



## PLANNING COMMITTEE

**DATE:** Tuesday 31 January 2017

**TIME:** 6.00 pm

**VENUE:** Council Chamber, Council Offices,  
Thorpe Road, Weeley, CO16 9AJ

### MEMBERSHIP:

Councillor White (Chairman)  
Councillor Heaney (Vice-Chairman)  
Councillor Baker  
Councillor J Brown  
Councillor Everett  
Councillor Fairley

Councillor Fowler  
Councillor Gray  
Councillor Hones  
Councillor Hughes  
Councillor McWilliams

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For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686585

DATE OF PUBLICATION: FRIDAY 20 JANUARY 2017

## **AGENDA**

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

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

### **2 Minutes of the Last Meeting (Pages 1 - 10)**

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on Wednesday 4 January 2017.

### **3 Declarations of Interest**

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

### **4 A.1 - PLANNING APPLICATION - 15/01750/FUL - LAND AT ST. ANDREWS ROAD, WEELEY, CO16 9HR (Pages 11 - 30)**

Proposed residential development comprising 14 houses, garages, access, public open space and landscaping.

### **5 A.2 - PLANNING APPLICATION - 16/01456/DETAIL - LAND ADJACENT WILLOW FARM, MILL LANE, WEELEY HEATH, CO16 9BZ (Pages 31 - 54)**

Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.

### **6 A.3 - PLANNING APPLICATION - 16/01084/FUL - STRANGERS HOME, THE STREET, BRADFIELD, MANNINGTREE, CO11 2US (Pages 55 - 62)**

Erection of shower block.

### **7 A.4 - PLANNING APPLICATION - 16/01946/FUL - CHURCHILL COURT, PARKESTON ROAD, DOVERCOURT, CO12 4NU (Pages 63 - 70)**

Removal of existing undercroft garages and conversion of these spaces into a one bedroom two person fully accessible residential unit and a community liaison office and storage.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Planning Committee is to be held in the Council Chamber at 6.00 pm on Tuesday 28 February 2017.*

## **Information for Visitors**

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**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON WEDNESDAY 4 JANUARY 2017 AT 6.00 PM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chairman), Baker, Bennison, Fairley (except part of item 100 and all of item 101), Fowler, Gray, Hones and McWilliams
<b>Also Present:</b>	Councillors Honeywood (except items 98-101) and Scott (except items 95-101)
<b>In Attendance:</b>	Cath Bicknell (Head of Planning), Charlotte Parker (Solicitor) (Property, Planning and Governance), Nigel Brown (Communications Manager), Susanne Ennos (Planning Team Leader), Matthew Lang (Planning Officer) (except items 99-101) and Katie Sullivan (Committee Services Officer)

**90. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillors Everett and Hughes (there were no substitutions).

**91. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on Wednesday 30 November 2016, were approved as a correct record and signed by the Chairman.

**92. DECLARATIONS OF INTEREST**

Councillor Scott, present in the public gallery, declared a Non-Pecuniary Interest in relation to Planning Application 16/01621/FUL by virtue of the fact he was the local Ward Member.

Councillor Fairley, declared a Non-Pecuniary Interest in relation to Planning Applications 16/01699/FUL and 16/01698/FUL by virtue of the fact she was the local Ward Member and by virtue of the fact that she was pre-determined.

Councillor Baker declared a Non-Pecuniary Interest in relation to Planning Application 16/00618/FUL by virtue of the fact that he was a local Ward Member and a Lawford Parish Councillor, but he informed the Committee that he was not pre-determined on this application.

Councillor White declared a Non-Pecuniary Interest in relation to Planning Application 16/00618/FUL by virtue of the fact that he was a member of the Tendring Hundred Farmers Club who were the joint applicant and who used the showground on the application site to host the annual Tendring Hundred Show.

Councillor Honeywood, present in the public gallery, declared a Non-Pecuniary Interest in relation to Planning Application 16/01353/FUL by virtue of the fact that he was a local Ward Member.

Councillor Hones, declared a Non-Pecuniary Interest in relation to Planning Application 16/01353/FUL by virtue of the fact that he was a local Ward Member of the adjacent ward.

93. **A.1 - APPLICATION 16/00618/FUL - LAWFORD HOUSE, BROMLEY ROAD, LAWFORD, CO11 2JD**

Councillor Baker had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/00618/FUL by virtue of the fact that he was a local Ward Member and a Lawford Parish Councillor, and he had informed the Committee that he was not predetermined on this application.

Councillor White had earlier declared a Non-Pecuniary Interest in relation to this application by virtue of the fact that he was a member of the Tendring Hundred Farmers Club who were the joint applicant and who used the showground on the application site to host the annual Tendring Hundred Show.

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

Members recalled that this application had first been considered by the Committee on 30 November 2016 when it had been decided to defer a decision to allow the applicants to address the Committee's concerns about the proposed extent of tree loss and the impact upon the setting of the Listed Building. In response to the concerns raised, the applicant had revised the proposal to remove a dwelling, thus safeguarding more trees and reducing the heritage impact. The application, as amended, had therefore been returned to the Committee.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 30 November 2016 were eligible to consider and decide on the application at this meeting.

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 Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Heaney and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Time limit;
2. Accordance with approved plans;
3. Detailed landscaping scheme;
4. Tree protection and retention measures;
5. Highways conditions (as recommended by the Highway Authority);
6. Surface water drainage scheme;
7. Ecological mitigation/tree protection measures (including bat protection measures);
8. Archaeological assessment/trial trenching;
9. Details of lighting, materials and refuse storage/collection points; and
10. Broadband connection.

94. **A.4 - APPLICATION 16/01621/FUL - LAND ADJACENT COCKAYNES HOUSE, COCKAYNES LANE, ALRESFORD, CO7 8BZ**

Councillor Scott, present in the public gallery, had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/01621/FUL by virtue of the fact that he was the local Ward Member.

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

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 (ML) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of an additional representation received from Trinity Planning acting on behalf of the owner of Cockaynes House (Mr Crewe).

Malcolm Inkster, representing David Crewe (the owner of Cockaynes House), spoke against the application.

Parish Councillor Ernie Osborne, representing Alresford Parish Council, spoke against the application.

Councillor Scott, the local Ward Member, spoke against the application.

Lawrence Putter, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Gray, seconded by Councillor Baker and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Standard 3 year time limit;
2. List of approved plans;
3. Remove Permitted development rights for boundary treatments, outbuildings and pools;
4. Remove Permitted development rights for extensions to the dwelling;
5. Tree protection measures and hedgerow planting as shown on RPA plan;
6. Construction Method Statement;
7. Permeable paving;
8. No unbound material in first 6m of access;
9. Vehicular parking and turning area provided prior to occupation and retained thereafter;
10. Landscaping scheme; and
11. Implementation of landscaping scheme.

**95. A.2 - APPLICATION 16/00421/FUL - CHICKEN FARM, THORPE ROAD, LITTLE CLACTON, CO16 9RZ**

The Council's Head of Planning informed the Committee that there was an update that had not been listed down on the update sheet. The update related to the description of the development as 'retirement dwellings' having no planning justification to limit the occupation. It was advised to remove the word 'retirement' from the description of development and to remove condition 7 from the proposed planning conditions. Removal of the restriction on occupant type meant that education contributions to be made by the applicant would need to be assessed prior to Planning Permission being granted if the application was approved by the Committee.

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 Head of Planning (CB) in respect of the application.

Kate Wood, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, and consideration of further advice provided by Officers, it was moved by Councillor Gray, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) Within six months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - On-site Council Housing/Affordable Housing (if viable);
  - Health contribution;
  - Completion and transfer of public open space and maintenance contribution; and
  - Education contribution.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
  - (i) Conditions:
    1. Standard 3 year time limit;
    2. Compliance with approved plans;
    3. Highways requirements;
    4. Construction methods statement;
    5. Detailed landscaping scheme;
    6. Ecological mitigation/enhancement plan;
    7. Foul water strategy;
    8. Archeologic trial trenching and assessment;
    9. Ecological mitigation/enhancement plan;
    10. Surface water drainage scheme for construction and occupation phases;
    11. SuDS maintenance/monitoring plan;



12. Details of lighting, materials and refuse storage/collection points;
  13. Broadband connection; and
  14. Local employment arrangements.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of six months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

**96. A.3 - APPLICATION 16/00427/OUT - 24 THE STREET, LITTLE CLACTON, CO16 9LD**

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 (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of revised comments received from Essex County Council Highways.

Edward Gittins, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Gray, seconded by Councillor Fairley and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development, subject to the following conditions:

1. Standard 3 year time limit for submission of reserved matters application;
2. Standard 2 year limit for commencement of development following approval of reserved matters;
3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
4. Development to contain up to (but no more than) 10 dwellings;
5. Highways conditions (as recommended by the Highway Authority);
6. Foul water strategy;
7. Drainage scheme;
8. Contamination report;
9. Lighting survey;
10. Noise Survey;
11. Hard and soft landscaping plan/implementation; and
12. Broadband connection.

**97. A.5 - APPLICATION 16/01353/FUL - 124 WELLESLEY ROAD, CLACTON-ON-SEA, CO15 3PT**

Councillor Honeywood, present in the public gallery, had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/01353/FUL by virtue of the fact that he was a local Ward Member.

Councillor Hones, had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/01353/FUL by virtue of the fact that he was a local Ward Member of the adjacent ward.

It was reported that this application had been referred to the Planning Committee at the request of Councillors Honeywood, a local Ward Member and Stephenson, a local Ward Member of the adjacent ward.

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 (ML) in respect of the application.

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

It was moved by Councillor Gray and seconded by Councillor Bennison that consideration of the application be deferred until a highways survey was carried out, which motion on being put to the vote was declared **LOST**.

Following discussion by the Committee, and consideration of further advice provided by Officers, it was then moved by Councillor McWilliams, seconded by Councillor Heaney and **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the Essex County Council Highways' objection in relation to highways/parking.

**98. A.6 - APPLICATION 16/016312/DETAIL - LAND ADJACENT TO ROSEDENE, ROXBURGHE ROAD, WEELEY, CO16 9DU**

Councillor Hones did not participate in the consideration of this item as he had not attended the site visit.

Members were informed that outline planning permission (all matters reserved) had been granted by the Planning Committee in October 2013 for three dwellings under Planning Application 13/00897/OUT and that the application that was before them sought reserved matters approval in relation to Plot two only, with regard to the scale, layout, appearance, access and landscaping.

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 (ML) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Gray, seconded by Councillor Fairley and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Development to be carried out strictly in accordance with submitted plans;
2. Details of hard and soft landscaping to include boundary treatments;
3. Parking and turning to be provided prior to occupation and retained thereafter; and
4. Approval of Materials.

99. **A.7 - APPLICATION 16/01442/DETAIL - LAND ADJACENT 109 HARWICH ROAD, MISTLEY, CO11 2DN**

The Committee were reminded that outline planning permission (all matters reserved) had been granted by the Planning Committee on 6 January 2015, for four dwellings under Planning Application 14/01462/OUT. The application that was before the Committee sought reserved matters approval with regard to scale, layout, appearance, access and landscaping.

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 (SE) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Fowler, seconded by Councillor Gray and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Dev in accordance with approved plans;
2. Scheme to be submitted for treatment of rear (northern) boundary;
3. Timescale to be agreed for implementation of landscaping;
4. Vehicular parking/turning to be provided before occupation; and
5. Vehicle hardstanding to be 2.9m x 5.5m minimum, and retained in perpetuity.

100. **A.8 - APPLICATION 16/01699/FUL - HEATH FARM, WINDMILL ROAD, BRADFIELD, CO11 2QR**

Councillor Fairley, had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/01699/FUL by virtue of the fact that she was the local Ward Member and by virtue of the fact she was pre-determined.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Fairley.

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 (SE) in respect of the application.

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

- (1) An additional plan received from the agent; and
- (2) An objection from Bradfield Parish Council.

Parish Councillor Sue Cunningham, representing Bradfield Parish Council, spoke against the application.

Councillor Fairley, in her capacity as the local Ward Member, spoke against the application. She then withdrew from the meeting, on the grounds of pre-determination, whilst the Committee considered the application and reached its decision.

Richard Horley, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, and consideration of further advice provided by Officers, it was moved by Councillor Heaney, seconded by Councillor Hones and unanimously **RESOLVED** that, contrary to the Officers' recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:

- Out of Character with development in Windmill Road.
- Cramped appearance.

**101. A.9 - APPLICATION 16/01698/FUL - HEATH FARM, WINDMILL ROAD, BRADFELD, CO11 2QR**

Councillor Fairley, had earlier declared a Non-Pecuniary Interest in relation to Planning Application 16/01698/FUL by virtue of the fact that she was the local Ward Member and by virtue of the fact that she was pre-determined. Councillor Fairley was not present for this item.

