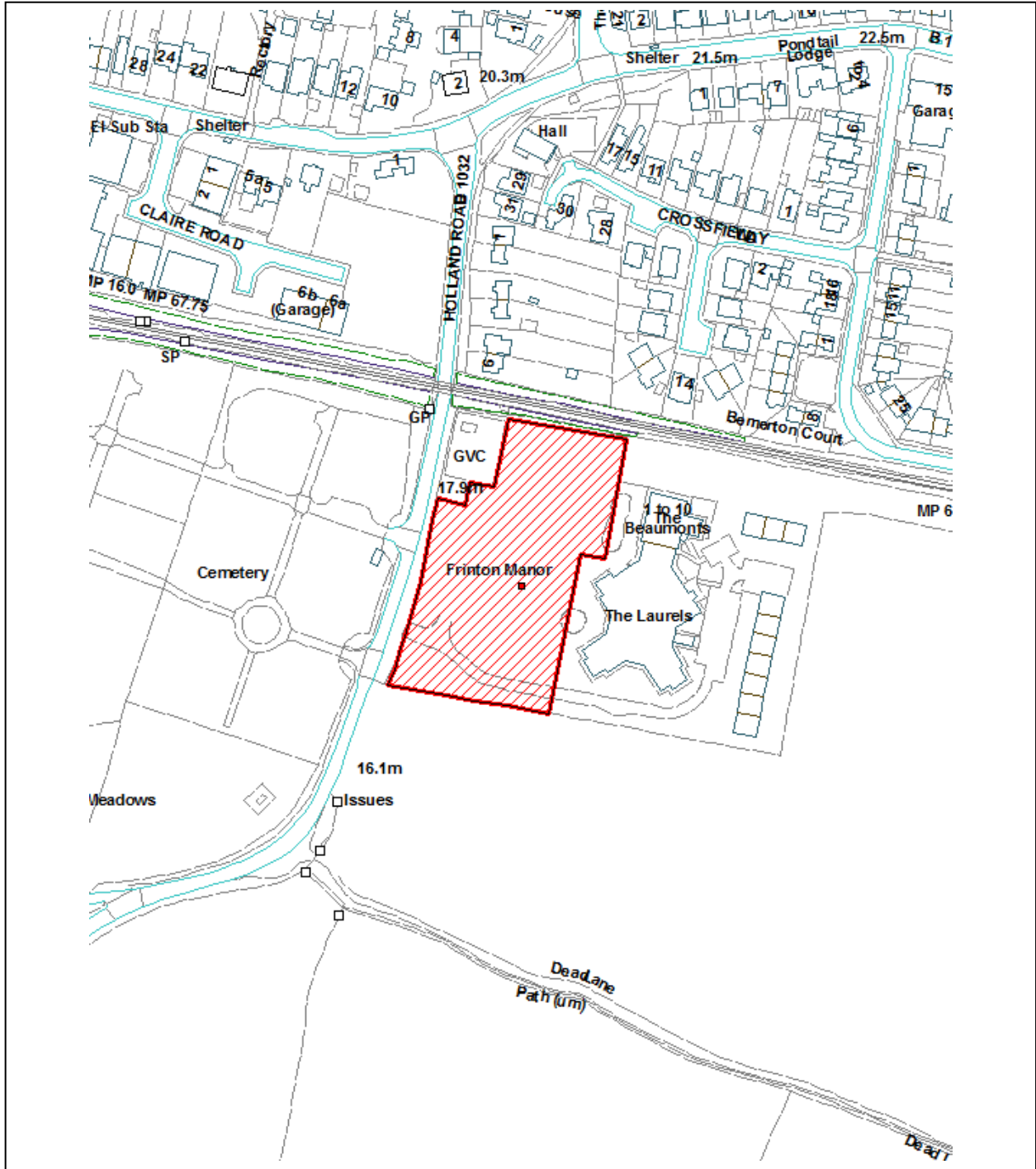


PLANNING COMMITTEE

11th December 2018

REPORT OF THE HEAD OF PLANNING

A.1 **PLANNING APPLICATIONS – 17/01988/FUL - LAND TO THE EAST OF KIRBY ROAD, GREAT HOLLAND, CO13 0HL.**



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Application:	17/01988/FUL	Town / Parish: Frinton & Walton
Applicant:	Beaumont Retirement Living	
Address:	Land to the East of Kirby Road Great Holland CO13 0HL	
Development:	Construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.	

