refusal was not on grounds of principle, it should be given due regard and material weight. The site was considered sustainable in accord to the local plan at the time. While the local plan has changed, the underpinning principles of sustainable development have not and material considerations of the position also outlined by the NPPF remain constant. However, it is not given full weight as it was a refusal, and the local plan has altered.

7.17 The second consideration is the material consideration of the surrounding area and a particular appeal case as summarised below:

Appeal Ref:	APP/P1560/W/22/3311836
Site:	Land to the Rear of 172 Point Clear Road, St Osyth CO16 8JB
Development:	Erection of a detached bungalow and associated access, parking and passing bay.

7.18 The appeal decision at paragraph 9, recognises that '...Local Plan Policy SP3 refers to existing settlements being the principal focus for additional growth.', and 'Development will be accommodated within, or adjoining, settlements according to their scale, sustainability and existing role within each individual District.'

7.19 Paragraph 10 goes onto explain that 'The Local Plan Settlement Hierarchy report, forming part of the Local Plan's evidence base, identifies Point Clear as falling within the second tier of settlements. Despite its position in the settlement hierarchy, Point Clear is not identified in the

Local Plan as a location for development because of concerns associated with previous levels of growth and traffic.’

7.20 However, the inspector concluded that:

- The site is within walking distance of a local convenience shop and bus stops, providing an alternative mode of travel to a car for future occupiers.
- The erection of a single dwelling at Point Clear would not be of a scale of development that would be disproportionate to the size of this settlement.
- For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would not conflict with LP Policies SP3 and SP7.

7.21 This appeal decision holds significant weight in the consideration of this current application given the decision was made recently and with consideration of the current local plan. The Inspector focused on the Section 1 policies of the Local Plan leading to an assessment of planning harm in relation to the character, appearance, scale of development and that no outward growth of the current built up area would result. They also maintained and considered sustainable principles, including transport and accessibility that would not be available in more rural locations. On this basis it is appropriate to consider this material decision and its comparison to this site, adjusting the consideration of weight according in any differences. This planning balance has been considered by your officers and summarised under the Principle of Development below.

Principle of Development

7.22 The previous application on this site (225 Point Clear Road – application ref 21/02082/OUT) was not refused on principle grounds – this planning decision is a relevant material planning consideration insofar as the principle of development is concerned.

7.23 The recent appeal decision at a nearby site (rear of 172 Point Clear Road) was allowed on the basis that the site is within walking distance of amenities and public transport, and the scale of development would be proportionate to the size of this settlement.

7.24 Adopted Tendring District Local Plan 2013-2033 and Beyond Section 1 (TDLPS1) Policy SP1 states that when considering development proposals, the LPA will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

7.25 Other than the high-level policy conflict, in regard to the location of the site outside the defined settlement development boundary, the pattern and scale of development proposed is considered compliant with the settlement hierarchy credentials promoted through Section 2 Policy SPL1.

7.26 Officers are satisfied that existing services and facilities within the settlement would be capable of supporting the development of 1 dwelling, and that these are accessible within safe walking distance of the site.

7.27 The development of the site for 1 dwelling would appear as an infill development and would not result in any harm to the street scene or character of the area.

7.28 For these reasons and with consideration of all material considerations (including areas addressed by the assessment below), the proposal is concluded to represent sustainable development. The specific merits of the application and site would not set a harmful precedent for further development outside defined settlement boundary and would not prejudice the overall spatial strategy of the District.

Scale, Layout and Visual Impact

- 7.29 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.
- 7.30 Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design, which responds positively to local character and context. Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.
- 7.31 The proposed single storey dwelling is of a scale and design that will appear as an infill plot, in keeping with the linear pattern and scale of residential development in the locality.
- 7.32 The forward projecting element will extend beyond the front elevation of the host property, but will not extend forward of the neighbouring dwelling, thus creating a staggered built arrangement. A good set back from the road frontage will be retained and existing development either side will provide partial screening on approach to the site.
- 7.33 Sufficient spacing is retained around the host dwelling and proposed dwelling. Overall, the development will appear well-spaced and will blend well into the street scene.
- 7.34 For these reasons, the development will not result in any harm to the character of the area or wider street scene.

Trees and Landscaping

- 7.35 Paragraph 131 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.
- 7.36 TDLPS2 Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.
- 7.37 Consultation has been undertaken with the Council's Tree and Landscaping Officer who raises no objections to the application subject to landscaping conditions, as appropriate.
- 7.38 In this instance, the proposed site layout plan shows mainly grassed and block paved areas but does include new tree planting; 1 to the front of the host dwelling and one to the front of the proposed dwelling. The species and specification for the proposed trees is acceptable and they will be attractive features in their setting.
- 7.39 However, in terms of the potential impact of the development on the public realm it is considered that the amenity of the locality could be improved by additional planting secured as part of the development of the site. In this regard, the Council's Tree and Landscaping Officer recommends the inclusion of new hedgerow planting on the garden side of the proposed low boundary wall.
- 7.40 Officers recommend a condition securing a revised, more thorough landscaping scheme to improve the quality of the development and to satisfactorily assimilate the development into its setting.

Residential Amenities

- 7.41 Paragraph 130 (f) of the National Planning Policy Framework (2021) states that planning should always seek to secure a good standard of amenity for all existing and future occupants.
- 7.42 Section 1 Policy SP7 of the 2013-33 Local Plan requires that the amenity of existing and future residents is protected. Section 2 Policy SPL 3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties. Furthermore, Policy LP4 seeks to ensure that new dwellings are served by a private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.
- 7.43 The size of the plot and single storey height of the proposed dwelling allows for a development that will achieve an internal layout and relationship with neighbouring dwellings, and the host dwelling, that would not result in any material harm to residential amenities in terms of loss of light, sunlight, overlooking, privacy or outlook.
- 7.44 Private amenity space of a suitable size to serve both the proposed dwelling and host dwelling will be provided.
- 7.45 There is one existing first floor side facing window within the facing flank of the neighbouring property at no. 217. However, this is positioned alongside the proposed dwelling and will overlook the roof and not allow for any harmful overlooking or loss of privacy.
- 7.46 For these reasons, the proposed development will secure a good standard of amenity for existing and future residents.

Access, Highway Safety and Parking

- 7.47 Paragraph 110 of the National Planning Policy Framework 2021 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Policy SPL3 Part B of Section 2 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that access to a new development site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and provision is made for adequate vehicle and cycle parking.
- 7.48 The EPOA Parking Standards 2009 require that for dwellings with 2 or more bedrooms, a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres.
- 7.49 Essex County Council Highways raise no objection to the development, subject to conditions.
- 7.50 Objections have been raised by St Osyth Parish Council based on highway safety, and the Highway Authority failing to conduct a site visit. However, it is not uncommon for the Highway to make a desk-based assessment for developments of this minor scale, particularly where there is an existing access and / or existing development on the site, as is the case here.
- 7.51 The proposed dwelling would be served by a new, shared, central access from Point Clear Road. The spacious frontage allows for a turning area thus ensuring cars will enter and leave the highway in a forward gear. The proposal does not increase the number of accesses onto the highway. The use of the single access by 2 dwellings is considered acceptable and will not result in excessive or harmful traffic movements.
- 7.52 For these reasons, the development is considered acceptable in terms of accessibility and highway safety.

Sustainable Construction & Energy Efficiency Measures

- 7.53 Policy PPL10 of the Local Plan states that 'all development proposals should demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations'.
- 7.54 The use of electric vehicle charging points, water-butts, recycling facilities and sustainable drainage SuDS to aid the sustainability of the development should be an integral part of the design, for both the existing and proposed dwelling.
- 7.55 Should Members resolve to approve the application, these requirements can be achieved via an appropriately worded condition.

Drainage and Foul Sewage Disposal

- 7.56 Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Connection to the mains is the preferred but if this is not possible, the next appropriate method as detailed within the drainage hierarchy and building regulations requirements.
- 7.57 The application confirms that the proposed dwelling will be served by a connection to the main sewer system, in accordance with Local Plan Policy PPL5.

Planning Obligation – Open Space and Play Space

- 7.58 TDLP Section 2 Policy HP 5 states that the Council will work with partners and sports providers across the district to maintain, expand and improve the quality and accessibility of public open space, sports and recreational facilities of different types and will aim to achieve and exceed standards set out in the Council's 2017 Open Spaces Strategy or any future update. TDLP Section 2 Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards new or expanded facilities and the maintenance thereof.
- 7.59 Consultation has been undertaken with the Council's Public Realm Team who have identified that the play facilities in Point Clear are limited, with one play area located in Dumont Avenue. This play area needs updating to cope with any further development. A contribution towards play provision is justified and relevant to this application.
- 7.60 The application is accompanied by a completed Unilateral Undertaking to secure the required contribution in accordance with the above policies and regulations.