It was reported that this application had been referred to the Planning Committee at the request of Councillor Fairley.

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 (SE) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of an amended plan received from the agent.

Councillor Fairley, in her capacity as the local Ward Member, had earlier asked the Committee to consider her comments made on 16/01699/FUL in consideration with this application.

Richard Horley, the agent on behalf of the applicant, confirmed he did not wish to speak on this application but the Committee agreed to consider his comments made on 16/01699/FUL in consideration with this application.

Following discussion by the Committee and consideration of further advice provided by Officers, it was moved by Councillor McWilliams, seconded by Councillor Heaney and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:

- Out of Character with development in Windmill Road.
- Cramped appearance.

The Meeting was declared closed at 9.24pm

**Chairman**

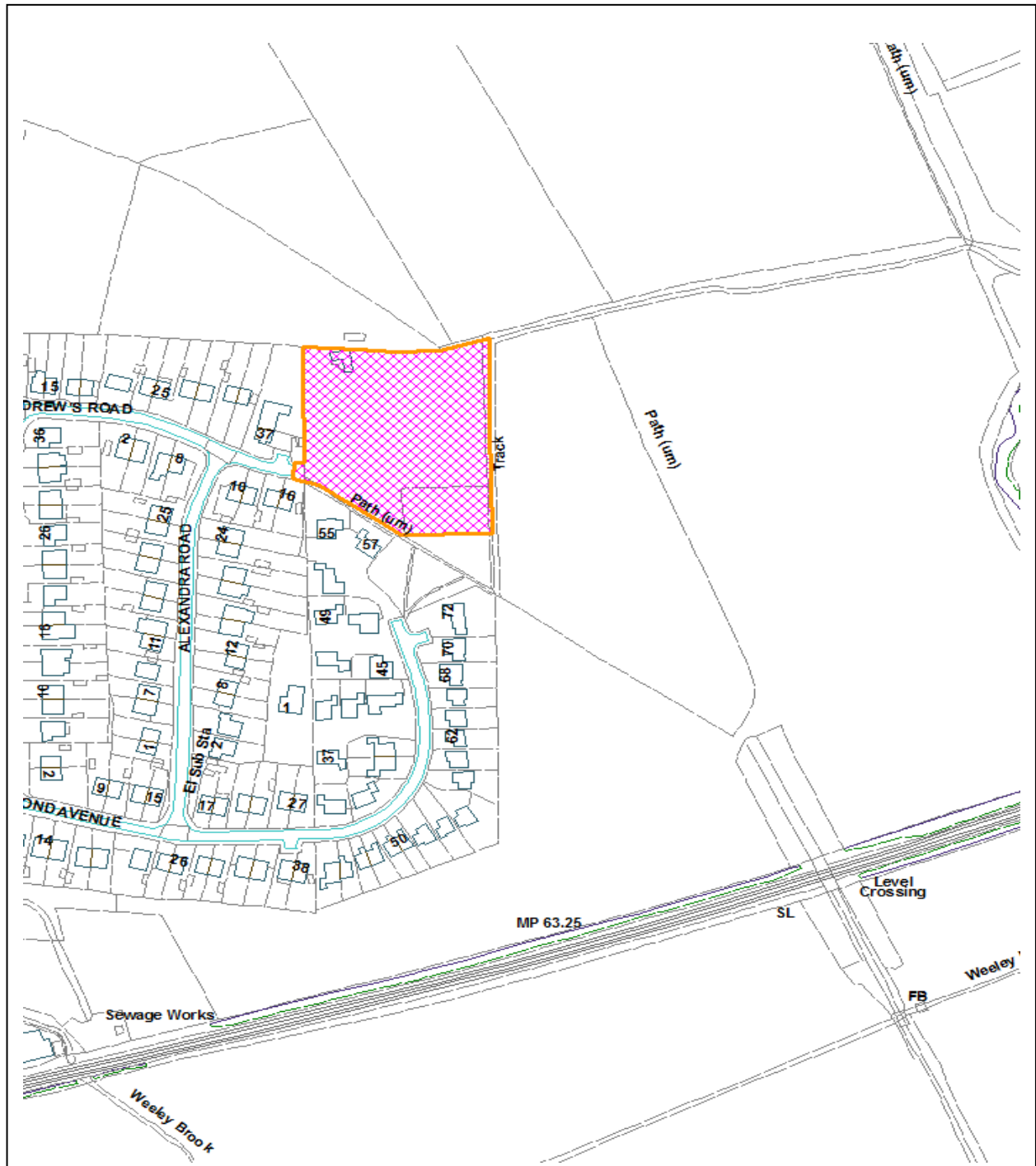
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## PLANNING COMMITTEE

31 JANUARY 2017

### REPORT OF THE HEAD OF PLANNING

#### A.1 PLANNING APPLICATION – 15/01750/FUL – LAND AT ST. ANDREWS ROAD, WEELEY, CO16 9HR



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<b>Application:</b>	15/01750/FUL	<b>Town / Parish:</b> Weeley
<b>Applicant:</b>	NEEB Holdings Ltd – Mr. R. Raymond	
<b>Address:</b>	Land at St. Andrews Road, Weeley, Essex CO16 9HR	
<b>Development:</b>	Proposed residential development comprising 14 houses, garages, access, public open space and landscaping.	

## 1. **Executive Summary**

- 1.1 This is a full planning application for 14 dwellings on 0.8 hectares of greenfield land off St. Andrew's Road, Weeley. As a full application, the Planning Committee is being asked to approve a detailed scheme including detached and semi-detached houses served from a new access road extending from the end of St. Andrew's Road. The proposal is before the Committee as a departure from the adopted Local Plan, but the site is specifically allocated for housing in the emerging draft plan. The application was submitted in November 2015, but determination has been delayed whilst the viability of the scheme has been independently assessed and whilst issues relating to drainage and highways have been resolved in consultation with Essex County Council.
- 1.2 Because the site is allocated for housing development in the emerging Local Plan and the Council remains just short of a five-year supply of deliverable housing sites as required by government planning policy, Officers have approached the application with a view to positively addressing, as far as possible, technical issues and other matters raised by consultees and residents.
- 1.3 The development is opposed by Weeley Parish Council with concerns including highways, pedestrian safety and the alleged viability of the scheme – concerns echoed by some of the six residents that have also written in objection. The Highway Authority does not object to the proposal and the conclusions of the independent viability appraisal are that the scheme cannot afford the normal affordable housing, education or other s106 contributions. The development is considered to be a natural extension to the existing built up area that would have limited impacts on the landscape, ecology and trees and the design and layout of the properties is considered to be acceptable for this location.
- 1.4 Officers consider that this development complies with the requirements of the National Planning Policy Framework and the recommendation is approval subject to a s106 agreement that can allow for the viability of the scheme to be re-assessed in the event that development fails to come forward within certain timescales.

### **Recommendation: Approval**

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



- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - A potential review of viability at a later stage.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
  - (i) **Conditions:**
    1. Standard 3 year time limit for commencement.
    2. Accordance with approved plans.
    3. Highways conditions (as recommended by the Highway Authority).
    4. Environmental Health conditions.
    5. Ecological mitigation/enhancement.
    6. Surface water drainage scheme.
    7. SuDS maintenance/monitoring plan.
    8. Archaeology.
    9. Hard and soft landscaping plan/implementation.
    10. Details of lighting, materials and refuse storage/collection points.
    11. Broadband connection.
    12. Local employment arrangements.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## **Planning Policy**

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.

Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

### **Local Plan**

Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

**Tendring District Local Plan (Adopted November 2007)** – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy categorises Weeley as a village.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

HG14: Side Isolation

Requires a minimum distance between detached properties.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM4: New Community Facilities (including Built Sports and Recreation Facilities)

Supports the creation of new community facilities where they are acceptable in terms of accessibility to local people, impact on local character, parking and traffic and other planning considerations.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

**Tendring District Local Plan: 2013-2033 and Beyond Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).**

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SPL1: Managing Growth

Identifies Weeley as an 'expanded settlement' where development on a strategic scale is proposed in the event that the objectively assessed housing need for Tendring being confirmed at 600 dwellings per hectare. It has subsequently been confirmed that 550 dwellings per annum is the figure for Tendring and that less development of a strategic scale will be necessary at Weeley.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

#### HP4: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

#### LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs over the next 15-20 years and in which parts of the district. The application site is one of the areas specifically allocated for housing.

#### LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

#### LP3: Housing Density and Standards

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

#### LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

#### LP5: Affordable and Council Housing

Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as affordable or council housing.

#### PP12: Improving Education and Skills

Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

#### PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

#### PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

#### PPL4: Biodiversity and Geo-Diversity

Gives protection to internal, European and nationally important wildlife sites and requires existing biodiversity and geodiversity on any site to be protected and enhanced with compensation measures put in place where development will cause harm.

**PPL5: Water Conservation, Drainage and Sewerage**

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

**PPL7: Archaeology**

Requires that where development that might affect archaeological remains, studies and works are undertaken to identify, recover and record such remains.

**CP1: Sustainable Transport and Accessibility**

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

**CP3: Improving the Telecommunications Network**

Requires that new developments be served by superfast or ultrafast broadband.

**Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

**3. Relevant Planning History**

The site has the following planning history:

14/00099/FUL	Erection of 16 houses including garages, access road, public open space and landscaping.	Withdrawn	24.04.2014
15/01750/FUL	Proposed residential development comprising 14 houses, garages, access, public open space and landscaping.	Current	

**4. Consultations**

TDC  
Principal Tree &  
Landscape  
Officer

In order to establish the degree to which the trees are a constraint on the development potential of the land the applicant has provided a Tree Survey and Report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

The report accurately describes the general health and condition of the trees and hedgerows on the application site and adjacent land and accurately shows the extent to which they affect the development potential of the land. The trees are not covered by a Tree Preservation Order and the site is not situated in a conservation area.

Assuming the method statements and tree protection measures set out in the tree report are implemented as part of the development, then the proposal can be implemented without causing harm to the important trees off-site ensuring their continued health and functionality.

In order to show the potential impact of the development proposal on the character and appearance of the area the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The site is situated Clacton and the Sokens Clay Plateau and adjacent to the Holland valley System as defined in the Tendring District Council Landscape Character Assessment.

The LVIA provides a detailed baseline assessment of the quality and characteristics of the local landscape and accurately describes the potential impact of the development proposal on both the countryside and the existing housing.

Section 8.11 of the LVIA states that the proposed residential development would represent a relatively small infill contained within the broadly triangular form of the village between The Street and Thorpe Road which would not extend further east into the surrounding agricultural landscape than the existing built development to the north and south.

Section 7.0, describes Master Planning Principles and identifies a series of principles which would help establish a landscape-led master plan including design objectives and recommendations of how these could be delivered to ensure that the development sits comfortably in its urban fringe setting

If the recommendations set out in paragraphs 8.19 to 8.23 of the LVIA are followed then it is considered that the development proposal could be implemented without causing harm to the local landscape character.

TDC  
Environmental  
Health

Construction Method

Noise Control:

- 1) No vehicle connected with the works to arrive on site before 07:00 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 2) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 3) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 4) Prior to the commencement of any piling works which might be necessary, a full method statement shall be agreed in writing with the



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

#### Emission Control:

- 1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Council and other relevant agencies.
- 2) No fires to be lit on site at any time.
- 3) On large scale construction sites, a wheel-wash facility shall be provided for the direction of the works to ensure levels of soil on roadways near the site are minimised.
- 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

#### Contaminated Land:

We are satisfied that the investigations carried out by the geo-environmental consultants are sufficient. No further investigation or remediation is needed unless it is discovered or suspected during the build that the land could be contaminated.

TDC Housing	There is a high demand for housing in Weeley and there are 81 households on the housing registers seeking a 2 bedroom property, 40 seeking a 3 bedroom property and 18 seeking a 4 bedroom property or larger. The housing department is not in a position to purchase any of the units at a discounted price and so a financial contribution would be preferred.
TDC Open Space and Play	There is currently a deficit of 2.18 hectares of equipped play and formal open space in Weeley. There are two play areas in Weeley, one located along Clacton Road and one off Hilltop Crescent – both of which are classified as Local Equipped Areas for Play (LEAP). Due to the limited provision in Weeley in terms of both play and formal open space, it would be necessary to increase provision in the area should further development take place. Due to the significant lack of facilities in Weeley it is felt that a contribution is justified and relevant to this planning application.
ECC Highways	<p>From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions relating to the following:</p> <ul style="list-style-type: none"><li>• Accordance with the details shown on the plans;</li><li>• Details of estate roads and footways including layout, levels, gradients, surfacing and drainage;</li><li>• Internal junction dimensions;</li><li>• Dimensions of the vehicular turning facility;</li><li>• No unbound materials to be used within 6m of the highway boundary;</li><li>• Dimensions and specification of individual accesses;</li><li>• Visibility splays for each dwelling;</li></ul>

- Bicycle storage facilities;
- Construction methods statement;
- Travel information packs;
- Footway links to footpath No.4 to be reconstructed to a minimum width of 2 metres;
- Boundary hedges to be set back a minimum 1 metre from the highway; and
- Bus stops to be upgraded.