1. Executive Summary

- 1.1 This is an application for Full Planning permission for the construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.
- 1.2 **The application was deferred by Planning Committee on 16th October 2018 in order for more information to be obtained on the following:**
- **Street Scene**
 - **Site Layout (including but not limited to the west boundary treatment)**
 - **Waste Bins**
 - **Car Parking**
 - **Drainage Details**

Updates to the original report are shown in bold.

- 1.3 The site lies outside of the settlement development boundary for Frinton, Walton and Kirby Cross within the adopted Local Plan, but in the emerging Local Plan it is specifically included within the defined settlement boundary of this Smaller Urban Settlement. The emerging plan has now reached a relatively advanced stage of the plan-making process, and the Council relies on this to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land.
- 1.4 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 1.5 Officers are content that subject to the imposition of reasonable planning conditions and S106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the urban settlement and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.
- 1.6 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

Recommendation: That the Head of Planning is authorised to grant outline planning permission for the development subject to:-

a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:

1. Affordable Housing – On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);

2. Public amenity areas - To be transferred to a Management Company and laid out before transfer;

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 implementation.

2. Development to be carried out in accordance with the approved plans.

3. The development to be occupied by over 55's only.

4. Samples/details of external finishing and surface materials to be submitted.

5. Details of Boundary treatments to be installed to be submitted.

6. Access drive to be constructed as a shared use route measuring no less than 6 metres in width.

7. Provision of a 500mm wide overhang strip adjacent to the carriageway.

8. No unbound material to be used within 6m of the highway;

9. No discharge of surface water onto the highway;

10. Parking and turning facilities to be provided prior to occupation of dwellings: spaces and garages to meet ECC standards;

11. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.

12. Construction Method Statement to be submitted and be adhered to throughout the construction period, to provide for:

i. Safe access to/from the site

ii. The parking of vehicles of site operatives and visitors

iii. Loading and unloading of plant and materials

iv. Storage of plant and materials used in constructing the development

v. Wheel and underbody washing facilities

vi. The erection and maintenance of security hoarding

vii. Measures to control the emission of dust and dirt during construction

viii. A scheme for recycling/disposing of waste resulting from construction

ix. Delivery and construction working hours

x. Site lighting

xi. Scheme to minimise the risk of offsite flooding caused by surface water run-off

and groundwater during construction works and prevent pollution.

13. Submission and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context prior to the commencement of the development.

14. Submission and implementation of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies prior to the commencement of the development of each phase.

15. Submission and implementation of a foul water strategy prior to commencement of development.

16. Submission of contaminated land/remediation survey and report.

17. No piling to be undertaken without prior written agreement.

18. Submission of noise and odour mitigation (if necessary) in respect of the sewage pumping station.

19. External lighting scheme, to minimise light pollution and impact upon bats.

20. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.

21. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.

22. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details to be carried out during the first planting and seeding season (October - March inclusive).

23. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species, to include ecological enhancement measures as set out in section 10 of the Preliminary Ecological Appraisal.

24. Vegetation clearance to take place outside of the bird nesting period (i.e. outside of March to August inclusive), or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.

2. Planning Policy

National Policy

National Planning Policy Framework 2018 (NPPF)

- 2.1 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 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.

- 2.3 The NPPF sets out the Government’s planning policies and how these are expected to be applied at the local level.
- 2.4 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.
- 2.5 Section 5 of the NPPF relates to delivering a sufficient supply of homes. It requires Councils to boost significantly the supply of housing informed by a local housing need assessment. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements including a 5%, 10% or 20% buffer: to ensure choice and competition in the market for land; where the LPA wishes to demonstrate a five year supply of deliverable sites through an annual position statement to account for any fluctuations in the market during that year; or where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply respectively. (NPPF para. 73). 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.
- 2.6 Paragraph 38 of the NPPF states “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

National Planning Practice Guidance (PPG)

- 2.7 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.
- 2.8 The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan, despite some of its policies being out of date. Paragraph 213 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 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.

- 2.9 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.10 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.
- 2.11 In relation to housing supply, the NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.12 At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

Tendring District Local Plan (2007) – as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards urban areas and seeks to concentrate development within settlement development boundaries.

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.

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 has 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.

COM1: Access for All: Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

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: For residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a

financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

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.