Planning Obligation – Recreational Disturbance

- 7.61 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. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) mitigation measures will need to be in place prior to occupation.

- 7.62 This residential development lies within the Zone of Influence being is approximately 653 metres from Colne Estuary (Mid-Essex Coast Phase 2) SPA and Ramsar and Essex Estuaries SAC.
- 7.63 In order to ensure that the development would not adversely affect the integrity of Habitats sites in line with TDLP Section 2 Policy PPL4 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017 a proportionate financial contribution in accordance with the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is required.
- 7.64 The application is accompanied by a completed Unilateral Undertaking to secure the required contribution in accordance with the above policies and regulations.

8. Conclusion

- 8.1 Officers are satisfied that existing services and facilities within Point Clear would be capable of supporting the development of 1 dwelling, and that these are accessible within safe walking distance of the site.
- 8.2 The proposed single storey dwelling is of a scale and design that will appear as an infill plot, in keeping with the linear pattern and scale of residential development in the locality.
- 8.3 Other than the high-level policy conflict in regard to the location of the site outside the defined settlement development boundary, the development would not result in any material harm in terms of design, impact, residential amenities or highway safety, and is acceptable in all other regards. This approach is in-line with the recent appeal decision cited in the report.

9. Recommendation

- 9.1 The Planning Committee is recommended to grant planning permission subject to the following conditions, informatives and completed Unilateral Undertaking securing the following planning obligations:

CATEGORY	TERMS
Financial contribution towards Open Space	Contribution toward the upgrade of facilities at Dumont Avenue play area (index linked)
Financial contribution towards RAMS	£156.76 x 1 dwelling (index linked)

9.2 Conditions and Reasons

1. COMPLIANCE: TIME LIMIT

CONDITION: 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. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local planning authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local planning authority as a non-material amendment following an application in that regard.

- Site Location Plan Scale 1:1250 received 27 April 2023
- Drawing No HPCR-01 received 13 April 2023
- Materials details shown on Drawing No HPCR-01 received 13 April 2023

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

3. FURTHER APPROVAL: HARD AND SOFT LANDSCAPING SCHEME

CONDITION: Notwithstanding the landscaping details shown on approved Drawing No HPCR-01, prior to the commencement of any above ground works, a scheme of hard and soft landscaping shall be submitted to and approved, in writing, by the local planning authority. The scheme shall include any proposed changes in ground levels, accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction". The proposed new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay and retained free of obstruction above 600mm at all times. In addition to the new tree planting shown, additional planting in the form of new hedgerow planting on the garden side of the proposed low boundary wall should be included.

REASON: In order to enhance the appearance of the development, in the interests of visual amenity and the quality of the development, and in the interests of highway safety.

4. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED: LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out in full 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 approved, in writing, by the local planning authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the approved landscaping scheme is implemented in accordance with the approved scheme and has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. COMPLIANCE: PERMEABLE SURFACING

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

REASON: In the interests of sustainable development and to minimise the risk of surface water flooding.

6. COMPLIANCE: CONSTRUCTION MANAGEMENT PLAN

CONDITION: The development hereby approved shall be carried out in accordance with the accompanying Construction Method Statement received 13 April 2023. The said methodology as approved shall be implemented in its entirety and shall operate as approved

at all times during construction, unless otherwise agreed in writing by the local planning authority.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

7. COMPLIANCE PRIOR TO OCCUPATION: ACCESS WIDTH

CONDITION: Prior to occupation of the development, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall 5.5 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge.

REASON: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

8. COMPLIANCE PRIOR TO OCCUPATION: VIS SPLAYS

CONDITION: Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

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

9. FURTHER APPROVAL: RESIDENTIAL TRAVEL PACK PRIOR TO OCCUPATION

CONDITION: Prior to first occupation of the dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

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

NOTE FOR CONDITION: Please contact the Travel Plan Team at ECC Highways via email to Travel.PlanTeam@essex.gov.uk to obtain a Residential Travel Information Pack template and the associated day travel vouchers required.

10. COMPLIANCE: PARKING PROVIDED AND RETAINED

CONDITION: The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, has been hard surfaced, and sealed. The vehicle parking area 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.

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

11. FURTHER APPROVAL: MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Prior to the occupation of the dwelling hereby approved, a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall provide for:-

- An electric car charging point
- A Water-butt
- Compost bin
- Agreement of heating
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed, and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF and Local Plan Policy.

12. ACTION REQUIRED IN THE EVENT OF UNEXPECTED GROUND CONDITIONS

CONDITION: The Local Planning Authority shall be contacted in the event of unexpected ground conditions being encountered during construction and the below minimum precautions shall be undertaken immediately.

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.
12. After consultation with the Local Planning 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.
13. A Verification Report shall be submitted to and approved in writing by the Local Planning Authority before development can proceed.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to commencement, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a. Purpose and conservation objectives for the proposed enhancement measures;
- b. detailed designs or product descriptions to achieve stated objectives;
- c. locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e. persons responsible for implementing the enhancement measures;
- f. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

9.3 Informatives

Positive and Proactive Statement

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

Landscaping Information

Regarding the revised landscaping scheme required by Condition 3 above, acceptable species for the hedgerow planting, in addition to the new tree planting shown on the approved plans, would be:

Laurel - Prunus rotundifolia
Privet – Ligustrum ovalifolium or
Holly – Ilex aquifolium

Plants should be supplied in a container size of at least 3 litres or be 60 - 90cm tall if provided as bare root plants.

Many other species would be equally acceptable, and the revised landscaping scheme will be fully assessed upon the submission of the relevant discharge of condition application.

Highways Informatives

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

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

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

3: 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.

Legal Agreement Informative - RAMS and Open Space

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues:

- Mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.
- Public Open Space financial contribution in accordance with Policy HP5 and Policy DI1 of the adopted Tendring District Local Plan 2013-2033 and Beyond.

Please note that any subsequent variation / removal of condition applications (s73 applications) will require a new legal agreement to secure this obligation unless the development has commenced (subject to all necessary condition discharges) and the contribution has already been paid.

10. Additional Considerations

Public Sector Equality Duty (PSED)

- 10.1 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:
- 10.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 10.3 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
- 10.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 10.5 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.
- 10.6 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.
- 10.7 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

- 10.8 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.
- 10.9 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).
- 10.10 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

- 10.11 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.
- 10.12 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.

11. Background Papers

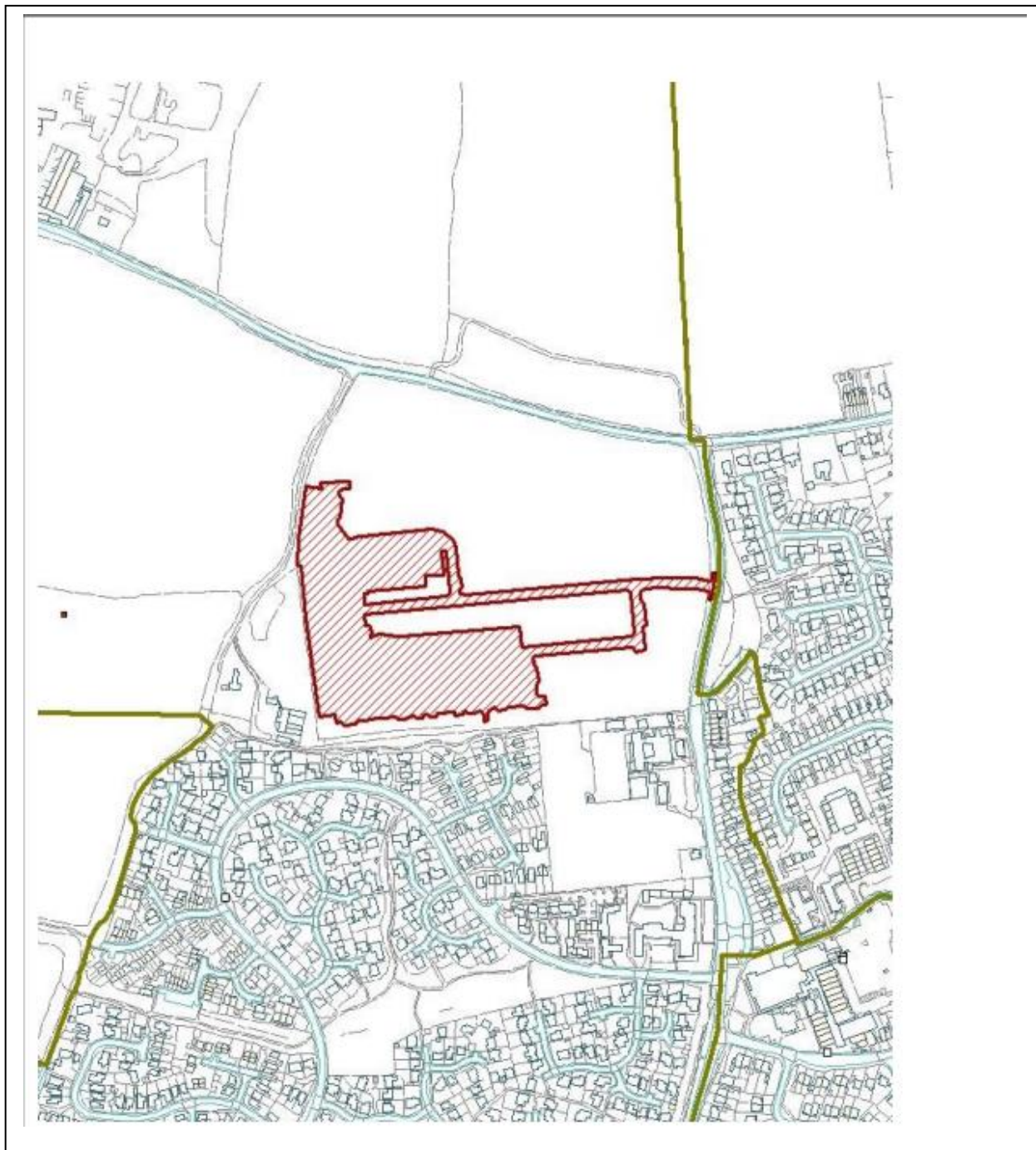
11.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report)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

