

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NW	01/02/2021
Planning Development Manager authorisation:	TF	01/02/2021
Admin checks / despatch completed	CC	01.02.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	DB	01.02.2021

Application: 20/01484/OUT Town / Parish: Mistley Parish Council

Applicant: Tendring Farms Ltd

Address: Land South of Long Road Mistley

Development: Construction of medical centre and car parking.

1. Town / Parish Council

Mistley Parish Council
04.12.2020

At its Planning Committee Meeting on the 3rd December 2020, refusal was recommended on the grounds of the Green Wedge zone relating to the open area around and between this part of the settlement and the distinction between the countryside and the built up area where this merging should not be permitted, the lack of transport infrastructure, the fact that this application was refused at appeal and there are no significant changes to the scheme which would merit any improvements based on the Planning Inspectorate's decision, the site is inappropriate and would affect the vitality and viability of neighbouring Manningtree and the current medical centre in relation to the business community should the current medical centre not be used.

MANNINGTREE TOWN
COUNCIL
11.12.2020

Object to this planning application for the following reasons:

1. The construction of the medical centre in this location will likely reduce visitor numbers to Manningtree. As such the Council is concerned for the town's future viability. Any new medical centre should be built closer to the town centre;
2. The route on which the proposed medical centre will be situated is not accessible via public transport and therefore the Council does not consider it to be an accessible location;
3. The construction of the medical centre in this location will see the loss of another green belt.

Bradfield Parish Council
09.12.2020

Object to this planning application for the following reasons:

1. The construction of this medical centre will see the loss of another green belt in the local area;
2. Placing the medical centre in the proposed location will likely dramatically reduce visitor numbers to Manningtree, including its pharmacy and the High Street. As such the Council is concerned for the town's future viability;
3. The route on which the proposed medical centre will be situated is not accessible via public transport and as such the Council does not consider this an accessible location;
4. The developer's proposal to construct a new and additional access road rather than using the existing entrance point.

2. Consultation Responses

Anglian Water Services
Ltd
02.12.2020

ASSETS

Section 1 - Assets Affected

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. There has been no Drainage Strategy submitted in support of this application. We therefore request a condition requiring an on-site drainage strategy. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified

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

Section 4 - Surface Water Disposal

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

There has been no surface water drainage strategy submitted in support of this application. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Section 5 - Suggested Planning Conditions

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

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding

Surface Water Disposal (Section 4)

CONDITION No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority. REASON To prevent environmental and amenity problems arising from flooding.

FOR THE ATTENTION OF THE APPLICANT - if Section 3 or Section 4 condition has been recommended above, please see below information:

Next steps

Desktop analysis has suggested that the proposed development will lead to an unacceptable risk of flooding downstream. We therefore highly recommend that you engage with Anglian Water at your earliest convenience to develop in consultation with us a feasible drainage strategy.

If you have not done so already, we recommend that you submit a Pre-planning enquiry with our Pre-Development team. This can be completed online at our website <http://www.anglianwater.co.uk/developers/pre-development.aspx>

Once submitted, we will work with you in developing a feasible mitigation solution.

If a foul or surface water condition is applied by the Local Planning Authority to the Decision Notice, we will require a copy of the following information prior to recommending discharging the condition:

Foul water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
 - Development size
 - Proposed discharge rate (Should you require a pumped connection, please note that our minimum pumped discharge rate is 3.8l/s)
 - Connecting manhole discharge location (No connections can be made into a public rising main)
 - Notification of intention to connect to the public sewer under S106 of the Water Industry Act (More information can be found on our website)
 - Feasible mitigation strategy in agreement with Anglian Water (if required)

Surface water:

- Feasible drainage strategy agreed with Anglian Water detailing the discharge solution, including:
 - Development hectare size
 - Proposed discharge rate (Our minimum discharge rate is 5l/s. The applicant can verify the site's existing 1 in 1 year greenfield run off rate on the following HR Wallingford website - <http://www.uksuds.com/drainagecalculation-tools/greenfield-runoff-rate-estimation> . For Brownfield sites being demolished, the site should be treated as Greenfield. Where this is not practical Anglian Water would assess the roof area of the former development site and subject to capacity, permit the 1 in 1 year calculated rate)
 - Connecting manhole discharge location
 - Sufficient evidence to prove that all surface water disposal routes have been explored as detailed in the surface water hierarchy, stipulated in Building Regulations Part H (Our Surface Water Policy can be found on our website)

ECC Highways Dept
29.01.2021

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and underbody washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM 1.

2. Prior to occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 4.5 metres by 90 metres to the east and 4.5 metres by 120 metres to the west. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

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

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

4. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

5. The vehicular access road shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following aspects:

- Carriageway measuring no less than 6m in width.
- 2x3m footways on both sides of the access road; and across the entire site frontage.
- Appropriate pedestrian crossing facilities where the new road joins the existing highway.
- Kerb radii measuring a minimum of 6m.
- On the east side, the footway to continue around the kerb radii and to tie into the proposed internal footway.
- Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.
- Any other reasonable items to ensure the access is in accordance with current policy standards.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

6. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

7. The proposed development shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays.

The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

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

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway

Authority's Development Management Policies; adopted as County Council Supplementary Guidance in February 2011.

Notes:

- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority.
- The proposed junction layout, and footway proposals will require an initial Stage 1 Road Safety Audit.
- The development should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

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

**SMO1 – Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT**

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.

TDC Building Control and Access Officer
20.11.2020

No adverse comments at this time.