EN2: Local Green Gaps: Such areas as defined on the Proposals Map, will be kept open, and essentially free of development, in order to prevent the coalescence of settlements, and to protect their rural settings.

EN2: Coastal Protection Belt: New development which does not have a compelling functional need to be located in the Coastal Protection Belt, as defined on the Proposals Map, will not be permitted.

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.

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

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 developments affecting an existing public right of way to 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.

TR8: 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 Publication Draft (June 2017)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

SP3: Meeting Housing Needs: The local planning authorities will identify sufficient deliverable sites or broad locations for their respective plan period, against their requirements.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Frinton, Walton and Kirby Cross (which the site is adjacent to) as a Smaller Urban Settlement.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Frinton, Walton and Kirby Cross extends to include the application site.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP3: Green Infrastructure: Will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033.

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: 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 Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also 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 Geodiversity: Requires existing biodiversity and geodiversity 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: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

3. Relevant Planning History

- 3.1 No planning history available on the application site itself, but it forms part of a larger former gasworks, the eastern half of which has been developed and the most recent relevant planning permission is:
- 3.2 11/01473/FUL - Erection of 74 bed high dependency dementia unit and 20 close care dwelling units with associated car parking, amenity space, landscaping and supporting infrastructure. Permitted 13 April 2012.

4. Consultations

Building Control and Access Officer	Agent will need to demonstrate suitable access for a fire fighting appliance.
Environmental Protection	No objections raised to the proposal subject to the imposition of conditions covering a construction method statement/management plan to protect the local environment in respect of noise/dust/light, including restrictions on working hours for the site of 0800-1800 Mon-Fri, 0800-1300 Sat, with no working at all on site Sundays or Bank Holidays; a full contaminated land condition due to the proximity of the development to a historic gas works.
Open Spaces and Play	There is currently a deficit of 14.12Ha of equipped play in Frinton, Walton & Kirby and Great Holland, although there is more than adequate formal open space across the area. The nearest play area is in Great Holland, located along Main Road. This play area is classified as a Local Area for Play and provides very limited facilities. Any additional development in the area would increase demand on this facility and a contribution towards upgrading this site would be required.
Principal Tree and Landscape Officer	<p>The main body of the application site does not contain any trees or other significant vegetation. The site benefits from a degree of screening on the boundary with the adjacent highway.</p> <p>With regard to the impact of the development proposal on the character and appearance of the countryside it appears that the development would be relatively well associated with the existing building to the east. However, taking into account the position and extent of the proposed development, especially compared to the existing care home that is set back from the highway - it is likely to be significantly more prominent in its setting.</p> <p>Taking into account the juxtaposition of the development with the open countryside it is considered that a key element of achieving a satisfactory layout will be to secure a top quality and comprehensive soft landscaping scheme to partially screen it from view and to assimilate it into its setting. The current layout appears to provide little opportunity for new planting to achieve this objective other than perhaps the strengthening of the existing vegetation on the boundary with the B1032.</p> <p>In order to secure an adequate amount of new soft landscaping the proposed layout should be amended to remove plots 1 to 5 from the scheme. These areas should be planted with trees and an understory</p>

of plant species that will both screen and enhance of the development.

If details of soft landscaping on the western and southern boundaries were to be secured by way of an amendment to the development layout then it should be possible to minimise the impact of the intrusion into the local landscape and to mitigate the resultant visual harm that could be caused to the character and appearance of the local landscape.

Waste Management

No comments to make.

Anglian Water

The development site is within 15 metres of a sewage pumping station. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

The foul drainage from this development is in the catchment of Walton on the Naze Water Recycling Centre that will have available capacity for these flows. However, the development could lead to an unacceptable risk of flooding downstream; and Foul Water may need pumping, consequently they would wish to see a drainage strategy. This strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures and they request a condition requiring the drainage strategy covering the issue to be agreed.

Environment Agency

Do not have any comments to make on this application.

ECC Economic Growth
and Development
(Education)

Advise that they do not request contributions from this development proposal for the over 55's.

ECC Flood and Water
Management

Maintain a holding objection to the scheme, based on inadequate information in respect of the fact that the applicant has relied on British Geological Society (BGS) mapping and infiltration testing hasn't been carried out. They also state that the submitted drainage strategy does not comply with ECC's Outline Drainage Checklist.