PLANNING COMMITTEE

24 OCTOBER 2023

REPORT OF THE DIRECTOR OF PLANNING

A.3 PLANNING APPLICATION – 22/01333/FUL – LAND WEST OF TURPINS FARM WALTON ROAD KIRBY LE SOKEN CO13 0DA



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Application:	22/01333/FUL	Expiry Date:	6th December 2022
Case Officer:	Jacob Jaarsma	EOT Date:	TBC
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	Mr Sam Caslin - Taylor Wimpey London		
Address:	Land West of Turpins Farm Walton Road Kirby Le Soken CO13 0DA		
Development:	Proposed re-plan of part of site to provide 21 additional smaller units increasing total from 210 approved to 231 (as alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL).		

1. Summary Update

- 1.1 At application submission stage the application was for an additional 24 homes however after consultation with Essex Place Services a decision was made to keep some of the properties as 4 Bedroom Homes as it was felt that from a placemaking perspective these, mostly corner buildings needed to have a greater presence on the street scene. When these plots reverted to larger properties the Architects drawings did not update the plot numbering which continued to show numbering up to 234, the error also was not obvious in the accommodation schedule as it only included part of the site.
- 1.2 As a result of the above, the total dwellings proposed on site is in fact 231 (3 less than the scheme presented to members in August 2023). The difference in dwelling numbers therefore result in the following changes:
- The description of the development changes to:

Proposed re-plan of part of site to provide 21 additional smaller units increasing total from 210 approved to 231 (as alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL).
 - The uplift in dwelling numbers as a result of the replan scheme is 21 (instead of 24)
 - The number of affordable units that will be secured as part of this re-plan scheme equates to a total of 6 dwellings (as oppose to 7 reported to committee in Aug 2023). Given that 21 additional dwellings are proposed, a total of 6 affordable units would equate to a proportionate 30% affordable housing contribution and the proposal continues to be in accordance with Policy LP5 of the adopted Local Plan.
 - As a result of the downward revision of the overall dwelling numbers by 3, the proportionate Health and Education contributions will continue to be required to mitigate against the impact of the development. Both the NHS and ECC Education have been approached for comments and confirmation of the amounts required however at the time of writing this update report the comments remain outstanding.
- 1.3 In conclusion the reason to return to committee is a matter of correction in terms of consistency and updating of the information presented to Members previously. This essentially confirms the reduction of numbers compared to the initial application made that was before Members

previously, but given the description changes it is appropriate to seek an updated resolution to ensure no risk of challenge against the decision making process.

2. Recommendation

- 2.1 As a result of the above, this Update Report seeks to amend all references in the Aug 2023 Committee Report (attached to this Update Report as **Appendix 1**) to 234 dwellings down to 231 dwellings, all references to an uplift of 24 units down to 21 units, and all references to 7 affordable dwellings down to 6 affordable dwellings.
- 2.2 The officer recommendation remains unchanged as set out in the Recommendation in section 1 of the Aug 2023 committee report subject to:
 1. Removal of conditions 11 and 12 (as these are secured as planning obligations) and confirmation that NHS and Education contributions are to be secured and shall match the previous scheme amount per dwelling

(The matters in 1 above was requested by Members at the 1 August 2023 planning meeting when it was resolved to approve planning permission subject to all the conditions and a legal agreement set out above and in section 1 of the Aug 2023 committee report).
 2. Delegated authority to enable the Planning Service Manager to issue the decision once the NHS and Education comments are available confirming the contributions sought should match the previous scheme amount per dwelling, and once the section 106 legal agreement has been completed and signed.

END

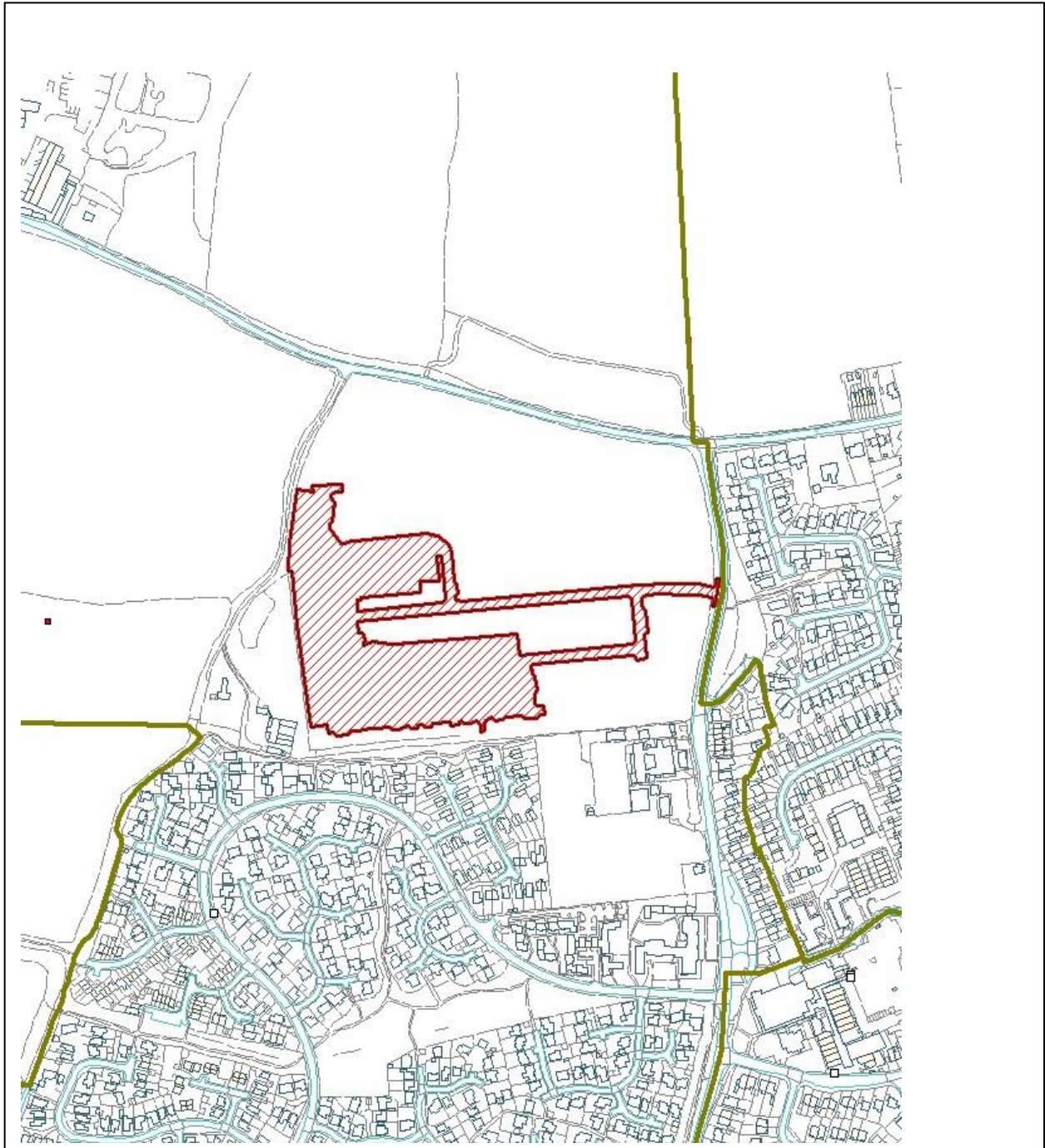
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PLANNING COMMITTEE

1 August 2023

REPORT OF THE DIRECTOR OF PLANNING

**A.3 PLANNING APPLICATION – 22/01333/FUL – LAND WEST OF TURPINS FARM,
WALTON ROAD, KIRBY LE SOKEN**



DO NOT SCALE

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Application:	22/01333/FUL	Expiry Date:	06.12.2022
Case Officer:	Clive Theobald	EOT Date:	18.04.2023
Town/ Parish:	Frinton & Walton Town Council		
Applicant:	The Burghes Estate		
Address:	Land West of Turpins Farm, Walton Road, Kirby Le Soken, Essex, CO13 0DA		
Development:	Proposed re-plan of part of site to provide 24 additional smaller units increasing total from 210 approved to 234 (as alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL).		

