

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**24 SEPTEMBER 2019**

**AGENDA ITEM A.1**

**19/00978/OUT – Land East of New Road, Mistley, CO11 2AG**

**Variation of condition 4 of application 17/00004/OUT (approved at appeal APP/P1560/W/17/3176089) to amend the approved layout.**

**Correspondence from applicant's agent addressing objections received. The correspondence states the following;**

- 1). We do not think it is appropriate to assess the area of open space on a purely numerical basis. It has been accepted by the local authority that the existing layout is not technically compliant or deliverable in terms of various aspects on the road infrastructure. In order to rectify these technical points it has to be accepted that there will be an element of erosion in the overall open space in order to accommodate turning heads and adequate highways space elsewhere on the site.
- 2). Objections contain quotes from the Inspector about the mitigation that would be achieved. It would still be achieved with the revised scheme. The existing hedges would be retained and supplemented, and new planting would be undertaken throughout the open space. The character of Green Lane would be reinforced by the new tree planting.
- 3). The buffer is an important element of the scheme, to look at it in purely numerical terms would be disingenuous. The buffer is there to serve the purpose of mitigating the impact of the properties against the views south of the site. We say that the desired mitigation can still be achieved with a reduced buffer.
- 4). The appeal site is not designated as a Significant Open Space and there are no Significant Views identified across the appeal site in the adopted Conservation Area Appraisal and Conservation Area Management Plan. The site does not make a significant contribution to the character, appearance or significance of the Conservation Area. This point is addressed in the appeal decision. Therefore it is clearly not supportable that small alterations to a proposed layout could have a negative impact on the wider Conservation Area.
- 5). The alteration in the type of dwellings will also not have any impact on the Conservation Area, which has a very large range of differing types of dwellings. In the immediate area the houses range from very large detached residences on New Road to semi-detached and terraced houses along The Park. The proposed alterations to the layout will not harm the character, appearance or significance of the Conservation Area.
- 6). With regards to tree T24, the road intrusion is only 3.5 metres at the most and the crown clearance objection will be mitigated by the recommended pruning works, as per the tree schedule at Appendix 2. The works will not significantly impact upon the health & vitality of the tree, given the limited degree of intrusion (<3.5m out of an RPA radius of 11.8m), and that the crown will not be damaged, since the pruning will reduce its northerly spread back to the proposed kerb line. The consultation response from the Tree and Landscape Officer states: The development proposal does not threaten the viability of the best trees on the land.

7). The inclusion of apartments cannot be said to be out of character with the Conservation Area. The typology of accommodation is not what defines the character of the conservation area. There are many examples of apartments within the Conservation Area. It is the design, height, scale and materials which will determine the character, not the type or tenure of the dwelling. These are matters for the reserved matters application, not the outline application.

8). It is correct to say that some of the houses are below the policy guidance for garden sizes, however the figures quoted within the letter are incorrect. In the drawing attached to the letter 20 dwellings are highlighted and not 21. Out of the 55 proposed houses, 35 are above the policy area. Of the remaining 20 dwellings 9 are above the 95% threshold, 7 are between the 90 - 95% threshold and only 4 are below the 90% threshold. In any event, the scheme as approved at appeal had many more plots that fell below this standard. The proposed scheme provides a higher number of compliant garden sizes compared to the approved scheme.

9). One of the characteristics of the Conservation Area is the significant variety in the design and types of houses. The distances between these houses is also very varied. Again for a very local example see the distances between the houses on The Park. The proposed siting and distances between the houses is entirely in keeping with the character of the Conservation Area. Two of the three perimeter blocks do fall below the 25m back to back distances and some side to back plots to also fall below the 15m. This has happened due to use pulling the flat blocks further away from the footpath. Again the approved layout also has instances where it does not comply with the recommended back to back and back to side distances.

10). The parking on the semi-detached houses mentioned are car ports and there is space to park two cars to the side of these units. There have been no objections to parking from ECC Highways.

11). A restriction to cycling on Green Lane could easily be dealt with by a condition requiring signage in places linking the site to the footpath.

12). In respect of the siting of the sub-station, the document titled 'Pre-design Requirements for Secondary Substations' (EDS 07-3101) states that they should be;

- Positioned a minimum of 10 metres from residential properties, where possible, to mitigate potential noise nuisance.
- Positioned a minimum of 4 metres away from the nearest building to mitigate the fire risk or introduction of fire mitigation measures to allow the reduction of this distance.
- In terms of Electric Magnetic Fields, guidance states that small electricity distribution substations, typically one for every few hundred homes, generally produce up to 2 microteslas close to their perimeter fence or wall, and often no electric field at all. The fields fall rapidly with distance, and within 1 to 2 metres from a typical substation, the fields associated with it are usually indistinguishable from other fields present in homes.

Given that the proposed substation will be constructed of brick we are therefore confident that there is no risk from fire or noise and the proposals are in line with accepted guidance.

13). The future surface water drainage scheme is secured via condition, which is retained from the appeal decision.

**Additional comment from Mistley Parish Council as follows;**

- The Parish Council fully supports the letters of objections and representations received.