ECC Highways

They have assessed the highway and transportation impact of the proposal and do not wish to raise an objection to the application subject to the imposition of conditions covering the following: Parking and turning facilities to be provided prior to occupation of dwellings; No unbound material to be used within 6m of the highway; Access drive to be constructed as a shared use route measuring no less than 6 metres in width; No discharge of surface water onto the highway; Provision of wheel cleaning facility during the construction process; and Provision of a 500mm wide overhang strip adjacent to the carriageway.

NHS England	They confirm that they do not intend to seek Section 106 mitigation against this planning application.
Natural England	Do not have any comments to make on this application.

5. Representations

- 5.1 Frinton and Walton Town Council object to the proposal on the grounds that it gives rise to an overdevelopment of the site; **difficult and poor access onto a narrow busy road and further pressure on poor infrastructure.**
- 5.2 Great Holland Residents Association (GHRA) oppose the proposal for a number of reasons. In their view the appeal decision to grant permission for the Beaumont Manor development was a mistake, as it was against the judgement of TDC and led to an incursion into the green gap which TDC had undertaken to preserve. They highlight that the current situation involves the proposed settlement boundary of Kirby Cross, (in the emerging Local Plan), crossing the obvious, and in their view sensible boundary of the railway line to take in that piece of Great Holland Parish.
- 5.3 Consequently, GHRA see no reason why this situation, should be compounded and do not regard the construction of Beaumont Manor as any justification for further development and incursion. They opine that the subject site should be preserved as screening to the existing complex and a green buffer between it and the B1032, rather than be included as a further extension of the settlement boundary. They also highlight that the Planning Statement states: *“The existing planning permission on the site is for the development of a care home and close care units.....”* but that permission was not for the subject site, but the adjoining area; and comment that the original appeal decision was swiftly exploited by the developer to increase the density of the Beaumont development from 58/15 to 78/20 and now there is an attempt to add another 41 residential units on this adjoining site.
- 5.4 GHRA highlight that the applicant claims that this proposed development was included in the Council’s 5.1 years housing supply calculations, which would imply that the application is a formality and approval a foregone conclusion. They state that details of the pre-application consultation, if correctly reported in the application documents, indicate an encouraging attitude by officers. With the latest changes in demographic statistics and the resulting lower housing supply requirements they see reasonable justification for refusing this proposal. They state that the access is onto the busy B1032 close to the railway bridge, where larger vehicles are forced into the centre of the road. There is no lay by for buses stopping and this disrupts free traffic flow. The junctions of the B1033 with the B1032 and Halstead Road are already known to be among the worst for congestion in the District and will be even worse if the approved developments’ in Halstead and Frinton Roads go ahead. Proposed limited reconfiguration of these junctions is not expected to result in significant benefit. This proposal will add to the problem, as well as providing more pressure on community services and infrastructure, including healthcare.
- 5.3 One letter of objection has been received by the Council from a local resident, raising the following concerns:
- This site is already unsustainable for its' current use, and the application for a further 41 dwellings follows several increases since the first application was refused/appealed/approved and further increased in size.
 - Additional 41 dwellings on land fronting Kirby road is even more dangerous than previous applications by reason of having access to a very busy road linking the Frinton & Walton area to Clacton, where the shopping experience is arguably superior than what is available locally.

- Access to the site is also within 100 metres to the south of a very narrow bridge, where pedestrian footway is totally inadequate and dangerous to those on foot or with wheelchairs.
- The development is likely to increase traffic flows very significantly with able-bodied residents using their own means of transport (cars) to leave the site and travel in either direction.
- Under NPPF guidelines, sustainability is unproven, and Tendring District Council now has a housing land supply in excess of 5 years assessed as local housing need within the developing Local Plan.
- The intensification of development on the site will leave insufficient amenity green space on-site, and question what has happened to a water retention pond that was previously under construction between the main building and the site frontage.
- As is well known, the local growth of care and nursing homes have put increasing pressure on GP health services, such that local patients have now been 'sold on' to a Thorpe le Soken surgery which is also under pressure in an extremely busy village centre.