1. Executive Summary

- 1.1 This application has been referred to Planning Committee following a Ward Councillor call-in request on the grounds that the proposed development is (i) contrary to the Development Plan, (ii) would have a negative impact on urban design/street scene and (iii) would represent a poor housing layout.
- 1.2 Outline planning permission was granted on 1st March 2017 under ref; 16/00031/OUT for the erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children's play area, school drop off point and parking facility and other related infrastructure at Turpins Farm. Reserved Matters for outline approval 16/0031/OUT, including details of appearance, landscaping, layout and scale, were subsequently approved on 24th March 2022 under reserved matters application ref; 20/00307/FUL. The principle of residential development at Turpins Farm has therefore been established by the grant of this outline permission.
- 1.3 The current re-plan scheme application represents a part alternative housing layout to approved reserved matters application 20/00307/FUL for the western part of the site to provide 24 additional smaller housing units increasing the dwelling total for the Turpins Farm site as a whole from 210 approved units to 234 units involving various design and layout modifications to existing streets and house types. Construction is currently proceeding on the eastern half of the site under approved application 20/00307/FUL.
- 1.4 The detailed design, layout, landscaping and scale of the re-plan scheme are considered acceptable. The proposal would not result in any material harm being caused to residential amenity or highway safety.
- 1.5 The application is recommended for officer approval subject to the planning conditions as set out at the end of this report and subject to a s106 agreement to secure necessary local infrastructure requirements arising from the scheme.

Recommendation:

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

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):

- On-site 30% Affordable Housing Provision
- Education Contribution
- Health Contribution
- Completion and Transfer of Public Open Space and Maintenance Contribution
- RAMS Coastal Recreational Disturbance Financial Contribution
- £10,000 Financial Contribution towards speed reduction measures
- £15,000 Financial Contribution towards additionality footpath improvement works

Subject to the conditions stated in section 8.2

That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 12 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

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

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

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

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP6 infrastructure and Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Boundaries

- SPL3 Sustainable Design
- HP1 Improving Health and Wellbeing
- HP2 Community Facilities
- HP5 Open Space, Sports and Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable Housing
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL10 Renewable Energy Generation and Energy Efficiency Measures
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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.

2.3 In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any

fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the ‘tilted balance’).

- 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.

Neighbourhood Plan

- 2.5 The site is located within an area that is not subject of any emerging or adopted Neighbourhood Plan.

3. Relevant Planning History

- 3.1 The site has the following relevant site history:

16/00031/OUT	The erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children's play areas, school drop off and parking facility and other related infrastructure.	Approved	01.03.2017
20/00307/DETAIL	Reserved matters for outline approval 16/00031/OUT including appearance, landscaping, layout and scale.	Approved	24.03.2022
21/01667/VOC	Variation of Condition 16 of Application 16/00031/OUT to change the form of junction specified in the condition from a priority junction with right hand lane to a simple priority junction and to re-word the condition to specify footway provision and dropped kerb/tactile crossing points on Walton Road and Elm Tree Avenue	Approved	24.11.2021

in accordance with an amended drawing.

22/00701/NMA	Non-material amendment of approved application 20/00307/DETAIL to change a substation to 2 visitor parking bays by plot 96.	Approved	27.06.2022
22/00702/DISCON	Discharge of condition 4 (Details of the estate roads and footways, including layout, levels, gradients, surfacing, traffic calming and means of surface water drainage) of application 20/00307/DETAIL.	Approved	17.05.2022
22/00703/DISCON	Discharge of condition 2 (Details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction) of application 20/00307/DETAIL.	Approved	11.05.2022
22/00704/DISCON	Discharge of condition 24 (Scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British standards institute publication "BS 5837: 2012 Trees in relation to design, demolition and construction.") of application 21/01667/VOC.	Approved	18.05.2022
22/00718/DISCON	Discharge of condition 7 (Details of cycle parking for those properties without a garage) of application 20/00307/DETAIL.	Approved	16.05.2022
22/00876/FUL	Proposed addition of two feature walls by site entrance of previously approved planning application 20/00307/DETAIL.	Approved	15.09.2022
22/01193/FUL	Proposed temporary construction access to Walton Road and	Approved	08.09.2022

discharge of Condition 6
(Construction Method Statement)
of application 21/01667/VOC

22/01201/DOVO5	Deed of variation under TCPA 1990 Section 106A of the terms of the Unilateral Undertaking (UU) dated 10th February 2017 linked to outline planning permission 16/00031/OUT - To change the affordable housing requirement from 30% to 20%.	Current	
22/01291/DISCON	Discharge of condition 8 (electric vehicle charging) of application 20/00307/DETAIL.	Approved	16.09.2022
22/01333/FUL	Proposed re-plan of part of site to provide 24 additional smaller units increasing total from 210 approved to 234 (as alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL).	Current	
23/00002/DISCON	Discharge of condition 9 (Renewable Energy) of application 20/00307/DETAIL.	Approved	19.01.2023

4. **Consultations**

- 4.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.
- 4.2 All consultation responses are available to view, in full (including all recommended conditions and informatives), 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/>.

ECC Highways Dept. Revised comments 05.07.2023 (further revised 19.07.2023)	<p>Please note this advice supersedes the previous highways recommendation dated 10 October 2022 for this application.</p> <p>The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material.</p> <p>It is noted that this application proposes to add 24 no. dwellings to the approved scheme at Turpins Farm. The changes to the layout are relatively small in scale and will not alter the character</p>
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of the approved scheme. The road layout is designed to serve more than the 210 homes approved by the outline planning permission.

The Highway Authority is satisfied that the inclusion of 24 no. additional dwellings would at peak times with the number of additional trips generated by the proposal on the highway network be unlikely to be severe considering these factors:

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

1. Prior to occupation of any of the proposed dwellings the internal road site access and footway layout shall be provided in principle and accord with Drawing Numbers:

- TW024-RE-PL-01 00 Block plan
- TW024-RE-PL-02 00 Development layout

(Continued...)

- TW024-RE-PL-03 00 Detailed layout
- TW024-RE-PL-08 00 Parking layout

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

2. Prior to occupation of any of the proposed dwellings 1.5 metre x 1.5 metre clear visibility splays as measured from and along the boundary shall be provided on both sides of the vehicular accesses. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

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

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

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

4. Any phase of the development shall not be occupied until such time as car parking and turning areas have been provided in accordance with EPOA Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

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

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

6. Cycle parking shall be provided for those properties without a garage in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

7. A £10,000 S106 financial contribution (index linked) shall be paid by the applicant / developer towards future speed management / reduction measures for Elm Tree Avenue and / or Walton Road. Such a contribution shall be paid prior to commencement of the re-plan area of the approved development.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible in accordance with policy DM1 and DM17.

8. A £15,000 financial contribution (index linked) shall be paid by the applicant / developer towards the feasibility, design and/or delivery of improvements (or part thereof) towards improvements to existing footway provision in the site locale that would serve to further encourage walking as a regular travel mode for residents of the development. Such contribution shall be paid on commencement of the development.

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

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

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- 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.

□ Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County

Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available

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 applicant should be advised to contact the Development Management Team by mail at

development.management@essexhighways.org

2: General note: 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.

3: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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

5: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes

Assistant Director TDC
Housing and
Environment Services
19.06.2023

Urban Design Advisor
–
ECC Place Services
Revised comments
25.04.2023

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.