ECC

Archaeology

Although there are no records on the Essex Historic Environment Record (HER) for archaeological features within the footprint of the development itself, there has been no previous archaeological work undertaken on the site, and the Tendring Historic Environment Characterisation Project recognises that there is potential for below ground archaeological remains within the area more generally. Any surviving previously unrecorded below ground non-designated heritage assets with archaeological interest would be damaged or destroyed by the proposed development.

Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits;
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

Anglian Water

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 treatment: The foul drainage from this development is in the catchment of Clacton and Holland Recycling Centre that will have available capacity for these flows.

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

Surface Water Disposal: The proposed method of surface water management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted.

Natural England

Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

ECC Flood  
Authority

Having reviewed the information provided, there is now no objection to the granting of planning permission subject to conditions relating to the following:

- a detailed surface water drainage scheme;
- a scheme for minimising offsite flooding during construction works;
- a maintenance plan for the surface water drainage scheme; and
- keeping an on-going log of maintenance.

The Ramblers  
Association

We have no objection, providing the public right of way remains open and usable whilst the building work takes place and is 3 metres wide on completion.

## 5. **Representations**

5.1 The Council has received 6 objections to the proposal highlighting concerns about:

- The access/egress to the development;
- Congestion in surrounding roads;
- Impact on wildlife including bats;
- Impact on the public right of way which is used by ramblers and dog walkers;
- The viability of the development and limited s106 obligations;
- Noise pollution;
- The site being too small to accommodate 14 dwellings;
- Danger to the elderly, children and dog walkers due to additional cars;
- Limited school capacity;
- Limited publicity for the development;

5.2 There were also 9 representations from the same individual querying the lack of a site notice to publicise the application, a query that was subsequently addressed.

5.3 Weeley Parish Council has objected to the proposal with the following statement: *“Our concerns at the scale of this proposed development remain. As noted in response to the 2014 application for this site, WPC's discussions with both the developer and TDC's Development Plan Manager focused on a smaller scale development of 10 houses on this site. 14 houses is too many. St Andrew's Road is too narrow; congestion and parking problems will be inevitable. There is also concern about apparent advance agreement between the developer and the TDC case officer at the time the earlier application was withdrawn. It is not clear how a statement by the developer in 2014 to the effect that a 16 unit scheme can be made marginally viable if the Council waived all affordable housing and s106 requirements can be true given that the new application is for 14 houses. It is disappointing that WPC will not gain anything in S106 contributions should this application be approved.”*

## 6. **Assessment**

### **The Site**

6.1 The application site comprises just under 0.8 hectares of greenfield land on the eastern edge of Weeley village. The land is at the end of St. Andrew's Road which is part of wider post-war development of houses and bungalows. The site that includes paddock land and a stable

building with a hedgerow and mature trees along the northern boundary and a maintained Hawthorn hedge along the southern boundary with access to the public right of way (footpath No. 4) in the southern part of the site.

### **The Proposal**

- 1.5 As a full application, the Planning Committee is being asked to approve a detailed scheme including 10 detached 4-bed houses; 2 detached 3-bed houses and 2 semi-detached 2-bed houses served by an extended access road from the end of St. Andrew's Road.

### **Architectural Drawings**

- 1299/P2/100 Site Location Plan
- 1299/P2/01 Site Plan – 14 Unit Scheme – General Arrangement
- 1299/P2/103 Site Plan – Fencing and Surface Finishes
- 1299/P2/104 Site Plan – Materials
- 1299/P2/106 House Types A & B, Plots 1, 2, 3, 4 – Elevations
- 1299/P2/107 Floor Plans – Plots 1, 2, 3, 4
- 1299/P2/108 House Type C, Plots 5, 8, 11 & 12 – Plans and Elevations
- 1299/P2/109 House Type D, Plots 6, 9 & 13 – Plans and Elevations
- 1299/P2/110 House Type E, Plots 7, 10 & 14 – Plans and Elevations
- 1299/P2/111 Garages – Plans & Elevations
- 1299/P2/112 Street Scenes
- 056/2016/01 P1 Proposed Drainage Layout

### **Reports and Technical Information**

- Design and Access Statement
- Ecological Survey
- Geo-Environmental Desk Study
- Landscape and Visual Appraisal
- Tree Survey
- Drainage Strategy Report
- Arboricultural Impact Assessment

### **Main Planning Considerations**

- 6.2 The main planning considerations are:

- Principle of development;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- S106 planning obligations
- Detailed design and layout
- Overall planning balance.

### **Principle of development**

- 6.3 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

- 6.4 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.5 The site is not allocated for housing or mixed use development in the adopted Local Plan and it also falls outside of the 'settlement development boundary'. In the emerging Local Plan however, the site is specifically allocated for residential development and the settlement development boundary has been extended to include both this site and the wider area of land east of the village which is allocated for a more strategic mixed use development.
- 6.6 Because the site lies outside of the settlement development boundary of the adopted Local Plan, it is technically contrary to adopted policy. However the adopted Local Plan falls significantly short in identifying sufficient land to meet the 'objectively assessed' future need for housing which is a key requirement of the NPPF and some weight, albeit limited weight, can be given to proposals in emerging Local Plans. The Council is also currently unable to identify a five-year supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF – although the housing supply position has improved significantly in recent months as a result of a number of major residential schemes gaining planning permission, either from the Council or on appeal.
- 6.7 A report to the Local Plan Committee on 19<sup>th</sup> January 2017 sets out Officers' latest calculation of housing supply based on the objectively assessed requirement of 550 dwellings per annum, the need to make up for historic undersupply, the need for a 20% buffer and assumptions about the number of homes realistically likely to be built on large sites with planning permission (or subject of Committee resolution to grant permission) and on smaller 'windfall' sites across the district. Officers have undertaken a more thorough assessment of deliverability on various sites and have projected the figures forward to provide the housing supply position, as is expected to be, in April 2017. This exercise still projects a shortfall against the five-year requirement resulting in a supply of 4.4 years.
- 6.8 It therefore remains, in line with paragraph 49 of the NPPF, that housing policies are considered to be 'out-of-date' and the government's 'presumption in favour of sustainable development' is engaged. To comply with national planning policy, the Council would not, at

this time, be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary of the adopted Local Plan.

- 6.9 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.10 One of the NPPF's core planning principles is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.11 In the emerging Local Plan, the settlement of Weeley is identified in Policy SPL1 as an 'expanded settlement' and land is allocated around the village to deliver a potential 1,411 dwellings along with employment and community facilities and infrastructure. However, Policy LP1 shows that the level of development proposed for Weeley will ultimately depend on whether the overall 'objectively assessed housing need' for Tendring is confirmed at 550 or 600 dwellings per annum. In the 550 dpa scenario only 304 dwellings are proposed, but it is the 600 dpa scenario that justifies the full 1,411 dwellings. On 3<sup>rd</sup> November 2016, the Council's Local Plan Committee resolved to confirm 550 dpa as the objectively assessed housing need for Tendring based on the latest evidence. The Committee also resolved that the pre-submission draft of the Local Plan will be amended to reflect the lower growth scenario for Weeley which involves keeping the development to the east.
- 6.12 Even with proposed revisions to the emerging Local Plan later in 2016, it is still envisaged that Weeley will accommodate some major development and application for 14 dwellings on the land off St. Andrew's Road, to the east of the village, would be compatible with that approach. On the above reasoning, Officers consider that the development can be supported in principle.

#### **Highways, transport and accessibility**

- 6.13 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.14 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The site is just over 400 metres from the local shop, post office and bus services in The Street, just under 650 metres from Weeley Railway Station, 930 metres from the local primary school and village hall and 650 metres from the Black Boy Pub.
- 6.15 The Parish Council and a number of residents have raised concerns about the access into the site and potential issues of congestion and pedestrian safety in the surrounding roads. The road in St. Andrews Road and elsewhere on the adjoining housing estate east of Weeley are not considered to be exceptionally narrow for a post war housing development such as this with on-plot car parking for most properties. Residents may have experienced issues with on-street parking mainly as a result of increasing car ownership. A relatively small development of 14 dwellings is not expected to exacerbate such issues to an extent that would justify a refusal of planning permission, particularly as the dwellings proposed are all to be served by parking in line with Essex County Council minimum standards.
- 6.16 The proposal has been the subject of consultation with Essex County Council as the Highway Authority and there is no objection to the proposal on highway safety or capacity grounds subject to planning conditions mainly designed to ensure that highways, driveways and footways are achieve certain standards. They also require the connection to the public right of way to be 2 metres in width, although it is noted that the Ramblers' Association preference would be 3 metres. Officers do not consider that the proposal gives rise to a severe transport impact and there are no legitimate grounds for refusal in this respect.

#### **Landscape, visual impact and trees**

- 6.17 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.18 Officers consider that the site forms a natural extension to the existing housing estate and would not bring about an illogical or unexpected intrusion into the open countryside. Notwithstanding the provisional allocation of land to the east for development in the emerging Local Plan, this development as an individual scheme offers a natural rounding off of the built up area that would be seen in the context of existing development. The land whilst greenfield is relatively flat and featureless with the main landscape features along the boundaries and the public right of way.
- 6.19 The applicant has submitted a Landscape and Visual Impact Assessment to show the potential impact of the development proposal on the character and appearance of the area and this has been considered by the Council's Principal Tree and Landscape Officer. The assessment identifies measures that would help establish a landscape-led master plan including design objectives and recommendations of how these could be delivered to ensure that the development sits comfortably in its urban fringe setting. The Tree and Landscape

Officer is content that a landscaping proposal that reflects these principles will ensure an acceptable form of development. A detailed landscaping proposal would be required through planning condition if the application is approved.

- 6.20 For trees, the applicants have submitted a tree survey and report which, again have been considered by the Council's Principal Tree and Landscape Officer to be in accordance with the relevant standards. None of the trees around the site are covered by Tree Preservation Orders and the tree protection measures recommended in the report will be imposed through planning conditions if the application is approved.

### **Flood risk and drainage**

- 6.21 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. The site is in Flood Zone 1 (low risk) and being below 1 hectare in size, there was no specific requirement for the applicant to provide a Flood Risk Assessment. Initially, there was an objection from Essex County Council's drainage team due to the lack of a drainage strategy and following the submission of a strategy, ECC remained concerns that the drainage solution proposed would not be compatible, in technical terms, with the highway layout. The applicants have sought to address ECC's concerns through negotiation and submission of revised details and these matters have now been addressed.

### **Ecology**

- 6.22 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.23 The development would not have any significant direct or indirect affects on any formally designated wildlife sites, but the ecological value of the site itself has been given consideration through a preliminary ecological assessment. No badger setts or signs of badger activity were recorded within or adjacent to the development site. The stables on site were surveyed for their potential for bats but the inspection found no roosting bats or signs of roosting bats and with the exception of one tree located in an adjacent residential garden, none of the site trees were found to have features suitable for roosting bats. The boundary hedges and trees do offer a habitat for commuting bats but are intended to be retained in line with tree protection measures explained above. The site was not considered to be of high potential for amphibians or common reptiles. The stable building and some of the boundary hedgerows were identified as a habitat for nesting birds. No further surveys are recommended by the ecologist. Mitigation measures to ensure the development is undertaken at the right times and in a careful and sympathetic way to ensure any ecological impacts are kept to a minimum are recommended within the report.