6. **Assessment**

Site Context

- 6.1 The application site comprises 0.9 hectares of previously developed and relatively flat land that historically was a gas works engaging a use within Class B2 of the T&CP (Use Classes) Order. It is situated to the eastern side of Kirby Road (B1032), the boundary for which is predominantly demarcated by an indigenous hedge in poor condition, and which expires just north of the access into the site. This access leads into an internal estate road which also serves Beaumont Manor Care Home, and which is located to the east of the site. Beyond the north western corner of the site is a sewage pumping station, located to the south of the Holland Road/Kirby Road railway bridge.
- 6.2 To the south of the site is a soft landscaped belt, including field hedging which separates the site from the open countryside which runs down to the village of Great Holland and the coast. The northern boundary of the site is formed by the railway line which connects Frinton, Kirby Cross and Walton to Colchester and beyond with scrub and an earth mound intervening.
- 6.3 On the opposite side of the railway line is the built-up area of Kirby Cross, with the residential street of Crossfield Way and houses fronting Holland Road being the closest dwellings. The Kirby Cross Cemetery is located on the western side of Kirby Road.
- 6.4 Kirby Cross which the site is adjacent to benefits from a range of existing local services which include primary school, pub, medical centre, convenience shop and post office amongst others. In recognition of these services and others, including within Frinton and Walton, these settlements are identified as a Smaller Urban Settlement within the draft Local Plan.
- 6.5 The application site is also served by several bus services that link to nearby settlements with the village also having a railway station.

Proposal

- 6.6 Full planning permission is sought for the construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.

- 6.7 The application is supported by a wide suite of technical drawings and documents, these include:
- Site Location Plan;
 - Site Block Plan;
 - Proposed Site Plan;
 - Bin & Cycle Store Plan;
 - Amenity Areas Plan;
 - Refuse Collection Route Plan;
 - Materials Plan;
 - Heights Plan;
 - Parking Plan;
 - Boundary Treatments Plan;
 - Boundary Treatments Details;
 - Floor Plans and Elevations for all house types and apartments;
 - Street Scenes;
 - Landscape Design Report and Plan
 - Preliminary Ecological Appraisal;
 - Design and Access Statement;
 - Planning Statement;
 - Arboricultural Impact Assessment;
 - Energy Statement;
 - Sustainability Statement;
 - Surface Water Drainage Strategy;
 - Transport Statement; and
 - Financial Viability Assessment;
- 6.8 The application proposes one main vehicular access point into the site off the existing Beaumont Manor access road which would lead into the individual and communal parking spaces serving the proposed dwellings, and would include a type 2 turning head within the development which would enable refuse and other service vehicles to enter and leave the site in a forward gear.
- 6.9 The proposed dwelling mix is 14no two bed houses; 8no one bed apartments and 19no two bed apartments, with the latter formed within a two and a half storey block located at the rear of the site and parallel to the railway line, with communal amenity space intervening.
- 6.10 The proposed dwellings have been designed in accordance with National Technical Standards, with private gardens exceeding the minimum requirements of the Essex Design Guide. The houses are proposed to be arranged in three parcels within the site: To the south of the existing Kirby Road access (plots 1 & 2); Fronting Kirby Road (plots 3-5) which have been rotated 180° at the request of Officers; **following the decision of the Committee to defer the application Plots 3-5 have been amended so that they now face onto the proposed access road and are located further from the western boundary with Holland Road.** A continuous frontage layout is proposed within the heart of the site. **Furthermore, a proposed bus stop is now shown within the site along Holland Road.**
- 6.11 The scheme identifies 6no broad house types, all two bed and semi-detached or terraced in addition to 7no apartment types including one and two bed options. The houses are a mix of one and two storeys, which would accommodate the varying needs of older residents.
- 6.12 A mixture of parking is proposed, all houses would have on-plot parking, with the majority through car ports, the apartments would have a parking court to the rear. There would be 50no car parking spaces for residents in total, with **6no** additional visitor spaces (**4no.**

additional spaces have been added in response to Members concerns). Each flat would have one space, with the houses having either one or two spaces each. A cycle store is also proposed to serve the apartment block.

- 6.13 The design of the housing would follow the design cues from the applicant's development to the east and would pay some regard to the Essex vernacular. The submission also provides details of the external finishing materials that would be employed within the scheme.
- 6.14 The main planning considerations are:
- Principle of Development;
 - Highways, Transport and Access;
 - Design and Layout;
 - Landscape & Visual Impact;
 - Ecology and Nature Conservation;
 - Flood Risk & Drainage;
 - Living Conditions; and
 - Planning Obligations.