NHS East Essex CCG
18.01.2020

Please be aware that the CCG is involved in strategic work regarding the surgeries in this application and work is continuing. As currently the CCG is continuing to work with the surgeries it would like to reserve the right to comment further once these negotiations have progressed. As things currently stand the CCG would just like it recorded that it is aware of the current application and this will be explored further in the future.

TDCWaste Management
13.11.2020

No comments

TDC Environmental Protection
17.11.2020

If it is to proceed to a Full application the EP would require the following:

Demolition & Construction

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

Prior to the commencement of any demolition and/or 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. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

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.

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 demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

3) 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.

4) 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)

Lighting

Any external lighting on the proposed development shall demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.theilp.org.uk).

TDC Regeneration

No Comments Received

TDC Trees and
Landscape
01.02.2021

No trees or other significant vegetation will be affected by the development proposal. If planning permission is likely to be granted then a condition should be attached to secure details of the soft landscaping shown on the plan showing the indicative site layout for the development.

TDC
Policy
23.01.2021

Local Plan Designation: The site is located on agricultural land outside the settlement boundary and within the proposed Strategic Green Gap (SGG) in the emerging Local Plan (ELP). As such the key issue is the effect on the boundary of the SGG.

Planning Policy

The Planning Portal defines Green Gaps as the open areas around and between parts of settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence (merging) of adjacent places and can also provide recreational opportunities.

The principle of Green Gaps or SGG's has been well established nationally as a designation to prevent the coalescence of settlements. Please see attached SGG Topic Paper (P9 – 14) for more information.

Tendring District Council Local Plan 2007

Policy EN2 Local Green Gaps states:

During the Plan period, land within Local Green Gaps, as defined on the Proposals Map, will be kept open, and essentially free of development. This is to prevent the coalescence of settlements, and to protect their rural settings. Minor development proposals may be permitted if they do no harm, individually or collectively, to the purposes of a Local Green Gap or to its open character. These may include the improvement of existing leisure and recreational facilities, and development for agricultural purposes. In Local Green Gaps, where resources and opportunities permit the Council will encourage the improvement of public rights of way.

Emerging Local Plan

The ELP states in Policy PPL 6 states:

Within Strategic Green Gaps, as shown on the Policies Maps and Local Maps, the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning permission may be granted where:

- a. the applicant can demonstrate that there is a functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land outside of the Strategic Green Gap;*
- b. the development would not compromise the open setting between settlements or neighbourhoods; and*
- c. the development would involve the creation of Green Infrastructure which would support the continuing function of the Strategic Green Gap.*

This Policy contributes towards achieving Objectives 7 and 8 of this Local Plan.

The proposed modification to the above policy states:

The Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any developments permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.

Essentially, the principle of resisting development in Green Gaps or SGG's is consistent in the 1998 Local Plan, 2007 Local Plan and the ELP and the proposed modification to the ELP policy.

Principle of the proposal

The main functions of the Lawford, Manningtree and Mistley SGG are to:

- Prevent the coalescence of Manningtree and Mistley;
- Safeguard locally important visual breaks, existing village character and settlement form of Mistley Manor;
- Ensure that there is no further ribbon development in these localities along B1352 so not to erode with piecemeal development the physical separation between settlements.

In originally granting outline planning permission (15/00761/OUT) for development at Long Road/Clacton Road, the Council took into account the position of the designated SGG in the ELP and the developer's planning application and parameters plan also took this into account by providing for open space along the northern edge of the site. The developer has since obtained planning permission (17/01181/OUT) on appeal to reduce the area of open space around the site and increase the housing numbers from 300 to 485 units but still retaining the open space along Long Road, to the north of the site.

LUC in their evaluation of the SGG (see attachment) and this site in particular stated (p43):

'that It will be important that this part of the SGG remains open, if a sense of physical and visual separation is to be retained between Lawford and Manningtree when travelling along Long Road. If development were to be introduced along the road frontage in this location, it would be perceived as ribbon development connecting the two settlements, and this would diminish the role the SGG plays in maintaining separation between the two settlements.'

And continued

There are opportunities for enhancement to the landscape and visual character and Green Infrastructure within the SGG and the increased development on land to the south of Long Road makes this enhancement more important.

This could include:

- *Conserve and enhance the ecological structure and landscape character of woodlands and stream-side habitats.*
- *Promote and improve public access and enjoyment of the area, connecting with existing PRow outside the SGG.*
- *Enhance vegetation cover to the south of Long Road to reduce any future visual influence of the consented development between Long Road and Clacton Road.*

The ELP is at an advanced stage and therefore the policies have significant weight. The principle of preventing coalescence between Manningtree and Mistley has been well established in successive Local Plan's. The proposal would erode the SGG and reduce the sense of openness and separation the policy is seeking to maintain. As such, the application should be refused.

3. Planning History

14/30366/PREA PP	Outline proposal for approximately 300 dwellings, public open space, commercial floor space (B1), highways works and local amenities.		10.12.2014
15/00761/OUT	Outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	18.07.2016
16/00818/OUT	Resubmission of outline application with all matters reserved, other than strategic access points onto the public highway, for the erection of up to 300 dwellings, up to 2 hectares of employment land (A2/A3/B1/D1 uses), with associated public open space and infrastructure.	Approved	
17/00534/OUT	Variation of condition 4 of 15/00761/OUT to change parameter plans.	Refused	10.08.2017
17/00535/DETAIL	Application for Phase 1 Reserved Matters for Access, Appearance, Landscaping, Layout and Scale for 96 Residential following Outline Planning Permission 15/00761/OUT (as subsequently amended by 17/01537/OUT).	Approved	16.08.2018
17/01181/OUT	Outline application with all matters reserved, other than strategic access points onto the	Refused	29.11.2018