**One additional representation from local resident objecting to the development for the following reasons;**

- Revised plan provides for a much more intrusive and much less sympathetic housing development on the footpath side of the site and a much less open aspect and less noticeable buffer between the site and Green Lane.
- The applicant says the revised layout is required in order to "improve" (whatever that means) emergency vehicle access to the development but that cannot explain the radically different housing mix and layout now proposed.
- The developers agreed to the approved plan condition knowing full well what they were committing to. The fact that Cala Homes now find problems with satisfying the approved plan condition because they want to adopt a radically different layout for the development is no reason for allowing this very major revision to the planning condition.
- The most logical urban form was recognised by the Planning Inspector in the approved plan which avoided houses that are more intrusive in their setting on Green Lane and two blocks of flats that are totally out of keeping with any housing in the area.
- The terrace-type housing in the approved plan has been replaced with blocks of flats simply to squeeze the social housing into buildings that can be tucked away in a corner of the site to allow much more expensive detached housing to be built.

**AGENDA ITEM A.2**

**19/00539/DETAIL – Land to the south of Long Road and to west of Clacton Road Mistley CO11 2HN**

**Reserved matters application pursuant to outline planning permission 17/01537/OUT for the creation of phase 2 – 204 dwellings and four commercial buildings, plus associated roads, driveways, parking, footpaths, landscaping and ancillary works**

Following discussions with the applicant's it is recommended that the following planning conditions are amended as follows (changes/additions in bold):

Condition 1

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

Location Plan – CC011-PL-01 Rev A  
Development Layout – CC011-PL-05 Rev C  
Detailed Layout – CC011-PL-03 Rev C  
Parking Layout – CC011-PL-04 Rev C  
Storey Heights – CC011-PL-08 Rev C  
Landscape Masterplan – CC011-PL-07 Rev C  
Walking Route Mitigation Plan – CC011-PL-09 Rev A  
Emergency Drive-over Strip Detail – CC011-PL-10  
House Type HT3Bd – 212  
House Type HT2B – 203 Rev A  
House Type HT3Ba – 205 Rev A  
House Type HT3Bc – 206 Rev A  
House Type HT4Ba – 208 Rev A  
House Type HT4Bb – 209 Rev A  
House Type HT4Bc – 210 Rev A  
House Type HT4Bd – 211 Rev A  
**House Type HT4Be – 213 Rev 00**  
Garages Floor Plans & Elevations – CC011-GR  
**Garages SG1 and SG2 – CC011-GR-01**  
**Garage SG3 – CC011-GR-02**  
**Garage DG1 – CC011-GR-03**  
**Street Elevations – CC011-ST-01 Rev B**

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

Comment: Additional Plans added for completeness.

#### Condition 6

A landscape implementation and management plan **for all public areas of the site**, including planting schedules and long term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas **within public areas of the site**, shall be submitted to and approved, in writing, by the Local Planning Authority prior to the first occupation of the development. The landscape implementation and management plan shall be carried out as approved in accordance with the details and timescales in the plan.

Reason – To ensure the timely implementation, management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

Comment: Soft and Hard Landscaping details across the site - including private garden areas – will be addressed by condition 5 within the recommendation. Landscape Management is more specific to the public open spaces, green landscape corridors and incidental areas of the site which will be placed with a management company.

#### Condition 8

**Prior to the first occupation of the dwellings** details of cycle storage required to serve each dwelling shall be submitted to and approved in writing by the Local Planning Authority. All cycle storage so approved shall be provided prior to first occupation of the dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality and sustainability, so that cycling is encouraged as a sustainable means of transport.

Comment: It is considered reasonable that this condition can be appropriately controlled prior to occupation rather than prior to commencement of development.

Additional Comments: The applicant has also requested changes to condition 4 (estate road layout) and condition 10 (controls on use for commercial buildings) of the recommendation.

It is considered that both these conditions should remain as drafted for following reasons:

#### Condition 4

The same condition was imposed on the Phase 1 Reserved Matters approval (ref. 17/00535/DETAIL) and for consistency seems appropriate to impose on Phase 2. The condition was requested by County Highways and any amendments would require their agreement. The applicant can seek a variation of condition application, if required, which will be subject to consultation and agreement with County Highways.

#### Condition 10

The applicant has requested that this condition be varied to allow for A2 (Financial and Professional Services i.e. those including public access), A3 (Restaurants and Cafes), and D1 (non-residential institutions i.e. clinics, health care, day nurseries, schools, places of worship) uses and not just B1 offices.

In this case it is considered reasonable to control the use of the buildings to B1 offices given the close relationship with proposed neighbouring residential development - which includes shared vehicular access – and the need for any impacts on residential amenities to be fully considered, such as noise, smells and parking arrangements.

### **AGENDA ITEM A.3**

#### **19/00283/FUL – Land east of Halstead Road, Kirby Cross, Frinton-on-Sea CO13 0LR**

##### **Development of 13 dwellings with Associated Landscaping and Infrastructure**

Application was deferred prior to planning committee for the following reasons:

- We have just received amended plans regarding highway/parking layout which need to be subject of further consultation with County Highways to confirm that their concerns have been fully addressed; and
- Further supporting evidence for the application is being sought from the applicant's (Linden Homes) with respect to their being no interest in the provision of a community hub with either a 40 bedroom care home or a medical facility on the site.

### **AGENDA ITEM A.5**

#### **19/00909/FUL – Mulberry Harwich Road, Beaumont, Clacton On Sea, CO16 0AU**

##### **Proposed replacement of three poultry units with 1 x three bed dwelling (in lieu of prior approval 19/00358/COUNOT).**

Paragraph 1.3 should read as follows, In March 2019 instead of In September 2017

Paragraph 6.4 should read as follows, In March 2019 instead of In September 2017