Principle of Development

- 6.15 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 significant material consideration in this regard.
- 6.16 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 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 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.
- 6.17 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raised concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 6.18 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 6.19 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit adjacent to) the 'settlement development boundary' for Kirby Cross, with it actually falling within the Parish of Great Holland. Nonetheless, taking into account the developed context of Beaumont Manor adjacent to the east, with the Kirby Cross cemetery

on the opposite side of Kirby Road, the site reads as part and parcel of Kirby Cross, as opposed to the village of Great Holland.

- 6.20 In the emerging Local Plan the site is included within the settlement development boundary for Frinton, Walton and Kirby Cross. In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached a relatively advanced stage of the plan-making process and Officers are of the view that the proposal is in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, the allocation of the site for development can carry a reasonable level of weight in the determination of this planning application.
- 6.21 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 73 of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining planning permission in the short-term, in order for them to start delivering new homes from the middle part of the plan period. Therefore, it is considered that the principle of development on this site is acceptable.

Highways, Transport & Access

- 6.22 Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 102 of the NPPF requires Councils, when making decisions should ensure:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.23 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 application site is within walking distance of a wide range of services and facilities, including the convenience store, the primary school and bus stops, as well as the railway station with services to and from Clacton, Colchester and beyond. For a semi-rural/edge of urban location, the site offers a good level of accessibility which is reflected in the categorisation of Frinton, Walton and Kirby Cross as a Smaller Urban Settlement.
- 6.24 Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.25 It is acknowledged that some local residents, **including the Town Council** have objected to the proposal with concerns about the development's impact on highway safety and the capacity of the local road network. However, Essex County Council, in its capacity as the Local Highway Authority, has considered the proposal and concluded that it would be acceptable from a highways perspective subject to a number of conditions, the subject of

which, as highlighted within the summary of their response are included at the head of this report.

- 6.26 The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The proposed development has been laid out in a manner that adheres to these standards **in terms of size and layout but exceeds the standards in respect of the number of spaces provided.**
- 6.27 The transport impacts of the development are not considered to be severe and, from this perspective, Officers are of the view that a refusal of planning permission on such grounds could not be substantiated at appeal. Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

Design and Layout

- 6.28 Paragraph 170 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 6.29 The proposed quantum of development, being for a total of 41 units gives rise to a density of 45.5 dwellings per hectare (dph), which is largely the result of the presence of the proposed apartments. However the area of amenity space proposed to be available to them is almost double that advocated by the Essex Design Guide (a minimum of 25sq.m.) and the private rear gardens of the houses would also meet or exceed the standards. Consequently, it is considered that bearing in mind the sustainable location that is accessible by a range of means of public transport, the proposal would not give rise to an over-development of the site. This is notwithstanding the Principal Tree and Landscape Officer's comments that plots 1-5 should be removed from the scheme (see below).
- 6.30 There is no clearly discernible building form or architectural theme along the B1032, although the immediate built context is formed by the existing Beaumont Manor complex. The design of the proposal takes some cues from the Essex Design Guide and Officers consider that the scheme would respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping and planting, street furniture and other features would also assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.31 In totality it is considered that the scale, layout, density, height and massing of buildings and overall elevation design would harmonise with the character and appearance of the surrounding area. **To demonstrate how the proposal relates to the surrounding area street scene elevations have been provided to showing the relationship with the adjacent care home and additional landscaping is now proposed between the two buildings.**

Landscape & Visual Impact

- 6.32 NPPF para. 170 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.33 As highlighted above, the main body of the land is previously developed (brownfield land) in nature and adds very little to the character and appearance of the area in its current guise. The Tree and Landscape Officer has highlighted that the main body of the site does not contain any trees or other significant vegetation and it benefits from a degree of screening on the boundary with the adjacent highway. Furthermore, he opines that with regard to the impact of the development proposal on the character and appearance of the countryside it appears that the development would be relatively well associated with the existing building to the east, although taking into account the position and extent of the proposed development it is likely to be more prominent in its setting.
- 6.34 Therefore, taking into account the juxtaposition of the development with the open countryside, the Tree and Landscape Officer considers that a key element of achieving a satisfactory layout would be to secure a comprehensive soft landscaping scheme to partially screen it from view and to assimilate it into its setting. He also recommended that plots 1-5 should be removed from the scheme, so as to provide an area which could be planted with trees and an understory of plant species that would both screen and enhance of the development. However, as highlighted above by Officers, it is considered that the proposal would not give rise to an over-development of the site; and it would be read as being within an area of transition, due south of the railway bridge, opposite the cemetery.
- 6.35 As a result of the changes requested by Officers to plots 3-5, the proposed dwellings on these would now front the highway. The existing roadside hedge which is in poor condition would be removed and new hedge planting installed in its place. The Tree and Landscape Officer has since confirmed to Officers that the loss of this hedge in itself couldn't be used to substantiate withholding the grant of planning permission. Furthermore, due to the short-medium range views that are likely to be afforded of the site from the southern open countryside, and the previously developed nature of the site, it is considered that the site has a medium-high capacity to absorb the proposed development, and which would not have a material impact upon the overall quality of the green gap or coastal protection belt.