### **S106 planning obligations**

- 6.24 Policy QL12 in the adopted Local Plan and Policies HP1, HP2 and PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure. At 14 dwellings, the development is below the threshold that either Essex County Council or NHS England would request financial contributions towards education or health provision.
- 6.25 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on housing need and viability, requires 30% of new dwellings on large sites to be made available to the Council or a nominated partner to acquire at a discounted value for use as affordable or council housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as affordable or council housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.26 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. As a site smaller than 1.5 hectares, a development of this scale can be required to make a financial contribution and the Council's Open Spaces team have commented on the application and has suggested that contributions could be made towards facilities in Weeley at Clacton Road and Hilltop Crescent.
- 6.27 Paragraph 173 in the NPPF states that pursuing sustainable development requires careful attention to viability and cost in both plan-making and decision-taking. The applicant has submitted, on a commercially confidential basis, an assessment of economic viability which suggests that the scheme would be marginally viable and unable to afford the provision of affordable or Council housing or any other financial contributions. The viability assessment has been independently scrutinised on behalf of the Council and our independent advice verifies and upholds the findings of the assessment.
- 6.28 If the Committee is minded to approve the application in the knowledge that no affordable housing or open space contributions would be made, the independent advice recommends that there is still a s106 legal agreement containing a review mechanism that requires viability to be re-tested if development is not completed in line with some agreed timescales. If the development slips behind schedule and a later viability assessment shows that economic conditions have improved to the extent that s106 contributions can be made, the Council would be able to secure some contribution.

### **Detailed design and layout**

- 6.29 14 dwellings on a 0.8 hectare site represents an approximate density of 17.5 dwellings per hectare which is relatively low compared with the average 20-25 dwelling per hectare found elsewhere across the neighbouring housing estate. The suggestions from some objectors that 14 homes is too many for this site on density grounds are not accepted by officers.
- 6.30 The layout shows the larger detached houses around the north and east perimeter of the site with gardens backing onto the site boundaries, thus enabling significant tree retention and

landscape screening to the wider countryside. The uniform arrangement of these dwellings with garden sizes well in excess of policy requirements and sufficient space between are traditional and suitable for this location. The smaller dwellings at the front of the site follow the line of the new access road with visitor parking, incidental open space and drainage area to the front. The layout follows a traditional front-to-front and back-to-back arrangement with the exception only of plots 7 and 8 in the north west corner of the site which are accessed via a private drive with landscaping proposed to ensure security for plots 1, 2 and 3 that lie in front. The dwellings are arranged in a way which ensures no issues in respect of impact on private amenity or light of adjoining householders. The properties will have front gardens and on-plot parking spaces.

- 6.31 The elevational designs are traditional and simple in nature and are appropriate for this location at the edge of a post-war housing estate with little historic architecture from which to base decorative features, materials or design. The properties would have decorative chimney stacks and window features and will utilise brown interlocking plain tiles, red natural clay plain tiles, red multi-stock bricks, buff multi-stock bricks, brick soldier course, bay windows, dormer windows and casement windows.

### **Overall Planning Balance**

- 6.32 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.33 Economic: Whilst the scheme is 100% residential, the 14 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built.
- 6.34 Social: The provision of 14 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply.
- 6.35 Environmental: The environmental impacts of the proposal will be neutral with no significant adverse impacts on ecology, landscape value or flooding with the appropriate mitigation measures described above.
- 6.36 In the overall planning balance, Officers consider that no adverse impacts would significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

### **Background Papers**

None



<b>Application:</b>	16/01456/DETAIL	<b>Town / Parish:</b> Weeley
<b>Applicant:</b>	Mr. S. Rose – Rose Builders (Willow Farm) Ltd	
<b>Address:</b>	Land adjacent Willow Farm, Mill Lane, Weeley Heath, Essex CO16 9BZ	
<b>Development:</b>	Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.	

## 1. **Executive Summary**

- 1.1 This is a reserved matters application seeking approval of detailed plans for 46 dwellings on the pig farm site in Weeley Heath. This follows on from the approval of outline planning permission 15/00541/OUT on 18<sup>th</sup> March 2016 in line with the Committee's resolution of 22<sup>nd</sup> September 2015.
- 1.2 Outline planning permission was granted subject to a s106 legal agreement and 33 planning conditions. The proposal is the subject of a viability assessment which is being independently scrutinised on the Council's behalf and will determine the final level of affordable housing and contributions towards education provision. Many of the planning conditions are in the process of being discharged by Officers including those relating to drainage, landscaping, contamination, removal of asbestos, ecology and construction methods.
- 1.3 The design and layout of the development is considered by Officers to be acceptable and in keeping with the local area and the location of houses and bungalows across the site recognises the position of neighbouring properties to minimise adverse impacts, follows secured-by-design principles and would provide a good quality of residential environment. The properties generally meet and exceed the Council's standards for quality, garden sizes and parking. Accordingly, the application is recommended for approval.

### **Recommendation: Approval**

#### **Conditions:**

1. Accordance with approved plans.

## 2. **Planning Policy**

### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.

Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

Section 7 of the NPPF relates to design. Paragraph 56 states that 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 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

### **Local Plan**

Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

**Tendring District Local Plan (Adopted November 2007)** – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

HG14: Side Isolation

Requires a minimum distance between detached properties.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

**Tendring District Local Plan: 2013-2033 and Beyond Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).**

Relevant policies include:

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

HP4: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP2: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density and Standards

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

### PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

### PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

### CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

### Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

## **3. Relevant Planning History**

3.1 The site has the following planning history:

90/01351/FUL	Agricultural dwelling	Approved	29.10.1991
92/00263/FUL	(Land at Willow Farm, Mill Lane, Weeley Heath) Finishing House for Pigs	Approved	22.04.1992
92/00509/FUL	(Land at Willow Farm, Mill Lane, Weeley Heath) Variation to siting of agricultural dwelling as approved under planning application TEN/90/1351	Approved	01.06.1992
92/01243/FUL	(Willow Farm, Mill Lane, Weeley Heath) Variation to design and setting of agricultural workers dwelling as approved under planning permission TEN/90/1351	Approved	18.12.1992
92/01269/FUL	(Willow Farm, Mill Lane, Weeley Heath) Temporary mobile home for use while dwelling is being built (under TEN/92/1243)	Approved	15.12.1992
98/00485/FUL	(Land at Willow Farm, Mill Lane, Weeley) New Sow House	Approved	02.06.1998
98/00486/FUL	(Land at Willow Farm, Mill Lane, Weeley) New Sow House	Approved	02.06.1998
98/00531/OUT	(Site adjacent The White Hart Public House, Clacton Road, Weeley) Proposed dwelling	Refused	02.06.1998
06/00943/FUL	Installation of new dirty water lagoon to serve pig unit	Approved	20.07.2006



13/00412/OUT	Outline application for 10 No. aspiration houses together with new road junction.	Approved	15.07.2013
13/30144/PRE APP	Residential development for 27 units.	Refused	06.03.2014
15/00541/OUT	Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.	Approved	18.03.2016

#### 4

#### **Consultations**

TDC  
Principal Tree &  
Landscape  
Officer

The application site benefits from a reasonable level of screening comprising existing established Oak, Hawthorn and conifer hedges on the boundary with Mill Lane. This vegetation should be partly retained but could be improved by the removal of the existing conifers and subsequent replacement with new Hawthorn hedging to enhance the rural setting of the development site.

In order to show the potential impact of the development proposal on the trees on the land, to identify those that could be retained and those that would need to be removed to facilitate the development proposal the applicant has provided a tree survey and report. This information is in accordance with BS5837 2012 Trees in relation to design demolition and construction.

The tree report shows the positions and crown spread of the trees as well as the Root Protection Areas (RPAs) of the retained trees. It also shows that the proposed development layout will incorporate the retention of all trees on the land that make a contribution to the appearance of the area

The north western boundary of the land is planted with a reasonably well established Hawthorn hedgerow. This feature acts as a good screen and could be strengthened and enhanced by additional planting and appropriate maintenance. A reduction in its height would not be unreasonable

The applicant has submitted detailed soft landscaping plan which shows extensive new tree planting and the incorporation of associated low level shrubs and hedges into the layout.

The information provided in support of the application adequately demonstrates that it could be implemented without causing harm to existing trees and that the soft landscaping proposals will enhance the overall appearance of the development.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following conditions:

No occupation of the development shall occur until such time as the following have been provided entirely at the Developers expense:

- The suitably constructed access road measuring no less than 5.5m in width with 2x2m wide footways.
- Visibility splays measuring 2.4m x 81m to the North West and 2.4m x 83m to the South East
- A 2m wide footway across the Clacton Road frontage
- Improvements to the two nearest bus stops on Clacton Road to include new poles, flags, and timetable boards

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

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

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Any single garages should have a minimum internal measurement of 7m x 3m

Any double garages should have a minimum internal measurement of 7m x 6m

Any tandem garages should have minimum internal measurements of 12m x 3m

All garages shall be retained for the purposes of vehicle parking in perpetuity

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

Natural England    Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Essex County  
Council Flood  
Authority

[More specifically in relation to the discharge of the relevant conditions]  
A detailed SuDS Design Statement should accompany and drawings  
and should cover:

- Final SuDS to be incorporated and final discharge points where relevant;
- How the drainage design satisfies SuDS techniques in terms of water quality and attenuation and discharge quantity for the lifetime of the development;
- Calculations showing the pre and post-development runoff flow rate for the critical rainfall event; and
- Detailed modelling of the piped network and storage.

Environment  
Agency

We have no objection to the proposal but highlight the following advice on the water environment for your consideration ahead of determining the application.

The site is not in a source protection zone and is overlaid by an unproductive aquifer. We have not been consulted on the outline planning application and as such we have not reviewed the Phase 2 Ground Investigation Report & Contamination Assessment 14-2380r(b) by Murray Rix Ltd. The base and sides of the former lagoon should be tested and compared to relevant remedial targets to ensure contamination is removed prior to being utilised as an attenuation basin. Further advice can be obtained from our Essex Land & Water Team via our Customer Services line.

## **5        Representations**

- 5.1    No other representations have been received.

## **6        Assessment**

### **The Site**

- 6.1    The site comprises approximately 3.1 hectares of agricultural land (currently used as a pig farm) and a former vehicle repair garage on the western edge of Weeley Heath fronting Clacton Road and Mill Lane. The northern part of the application site was formerly a vehicle repair garage when the B1441 was the main road into Clacton prior to the construction of the A133. The pig farm on the remainder of the site was first started in 1953 and gradually expanded its business over the years.

### **The Proposal**

- 6.2    The proposal is the redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works. The full schedule of accommodation is set out at the end of this report but in summary the development would provide the following:
- 3 x 2-bed houses;
  - 5 x 2-bed bungalows;
  - 17 x 3-bed houses;

- 5 x 3-bed bungalows;
- 15 x 4-bed houses; and
- 1 x 5-bed house.

6.3 The scheme provides for mix of dwellings sizes and types in line with the Council's adopted and emerging planning policies.

### **Architectural Drawings**

- 1410 TPSarb6180616 TSCP – Tree Survey and Constraints Plan
- 1411 10797/100 Rev A Scheme Plan
- 1412 10797/107 Rev A Adoptable Highway Setting Out
- 1413 10797/108 Adoptable Road and Drainage Long-Sections & Schedules Sheet 1 of 2
- 1414 10797/109 Adoptable Road and Drainage Long-Sections & Schedules Sheet 2 of 2
- 1415 10797/110 Rev A Adoptable Road Construction Details – Sheet 1 of 2
- 1416 10797/111 Rev A Adoptable Road Construction Details – Sheet 2 of 2
- 1417 10797/113 Private Drainage and Finished Out Levels Layout – Sheet 1 of 6
- 1418 10797/114 Private Drainage and Finished Levels Layout – Sheet 2 of 6
- 1419 10797/115 Private Drainage and Finished Levels Layout – Sheet 3 of 6
- 1420 10797/116 Private Drainage and Finished Levels Layout – Sheet 4 of 6
- 1421 10797/117 Private Drainage and Finished Levels Layout – Sheet 5 of 6
- 1422 10797/118 Private Drainage and Finished Levels Layout – Sheet 6 of 6
- 1423 10797/120 Private Areas Drainage Construction Details – Sheet 2 of 3
- 1425 10797/119 Private Areas Drainage Construction Details – Sheet 1 of 3
- 1426 10797/121 Private Areas Drainage Construction Details – Sheet 3 of 3
- 1427 10797/122 Private Areas External Works Construction Details
- 1428 10797/302 SuDS Management Plan and System Exceedance Flow Routes
- 1429 LSDP LSDP11400.01 Rev A – Landscape Proposal – Sheet 1 of 2
- 1430 LSDP LSDP11400.02 Rev A – Landscape Proposal – Sheet 2 of 2
- 1431 Proposed Site Plan
- 1432 Proposed Street Scenes
- 1433 Dimensions Plan
- 1434 Floor Plans & Elevations – Plots 1,2 & 3
- 1435 Floor Plans & Elevations – Plots 4, 9, 12, 27 & 28
- 1436 Floor Plans & Elevations – Plots 5, 6, 7 & 8
- 1437 Floor Plans & Elevations – Plots 10, 11, 13, 14, 20 & 21
- 1438 Floor Plans & Elevations – Plots 15, 16, 17 & 19
- 1439 Floor Plans & Elevations – Plot 18
- 1440 Floor Plans & Elevations – Plots 22 & 26
- 1441 Floor Plans & Elevations – Plots 23 & 30
- 1442 Floor Plans & Elevations – Plots 24, 25 & 29
- 1443 Floor Plans & Elevations – Plots 31, 32, 33, 34, 35 & 36
- 1444 Floor Plans & Elevations – Plots 37, 39, 41 & 44
- 1445 Floor Plans & Elevations – Plots 38, 40 & 45
- 1447 Floor Plans & Elevations – Plot 42
- 1448 Floor Plans & Elevations – Plot 43
- 1449 Floor Plans & Elevations – Plot 46
- 1450 Proposed Outbuildings – 1 of 2
- 1451 Proposed Outbuildings – 1 of 2

### **Matters under consideration**

- 6.4 The principle of development has already been established through the grant of outline planning permission (application 15/00541/OUT). The report to Planning Committee on 22<sup>nd</sup> September 2015 considered the following matters:
- Principle of development;
  - Highways, transport and accessibility;
  - Flood risk and drainage;
  - Impact on infrastructure;
  - Open space;
  - Ecology;
  - Contamination;
  - Impact upon neighbours;
  - Council Housing / Affordable Housing;
  - Viability; and
  - Other issues (including loss of agricultural land).
- 6.5 The reserved matters under consideration as part of this application are:
- Layout;
  - Landscape;
  - Scale; and
  - Appearance
- 6.6 This report addresses each of these matters but also provides an update on the discharge of the s106 obligations and relevant planning conditions that were imposed at outline stage. The approval of this application and the discharge of some of these s106 obligations and planning conditions would allow the commencement of development.