	public highway, for the erection of up to 485 dwellings, up to 2 hectares of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.	Approved at Appeal APP/P150 6/W/19/32 20201	23.12.2019
17/01537/OUT	Variation of condition 4 of application 15/00761/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001, Illustrative Masterplan - Drawing No: PL17006/04 and Landscape Plan - Drawing No: 003'.	Approved	14.06.2018
18/01190/OUT	Variation of Conditions 1, 11, 12, 13, 14, 15, and 16 of 17/01537/OUT to allow work to commence prior to the submission of remaining reserved matters (reserved matters for 96 units already submitted).	Approved	19.09.2019
19/00336/OUT	Variation of condition 4 of application 17/01537/OUT to change the description of the condition to 'The reserved matters shall be in general conformity with the following indicative drawings: Building Heights Plan - Drawing No: 001A, Illustrative Masterplan - Drawing No: PL17006/04A and Landscape Plan - Drawing No: 003A'.	Refused	21.11.2019
19/00539/DETAIL	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.	Approved	07.01.2020
20/30058/PREAPP	Submission of the reserved matters, other than strategic access points onto the public highway, for the erection of up to 485 dwellings, up to 2 hectares	Withdrawn	26.10.2020

of employment land (A2/A3/B1/B2; B8; D1 uses), with associated public open space and infrastructure.

20/00782/OUT	Outline planning with all matters reserved except for access for up to 76 no. dwellings and associated roads, hardstanding, fencing, outbuildings and drainage.	Current	
20/01421/DISCON	Discharge of condition 8 (archaeology) of application 17/01181/OUT (approved on appeal APP/P1506/W/19/3220201).	Approved	07.12.2020
20/01484/OUT	Construction of medical centre and car parking.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance
National Design Guide 2019

- Tendring District Local Plan 2007 – ALP (Adopted Local Plan)

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
COM1	Access for All
COM2	Community Safety
COM4	New Community Facilities
COM6	Provision of Recreational Open Space for New Residential Development
COM8	Provision and Improvement of Outdoor Recreational Facilities
COM8A	Proposed New Recreational Open Space
COM21	Light Pollution
COM24	Health Care Provision
ER3	Protection of Employment Land
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use

TR7 Vehicle Parking at New Development
HP5 Open Space, Sports & Recreation Facilities

- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) – ELP (Emerging Local Plan)

SP1 Presumption in Favour of Sustainable Development
SP3 Meeting Housing Needs
SP5 Infrastructure & Connectivity
SP6 Place Shaping Principles
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP2 Community Facilities
HP3 Green Infrastructure
HP5 Open Space, Sports & Recreation Facilities
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL6 Strategic Green Gaps
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network

- Supplementary Planning Guidance

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Tendring District Council, Strategic Green Gaps Review, 2020 (LUC)

Independent Examination of Section 2 of the Tendring District Local Plan '2013-2033 and Beyond' Topic Paper: Strategic Green Gaps

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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. 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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three

'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The host site is found on the southern side of Long Road, immediately west of the residential bungalow, 10 Long Road. The land forms a wedge shape, some 80 metres in depth along the boundary of 10 Long Road (due south), extending westwards some 60 metres.

The southern and western boundary is shared with the wider City and Country development site which will deliver 485 new homes and up to 2ha of commercial space via planning approval, (Ref: 17/01181/OUT). As part of this previous outline approval, the indicative layout plan showed this area to form part of the open recreational public space. Currently, the wider area is undergoing a series of archaeological ground works linked to the outline approval.

East of the host site, is a row of detached residential dwelling bungalows, houses and chalets properties. Beyond these on the southern side of the road is Mistlely Manor Residential Care Home, a large two storey building with rooms in the roof space.

In terms of topography the land is broadly flat, there is no tree cover and views currently are relatively unfettered especially traveling westwards out of Lawford. There are no Listed Buildings nearby or Conservation Areas.

The adopted local plan classifies the land as open countryside, outside the settlement boundary. The emerging local Plan also sees the area outside the settlement boundary and within the Strategic Green Gap separating Mistlely with Lawford. This Green Gap area extends some 50 m south of Long Road and is more widely north of Long Road in this locality.

The settlement boundary in the ELP starts some 50 metres south of Long Road (beyond the Green Gap allocation), occupying the City and Country development boundary as established within outline 17/01181/OUT for up to 485 dwellings, including 2 hectares of Employment Land.

The land to the rear is not within Flood Zone 2 or 3.

Description of Proposal

Outline planning permission is sought for a new medical centre facility (Use Class E) comprising up to 1,100 square metres of gross internal area, on land to the south of Long Road in Mistley. The red line area measures 0.3 hectares.

In addition, a new access will be created from Long Road which will cater for staff and visitors. This is separate from the access already approved for the residential development to the south via 17/01181/OUT.

An indicative site plan for the proposed medical centre has been submitted as part of the application together with a site access drawing:

- Location Plan (CC-Y321-LP1250)
- Site Access Arrangement (VD20319-110-01)

This shows the position of the new medical centre sharing a similar front building line to the neighbouring residential dwellings to the east. The proposed rear building line extends some 33 metres beyond the rear building line of the immediate neighbouring properties.

Although layout is a reserve matter, from the indicative site arrangements it is clear that a substantially sized building in footprint terms is being proposed, irrespective of its height and scale. The footprint is very much dictated by the shape of the red line boundary.

With regards the community building (surgery) itself. This shall not be 'gifted' to the NHS. This is a commercial venture similar to constructing flats and letting them out and keeping the leasehold. Effectively, the NHS, once a suitable site is found with planning permission, could relocate to the facility and sign up to a long term lease on the building.