To address concerns raised by Members the proposal has been amended (back to how it was originally proposed) with Plots 3-5 facing onto the proposed access road with back gardens adjacent to the western boundary of the site. This allows for a planting to be retained/provided along the boundary with Holland Road, this will reduce the impact of the development on the surrounding area.

- 6.36 Therefore, in conclusion on this matter, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to mitigation measures, namely additional tree and hedge planting across the site's road frontage and within the proposed public amenity areas, which could be secured through the imposition of appropriate conditions.

Ecology and Nature Conservation

- 6.37 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the

planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 6.38 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.39 A Preliminary Ecological Appraisal (PEA) was submitted with the application, which states that the site has potential to support nesting birds and any tree and hedgerow works should be undertaken outside of the bird breeding season (March-August), or a nest search should be undertaken by an ecologist immediately prior to works commencing.
- 6.40 In addition, in order to avoid and minimise impacts to possible commuting or foraging bats along the northern boundary, post development lighting should follow BCT Guidance (Bat Conservation Trust 2009). Sensitive lighting should include the use of hoods or directional lighting, installing light sensors that are sensitive to large moving objects only and having short timers on external lighting. This should make it possible for the proposed development to proceed with minimal risk of harm to, or impact to, potentially foraging and/or commuting bats.
- 6.41 The PEA also recommends that the site is enhanced post development for the benefit of local biodiversity via the inclusion of bird and bat boxes; and the data search returned multiple hedgehog and badger records, it is therefore recommended that permeable boundaries are used, such as hedges and not defining the boundaries with concrete and timber panel fences. If timber panelled fences and wire fences must be used then it advises that sections should be slightly elevated to allow mammals to pass under.
- 6.42 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the imposition of appropriate conditions.

Flood Risk & Drainage

- 6.43 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.44 The site is currently brownfield land and is located within Flood Zone 1; it is therefore at low risk from tidal/fluvial flooding. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.45 Anglian Water (AW) state that the foul drainage from this development is in the catchment of Walton on the Naze Water Recycling Centre that would have available capacity for these flows. However, the development could lead to an unacceptable risk of flooding downstream; and Foul Water may need pumping, consequently they would wish to see a

drainage strategy. This strategy would need to be prepared in consultation with them to determine mitigation measures and they request a condition requiring the drainage strategy covering the issue to be agreed.

- 6.46 AW also consider that dwellings located within 15 metres of the pumping station to the north west of the site would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station. They state that the site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, to ensure no development within 15 metres from the boundary of the sewage pumping station. However, this relates to a modest structure that is located within the north western corner of its curtilage, and generates very little noise or odour. The distance between it and the nearest proposed flat is some 17m, and therefore Officers consider that this would not be a reasonable reason to withhold planning permission. However, taking a precautionary approach it is advised that conditions be imposed to cover this issue.
- 6.47 With regard to surface water disposal AW state that from the details submitted to support the planning application, the proposed method of surface water management does not relate to their operated assets, and advise that the Local Planning Authority should seek the advice of the Lead Local Flood Authority (LLFA), which in this case is Essex County Council (ECC). The LLFA has issued a holding objection to the proposal, on the grounds of a lack of information, as highlighted above. Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner on either initial consultations or upon additional/revised material being submitted. The applicant has also expressed frustration in that they state that each time the SuDS strategy has been reviewed, and their consultant has addressed the previous concerns ECC (who themselves are now using consultants) come back with different requests.
- 6.48 ECC's consultant has now agreed that infiltration testing and groundwater monitoring are no longer required and has accepted that the reasons for not connecting to the watercourse are already sufficiently detailed within the drainage report, but still wants other additional information providing details that would often be required post grant of planning permission. It is considered that an appropriate condition can be imposed which requires full details of surface water drainage works, including future management, to be submitted to and approved in writing by the local planning authority prior to the commencement of development, which would fulfil the requirements of the LLFA.
- 6.49 From this basis it is considered that the proposal is acceptable in respect of drainage matters which can be designed in a manner that it would not give rise to flood risk emanating from surface or foul water. **No further drainage details have been submitted, however, it is considered (as set out above) that this issue can be dealt with by condition and therefore a reason for refusal on these grounds cannot be substantiated.**