### **Layout**

- 6.7 The proposed layout of the scheme involves 36 dwellings accessed via a new access drive from Clacton Road. There are three dwellings facing or siding on to the Clacton Road frontage itself, set back 10 metres (adjoining the existing residential property Dereksville) and 23 metres (adjoining the White Hart pub) and separated from the existing highway by attenuation areas and parking courts. This ensures that the development will not impose upon the street scene too strongly thus retaining a sense of rural character.
- 6.8 Further into the development, properties are laid out in a traditional perimeter block form ensuring wherever possible that dwellings are orientated front-to-front and back-to-back to provide strong definition between public and private areas and to comply with well-established 'secured-by-design' principles. Working with the shape of the site, development has been arranged in a 'horse-shoe' layout with public open space provided in the central part of the site adjoining the remaining open countryside to the north.

#### **Northern section: Plots 1-14**

- 6.9 Plots 1 to 3 comprise a group of northeast-facing 2 bed detached and semi-detached houses with courtyard parking to the front, separated from Clacton Road by a green attenuation basin.

- 6.10 Plots 4 to 9 comprise a row of southeast-facing 3-bed detached and semi-detached houses at a right angle to Clacton Road, fronting onto the new access drive and adjoining the open space. Plots 10 and 11 lie immediately opposite plot 7 and are 3-bed semi-detached properties. All of these properties are served by on-plot parking and/or garages.
- 6.11 Plot 12 is a 4-bed detached property which turns the corner, is south-west facing and overlooks the open space along with the adjoining 3-bed semi-detached plots 13. Plots 12 to 14 are all served with garages.
- 6.12 This northern section of the development is served with 2 visitor spaces and follows a traditional adoptable highway and footway arrangement.

Eastern section: Plots 15-36

- 6.13 Plots 15 to 19 are arranged around a parking court accessed via the new access drive containing resident and visitor spaces. The properties are 2-bed bungalows which back onto the White Hart Pub and the existing properties 6-14 Rectory Road. Being bungalows as opposed to houses, any potential concerns about overlooking or loss of light and private amenity can be kept to a minimum. The properties and their parking area are located diagonal to the open space and will enjoy views out over that area.
- 6.14 Plots 20 to 22 comprise 3-bed detached and semi-detached properties served by garages and on-plot parking spaces. They are northwest-facing onto the access drive over the open space. Plots 26 and 27 are again 3-bed and similarly look out over the open space. Plots 23, 24, 25, 28, 29 and 30 are arranged in a group behind plots 21, 22, 26 and 27 and most directly back onto properties 16-20 Rectory Road. It is not ideal for properties to front the rear gardens of other properties in this way, but the shape of the site and the horse-shoe arrangement makes it difficult to avoid. Only plots 26 and 28 are affected in this way, but the orientation of plots 23-25 and their distance from plots 26 and 28 will ensure that a reasonable standard of private amenity, security and surveillance can be achieved. Plots 23 to 25 and plots 29 and 30 are large 3-bed bungalows, ensuring minimal impact on the existing properties in Rectory Road and Mill Lane.
- 6.15 Plots 31 to 36 comprise 6 large semi-detached 4-bed properties each served with under-croft and garage parking. They are the last of the properties served by the access drive from Clacton Road and are northeast-facing, with views over the open space.
- 6.16 This central part of the development includes two visitor spaces and utilises shared space to retain a rural character overlooking the open space.

Southern section: Plots 37-46

- 6.17 The southern part of the development takes vehicular access from two access drives onto Mill Lane. There is no vehicular connection through to the northern part of the development, but there is a footpath that connects the two parts of the development via the open space.
- 6.18 Plots 42 to 45 are the closest to Mill Lane and are set well back from the highway behind green space, hedging and landscaping to retain a rural character within the street scene.

Properties 42, 43 and 44 are substantial 4 and 5-bed properties that are southwest facing and served with garages and on-plot parking. Plot 42 which adjoins Willow Farm House has a particularly large rear garden, reflecting the more spacious nature of adjoining properties.

- 6.19 Plots 45 and 46 are at a right angle to Mill Lane, are south west facing and are 4-bed detached properties served with on-plot parking and garages. They back onto the open countryside to the northwest.
- 6.20 Plots 37 and 38 are served at the end of the western-most access drive onto Mill Lane and provide a good visual stop at that point. They are 4-bed detached houses served with parking spaces and garages. Plots 39 to 41 are then served separately by the eastern-most access with no connection between the two groups of dwellings. Again, these are 4-bed houses with parking spaces and garages.
- 6.21 The southern part of the site utilises shared surfaces and substantial landscaping to maintain a rural feel and includes 4 visitor spaces.

#### Garden and dwelling sizes

- 6.22 Policy HG9 in the adopted Local Plan sets minimum private amenity standards for new dwellings which require a minimum of 100 square metres for any house of 3 or more bedrooms, 75 square metres for any 2 bed house and 50 square metres for any 1 bed house. All of the plots on this development achieve these minimum requirements and, in some cases, exceed the requirements substantially. The only exception is plot 2 at the very north of the site fronting Clacton Road which is just 4 sqm short of the requirement. The amenity space standards policy needs to be applied flexibly in order to ensure, where necessary, an appropriate layout can be achieved. In this case, the plot is slightly narrow to reflect the limited land available in this part of the site following the inclusion of the access drive and footways to the northwest. Given that the development generally exceeds the required standards comfortably on the vast majority of plots, this small shortfall on one plot is not considered significant enough to warrant refusal or an amendment to the layout.
- 6.23 For dwelling sizes, neither the adopted Local Plan nor the emerging plan contains specific standards as these are to be required at a national level through the building regulations. However, the properties proposed have gross internal floor areas (GIA) are all well in excess of the minimum requirements that were being promoted by the Council, in line with the London Design Guide, in the earlier iteration of the draft Local Plan. The 2-bed properties on the site have GIAs of between 77 and 86 sqm; the 3-bed properties range from 100 to 118 sqm; the 4-bed properties range from 135 and 177 sqm; and the single 5-bed property has a GIA of 206 sqm.

#### Conclusions on layout

- 6.24 Officers consider that the proposed layout is acceptable for this location, that the development is well related to the proposed open space and the frontages onto Clacton Road and Mill Lane. The layout seeks to follow well established 'secured-by-design' principles and the bungalows on the site have been located closest to neighbouring properties in Rectory Road and Mill Lane and comply with the 'back-to-back' standards

advocated in the Essex Design Guide. The proposed open space meets with the Council's requirements in terms of size and is well located in respect of the adjoining countryside.

### **Landscape**

- 6.25 The applicants have submitted a landscaping proposal for the development. This shows the provision of trees and hedges for individual properties as well as trees and planting associated with the open space and the site boundaries. The landscaping scheme for the development proposes. The landscaping proposal is required as a condition of the original outline planning permission and the Council's Principal Tree and Landscape Officer has considered the proposal in detail and is satisfied that it represents an acceptable approach.

### **Scale**

- 6.26 The proposed height of properties throughout the site is acceptable for the area with particular care taken to ensuring that the bungalows are located closest to existing properties, thus keeping any concerns over private amenity, overlooking or loss of light to a minimum. Taller properties along the main frontages of the site would be in keeping with the adjoining street scene.

### **Appearance**

- 6.27 Plots 1, 2 and 3 will be of simple traditional design with steep pitches hipped roof, decorative features around the doors and windows and finished in Camtech orange/red brick, burnt flame plain tile, white UPVC windows and fascias and black guttering and downpipes. Illustrative. Plots 4, 9, 12, 27 and 28 are two bedroom houses of traditional style with bay windows to the living room and steep pitched hipped roof finished in multi-buff brick, Cromleigh Graphite slate, white UPVC windows and fascias and black rainwater goods. These designs will feature on the street frontage to Clacton Road and illustrations have been provided showing how they will appear in the context on neighbouring development. Officers consider that the appearance of these dwellings will be very compatible with and complimentary to the area.
- 6.28 Plots 5, 6, 7 and 8 comprise semi-detached 3-bed dwellings of traditional gable-end design, incorporating under-croft parking and decorative door, window and gable details. These properties are to be finished in cream render, artic white cladding with white UPVC windows and fascias and black rainwater goods. These properties are all to be located along the first stretch of the new access drive from Clacton Road and will mainly be seen in context with the other new properties.
- 6.29 Plots 10, 11, 13, 14, 20 and 21 are semi-detached 3-bed houses of simple traditional design with medium pitched roofs and decorative chimneys. There will be decorative featuring around the doors and windows and the finish will be Camtech orange/red brick, Tuscan pantile, white UPVC windows and fascias and black rain water goods. These properties will be located well within the development and will be seen in the context of new properties around them.
- 6.30 Plots 15, 16, 17 and 19 are to be 2-bed bungalows of simple traditional design with steep pitch roof, kitchen skylights and decorative door and porch features. The finish would be red



brick, with one property in white render, Cromleigh Graphite slate or Tuscan pantile with white UPVC windows and fascias and black rain water goods. These dwellings would form their own courtyard and their own character area within the scheme. Plot 18 incorporates a slightly different style finished in render and brick which would compliment the other 2-bed bungalows in that part of the development.

- 6.31 Plots 22 and 26 are 3-bed houses of traditional neo inter-war suburban style with deep plan layout, front bay window and decorative features around the doors and windows, steep pitched roof and front gable and a fire-place and working chimney. The properties are to be finished in red brick, white render burnt flame plain tile with white UPVC windows and fascias and black rain water goods. Located opposite the open space and book-ending the secondary access road into the area of larger bungalows, this is an appropriate design for its location.
- 6.32 Plots 23, 25 and 30 comprise the larger bungalows to be located at the far east of the site. They are to be of simple design with integral garage and will employ the use of multi-buff brick, Cromleigh Graphite slate, white UPVC windows and fascias and black rain water goods. Plots 24 and 29 adopt a similar appearance but will include gable ends and Olde Horesham brick and white render. These bungalows will form their own character area within the development.
- 6.33 Plots 31, 32, 33, 34, 35 and 36 comprise large 4-bed semi-detached properties with under-croft parking, attractive traditional bay window, doorway and chimney features. The proposed finish is Horesham olde brick, Flanders Plain tile, neo pantile and sailcloth cladding in the link area. The windows and fascias will use white UPVC along with black rainwater goods. The properties will also include a large family area to the rear with skylights and bi-fold garden doors. Positioned to the south of the public open space, these properties will particularly attractive in their setting.
- 6.34 Plots 37, 39, 41 and 44 are large 4-bed detached houses of traditional design, double-bay windows, chimney with double aspect to the rear and decorative window and door features throughout. Located at the southern phase of the development with access off Mill Lane, some will form a visual stop from the Mill Lane access points and give the impression of a small and secluded rural development. Multi-buff brick and Cromleigh Graphite slate along with white UPVC windows and fascias and black rain water goods will be used.
- 6.35 Plots 38, 40 and 45 are 4-bed properties adopting a more traditionally rural cottage or villa appearance with single gable end, bay window, chimney and dormer windows. Decorative features around doors and windows throughout with multi-buff brick and Tuscan pantile being used alongside white UPVC windows and fascias and black rain water goods. These properties will also be located at the Mill Lane end of the development and will provide an appropriate style of dwelling for this location.
- 6.36 Plot 42 is the large 5-bed property to be located adjoining Willow Farm House. It seeks to adopt a traditional rural feel through the use of dormers at first floor level, a weatherboarding 'barn-extension'-style wing and other traditional features including a bay window, working chimney and high pitch roof.