Therefore, the development should be viewed as a normal commercial undertaking similar to build to let flat development.

Assessment

The main considerations in this instance are:

- 1 Principle of Development
- 2 Sustainable Development
- 3 COM4 New Community Facilities and COM24 Health Care Provision
- 4 Residential Amenities
- 5 Access and Parking
- 6 Public Open Space
- 7 Representations

1. Principle of Development

There are three broad in principle objections to the proposal:

- a) The site lies outside the settlement development boundary
- b) The site is a countryside location protected within the ELP as a 'Strategic Green Gap'
- c) Recent appeal approval for 485 dwellings and 2ha of Employment land via 17/01181/OUT sees the land used as important Open Space and for landscaping only

a) The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The applicant states in their Design Statement a belief that Policy QL1 is 'out of date'. However, the appeal quoted dates back to 2017. The most recent findings (see APP/P1560/W/20/3256190 - 700 St Johns Road and St Johns Nursery site, Earls Hall Drive, for 195 dwellings), in this appeal dated 7th January 2021, the Inspector reasoned:

'for the purposes of the determination of this appeal there is a 5yrHS, I consider Policy QL1 is not out-of-date' (Paragraph 93)... Also, 'the provisions of Policies QL9, QL10, QL11 are generally consistent with the policies contained within the Framework' (Paragraph 94).

Therefore, the principle of this development being located within settlement boundaries and focused towards larger urban areas remains a core strategic policy requirement. This mantra chimes with Paragraph 117 of the NPPF that seeks to 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. This principle is important to provide individual homeowners confidence that unallocated sites bordering their properties will not be developed for this or any other means if they are 'planned' to be countryside for the duration of the Emerging Local Plan.

The adopted Local Plan classifies 'Manningtree, Lawford and Mistley' as a 'Town', the emerging a 'Smaller Urban Centre'. Therefore, if within the settlement boundary, the wider area would be a location that is suitable for such a community facility. However, as established the site lies outside the settlement boundary in a location that the Local Planning Authority would wish to see retained as 'countryside'. The site is not 'previously developed land' and there are no special circumstances to direct development in this location. Officers accept the provision of Paragraph 78 and 84 of the NPPF, however the site firstly is not helping support 'villages' as the area is classified as a 'Town'. Secondly, the development is not 'sensitive to its surroundings'. As such, the development is recommended to be refused due to being contrary to QL1 and SPL1.

b) In relation to the Countryside location. Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to

contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 124 and 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto to say that local distinctiveness should be promoted and reinforced.

SPL2 of the Emerging Local Plan advises that outside the Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. This is consistent with, paragraph 170 of the Framework (NPPF) which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.

Saved Policy QL9 and EN1 of the ALP and emerging policies SPL3 and PPL3 of the ELP state that the quality of the district's landscape and its rural character will be protected, and where possible enhanced. Ensuring that development is appropriate in its locality and does not harm the appearance of the landscape. Also, that developments that would 'significantly harm landscape character or quality will not be approved'.

Although at outline stage, it is clear that a building with a footprint of up to 1100 sq m will be significant in size. The building shall be two stories in height with a length of some 40 metres. As such, the mass, scale, bulk, height and depth of the proposed medical centre building is likely to be totally at odds with this exposed rural countryside location. Officers are of the view that such a building in this location would 'significantly harm the landscape character', bring substantial built form to a green corridor between Mistley and Lawford.

Furthermore, the level of protection of the land has been increased as it is included within the 'Strategic Green Gap' of emerging policy PPL 6. With regards to the emerging Green Gap allocation, the Planning Portal defines Green Gaps as 'the open areas around and between parts of settlements, which maintain the distinction between the countryside and built up areas, prevent the coalescence (merging) of adjacent places and can also provide recreational opportunities'. Officers accept that part 2 of the ELP is not fully adopted therefore only afford limited to moderate weight to this designation. Moderate weight is raised due to the appeal decision on the site enhancing the protection of this land. This is discussed in part c) of this section.

The principle of Green Gaps or SGG's has been well established nationally as a designation to prevent the coalescence of settlements. Please see SGG Topic Paper (P9 – 14) for more information. ([Search / Planning / Local Plans and Policies / View our Local Plan / Section 2 Examination](#)) [SGG Topic Paper](#)

The ELP states in Policy PPL 6 states:

Within Strategic Green Gaps, as shown on the Policies Maps and Local Maps, the Council will not permit any development which would result in the joining of settlements or neighbourhoods, or which would erode their separate identities by virtue of their closer proximity. Planning permission may be granted where:

- a. the applicant can demonstrate that there is a functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land outside of the Strategic Green Gap;*
- b. the development would not compromise the open setting between settlements or neighbourhoods; and*
- c. the development would involve the creation of Green Infrastructure which would support the continuing function of the Strategic Green Gap.*

This Policy contributes towards achieving Objectives 7 and 8 of this Local Plan.

The proposed modification to the above policy states:

The Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any developments permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.

Essentially, the principle of resisting development in Green Gaps or SGG's is consistent in the 1998 Local Plan, 2007 Local Plan and the ELP and the proposed modification to the ELP policy.

The main functions of the Lawford, Manningtree and Mistley SGG are to:

- Prevent the coalescence of Manningtree and Mistley;
- Safeguard locally important visual breaks, existing village character and settlement form of Mistley Manor;
- Ensure that there is no further ribbon development in these localities along B1352 so not to erode with piecemeal development the physical separation between settlements.