Living Conditions

- 6.50 Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. With regard to privacy, the Essex Design Guide (EDG) states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housing, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even*

though with a closer encroachment 25 metres between the backs of houses would still be achieved”.

- 6.51 The distances between the new dwellings and the habitable windows on the facing elevations on Beaumont Manor are generally in accordance with the EDG standards and overall the proposals would ensure that the living conditions of existing residents would be protected from overlooking, a loss of outlook and daylight/sunlight.
- 6.52 Furthermore, the submission indicates how landscaping would be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that the detailed layout has been designed in a manner which achieves an appropriate relationship with the existing dwellings whilst being sympathetic to the character of the surrounding area and the wider landscape. All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Members raised concern regarding the disposal of waste and bin storage, in particular in relation to the proposed apartments. The plans show that each individual dwelling will have bin storage in the rear garden which will then be collected from the front of the property. The apartments are provided with a communal bin store adjacent to the apartment building where residents rubbish would be stored; this would then be emptied at regular intervals. The agents have confirmed that this is a usual set up and works on other schemes they have dealt with. If there are any issues, a warden would be available to assist.

Planning Obligations

- 6.53 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.54 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 56 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.55 Section 8 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.56 As the proposal is for the erection of dwellings/flats to be occupied by the over 55's it is considered that it would not be reasonable to request planning obligations in respect of education or play equipment (although it is acknowledged that future occupants may occasionally provide care for grandchildren). In addition NHS England have stated that they are not seeking a financial contribution in respect of this proposed development.

Affordable Housing

- 6.57 Para. 62 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a

financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

- 6.58 Adopted Policy HG4 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, whereas draft Policy LP5 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 Housing or Council Housing, subject to viability testing.
- 6.59 With the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting.

Public Open Space/Amenity Areas

- 6.60 NPPF paras. 91 and 92, amongst other things, state that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Policy COM6 of the adopted Local Plan and Policy HP5 of the draft Local Plan require residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, whereas for residential development below 1.5 hectares (such as the application site), where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.
- 6.61 The site area is 0.9 Ha, and therefore on-site public open space does not have to be provided, although it is proposed to provide approximately 7% of the scheme as green public amenity areas. It is considered that this would be an effective way of mitigating the needs of the future occupants of the development, provided that the amenity areas were maintained by a private management company, so as to not bear costs upon the public purse.
- 6.62 As highlighted by Open Space & Play, there is currently a deficit of 14.12Ha of equipped play in Frinton, Walton & Kirby and Great Holland. The nearest play area is in Great Holland, located along Main Road and provides very limited facilities. However, whilst Officers acknowledge that any additional development in the area could increase demand on this facility, as the application is proposed as effectively a retirement village for the over 55's, the likelihood of young children residing at the site is likely to be considerably less than for an unfettered residential scheme. Consequently, it is considered that the requirement of a contribution towards upgrading this site would not be necessary or reasonable.
- 6.63 Notwithstanding this, the obligations sought are summarised here and overall, it is considered that they satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonably related to the development in scale and kind, namely:
1. Affordable Housing – On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
 2. Public Amenity Areas - To be transferred to a Management Company and laid out before transfer;

Planning Balance/Conclusion

- 6.64 This is an application for Full Planning permission for the construction of 41 dwellings for use by residents over 55 years, including a mix of 1 and 2 bed apartments and 2 bed dwellinghouses, with associated car parking and landscaping.
- 6.65 NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para. 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.66 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site constitutes previously developed land, and bearing in mind its inclusion within the Draft Local Plan, and the presence of the adjacent care home, the principle of residential development on this site is acceptable.
- 6.67 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 6.68 In addition, Officers are content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of Kirby Cross, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing, including affordable housing within the District.

Background Papers

None