Thank you for consulting me on this application. I am happy with the proposed uplift of 7 no. affordable dwellings corresponding to 30% of the additional dwellings proposed as part of this re-plan application. There is a demand for three bedroomed properties in the area, so delivering all seven dwellings as three bed units will be acceptable with a 70% affordable / 30% shared ownership mix.

Thank you for consulting us on the Full Application for 22/01333/FUL | Land West of Turpins Farm.

The application features a proposed re-plan of the development to provide 24 additional smaller units, increasing the total from 210 approved to 234 units (as alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL).

This response follows on from our previous urban design consultation responses dated 15th November 2022 and 10th March 2023, and assesses the proposed replan of the site.

The following comments are based on the Drawings, Design and Access Statement and other associated documents.

The applicant has made a number of changes to the plans that have responded positively to design concerns expressed in our two prior letters. As such, the application proposal is now considered to be in a position to offer a positive contribution to the local built environment.

Policy Background:

The National Planning Policy Framework Section 12 requires that developments:

- Function well
- Are visually attractive as a result of good architecture, layout and appropriate landscaping.
- Are sympathetic to local character, including the historic built character, while not preventing increased densities.
- Create a strong sense of place through definition of streets and distinctive forms.
- Optimise the potential of the site to create an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible.
- Are consistent with the principles set out in the National Design Guide.

Furthermore, the NDG section M3 encourages well considered parking and servicing which is convenient but does not undermine the streetscape. Section P2 encourages

development to create safe and secure public spaces through the definition of spaces by buildings, active frontages, and natural surveillance.

Our comments are laid out in the following sections:

North-West Corner

The applicant has followed advice to reinstate L-shaped units to plots 88 and 110. They have not done so for plot 113, but have provided assurances that it features strong side elevations that mitigate this issue. As such, we consider this issue resolved.

Central Loop Road

The applicant has implemented design measures to mitigate the impact of frontage parking on plots 80-98. They have implemented landscaping between parking plots to soften their impact on the street scene and improve movement conditions. They have also added a path to the rear of parking to serve residents and ease the transition between the parking and the residential plots. Overall, the space now reflects a more positive interaction with the street scene and is more effective at connecting the parking spaces with the residential units.

South-West Corner

The applicant has provided justification for the lack of L-shaped units in plots 137 and 143, providing assurances that the units proposed will have strong side elevations to adequately interact with the street corners. As such, we consider the matter resolved.

East-West Street Axis

The applicant has reinstated L-shaped units on plots 163 and 205. This provides significantly enhanced interactions with the key movement channel to the east of the units. Therefore, we consider the issue resolved.

Conclusion

In summary, and based on the submitted plans and supporting information, we consider the applicant to have responded positively to our design concerns. As such, we are prepared to endorse this application. Positive changes made by the applicant are as follows:

- L-shaped units have been provided to ensure that corners are turned more positively by buildings that have stronger interactions with the street scene.
- Where L-shapes have not been implemented, the applicant has provided adequate design justification.
- The frontage parking area on the central loop road has been improved via landscaping and enhanced planting.

ECC Place
Services
03.04.2023

Holding objection due to insufficient ecological information on designated sites (Hamford Water Ramsar and SPA), European Protected Species (bats) and Priority species (farmland birds – Skylarks).

Summary

We have reviewed the Preliminary Ecological Appraisal (Middlemarch, December 2022), Ecological Mitigation Strategy (Middlemarch, December 2022), and Biodiversity Enhancement Strategy (Middlemarch, December 2022) by the applicant, relating to the likely impacts of development on designated sites,

protected

& Priority species and habitats and identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

Waste Management
22.09.2022

All access roads and drives to be constructed to suitable standard to withstand weight of 26 tonne collection vehicles along with allowing full access to 2.5 metre wide collection vehicles.

Anglian Water
Services Ltd
27.09.2022

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Walton On The Naze Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Application Form/Location Plan Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (a full assessment cannot be made due to lack of information, the applicant has not identified a discharge rate or connection point) We therefore request a condition requiring phasing plan and/or on-site drainage strategy (1) INFORMATIVE - Notification of intention to

connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

	<p>We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding</p> <p>Surface Water Disposal (Section 4)</p> <p>CONDITION No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.</p>
<p>Tree & Landscape Officer 10.10.2022</p>	<p>The proposed re-design of the layout of part of the site does not affect the preserved trees situated on the western boundary of the earlier approved planning applications.</p> <p>The details provided relating to soft landscaping are comprehensive and sufficient to soften and enhance the appearance of the development.</p>
<p>UU Open Spaces 05.04.2023</p>	<p>No further comments from Open Spaces Team.</p>
<p>ECC Schools Service</p>	<p>Comments not received.</p>
<p>NHS</p>	<p>Comments not received.</p>

5. Representations

5.4 Parish Council:

OBJECT: Recommend refusal as the original outline planning application was for 210 dwellings which was sufficient. Overdevelopment. This is a piecemeal addition to the annual housing requirement as detailed within the Local Plan and not in accordance with PPL10. Developer has tried to reduce the affordable housing element from 30% to 20%. No communal car park to aid school pick-up. Takes away aspirational aspect. Why no 30mph speed zone?

5.5 There have been 4 other letter of representation received.

- Only one access road will serve the proposed development. Already too much traffic at school times. Another 24 new dwellings in addition to the 210 dwellings approved will only add to this congestion;
- The re-plan scheme seeks to increase the approved application by more than 10% which will not fit in with local housing density;
- The additional dwellings will give rise to more problems related to infrastructure availability which is already struggling;

- The alternative plan is purely profit driven and does not represent an improvement to the approved housing layout;

6. **Assessment**

Site Description

- 6.1 The application site comprises a square 11.7 hectare parcel of greenfield agricultural land between the northern edge of Frinton-on-Sea and the rural settlement of Kirby-le-Soken. The site lies south of Walton Road beyond which are the coastal slopes overlooking Hamford Water with views across to Harwich and Felixstowe. The site lies west of Elm Tree Avenue opposite existing residential development and is located a relatively short distance from the Triangle Shopping Centre. The site lies east of Turpins Farm House and its associated access track immediately north of Hamford Primary School and the existing residential estate at Edenside and its associated network of green paths.
- 6.2 The topography of the site slopes gently downwards from the existing housing estate to Walton Road and the edge of the steeper coastal slopes. The northern boundary of the site is formed by a strong hedgerow with a lower hedgerow containing a number of mature trees along the eastern boundary along Elm Tree Avenue. A greater number of mature trees are found along the site's western boundary along Turpins Farm House and within the green corridor along the north of the Edenside estate.
- 6.3 The predominant style of property on the adjoining housing estate is of mixed size and type in typical brick-built 1980s/1990s style with some care home/institutional use buildings interspersed with well-maintained and attractive open spaces, landscaping and green links. Development to the east on the opposite side of Elm Tree Avenue contains a mix of inter-war and post-war detached and semi-detached properties, Victorian Farm Cottages and more modern estate development backs onto an attractive area of incidental open space and landscaping.
- 6.4 The site is located in Flood Zone 1 and is not located near any Grade II Listed Buildings, thus not requiring any surveys in this regard.

Relevant Planning History

- 6.5 Outline planning permission was granted on 1st March 2017 under ref; 16/00031/OUT for the erection of up to 210 dwellings with access from Elm Tree Avenue, including green infrastructure, children's play area, school drop off point and parking facility and other related infrastructure at Turpins Farm. Reserved Matters for outline approval 16/0031/OUT, including details of appearance, landscaping, layout and scale, were subsequently approved on 24th March 2022 under ref; 20/00307/FUL.
- 6.6 Approved Reserved Matters application 20/00307/FUL is currently being implemented in accordance with the approved details whereby the proposed access road from Elm Tree Avenue has been constructed and several new dwellings have been erected.
- 6.7 A variation of Condition application (VOC) was approved on 24 November 2021 which sought a variation of Condition 16 of outline application 16/00031/OUT to change the form of the junction specified at the entrance with Elm Tree Avenue from a priority junction with right turn lane to a simple priority junction and to re-word the condition to specify footway provision and dropped kerb/tactile crossing points on Walton Road and Elm Tree Avenue in accordance with an amended drawing. The junction has now been built which it is understood is a standard priority T junction without any right turn lane.

- 6.8 Since the approval of the outline and reserved matters applications, several applications have been submitted to and approved by Tendring District Council (TDC) for the discharge of various planning conditions relating to specific matters, including site levels, estate road, drainage, external materials, hard and soft landscaping and cycle parking.