In originally granting outline planning permission (15/00761/OUT) for development at Long Road/Clacton Road, the Council took into account the position of the designated Strategic Green Gap in the ELP and the developer's planning application and parameters plan also took this into account by providing for open space along the northern edge of the site. The developer has since obtained planning permission (17/01181/OUT) on appeal to reduce the area of open space around the site and increase the housing numbers from 300 to 485 units but still retaining the open space along Long Road, to the north of the site.

LUC in their evaluation of the SGG (see Planning / Local Plans and Policies / View our Local Plan / Section 2 Examination [Strategic Green Gaps Review](#)) and this site in particular stated (p43):

'that It will be important that this part of the SGG remains open, if a sense of physical and visual separation is to be retained between Lawford and Manningtree when travelling along Long Road. If development were to be introduced along the road frontage in this location, it would be perceived as ribbon development connecting the two settlements, and this would diminish the role the SGG plays in maintaining separation between the two settlements.'

And continued:

There are opportunities for enhancement to the landscape and visual character and Green Infrastructure within the SGG and the increased development on land to the south of Long Road makes this enhancement more important.

This could include:

- *Conserve and enhance the ecological structure and landscape character of woodlands and stream-side habitats.*
- *Promote and improve public access and enjoyment of the area, connecting with existing PRow outside the SGG.*

- *Enhance vegetation cover to the south of Long Road to reduce any future visual influence of the consented development between Long Road and Clacton Road.*

The ELP is at an advanced stage and therefore the policies have limited to moderate weight. The principle of preventing coalescence between Manningtree and Mistley has been well established in successive Local Plan's. The proposal would erode the Strategic Green Gap and reduce the sense of openness and separation the policy is seeking to maintain. As such, this is a reason to recommend refusal to the application.

c) The final area of in principle objection relates to the land playing an active role in providing usable open space for the wider 485 housing development and 2ha of employment land to the south, via permission 17/01181/OUT. The associated appeal decision APP/P1506/W/19/3220201 highlights the strategic importance of this land.

The Inspector clearly based their decision on the grounds of this Green corridor was present as proposed. Thus, both providing sufficient mitigation against the significant built form while also benefiting biodiversity and recreation. The Inspector highlights the land played a key visual role in offsetting the built form of some 485 dwellings in the open fields some 50 metres beyond, stating at paragraph 21:

'much of the perimeter belt of landscaped space would remain (from the 300 dwellings approval to this 485 dwellings proposal), noting particularly the retention of the open area at the northern extent of the site, affording similar opportunities for mitigation planting to the permitted scheme.'

Furthermore, in paragraph 32

'the fact that there is a 'Green Corridor' along this boundary (Long Road) on the Lawford Green side, and that the Density Parameter Plan indicates that this part of the site would contain low density housing, means that any additional visibility of the appeal scheme would not be significant and is capable of being mitigated with landscaping.'

Concluding in Paragraph 34 and 44,

'the open space to the perimeter of the site would remain at a level sufficient to accommodate informal recreation opportunities and a significant degree of landscaping, including more substantial trees, which in the medium to longer term would make a positive contribution to the quality of the local environment.'

Paragraph 44

'The open space and planting would enable effective mitigation of the development and enhancement of the landscape setting. In this regard there would be no conflict with saved Policy QL9, whose provisions are also contained in ELP Policy SPL3, which requires new development to make a positive contribution to the quality of the environment and protect or enhance local character. Nor would there be conflict with saved Policy EN1 which requires that the Districts landscape and distinctive character be protected and where possible enhanced.'

A Planning condition (4) was placed on the approval notice stating. The reserved matters shall be in general conformity with the Landscape Parameter Plan, the Density Parameter Plan and Storey Heights Parameter Plan. These all included the space subject of this application as a green corridor / landscape buffer.

The proposal before Officers therefore fundamentally undermines the integrity of the Inspectors decision of application 17/01181/OUT and should therefore be refused.

2. Sustainable Development

The requirement for a new surgery in the locality is not necessarily contested. It is clear that with a near 921 dwellings being built locally there is going to be a significant increase in demand for such a facility. Also, Officers are aware of the Policy direction within the NPPF for community facilities such as this demonstrated in Paragraphs 20, 23, and 92. However, at the heart of decision making from the NPPF is Paragraph 8, achieving sustainable development both, socially, economically and environmentally.

A short analysis of this proposal finds the development, in Officers view, unsustainable

- The Economic Objective

Paragraph 8 of the NPPF clearly states the planning system should help build a 'strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth'. In this case, 'sufficient land' is now available for upto 485 dwellings, furthermore, the development has allocated 2 hectares of land for employment purposes. The development approved offers the 'right type of land' for economic development in a location that has been closely scrutinised to support the sustainable growth in the area. On balance, one could say that providing additional employment land on top of the 2 hectares already allocated is a positive thing for the economy, however this could undermine the viability of the other 'better suited' and allocated land for employment purposes including the nearby 2 hectares of employment land approved in 17/01181/OUT. The proposed use is not defined by the NPPF as a 'main town centre use'. Officers do not considered that the use must be in the Town Centre or that not being so will 'significantly affect the viability of the Town centre'. Chiefly because, if one is visiting the surgery, in most cases, it is not likely you shall be healthy enough to then shop in the town afterwards.

Overall, Officers consider the development a minor negative with regards being economically sustainable.

- A Social Objective

This aims to support 'strong, vibrant and healthy communities, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'.

Officers accept that having a Doctors Surgery in this location would be socially sustainable for the vast majority of the people living locally. Having people from the new estates and dwellings nearby being able to walk to the site would help with moving people away from being reliant on car use. Nevertheless, the scale, bulk and mass of what is proposed could negatively affect amenity of the immediate neighbouring property 10 Long Road to the east of the site. Furthermore, the social elements of sustainable development specifically speaks about the need for 'open spaces'. This application erodes this provision despite some 485 new dwellings being built nearby. Therefore, overall Officers see the provision of the surgery

in this location as low negative with regards being socially sustainable. Due in part to the availability of alternative employment land nearby, and the loss of the general public's open space and visual landscape buffer.