- 6.37 The proposed designs comprise traditional and decorative features and mix of materials that reflect the mixed nature of development already established in the area and in rural areas generally.

#### **Discharge of planning obligations**

- 6.38 Outline planning permission was granted following the completion of a s106 legal agreement dated 18<sup>th</sup> March entered into by the Council, Essex County Council, the landowners and the developers. The s106 agreement contains three schedules of obligations as summarised below.

#### **Schedule 1 – Viability**

- 6.39 Schedule 1 requires the owner to submit a viability assessment to the Council, alongside the reserved matters application, to be independently scrutinised at the owner's cost. The purpose of the assessment is to ascertain how much of a financial contribution the development will make towards affordable housing and school provision. At the time of the outline planning application, the costs of remediating the site from any contamination, given its former use, and their affects on the overall economic viability of the development and its ability to make financial contributions were then unknown. Development cannot commence until the Council has notified the owner of the required level of affordable housing and education contributions and until this has been agreed between the Council and the owners.
- 6.40 The applicants have submitted a Viability Assessment which is commercially sensitive and cannot be released or referred to (with any specifics) in the public domain. The conclusions of the assessment are being independently reviewed on the Council's behalf and if the Committee is minded to approve, planning permission will not be issued until the position regarding affordable housing and education is established.

#### **Schedule 2 – Education Contributions**

- 6.41 Schedule 2 requires the owners to make financial contributions towards early years and childcare provision, primary school provision based on Essex County Council's standard formula, but adjusted as necessary to reflect the results of the viability assessment.

#### **Schedule 3 – Public Open Space**

- 6.42 Schedule 3 requires the owners to submit an open space specification and management plan for the Council's approval before any of the new dwellings can be occupied and that the open space itself be laid out ready for use before 80% of the dwellings can be occupied.

#### **Schedule 4 – Affordable Housing**

- 6.43 Schedule 3 requires the owner to submit an affordable housing plan along with the reserved matters application that will indicate the location of two two-bedroom dwellings to be transferred to the Council for £1 each to be used for affordable housing – if viable.

### Discharge of planning conditions

- 6.44 Outline planning permission was granted subject to 33 planning conditions. Some of the conditions must be discharged either alongside the reserved matters application or before development can start. The applicant has submitted details to discharge some of the conditions which have been considered or are still under consideration by Officers under a separate delegated process. Here is an update on the progress in discharging these conditions for members of the Committee to note.

#### Drainage ditch/watercourse

- 6.45 Condition 7 under the outline planning permission required that *“prior to the first use of the access hereby permitted onto Clacton Road, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (Essex County Council).”*
- 6.46 Condition 11 required that *“prior to the first use of the accesses hereby permitted onto Mill Lane, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (Essex County Council).”*
- 6.47 The applicant has advised that a private management company will be arranged which will be responsible for all un-adopted but communal drainage and public open space areas and that all new dwelling owners will contribute to the management company. Details of the bridging and piping of the drainage ditch and watercourse have been submitted and these have been forwarded to Essex County Council's drainage team for comment. ECC's initial comments have led to some minor revisions to the proposed layout.

#### Vehicular access and vehicular crossing

- 6.48 Condition 12 required that *“prior to first occupation of the development hereby permitted, the proposed single vehicular accesses shall be constructed at right angles to the proposed highway boundary and to a width of 3.7 metres, each shared vehicular access shall be constructed at right angles to the proposed highway boundary and to a width of 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.”* These details are contained within the application drawings and ECC Highways have been consulted. .

#### Bicycle storage

- 6.49 Condition 16 required that *“prior to commencement of the development hereby permitted, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.”* The applicant has submitted drawings that provide these details and ECC Highways have been consulted.

#### Vehicular turning facility

- 6.50 Condition 18 required that *“prior to commencement of the development hereby permitted, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.”* These details are contained within the application drawings and ECC Highways have been consulted.

#### Surface water drainage scheme

- 6.51 Condition 22 required that *“before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. It shall be based on sustainable drainage principles as outlined in the approved Flood Risk Assessment (FRA) referenced Job 10797, dated March 2015.”*
- 6.52 Condition 23 required that *“the development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.”*
- 6.53 Condition 24 required that *“no drainage works shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall 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.”*
- 6.54 As above, ECC’s drainage team has been consulted on the information provided and their initial comments have led to some minor revisions to the proposed layout.

#### Hard and soft landscaping

- 6.55 Condition 25 required that *“no development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include 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.”* The Council’s Principal Tree and Landscape Officer has indicated that the information provided is sufficient to enable condition 25 to be discharged.

#### Ecological management

- 6.56 Condition 27 required that *“before any development commences, and concurrently with the submission of Reserved Matters specified in Condition 1 above, a detailed ecological management scheme and mitigation plan shall be submitted to and approved in writing by*

*the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall include the details set out in the Ecological Assessment produced by Eco-Planning UK dated 18th February 2015. The key recommendations/measures approved shall be implemented in accordance with the approved works before occupation of the hereby approved development.”* The applicant has submitted an Ecological Assessment, a Bat Scoping Survey, a Bat Foraging Survey and a Reptile Survey which reflect the recommendations of the initial ecological work. These are being checked by Officers.

#### Remediation method statement

- 6.57 Condition 28 required that *“following the removal of the old structures on site and prior to any further development of the site, a further full contaminated land assessment shall be carried out and a remediation method statement shall be submitted to and approved in writing by the Local Planning Authority in accordance with those findings and recommendations.”* The applicant has submitted a Phase 2 Ground Investigation & Contamination Assessment and it is proposed that the necessary remediation method statement will be produced on completion of the onsite clearance. These are being considered by the Council’s Environmental Health team.

#### Asbestos survey

- 6.58 Condition 29 required that *“prior to the demolition of existing buildings an asbestos survey detailing methods of removal and disposal shall be submitted to and approved in writing by the Local Planning Authority”*. The applicant has submitted Demolition Asbestos Survey which indicates that Asbestos was found. It is proposed that a full method statement for the removal of the Asbestos will be provided by a specialist prior to the commencement of any building works. This survey is also being considered by the Council’s Environmental Health team.

#### Construction method statement

- 6.59 Condition 30 required that *“no development shall take place before a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development. The method statement shall also include details of the loading and unloading of plant and materials, hours of construction, dust suppression strategy, means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.”* The applicant has submitted a detailed Construction Method Statement which is being considered by the Council’s Environmental Health team.

#### Implementation measures

- 6.60 Condition 32 required that *“prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the*

*construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed."* A statement has been submitted which is being considered by the Environmental Health Team.

- 6.61 The applications to approve reserved matters and to discharge the relevant conditions indicate that the developer is keen to deliver the scheme within the relevant time frames to contribute towards housing supply in the district.

#### **Schedule of accommodation**

<b>Plot</b>	<b>Size/Type</b>	<b>Gross internal area (sqm)</b>	<b>Garden size (sqm)</b>	<b>Parking</b>	<b>Policy compliant ?</b>
Plot 1	2 bed (4 person) semi-detached house	77.6	132	2 court	Yes
Plot 2	2 bed (4 person) semi-detached house	77.6	71	2 court	No
<b>Plot</b>	<b>Size/Type</b>	<b>Gross internal area (sqm)</b>	<b>Garden size (sqm)</b>	<b>Parking</b>	<b>Policy compliant ?</b>
Plot 3	2 bed (4 person) detached house	78.6	81	2 court	Yes
Plot 4	3 bed (5 person) detached house	118.3	128	3 on plot	Yes
Plot 5	3 bed (6 person) semi-detached house	103.8	139	3 on plot	Yes
Plot 6	3 bed (6 person) semi-detached house	103.8	186	3 on plot	Yes
Plot 7	3 bed (6 person) semi-detached house	103.8	240	3 on plot	Yes
Plot 8	3 bed (6 person) semi-detached house	103.8	141	3 on plot	Yes
Plot 9	3 bed (5 person) detached house	118.3	193	3 on plot	Yes
Plot 10	3 bed (5 person) semi-detached house	100.0	138	3 on plot	Yes
Plot	3 bed (5 person)	100.0	101	3 on plot	Yes

11	semi-detached house				
Plot 12	3 bed (5 person) detached house	118.3	152	3 on plot	Yes
Plot 13	3 bed (5 person) semi-detached house	100.0	104	3 on plot	Yes
Plot 14	3 bed (5 person) semi-detached house	100.0	101	3 on plot	Yes
Plot 15	2 bed (4 person) bungalow	85.0	227	2 court	Yes
Plot 16	2 bed (4 person) bungalow	85.0	168	2 court	Yes
Plot 17	2 bed (4 person) bungalow	85.0	415	2 court	Yes
Plot 18	2 bed (4 person) bungalow	83.0	173	2 court	Yes
Plot 19	2 bed (4 person) bungalow	85.0	187	2 court	Yes
Plot 20	3 bed (5 person) semi-detached house	100.0	101	3 on plot	Yes
<b>Plot</b>	<b>Size/Type</b>	<b>Gross internal area (sqm)</b>	<b>Garden size (sqm)</b>	<b>Parking</b>	<b>Policy compliant ?</b>
Plot 21	3 bed (5 person) semi-detached house	100.0	124	3 on plot	Yes
Plot 22	3 bed (5 person) semi-detached house	119.0	142	3 on plot	Yes
Plot 23	3 bed (6 person) bungalow	114.0	316	3 on plot	Yes
Plot 24	3 bed (6 person) bungalow	114.0	305	3 on plot	Yes
Plot 25	3 bed (6 person) bungalow	114.0	225	3 on plot	Yes
Plot 26	3 bed (5 person) detached house	119.0	147	3 on plot	Yes
Plot 27	3 bed (5 person) detached house	118.3	121	3 on plot	Yes
Plot 28	3 bed (5 person) detached house)	118.3	142	3 on plot	Yes
Plot 29	3 bed (6 person) bungalow	114.0	217	3 on plot	Yes
Plot 30	3 bed (6 person) bungalow	114.0	339	3 on plot	Yes

Plot 31	4 bed (7 person) semi-detached house	135.0	101	3 on plot	Yes
Plot 32	4 bed (7 person) semi-detached house	135.0	114	3 on plot	Yes
Plot 33	4 bed (7 person) semi-detached house	135.0	114	3 on plot	Yes
Plot 34	4 bed (7 person) semi-detached house	135.0	114	3 on plot	Yes
Plot 35	4 bed (7 person) semi-detached house	135.0	114	3 on plot	Yes
Plot 36	4 bed (7 person) semi-detached house	135.0	114	3 on plot	Yes
Plot 37	4 bed (8 person) detached house	177.0	136	4 on plot	Yes
Plot 38	2 bed (7 person) detached house	167.0	186	4 on plot	Yes
<b>Plot</b>	<b>Size/Type</b>	<b>Gross internal area (sqm)</b>	<b>Garden size (sqm)</b>	<b>Parking</b>	<b>Policy compliant ?</b>
Plot 39	4 bed (8 person) detached house	177.0	213	4 on plot	Yes
Plot 40	4 bed (7 person) detached house	167	198	4 on plot	Yes
Plot 41	4 bed (8 person) detached house	177.0	238	4 on plot	Yes
Plot 42	5 bed (9 person) detached house	206.0	337	4 on plot	Yes
Plot 43	4 bed (7 person) detached house	166.0	172	4 on plot	Yes
Plot 44	4 bed (8 person) detached house	177.0	202	4 on plot	Yes
Plot 45	4 bed (7 person) detached house	167.0	160	3 on plot	Yes
Plot 46	4 bed (7 person) detached house	166.0	189	3 on plot	Yes



### **Conclusions**

- 6.62 The principle of development has already been established through the grant of outline planning permission and the reserved matters proposal is considered by Officers to be acceptable. The recommendation is therefore approval.