Proposal

- 6.9 This detailed application submission relates to the proposed re-plan of the western part of the approved development site at Turpins Farm to provide 24 additional smaller units increasing the overall total for the site from 210 approved to 234 units as an alternative to part of planning permission 16/00031/OUT and 20/00307/DETAIL) with associated access and infrastructure, the extent of which area is shown on the red line area site plans.
- 6.10 It should be emphasised that the current re-plan application does not replace the outline and reserved matters, but seeks to re-plan the western part of the site, representing approximately a third of the original site layout, to deliver a slightly greater number of homes without altering the overall layout and design principles of the approved development.
- 6.11 In this respect, various amendments have been made to the approved house types with consequential changes to the number of homes planned and also the housing mix. The number of affordable dwellings for the re-plan area is also increased whereby all of the additional affordable dwellings would be 3-bedroom properties.
- 6.12 The submitted re-plan scheme seeks to retain the key principles of the approved detailed scheme, including general layout, street arrangement and landscaping measures. As such, there is no change to the quantity of open space provision for the development as shown from the outline approved and reserved matters applications as these areas are not altered by the current application. The additional dwellings are achieved within the original layout through an adjustment to the approved house types and seeking to make more efficient use of available land within the western half of the site.
- 6.13 This application is supported by technical reports that were approved under outline application 16/00031/OUT and subsequent detailed application 20/00307/DETAIL. Those reports assessed higher dwelling numbers than what was granted planning permission for under those permissions and therefore remain relevant to the uplift in housing numbers now proposed.
- 6.14 The accompanying Planning Statement concludes as follows:

“The development is a modest improvement to the consented scheme that will better reflect the housing market and deliver greater benefits to the community as set out in Section 5 of this Statement. The additional dwellings have been accommodated carefully within the approved layout such that there are no changes to the layout, the open space, setting or quality of the development. There are no adverse impacts in respect of drainage, ecology, transportation, heritage, arboriculture or landscaping. The applicant would be willing to discuss any conditions or agreement to link the application to the original consent to provide confidence in the proper delivery of the wider development. Having regard to the adopted policies and material considerations, the development is considered to accord with the Local Plan and can be approved. The proposal represents an acceptable alternative form of development for the western parcel and it is respectfully requested that the Council positively consider this application and grant planning permission”.

- 6.15 The accompanying Design and Access Statement concludes as follows:

“The road layout is designed to serve more than the 210 homes approved by the outline planning permission and the re-planned scheme has been designed to ensure that the relationships with the existing homes that enclose the site to the south and east are

unchanged. The delivery of the community facilities, including the on-site provision of public open space, play areas and the new school drop off and car park, is unaltered. Furthermore, the revised scheme is designed in compliance with the district council's development management standards and meets all the standards set by planning policy. Care has been taken to ensure that the changes maintain and enhance the character of the approved scheme, augmenting the high quality that was found to be acceptable by the district's Planning Committee [for the approved scheme] and adding in further elements that will enhance the "sense of place" and create a high quality scheme".

6.16 The accompanying Transport Statement concludes as follows:

"The assessments carried out show that the traffic impacts at the local junctions and site access are very similar to those with the original proposal. Given that the local highway authority raised no objection either to the original scope for a development of 300 dwellings or to the planning application for up to 250 dwellings, the expectation is that the assessments showing the amended proposal will be acceptable to the local highway authority. It is concluded that the likely transport impacts of the development are unchanged from those of the original application proposal and therefore the amended proposal for up to 210 dwellings is acceptable in national and local transport policy terms".

Main Issues

- Principle of development
- Design
- Access
- Affordable housing provision
- Impacts upon residential amenity
- Energy Efficiency and Renewable Energy
- Responses to Town Council Comments
- Conclusions and Overall Planning Balance

Principle of Development

- 6.17 The principle of residential development at this location has already been established by the granting of outline planning permission 16/00031/OUT for up to 210 dwellings with vehicular access from Elm Tree Avenue, including the provision of green infrastructure, children's play areas, school drop off point and parking facility and other related infrastructure under 16/00031/OUT whereby this infrastructure provision is subject to a S106 agreement.
- 6.18 Condition No. 4 of outline permission 16/00031/OUT stated that 'the reserved matters shall be in general conformity with the revised Illustrative Concept Plan Drawing No. UK15044-001-Rev. B'. This drawing showed an area of open space to the northern part of the site; access from Elm Tree Avenue and with a pedestrian/cycle and emergency access onto Walton Road and a 30 space car park for school pick-up and drop-off in the south eastern corner of the site. Furthermore, Condition 6 of 16/00031/OUT stated that 'the maximum number of dwellings to be contained in the development shall be up to (but no more than) 210 dwellings'.
- 6.19 The site lies within the combined Settlement Development Boundary (SDB) for Frinton, Walton, Kirby Cross and Great Holland for the purposes of the current Tendring District Local Plan 2013-2033 and Beyond (TDLP). There is therefore a presumption in favour of sustainable development whereby the proposed re-plan application as submitted is in general conformity with the Development Plan. As such, there are no policy grounds under which the principle of development for the proposed re-plan scheme needs to be re-established.
- 6.20 It should be noted that a holding ecology objection has been received in respect of the current application from ECC Place Services relating to a lack of ecology information in respect of

skylarks, bats, recreational dog walking and coastal recreational disturbance. Ecology issues were considered for outline application 16/00031/OUT when Natural England were consulted on that application when no ecology objections were received in relation to a Phase 1 Extended Habitat Survey submitted which assessed the ecological value of the site and immediately surrounding area and the potential ecological impacts of the development. Whilst the potential for the site to support notable and protected species was considered low, the mature trees and hedgerows on the site boundaries were fully investigated and additional surveys were undertaken, including Great Crested Newt, bat activity and breeding bird surveys. No GCN's were found to be present, the potential for significant impacts on breeding birds was not considered to be significant where boundary hedges are proposed to be retained and new landscaping proposed and the suggested potential for small scale bat roosts within existing Oak trees within the boundary hedgerows could be mitigated by new native tree planting.

- 6.21 The current re-plan proposal does not extend the red line of the wider approved development site, whilst it is considered that there are good opportunities for occupiers of the new dwellings to be able to access natural green space and walking networks in the surrounding area, including for dog walking, whereby it is noted for the committee report for outline application 16/0031/OUT that it was considered that the numbers of people from the proposed development adding to existing levels of local and coastal recreational disturbance would be minimal. This would remain the case for the proposed re-plan application for an additional 24 no. dwellings for the approved development as a whole whereby the applicant/ developer is committed to making a financial contribution as part of any S106 Agreement to offset the impacts of the development on the Hamford Water SPA and Ramsar site.
- 6.22 Notwithstanding the above, a further Preliminary Bat Roost Assessment of Trees, Nesting Bird Survey and ECOW was conducted at the site on 17 May 2023 and 31 May 2023 to establish if there was any change in position since the previous survey assessment conducted. The further assessment has shown that there is no increased levels of bat roosting activity within the trees which line the southern and western boundaries of the site from the previous bat roost survey conducted whereby nearby artificial light levels have reduced this potential. The further assessment has shown, however, that a section of hedging along the northern boundary of the wider development site contains behaviour consistent with breeding sparrows.
- 6.23 As such, whilst the comments received from ECC Place Services are duly noted, it is considered that these matters have already been sufficiently addressed under the approved outline application for the 210 residential units at the site (16/0031/OUT) whereby it should be emphasised that the red line for the proposed re-plan scheme is for a lesser site area than the Turpins Farm development site area as a whole meaning that there are no reasonable grounds to require further ecology information for the current re-plan application, including for skylarks. No policy objections are therefore raised to the proposed re-plan scheme under Policies SP2 and PPL4 for this section of the report.

Design

- 6.24 The proposed replan scheme follows the overall block structure of the wider approved detailed scheme for the site with the principal changes being to alter the house types along specific streets to provide for a number of smaller dwellings to take into account changes in market trends to smaller/family sized dwellings. There would be changes to five streets in total for the re-plan red line area, including swopping of house types to some dwellings from detached houses to semi-detached houses, whereby for comparison purposes the amended plots would increase from 78 to 102 dwellings (namely an increase in 24 no. dwellings) which would include a proportionate increase in affordable dwellings for the re-plan area - see Affordable Housing section below). A total of three new house types would be introduced as a result of the re-plan changes ('Byford', 'Ardale' and Kingdale'). The re-plan scheme would also replace some house units as originally approved with wide frontages to the street with types which have a narrower footprint. No design or layout changes are being made to the other parts of the wider

Turpins Farm development site currently being implemented under 20/00307/DETAIL. A detailed Design and Access Statement accompanies the submitted application which explains in more detail the design and layout changes proposed.