- The Environmental Objective

The proposal fails to protect or enhance the natural environment. The significant mass, bulk and height of a building of the scale proposed is considered wholly at odds with the simple open public land that has been allocated for general recreation and leisure. The open land plays an important part in offsetting the visual impact of some 500 new residential dwellings south of Long Road including part of the neighbouring Rose Builders site. Where at present there is an open farmers field. The magnitude of the housing development in the locality is very significant.

The countryside strip / emerging Green Gap is considered vital is reminding people locally that this is a rural edge of settlement location that the countryside beyond is there for them to enjoy. The erosion of this land is considered an absolute last resort if all other designated land / brownfield land is found to be either unsuitable or unviable. There is no sequential test carried out, indeed this is not required as demonstrated in paragraph 88 of the NPPF and the use proposed is not within the 'Main town Centre uses' of the glossary in the NPPF. Nevertheless, there is no strong justification to allow this two storey development in such a prominent countryside position. A countryside location that has been heightened in protection via the emerging local plan 'Strategic Green Gap' policy. The fundamental question is why here?

The NPPF in Paragraph 84 states to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. Also:

'In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

The site comprises the existing road frontage and a 50 metre strip of undeveloped land behind. The existing pattern of development along this part of Long Road is one of road frontage ribbon development. The size of the proposed building, its access road, hard surfaced driveways and its associated paraphernalia. In relation to its setting, neighbouring a row of small, detached properties, totally overwhelms the residential character and fundamentally changes the setting of the area due to the likely depth, mass and scale of the building proposed.

As established, the site is not Previously Development Land and having such a large two storey building with an indicative length of some 38 metres is going to appear wholly incongruous to the open spacious public open realm.

Development on the site would result in a fundamental change to its character and appearance, setting a harmful precedent for further development of this important countryside land. The development would also, due to the lack of mature tree cover be especially visible from longer range views. Overall, this proposal is a significantly urbanising

development that would result in unacceptable harm to the rural landscape character, failing to appear 'sensitive' to its surroundings.

As the quantum of housing development has increased to the south from 300 dwellings to 485 dwellings, officers consider it vital to both retain the Green Gap for public recreation and also to help preserve a sense of space between Mistley and Lawford. There is no explanation why the allocated land for employed to the south east of the site on the indicative layout approval via application 17/01181/OUT is not used for this development.

The neighbouring Rose Builders development for 360 dwellings and more recently the 76 dwellings Ref: 20/00782/OUT west of the host site have *not* got planning permission to build any dwellings in the Green Gap area. The recent planning approval at committee specifically restricted any development on this land, via planning condition 19, to retain the integrity of the emerging Green Gap. At present the full extent of the Countryside / Green Gap south of Long Road between Mistley and Lawford has been protected from any building development.

The development is not sustainable from an Environmental perspective and is recommended for refusal.

Overall, the development fails this sustainable development assessment.

3 COM4 New Community Facilities and COM24 Health Care Provision

At a local level Policy level, the controls of new community facilities such as that proposed are covered by two main policies, Policy COM4 – New Community Facilities Policy and COM24 - Health Care Provision. The applicant has reviewed the proposal in relation to COM4, not all the findings are accepted.

Policy COM4 says 'permission will be granted for the change of use or redevelopment of land or buildings for appropriate community use provided the proposed facility does the following':

a. is readily accessible to local people and ideally served by viable public transport;

It is accepted that the development is accessible to local people and served by public transport. No objection is raised.

b. is not detrimental to the character and amenities of the area;

There is a strong objection to this element as discussed above.

c. will not lead to unacceptable parking or traffic problems

The Highways Officer has confirmed sufficient parking is offered within the development, and highway safety is not compromised. No objection is raised.

d. does not comprise a site with overriding planning or infrastructure constraints.

There is an objection here as the wider site already has planning permission of 2 hectares of employment land. It seems more logical to locate such a community use building within that allocation in the first instance.

Policy COM4 goes on to say, 'In addition, for proposals outside of Settlement Development Boundaries, the following criteria need to be satisfied:

e. there is a proven local need for the facility;

Officers accept there shall be a growing demand for such facilities due to the 921 new houses being built locally, therefore no objection is raised.

f. there is no suitable site available within the settlement it is intended to serve.

No sequential assessment has been submitted. The applicant has said there 'maybe capacity to expand existing facilities elsewhere' but no sites are offered as alternatives. Officers cannot say with certainty that there are no suitable sites within the settlement boundary of the local area. Therefore, an objection is raised.

This point very much speaks to Paragraph 8a) of the NPPF looking for the sufficient land of the right types, in the right place to support growth.

Separate to this more general policy on the provision of community services, there is a bespoke Policy relation to Health Care Provision, Policy COM24. This policy says, proposals for the development of new and improved health care facilities (including a new hospital) in the District will be permitted provided that:

i) the site is in close proximity to the communities it is intended to serve;

There is no guarantee that all the approved houses will be built therefore, there is an element of prematurity about the development. Nevertheless, on balance no objection is raised in relation to its location.

ii) the facilities do not have a materially detrimental effect on highway and pedestrian safety;

There are no objections with regards highway or pedestrian safety.

iii) the facilities are accessible to the community they serve by a variety of forms of transport, including public transport;

The site is well served by local bus routes, pavements and road, therefore no objection.

iv) adequate car parking provision is made to meet operational demands.