### **Background Papers**

None

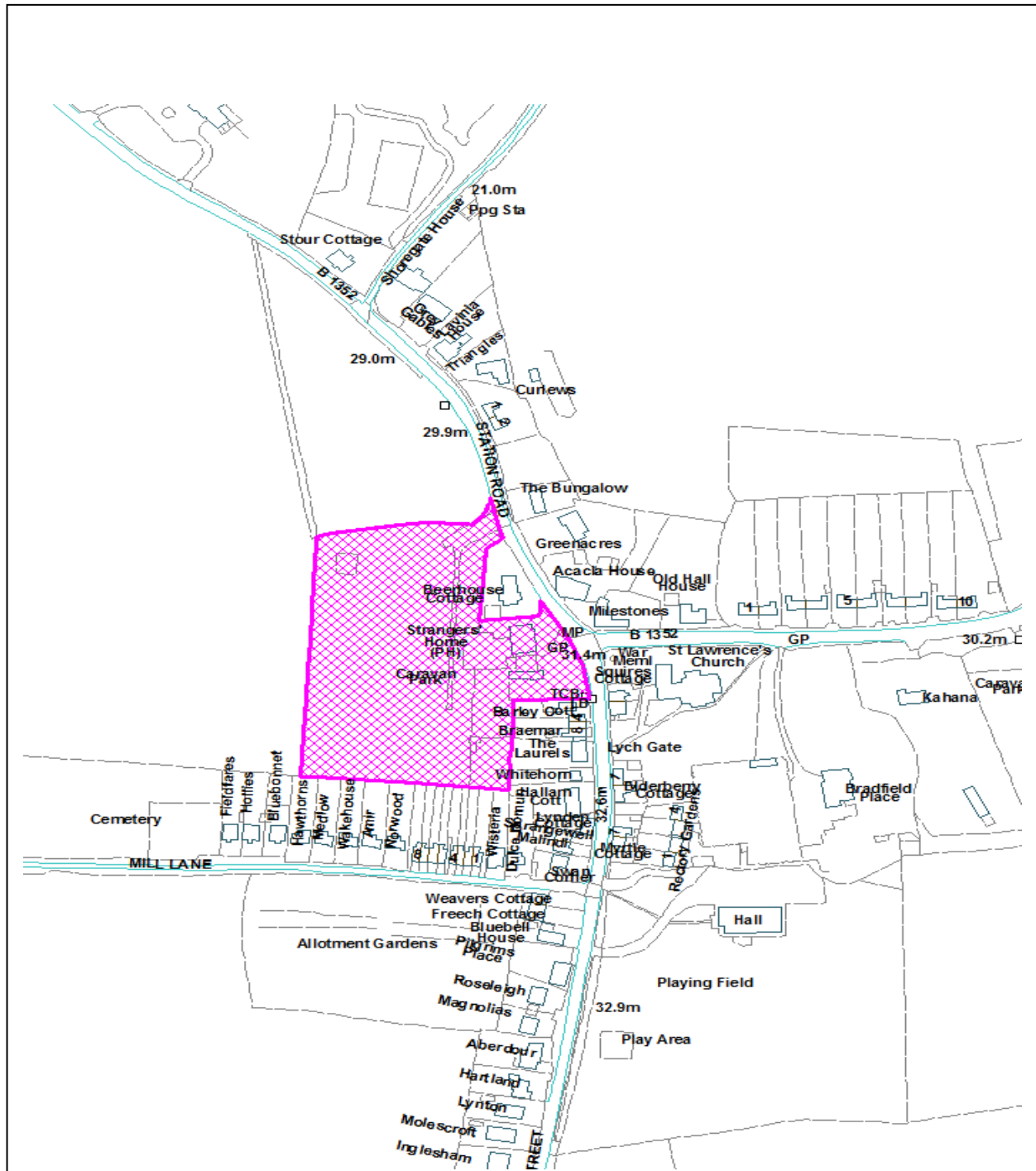
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## PLANNING COMMITTEE

31 January 2017

### REPORT OF THE HEAD OF PLANNING

#### **A.3 PLANNING APPLICATION - 16/01084/FUL - STRANGERS HOME, THE STREET, BRADFIELD, MANNINGTREE, CO11 2US**



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<b>Application:</b>	16/01084/FUL	<b>Town / Parish:</b> Bradfield Parish Council
<b>Applicant:</b>	Mr A Forward (Starglade Ltd)	
<b>Address:</b>	Strangers Home The Street Bradfield	
<b>Development:</b>	Erection of shower block.	

## 1. **Executive Summary**

- 1.1 The application is brought before Planning Committee at the request of Cllr. Fairley as she considered that the proposed shower block and managers' dwelling (subject to a separate application) is likely to have a materially damaging impact on amenities of neighbours. Residents express extreme concerns that this proposed development will lead the way to this site becoming a static rather than a family touring site which would not be suitable for the area.
- 1.2 This proposal seeks planning permission for the erection of a shower block measuring 13 metres in width, 5 metres in depth with an eaves height of 2.5 metres and a ridge height of 4 metres. The proposed building is situated to the south-east of the public house; approximately 13 metres from the rear boundary with the properties in The Street and 38 metres from the rear boundary with properties in Mill Lane.
- 1.3 Both the Saved and Emerging Local Plan seeks to support tourist facilities in the District. Therefore there is no objection in principle to the proposal.
- 1.4 Given the design, scale and appearance of the proposed building it is not considered that proposal would result in any adverse impact on the character and appearance of the Conservation Area or that of the surrounding area, which is forms part of the extension of the AONB nor the Coastal Protection Belt.
- 1.5 The shower block proposed as part of this application is situated approx. 13 metres from the rear boundary with the nearest residential properties. It is considered that this distance of separation is sufficient for the proposal not to result in any significant harm to the neighbour's amenities, subject to a condition to ensure additional planting takes place in the area between the shower block and the residential properties in The Street.

### **Recommendation: Approve**

#### **Conditions:**

1. Standard time limit
2. In accordance with approved plans
3. Sample of materials
4. Details of planting scheme to be submitted and approved
5. Implementation of planting scheme

## 2.

### **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

ER19A Touring Caravans and Tents

ER20 Occupancy Timescales

EN1 Landscape Character

EN3 Coastal Protection Belt

EN5A Area Proposed as an Extension to the Suffolk Coasts and Heaths AONB

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL3 Sustainable Design

PP8 Tourism

PP10 Camping and Touring Caravan Sites

PPL3 The Rural Landscape

PPL8 Conservation Areas

PPL9 Listed Buildings

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is

currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### 3. **Relevant Planning History**

76/00922/FUL	Campsite for touring caravans and tents	Approved	16.11.1977
79/01418/FUL	New entrance lobby and provision of internal toilets also sectional case store	Approved	30.10.1979
01/01428/FUL	Change of use from overgrown waste ground to caravan storage area	Withdrawn	16.11.2001
03/00823/FUL	Limited storage of touring caravans during winter months	Approved	28.07.2003
10/01242/TCA	1 No Ash - remove dead wood and reduce tree	Approved	22.11.2010
10/01319/FUL	Erection of an extension to the public house	Approved	18.01.2011
11/01015/FUL	Use of the land to the rear of Strangers Home Public House Bradfield as a camping site for 70 touring pitches, for either caravans or tents, between the 1st March and 15th January of the following year, together with retention of the modified site access and use of part of the site for caravan storage between the 15th January and the 1st March (replacement of existing planning consent TEN/922/76).	Withdrawn	04.11.2011
11/01213/FUL	Erection of single storey rear extension to public house.	Approved	05.12.2011
12/00321/FUL	Continued use of the land to the rear of Strangers Home for the existing 67 touring pitches (caravans or tents) between 1st March and 15th January of the following year. Limit of 50 caravans at any one time (increased from	Refused and Allowed at Appeal	21.06.2012

25) together with the retention of the modified site access and use of part of the land for caravan storage between 15th January and 1st March (Replacement of existing consent TEN/922/76).

13/00168/FUL	Construction of new access road to existing camp site.	Withdrawn	11.07.2013
14/00552/TCA	Common Ash (Fraxinus Excelsior) - fell leaving approximately 3ft standing stump.	Approved	29.05.2014
14/00657/DISCON	Discharge of condition 2 (hard and soft landscaping) & 14 (waste and recycling storage and disposal) of 12/00321/FUL (allowed under appeal reference APP/P1560/A/12/2189605/NWF).	Approved	15.10.2014
14/01838/FUL	Use of land for stationing of managers accommodation (twin mobile home) and shower block.	Refused	03.02.2015
16/01077/FUL	Use of land for stationing of twin unit mobile home for use as managers dwelling and site office.	Current	
16/01084/FUL	Erection of shower block.	Current	

#### 4. **Consultations**

None

#### 5. **Representations**

Bradfield Parish Council – objection to the application as it is outside of the proposed Settlement Development Boundary in the emerging Local Plan. The proposed shower block is directly behind residential homes and will result in noise and inconvenience for neighbours.

8 letters of objection have been received which raise the following concerns:

- The proposed location is at the rear of houses in The Street and will cause nuisance from 24 hour use by campers both by noise and light pollution at night.
- The use appears to be expanding to create year round noise, increased traffic resulting in a detrimental affect on the village.
- The site for the proposed new shower block is outside the development area.
- The proposed building will clash with the adjoining Conservation Area.
- No provisions for a new shower block were requested or insisted on by conditions for the extension to 47 pitches, 2 years ago.

- The development is not necessary.
- The proposed location could lead to more of the existing planting being removed – lessening the screening of the site from neighbouring residents.
- The existing facilities could be upgraded.
- The village as it is struggles with drainage and sewage issues from new build houses.
- This is in an area being designated as of outstanding natural beauty.

## 6. **Assessment**

The main planning considerations are:

- Principle of Development
- Impact on Conservation Area and character of the area
- Impact on Residential amenity

### Proposal

- 6.1 This proposal seeks planning permission for the erection of a shower block. The proposed building comprises of a separate female and male toilets and shower facilities and an open roofed campsite waste store. In total the proposed building measures 13 metres in width, 5 metres in depth with an eaves height of 2.5 metres and a ridge height of 4 metres. The proposed materials are not specified but can be secured by condition.
- 6.2 The proposed building is situated to the south-east of the public house; approximately 13 metres from the rear boundary with the properties in The Street and 38 metres from the rear boundary with properties in Mill Lane.

### Site and Surrounding Area

- 6.3 The application site is approx. 1.5 hectares in size, it comprises of the Strangers' Home Public House and car park to the east of the site with a caravan site to the rear.
- 6.4 The site is boarded to the north and west by hedgerows with open land beyond. The eastern boundary where it separates the site from the neighbouring residential dwellings is delineated by a close boarded wooden fence. The southern boundary also provides separation between the site and residential properties and is predominately a close boarded wooden fence, with part being mature vegetation.
- 6.5 The majority of the site lies outside of the Settlement Development Boundary in the 2007 Saved Local Plan and the 2016 Preferred Options Consultation Document. Within the 2007 Saved Local Plan the majority of the site is also designated as Coastal Protection Belt; however this designation is not continued in the 2016 Preferred Options Consultation Document. In both Plans the site lies within the area designated as a proposed extension to the AONB and some of the eastern part of the site lies within the Bradfield Conservation Area.
- 6.6 As part of planning application 14/01838/FUL planning permission was refused for a shower block of a similar size and scale, however, this was located almost immediately adjacent to the boundary with residential properties in The Street and within the Conservation Area. It was considered that in this location the shower block would have result in a materially damaging impact on the amenities of occupiers of the nearby residential properties.



### Principle of Development

- 6.7 The application seeks planning permission for a shower block to be used in connection with an existing tourist facility. Both the Saved and Emerging Local Plan seeks to support tourist facilities in the District. Therefore there is no objection in principle to the proposal, subject to the detailed considerations set out below.

### Impact on Conservation Area and character of the area

- 6.8 The submitted planning statement includes a Heritage Statement. Whilst this is relatively simple paragraph 128 of the NPPF does state in determining planning applications, local planning authorities should require and applicant to describe the significance of any heritage assets affected, and the level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance. On this basis the Heritage Statement is considered acceptable.
- 6.9 The proposed shower block is situated close to the boundary of but outside of the Conservation Area. Policy EN17 states that for development outside a Conservation Area development would be refused where it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.
- 6.10 The proposed shower block would be located mostly behind the rear boundary fencing to properties along The Street and therefore would not be prominent in views from the Conservation Area. There would be some views gained from The Street and car park of the public house however, given the design, scale and appearance of the proposed building it is not considered that proposal would result in any adverse impact on the character and appearance of the Conservation Area or that of the surrounding area, which is forms part of the extension of the AONB.
- 6.11 The proposal would result in the loss of a small row of conifer trees, these trees are not considered to be of significant visual amenity and therefore there is no objection to their loss.