- 6.25 Schedules of Accommodation have been submitted with the application which show a comparison in the bedroom accommodation for the approved scheme for Turpins Farm under 20/00307/DETAIL and the proposed re-plan scheme, which are replicated below:

Approved Scheme (20/00307/DETAIL)

Name	Reference	No. of bedrooms	Number
Ashenford	NA20	2	21
Blandford	NA22	2	22
Gosford	PA34	3	27
Yewdale	PT37	3	28
Coltford	NA34	3	20
Woodman	Wood	3	16
Manford	NA44	4	27
Waysdale	NT42	4	21
Marford	NA45	4	23
Wayford	NT51	5	5
Total			210

Proposed Replan Scheme (22/01333/FUL)

Name	Reference	No. of bedrooms	Number
Ashenford	NA20	2	25
Blandford	NA22	2	22
Gosford	PA34	3	20
Yewdale	PT37	3	11
Byford (new)	NA32	3	42
Ardale (new)	NT30	3	10
Coltford	NA34	3	26
Kingdale (new)	NT31	3	5
Woodman	Wood	3	14
Manford	NA44	4	23
Waysdale	NT42	4	14
Marford	NA45	4	17
Wayford	NT51	5	5
Total			234

- 6.26 It is considered that the changes in bedroom accommodation as shown above for the current re-plan application to reflect the applicant's desire to scale down to provide more 3 bedroomed family sized dwellings to reflect changing market trends is appropriate where the three additional house types proposed ('Byford', 'Ardale' and 'Kingsdale') are provided as additional 3-bed dwellings.

- 6.27 The submitted Design and Access Statement shows how layout changes would be made to particular parts of the re-plan area, notably effecting existing Plots 81-85, 86, 87-95, 105-115, 116-124, 125-134, 135-149, 165-167 and 168-182. Some of the changes have introduced

corner plots, although some existing corner plots have been replaced by dual fronted types to provide improved active frontages to the public realm.

- 6.28 The scale, appearance and proposed external finishes of the house types for the re-plan area to reflect the proposed site layout changes, including the new house types introduced to incorporate the additional 24 no. dwellings, reflect those of the house types shown for approved application 20/00307/DETAIL and are considered acceptable whereby the appearance and detailing would reflect those of the dwellings of the approved scheme and which are currently being built out.
- 6.29 The plots shown for the re-plan area would comply with recommended garden amenity standards and also EPOA parking standards, including those plots which have been reduced in size. The slight increase in housing density to reflect the additional 24 no. units for the re-plan area is also considered acceptable whereby the general street layout for the re-plan area remains essentially the same as for 20/00307/DETAIL without any discernible layout changes.
- 6.30 In terms of landscaping, the Council's Tree and Landscape Officer has advised that the proposed re-design of the layout of the western part of the site would not affect the preserved trees situated along the western boundary of the earlier approved planning applications and that the details provided relating to soft landscaping are considered comprehensive and sufficient to soften and enhance the appearance of the proposed development.
- 6.31 The re-plan layout as submitted has been examined by Place Services' Urban Design Team who made initial design comments on the originally submitted drawings. In their consultation response dated 10 March 2023, they stated that the re-plan scheme as submitted did not show adequate progression with regard to quality from an urban design perspective with respect to general layout and movement, streetscene interaction and impact, dwellings on prominent corner plots which had inactive elevations, frontage parking arrangements, street landscaping and natural surveillance, most notably relating to the north-west and south-west corners of the site, the East-West street axis and the Central Loop Road. As such, Place Services remarked that, overall, further justification was required for the design and layout choices selected, adding that the lack of L-shaped units and some inactive side elevations on corner plots resulted in poor interactions with the street scene, especially in key areas, such as on the East-West Street Axis and that the inclusion of frontage parking severed the connection between residential units and the street. Accordingly, Place Services advised that these identified design weaknesses should be addressed.
- 6.32 The initial comments received from Place Services has resulted in revisions being made to the submitted scheme as shown on the revised drawings. Place Services have been re-consulted on these revisions who have stated in their re-consultation letter dated 10 March 2023 that the changes made to the re-plan layout have responded positively to the design concerns expressed and, as such, now offer a positive contribution to the local built environment. As such, they advise that they are able to endorse the the-plan scheme from an urban design perspective where:
- L shaped units have been provided to ensure that corners are turned more positively by dwellings that have stronger interactions with the street scene;
 - Where L shaped units have not been provided, the applicant has provided adequate design justification;
 - The frontage parking area on the central loop road has been improved via landscaping and enhanced planting.
- 6.33 Given these drawing revisions, it is considered that the design of the re-plan scheme is now acceptable under the provisions of Section 12 of the NPPF, the National Design Guide (M3) and Policies SP7, SPL3, LP3 and LP4 of the adopted TDLP. It is accepted that there has been a slight upwards adjustment in the housing density for the western section of the site and a

reduction in garden sizes as a result of the re-plan submission and due consideration must therefore be given as to whether these layout changes would have a resulting detrimental impact on the character and feel of the development as already approved and the amenity of future occupiers whereby the NPPF states that development that is not well designed should be refused. It is considered in this regard that the design and layout concessions made to provide the additional 24 no. units are relatively minor and inconsequential when compared to the site layout approved under 20/00307/FUL where the design parameters of that approved scheme are still closely followed. As such, it is considered that it would be unreasonable to refuse planning permission for the re-plan scheme as submitted, particularly as the scheme has been subject to additional design scrutiny by Place Services' Urban Design team as referenced above whereby requested design revisions to the scheme have responded positively to their initial design concerns.

Access

- 6.34 Vehicular access to the re-plan area from the rest of the wider development site would still be taken from the existing access point off Elm Tree Avenue whereby this means of access has not changed from the previously approved scheme shown for 20/00307/DETAIL (and as subsequent shown for VOC application 21/1667/VOC). ECC Highways have advised in their updated response dated 5 July 2023 that the changes made to the approved layout under the current re-plan scheme are relatively small in scale and will not alter the character of the approved scheme, adding that the road layout is designed to serve more than the 210 homes approved by the outline planning permission.
- 6.35 As such, ECC Highways have stated that they are satisfied that the inclusion of 24 no. additional dwellings for the re-plan scheme, bringing the total amount of dwellings for the Turpins Farm development as a whole up to 234 units, would, at peak times, with the number of additional trips generated by the proposal on the highway network, be unlikely to be severe considering these factors or in terms of increased traffic flow/capacity upon the existing junction now constructed. They conclude in their response that the impact of the proposal is therefore acceptable from a highway and transportation perspective subject to highways mitigation and highway conditions. No highway policy objections are therefore raised to the proposal due to ECC Highways' comments under Policies SP7, SPL3 and CP2 of the adopted TDLP.
- 6.36 The applicant has confirmed to the Council that it is willing to make a £10,000 financial contribution towards future speed management / reduction measures for Elm Tree Avenue and / or Walton Road and also a £15,000 financial contribution towards additional footpath improvements within the locale over and above footpath improvements which it has stated it has already provided as part of the wider development scheme for Turpins Farm whereby ECC Highways have advised that the latter contribution is likely to be used for upgrading the existing footpath on the north side of Walton Road which it is understood is regularly used by pedestrians and recreational walkers but which currently does not meet footpath standards. However, the applicant has stated to the Council that the additional footpath improvements contribution would be reliant upon planning permission being granted for the current re-plan scheme as otherwise it would continue implementing the approved reserved matters scheme across to the eastern part of the site without making such a financial contribution where it is not obliged to do so under the heads of terms for the S106 agreement for the approved outline application. Both financial contributions can be conditioned (see revised ECC Highways updated consultation responses above) and would be secured by way of a S106 agreement whereby both financial contributions are required to be paid prior to commencement of development.

Affordable housing provision

- 6.37 The approved detailed application for the Turpins Farm development (20/00307/DETAIL) relating to 210 dwellings requires 30% affordable housing provision or the provision of 18 no. gifted units as an alternative affordable option for that approved scheme.
- 6.38 The current re-plan application for the reduced red line area will similarly require 30% affordable housing provision under Policy LP5 of the adopted TDLP. The additional 24 units proposed for the re-plan scheme would mean that 7 no. additional affordable units would be required to be provided as a proportionate 30% figure. The applicant has confirmed to the Council that it is committed to providing these 7 additional affordable units to be secured through a S106 legal agreement which would all be 3-bedroomed dwellings whereby the affordable dwellings are shown on revised drawing TW024-RE-PL-06 Rev C dated April 2023 ('Affordable Housing Location Plan - Re-Plan').
- 6.39 The Council's Housing Department have confirmed in their consultation response dated 19 June 2023 that they are happy with the proposed uplift of 7 no. affordable dwellings corresponding to 30% of the additional dwellings proposed as part of this re-plan application. They have added that there is a demand for 3-bedroomed affordable housing properties in the local area and so delivering all seven dwellings as three bed units would be acceptable whereby these should comprise a 70% affordable / 30% shared ownership tenure mix.. Accordingly, the proposal complies with Policy LP5 of the adopted TDLP. Such a stated commitment by the applicant to provide 30% affordable housing for the replan area is welcomed and also addresses one of the Town Council's raised concerns that the re-plan scheme would only deliver reduced 20% affordable housing provision.