Adequate parking is available on site, therefore no objection is raised.

From this review of local policies, it is clear that there are fundamental objections to siting this proposed community building in this location. Specifically, in relation to Policy COM4 which is considered consistent with the Policies within the NPPF.

4. Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives supports these objectives.

Officers believe that due to the likely depth, width and height of the proposed two storey medical centre in this location there shall be a significant and demonstrable sense of over dominance created on the neighbouring residential property to the east, 10 Long Road. It is accepted that this application is in outline format and matters relating to layout, appearance and scale are to be assessed at the Reserve Matters stage. Nevertheless, the principle of having such a significant in size two storey building in this location, given the curved red line area appears simply unfeasible.

The sense of overdominance projecting far beyond the rear building line of the dwellings to the east would have been incomprehensible if a residential dwelling was proposed. Officers believe that this principle should be applied for the proposed community building also. Furthermore, due to the levels of fenestration likely in the surgery building, it is possible that unacceptable levels of overlooking are going to be incurred towards the neighbouring residential dwelling, 10 Long Road in particular. There are no overwhelming public benefits justifying the proposal, especially as highlighted above, there are 2 hectares of employment land located nearby.

Further to the sense of over dominance and overlooking, the levels of light pollution of a two storey building in the winter months is considered significant. The Planning Practice Guidance on such matters reasons 'Glare needs to be avoided, particularly for safety reasons. Glare is the uncomfortable brightness of a light source due to the excessive contrast between bright and dark areas in the field of view. Consequently, the perceived glare depends on the brightness of the background against which it is viewed.' There is a real likelihood that due to the possible depth of the proposed building light pollution effecting neighbour amenity is a genuine concern.

5. Access and Parking

Paragraph 108 and 109 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 states that planning permission will only be granted if amongst other things; access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

TR7 of the adopted local plan deals with vehicle parking at new developments while TR1a deals with Development affecting highways. All are relevant to this application.

The proposed development would be accessed from a separate vehicular entrance on Long Road. This has been accepted by ECC Highways subject to the precise highway conditions suggested.

It is proposed that the medical centre will comprise a dedicated car park for up to 45 cars including 3 disabled bays and one ambulance space.

The current parking standards for residential and non-residential developments are set out in Essex County Council's Parking Standards: Design and Good Practice document dated September 2009. For medical centre developments, the guidance document states that the maximum car parking standard is for 1 space per full-time equivalent staff plus 3 spaces per consulting room.

The application does not make clear how many staff or consulting rooms will be provided as part of the proposed medical centre development, however the submitted Planning Statement states that a car park providing up to 45 spaces. ECC Highways Team have reviewed this provision and raise no objection to the proposed development on grounds of lack of parking. There is a similarly sized facility in Great Bentley recently approved see (20/01054/DETAIL). This facility was approximately 912 sq m and there were 38 parking bays provided. Therefore, the size of the host development being slightly larger with 45 parking spaces seems acceptable in this instance. Ultimately, there is additional space on site for further parking if required.

Matters in relation to the parking and internal footway can be finalised at the reserve matters stage.

The development proposals are forecast to generate a maximum of 45 vehicular trips in the AM peak period (0800-0900) and 31 vehicular trips in the PM peak period (1700-1800). The ECC Highways has not objected to this level of transport movements. An alternative set of Access arrangements were submitted with the original application however, the ECC Highways preferred the original set of proposals. Condition 5 of the ECC recommendations required a 6m curb radii and a road carriageway no less than 6m in width.

It is accepted therefore that a new access point meets the required highway standards, including necessary visibility splays to serve the proposed new development.

There has been comment that the site is not well served by local bus routes. The closest bus stops to the site are located approximately 100m east of the site on Long Road (bus stop known at Trinity Road). This location benefits from both an eastbound and westbound bus stop. At present there is only one bus service operating from this location, the number 2 service which provides access to Clacton and Mistle. The journey between the most local bus stop and Clacton is approximately 1 hour by bus. The number 2 bus operates hourly Monday to Saturday with no service provided on Sunday. Additional bus services can be accessed from the bus stops (known as Milton Road bus stops) located approximately 750m to the west of the site on Long Road, by the junction with Colchester Road. Three services operate from this location.

Officers consider this provision acceptable.

The site is located within suitable walking and cycling distances of residential areas of Manningtree and cycle provision has been accounted for.

The detailed Transport Statement accompanying the application serves to demonstrate there are no severe impact on the highway network. Overall, there are no objections on Highway or access grounds which are being assessed as part of this outline application that includes 'access'. Essex County Council Highway Authority raise no objection to the development subject to conditions.

6. Public Open Space

Policy COM6 of the adopted Tendring District Local Plan is relevant and requires large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.

The outline approval, 17/01181/OUT for 485 dwellings and 2 ha of employment land, had approximately 5.1 hectares of open space, which is 22% based on a total site area of approximately 23 hectares. This is more than double the policy requirement. The removal of 0.3 ha to deliver the medical facility, will still deliver open space that is above the level required by Policy COM6 i.e. 10%. ($4.7\text{ha} / 23\text{ ha} = 20.3\%$ open space). This proposal reduces the amount of open space being provided for the housing by only 5%. Therefore, the overall level of Open Space is acceptable.

However, as noted the loss of the useable Open space in this location is not accepted due to visual amenity and social well being reasons.

7. Other Matters

The NHS have expressed that they are involved in strategic work regarding the surgeries in the area. The NHS indicated that the local Clinical Commissioning Group (CCG) is continuing to work with the surgeries in the area and reserves the right to comment further once these negotiations have progressed. As things currently stand, the CCG stated they were 'aware of the current application and this will be explored further in the future'. Effectively, no support for a medical centre being located at the proposed site was offered. This is a standard response as they cannot be seen influence the outcome of an independent planning application.