### Impact on Residential amenity

- 6.12 The NPPF in paragraph 17 states that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the 2007 Saved Plan states that amongst other criteria, 'development will only be permitted if the development would not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.' This requirement is carried through into Policy SPL3 of the Emerging Plan.
- 6.13 The previous application (14/01838/FUL) was refused as it was considered that the proposal would have a materially damaging impact on the amenities of occupiers of the nearby residential properties as it was sited close to the boundary of the site. The shower block proposed as part of this application is situated approx. 13 metres from the rear boundary with the nearest residential properties. It is considered that this distance of separation is sufficient for the proposal not to result in any significant harm to the neighbour's amenities, subject to a condition to ensure additional planting takes place in the area between the shower block and the residential properties in The Street.

### Coastal Protection Belt

- 6.14 Within the 2007 Local Plan the site lies within the designated Coastal Protection Belt. Policy EN3 states that new development which does not have a compelling functional need to be located in the Coastal Protection Belt, will not be permitted. The introduction to this policy

states that the purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development.

- 6.15 It is considered that due to the location, design and scale of the proposed building and the authorised use of the surrounding land (as a caravan park) that the proposal would not have adverse impact on the character and appearance coastal protection belt. On this basis it is considered that whilst there is no compelling functional need for the development it is not inappropriate.

#### Other Issues

- 6.16 In the most recent appeal decision against the refusal of planning permission 12/00321/FUL a condition was imposed stating that 'no caravan or tent shall be sited on the land hatched blue'. The reason for imposing this condition was in the interest of visual amenity and the living conditions of the neighbouring properties. The proposed shower block is within the area hatched blue on Drawing No. 2537/05; however, as the proposal is not for a caravan or tent this condition can still be complied with.
- 6.17 Located on the opposite side of The Street there are a couple of listed buildings and the listed church. It is considered that given the scale of the proposed building and its distance from these buildings that the proposal would not result in any adverse impact on the setting of these buildings.
- 6.18 The letters of objection received state that the existing facilities could be upgrading resulting in this proposal being unnecessary. Whilst this may be the case; it is not a material planning consideration the Council has to determine the applications submitted and consider it based on the development plan and material planning considerations.
- 6.19 Concern has also been raised that the proposal would lead to the current use expanding. This proposal does not propose to alter any of the existing restrictions which are currently imposed.

#### Conclusion

- 6.20 It is considered that for the above reasons the proposal meets the criteria set out in the National Planning Policy Framework and relevant policies of the National Planning Policy Framework, the Tendring District Local Plan and the Emerging Local Plan. Accordingly the application is recommended for approval.

#### Background Papers

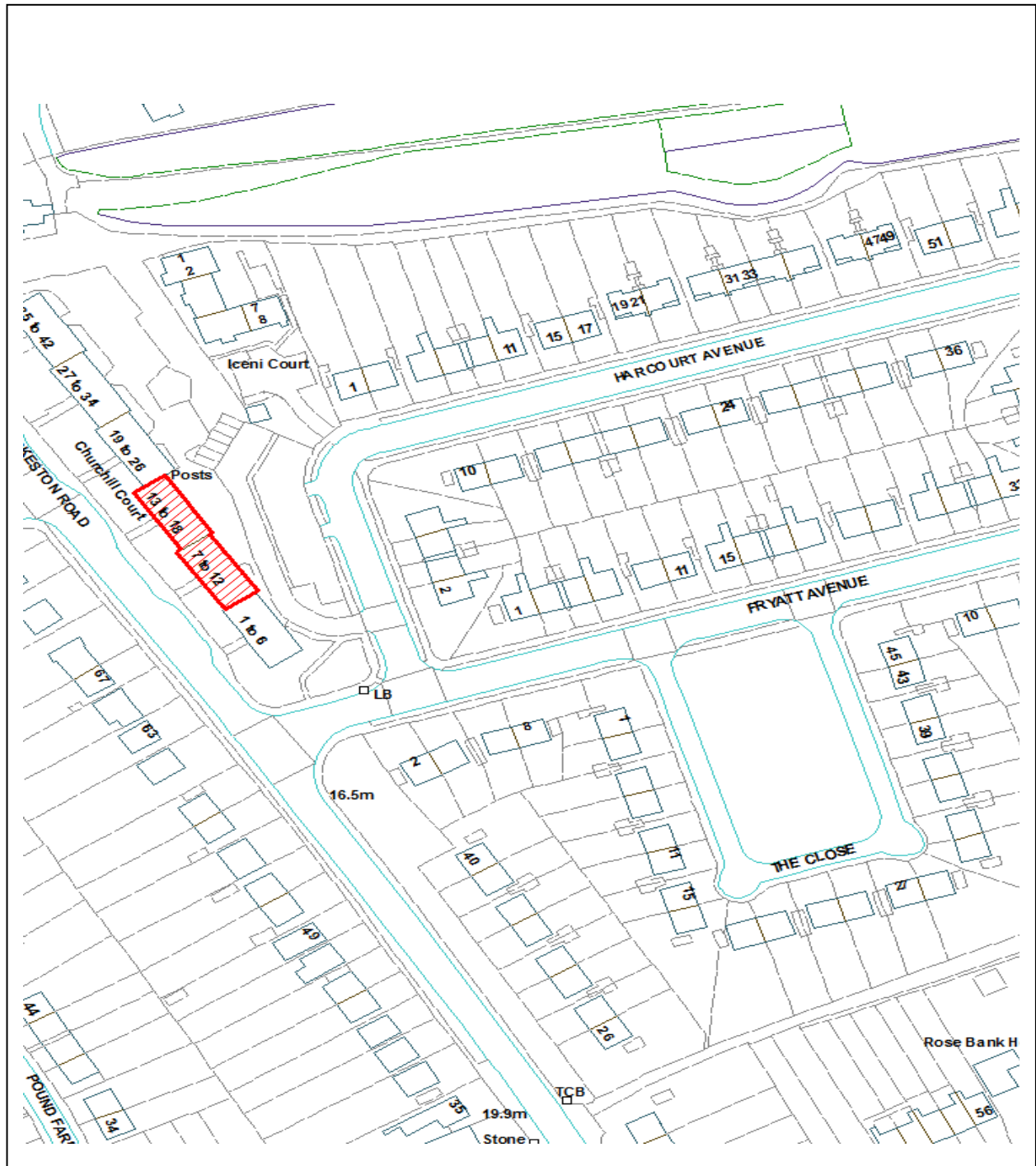
None

## PLANNING COMMITTEE

31 January 2017

### REPORT OF THE HEAD OF PLANNING

#### A.4 PLANNING APPLICATION - 16/01946/FUL - CHURCHILL COURT, PARKESTON ROAD, DOVERCOURT, CO12 4NU



DO NOT SCALE

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<b>Application:</b>	16/01946/FUL	<b>Town / Parish:</b> Harwich Town Council
<b>Applicant:</b>	Mr Barry Eldridge -Tendring District Council	
<b>Address:</b>	Churchill Court Parkeston Road Dovercourt	
<b>Development:</b>	Removal of existing under croft garages and conversion of these spaces into a one bedroom two person fully accessible residential unit and a community liaison office and storage.	

## 1. **Executive Summary**

- 1.1 The application is before the Planning Committee and Tendring District Council is the owner and applicant.
- 1.2 The application proposes alterations to the front and rear elevations at ground floor level with the conversion of the existing garages below numbers' 7 to 18 Churchill Court. The garage doors will be replaced with new windows and doors as required and will accommodate a fully accessible 1 bedroom flat and a community liaison office with the remainder of the space being converted into small storage units to serve the residential units.
- 1.3 Subject to imposition of the conditions recommended below the proposal is not considered to result in any material harm to visual or residential amenity or highway safety. Approval is therefore recommended.

**Recommendation: Approve**

**Conditions:**

1. Time Limit
2. Approved Plans
3. Restrict Working Hours

## 2. **Planning Policy**

NPPF National Planning Policy Framework  
National Planning Practice Guidance

Tendring District Local Plan 2007  
QL9 Design of New Development  
QL10 Designing New Development to Meet Functional Needs  
QL11 Environmental Impacts and Compatibility of Uses  
HG3 Residential Development Within Defined Settlements  
HG9 Private Amenity Space  
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)  
SPL1 Managing Growth  
SP1 Presumption in Favour of Sustainable Development  
SPL2 Settlement Development Boundaries

SPL3 Sustainable Design  
 LP2 Housing Choice  
 LP4 Housing Layout  
 CP2 Improving the Transport Network

Local Planning Guidance  
 Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

### **3. Relevant Planning History**

10/01470/FUL	Demolition of existing garages and associated works.	Approved	09.03.2011
13/00647/FUL	Increase parking to include 7 no. additional parking spaces, new external bin store, increased play area and new security fence and new CCTV system.	Approved	22.07.2013
14/00061/DISCON	Discharge of conditions 03 (playground layout), 04 (CCTV Plan), 06 (Planting Plan) and 07 (Level)S of planning permission 13/00647/FUL - For Information Only	Approved	03.02.2014

### **4. Consultations**

Building Control and Access Officer      The office WC should be an accessible WC.

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

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

Control.

#### Noise Control

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

#### Emission Control

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

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

Asset Management Team    No comments received.

ECC Highways Dept  
**ORIGINAL COMMENTS**

This Authority has assessed the highway and transportation impact of the proposal and would wish to raise an objection to the above application for the following reasons:

Insufficient information has been provided by the applicant and therefore a meaningful assessment of the potential impact of the proposal cannot be made.

It would appear that a total of nine garages are to be removed from the parking facilities but no information has been provided covering either;

- 1) How the occupant vehicles are to be housed elsewhere on the site, or
- 2) A full parking survey of the surrounding residential roads providing confirmation that the existing on street parking facilities can accommodate the nine vehicles without creating conflict or parking stress with existing residents.

On receipt of additional appropriate information further assessment can be made.

ECC Highways Dept  
**AMENDED COMMENTS**

Having now been presented with additional information regarding the use of the garages, this Authority has assessed the highway and transportation impact of this proposal, removes the previously supplied objection, and raises no objection as it is not contrary to the following policies:-

- A) Safety - Policy DM1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility - Policy DM9-12 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity - Policies DM13-15 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy - Policies DM2-5 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards - Policy DM8 of the Highway Authority's Development Management Policies February 2011

INF1 Highway Works - All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

INF2 Cost of Works - 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.

## 5. **Representations**

- 5.1 Harwich Town Council has no objection to the application.
- 5.2 No other letters of representation have been received.

## 6. **Assessment**

The main planning considerations are:

- Principle of Development
- Design and Visual Impact
- Residential Amenities
- Parking Provision

### Principle of Development

- 6.1 The application site is within the Settlement Development Boundary of Harwich. Policy HG3 of the Saved Plan states that 'within the defined development boundaries of towns and villages, development will be permitted providing it satisfies amenity, design, highway, local housing needs and sustainability criteria, as appropriate, and can take place without material harm to the character of the local area'.
- 6.2 The introduction on an additional flat within this block of existing residential properties does not raise any sustainability concerns with access to a convenience store and other amenities being in close proximity.
- 6.3 The fully accessible residential accommodation and community liaison office will contribute positively to the housing need and other needs of the area.
- 6.4 Therefore, there is no principle objection to the development subject to the acceptability of the detailed considerations below.

### Design and Visual Impact

- 6.5 The proposed alterations are to the ground floor level of the building. Due to the change in site levels the external alterations to the building will not be overly prominent from the rear and even less visible fronting Parkeston Road.
- 6.6 The existing garage doors will be removed and the openings reduced to receive new windows and doors which will be of a similar scale and appearance to the existing building facade. The infill around the windows will be rendered to match the existing.
- 6.7 Overall, the alterations to the building are minor and will not result in any harm to visual amenity or the character of the area.

### Impact on Neighbouring Amenities

- 6.8 There is considered sufficient communal amenity areas to serve the resultant number of dwellings strengthened by the creation of the new storage areas proposed in the currently unused garages.
- 6.9 There will be no harm material harm to neighbouring amenities resulting from the new flat or community liaison office given the location above and adjacent to existing residential units.

### Parking Provision

- 6.10 A disabled parking bay will be provided adjacent to the entrance of the new flat together with a parking space to serve the community liaison office.



- 6.11 The garages to be lost as a result of the development are undersized and do not meet the current requirements of the Council's adopted parking standards. Existing residents no longer use these garages and the new parking areas provided through application 13/00647/FUL were in preparation for this application and compensate for the loss of the existing garages.
- 6.12 The creation of storage areas for the residents further compensate for the loss of the garages by providing additional secure storage.
- 6.13 The parking provision is therefore considered adequate and Essex County Council Highway Authority raise no objection to the development.

Background Papers

None

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