Impacts on residential amenity

- 6.40 The committee report for 20/00307/DETAIL noted that there would be some residential impacts on those residential properties situated along the frontage of Ashes Close to the east of the site on the opposite side of Elm Tree Avenue, but that any such impacts would be insignificant given the separation distances involved. The re-plan area for the current re-plan application involves approximately only a third of the approved site on its western side whereby the site on this side is bordered by a track and fields meaning that there would not be any residential amenity impacts arising from the current proposal.

Energy Efficiency and Renewable Energy Measures

- 6.41 Renewable energy provision is addressed within Policies PPL5, PPL10 and SPL3 of the adopted Local Plan. No specific energy efficiency and renewable energy measures have been included with the submitted application where it is noted that no such details were submitted for approved detailed application 20/00307/DETAIL either as noted in the committee report for that application. It is important under adopted local plan policies and in line with NPPF advice that appropriate energy efficiency and renewable energy measures are embedded within the re-plan scheme (fabric first) rather than having to resort to retrofitting. As such, and in line with the previous committee report, it is considered that this issue can be best addressed through a planning condition:
- 6.42 With such a condition in place, Officers believe that the proposed development can adequately comply with the requirements of Policies PPL5, PPL10 and SPL3.

Response to Town Council comments

- 6.43 Response as follows:
- It is accepted that the planning merits of the site layout for the outline scheme for this site was considered on a reduced dwelling basis from originally up to 250 dwellings down to 210 dwellings as reflected in the detailed layout scheme for subsequent reserved matters

application 20/00307/DETAIL as approved. However, this is not a rigid quantum should a developer seek to subsequently seek to amend a housing layout and the merits of the current application have been considered on this basis.

- The re-plan scheme as submitted meets current residential amenity and parking standards whereby the proposed rear garden sizes are commensurate with the size of the smaller dwellings shown to reflect current market housing trends to downscale from larger dwelling schemes.
- The applicant has confirmed that the re-plan scheme will provide a ratio of 30% affordable housing, which would be TDC policy compliant.
- Financial contributions are to be paid by the applicant towards speed reduction measures and additional footpath improvements in the area as requested by the Town Council to be secured by way of S106 agreement.
- The comments regarding a requested communal school car park with separate access direct onto Elm Tree Avenue to aid school pick-ups are noted. However, whilst the reasons for this request are appreciated, ECC Highways have informally indicated that they may not be willing to support such a request in view of existing site visibility issues, a road entrance which exists opposite the proposed access point and future maintenance issues whereby these reasons can be regarded as material considerations.

7. Conclusion and Overall Planning Balance

- 7.1 The principle of residential development at this location for up to 210 dwellings has been established through the grant of outline application 16/00031/OUT. The site lies within the Settlement Development Boundary for Frinton, Walton and Great Holland where there is a presumption in favour of sustainable development. As such, there is no policy conflict in principle with the submitted re-plan scheme proposing an additional 24 dwellings at the site whereby the submitted scheme is in accordance with the Development Plan.
- 7.2 Matters of detail relating to access, layout, scale, appearance and landscaping are considered acceptable for this re-plan submission scheme representing an alternative part site layout to approved detailed application 20/00307/DETAIL for the reasons as stated in this report.
- 7.3 The proposed replan scheme as submitted would provide a range of smaller market dwellings, including the provision of smaller family unit accommodation, to take into account changing market trends with a proportionate uplift in affordable dwellings at 30% policy compliant provision supported by the Council's Housing Team. Whilst the various comments from the Town Council are noted, it is considered on balance that the benefits of the proposal, including the aforementioned housing mix changes and also the offer by the applicant to make local infrastructure financial contributions, outweigh the limited concessions made to the design and layout of the scheme to provide 24 no. additional dwelling units whereby the re-plan site layout still reflects closely the layout and design parameters of the approved and partly implemented detailed scheme for the site and where no objections have been raised to the proposal by ECC Highways in terms of the limited additional traffic capacity impacts predicted at the site and upon the local road network resulting from the re-plan scheme.
- 7.4 The application is therefore recommended for approval subject to securing an appropriate legal agreement.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a S106 legal agreement, with the agreed Heads of Terms as set out below:
- On-site 30% Affordable Housing Provision
 - Education Contribution

- Health Contribution
- Completion and Transfer of Public Open Space and Maintenance Contribution
- RAMS Coastal Recreational Disturbance Financial Contribution
- £10,000 Financial Contribution towards speed reduction measures
- £15,000 Financial Contribution towards additionality footpath improvement works

8.2 Conditions and Reasons

- 1 The works to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos:
KA16522 01

TW024-RE-PL-01 00
 TW024-RE-PL-01A
 TW024-RE-PL-02 B
 TW024-RE-PL-03 A
 TW024-RE-PL-04 A
 TW024-RE-PL-05 A
 TW024-RE-PL-06 C
 TW024-RE-PL-07 A
 TW024-RE-PL-08 A
 TW024-RE-PL-09 A

TW024-PL-10 C

TW024-RE-NA20-01 00
 TW024-RE-NA22-01 00
 TW024-RE-NA32-01 00
 TW024-RE-NA32-02 00
 TW024-RE-NA34-01 00
 TW024-RE-NA44-01 00
 TW024-RE-NA45-01 00
 TW024-RE-NT30-01 00
 TW024-RE-NT31-01 00
 TW024-RE-NT42-01 00

TW024-RE-ST-01 00
 TW024-RE-ST-02 00
 TW024-RE-WOOD-01 00

6338-SK-001 C
 6338/SK/003 B

21.5136.01 F
 21.5136.02
 21.5136.03 E
 21.5136.04 F
 21.5136.05 F
 21.5136.06 E
 21.5136.07 E

21.5136.08 E
21.5136.09 E
21.5136.10 F
21.5136.11 E
21.5136.12 F

REASON: For the avoidance of doubt and in the interests of proper planning.

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

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

- 4 Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with Drawing Numbers:

- TW024-RE-PL-01 00 Block plan
- TW024-RE-PL-02 B Development layout
- TW024-RE-PL-03 A Detailed layout
- TW024-RE-PL-08 A Parking layout

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

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

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

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

REASON: To ensure that roads and footways are constructed to an acceptable standard in the interests of highway safety.

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

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

- 8 No phase of the development shall be occupied until such time as car parking and turning areas has been provided in accordance with current EPOA Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

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

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

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

- 10 Cycle parking shall be provided for those properties without a garage in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

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

- 11 A £10,000 S106 financial contribution (index linked) shall be paid by the applicant / developer towards future speed management/reduction measures for Elm Tree Avenue and/or Walton Road. Such contribution shall be paid prior to the commencement of development of the re-plan area.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible.

- 12 A £15,000 S106 financial contribution (index linked) shall be paid by the applicant / developer towards the feasibility, design and/or delivery of improvements (or part thereof) towards improvements to existing footway provision in the site locale that would serve to further encourage walking as a regular travel mode for residents of the development. Such contribution shall be paid prior to commencement of the re-plan area.

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

- 13 Prior to the occupation of any dwelling, a scheme for the provision of electric vehicle charging facilities for the new dwellings 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 dwellings.

REASON: In order to promote sustainable transport.

- 14 No development shall commence above slab level until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development is submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point per dwelling
- A Water-butt per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of water, energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF”.

8.3 Informatives

1 Positive and Proactive Statement

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

2 Highway 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 applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: General note: 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.

3: The areas directly adjacent to the carriageway(s) in which the trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway. In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

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

4 Legal Agreement Informative

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues:

On-site 30% Affordable Housing Provision

Education Contribution

Health Contribution

Completion and Transfer of Public Open Space and Maintenance Contribution

RAMS Coastal Recreational Disturbance Financial Contribution

£10,000 Financial Contribution towards speed reduction measures

£15,000 Financial Contribution towards additional footpath improvement works

9. Additional Considerations

Public Sector Equality Duty (PSED)

- a. 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:
- b. A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- c. 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
- d. C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- e. 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.
- f. 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.
- g. 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

- h. 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.
- i. 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).
- j. 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

- k. 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.
- l. 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

- a. 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/>.