Both Bradfield Parish Council and Manningtree Town Council recommended refusal of this application for similar reasons.

1. The construction of this medical centre will see the loss of another green belt in the local area
2. Placing the medical centre in the proposed location will likely dramatically reduce visitor numbers to Manningtree
3. The route on which the proposed medical centre will be situated is not accessible via public transport
4. The developer's proposal to construct a new and additional access road rather than using the existing entrance point

Similar objections have been received by 4 neighbouring properties. The report as laid out above addresses these issues raised.

7. Recommendation

The social, economic and in particular environmental, harm arising would significantly and demonstrably outweigh any public benefits of the proposal, when assessed against the

policies in the ALP, ELP and NPPF as a whole. Therefore, the proposal would not represent sustainable development and is recommended for refusal.

6. Recommendation

Refusal

7. Conditions / Reasons for Refusal

1. The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft. This policy direction is similar to Paragraph 117 of the NPPF that seeks to 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.

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 124 and 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the policies seek to conserve and enhance the countryside for its own sake. The site currently represents a clear break between the Mistley and Lawford; the introduction of a two storey medical centre in this location fronting Long Lane will demonstrably urbanise the immediate character of the rural area. The development would set a harmful precedent for similar forms of future development, the cumulative impacts of which will result in significant harm to this rural and countryside character.

There are no overwhelming special circumstances or public benefits to the proposal to depart from this core strategic policy of QL1 or SPL1 at this moment in time. To do so would undermine the integrity of the Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). The principles of which are in part to reassure residents and homeowners that unallocated sites such as this Countryside designation, will be protected from such speculative developments.

2. Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 124 and 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes onto say that local distinctiveness should be promoted and reinforced.

Policy QL1 of the Tendring District Local Plan (2007) state that 'only development which is consistent with countryside policies will be permitted. Policy SPL2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) that advises outside the Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. This is consistent with, paragraph 170 of the Framework (NPPF) states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.

Policy QL9 of the Saved Tendring District Local Plan 2007 states that 'all new development should make a positive contribution to the quality of the local environment and protect or enhance local character. Planning permission will only be granted if amongst other criteria, the development relates well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and the development respects or enhances views, skylines, landmarks, existing street patterns, open spaces and other locally important features.' Furthermore, Policy EN1 of the Tendring District Local Plan 2007 states that 'the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted'. These criteria are also contained within Policy SPL3 and PPL3 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The site comprises the existing road frontage and a 50 metre strip of undeveloped land behind. The existing pattern of development along this part of Long Road is one of road frontage ribbon development. The size of the proposed building, its access road, hard surfaced driveways and its associated paraphernalia. In relation to its setting, neighbouring a row of small, detached properties, totally overwhelms the residential character and fundamentally changes the setting of the Countryside area due to the likely depth, mass and scale of the main building. The development would 'significantly harm the landscape character', bring substantial built form to a green corridor between Mistley and Lawford.

Furthermore, the level of protection of the land has been increased as it is included within the 'Strategic Green Gap' of emerging policy PPL 6. The proposal would impact adversely upon the emerging local Green Gap and its character and would lead to further coalescence of surrounding settlements, ultimately leading to a loss of their rural setting contrary to the draft Policy PPL6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

3. Paragraph 8 of the NPPF states in economic terms, the planning system should help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth. The provision of the more suitable 2 hectares of employment land as approved via the original outline approval 17/01181/OUT would be undermined by this unallocated site that is also not regarded as previously developed land. The proposal is therefore considered economically unsustainable and contrary to policies COM4 and ER3 of the Tendring District Local Plan (2007) and draft Policy PP6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

In Social terms Paragraph 8 of the NPPF states the planning system should aim to support a strong, vibrant and healthy communities, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. The loss of the open space and planting would erode this vital landscape mitigation measure, established as part of

application 17/01181/OUT that was designed to foster a safe built environment, with accessible services and open spaces. Therefore, the proposal is contrary to the Social aspects of Paragraph 8 of the NPPF. Furthermore, the development would conflict with Policy QL9 and COM4 of Tendring District Local Plan (2007), whose provisions are also contained in Policy SPL3 the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which requires new development to make a positive contribution to the quality of the environment and protect or enhance local character.

4. The National Planning Policy Framework in Paragraph 124 and 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Also, that planning decisions should limit the impact of light pollution (see NPPF Paragraph 180 c). Policies QL9, QL10, QL11, COM4 and COM21 of the Tendring District Local Plan (2007) and emerging Policy SPL3 of the Tendring District Local Plan 2013- 2033 and Beyond Publication Draft (June 2017) state all new development should be compatible with surrounding land uses. Also, that new developments should minimise any adverse environmental impacts; development will only be permitted if it will not have a materially damaging impact on the privacy or other amenities of occupiers of nearby properties.

By reasons of the cramped nature of the plot, a proposed two storey medical centre due to its scale, massing and failure to relate well to surrounding development in terms of the grain and rhythm of built forms, fails to represent good design as required by paragraph 124 and 127 of the National Planning Policy Framework. In particular, a development of the scale proposed, would create a loss of privacy for occupiers of neighbouring properties in terms of overdominance, overlooking and light pollution. The proposal is therefore considered contrary to Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) and Policy SPL3 of the Tendring District Local Plan 2013- 2033 and Beyond Publication Draft (June 2017).

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the planning committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>	<p>YES</p>	<p>NO</p>
<p>Are there any third parties to be informed of the decision?</p>	<p>YES</p>	<p>NO</p>

If so, please specify:

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