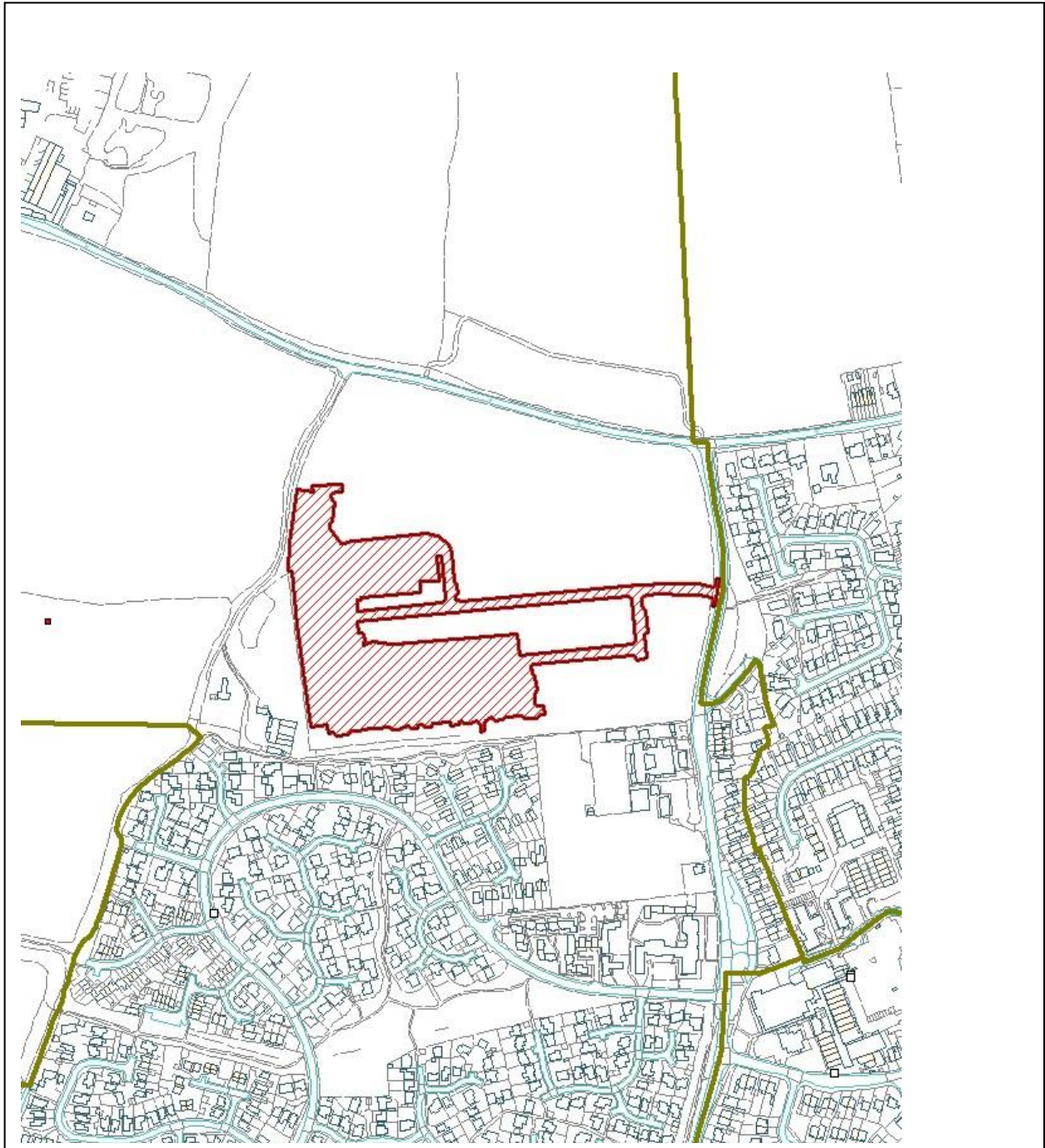


PLANNING COMMITTEE

1 August 2023

REPORT OF THE DIRECTOR OF PLANNING

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



DO NOT SCALE

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

1. Executive Summary

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

Recommendation:

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

Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

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

Subject to the conditions stated in section 8.2

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

2. Planning Policy

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

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP6 infrastructure and Connectivity

SP7 Place Shaping Principles

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

SPL1 Managing Growth

SPL2 Settlement Boundaries

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

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

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

2.3 In relation to housing supply:

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

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

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

Neighbourhood Plan

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

3. Relevant Planning History

- 3.1 The site has the following relevant site history:

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

in accordance with an amended drawing.

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

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

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

4. **Consultations**

- 4.1 Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below.
- 4.2 All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

ECC Highways Dept.
Revised comments
05.07.2023
(further revised
19.07.2023)

Please note this advice supersedes the previous highways recommendation dated 10 October 2022 for this application.

The information that was submitted in association with the application has been fully considered by the Highway Authority. A previous site visit was undertaken in conjunction with this planning application. The information submitted with the application has been assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material.

It is noted that this application proposes to add 24 no. dwellings to the approved scheme at Turpins Farm. The changes to the layout are relatively small in scale and will not alter the character

of the approved scheme. The road layout is designed to serve more than the 210 homes approved by the outline planning permission.

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

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

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

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

(Continued...)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Notes:

- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate.
- All housing developments in Essex which would result in the creation of a new street (more than five dwelling units

communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

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

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

Informatives:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by mail at

development.management@essexhighways.org

2: General note: areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

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

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

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

Assistant Director TDC
Housing and
Environment Services
19.06.2023

Urban Design Advisor
–
ECC Place Services
Revised comments
25.04.2023

design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

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

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

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

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

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

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

Policy Background:

The National Planning Policy Framework Section 12 requires that developments:

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

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

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

Our comments are laid out in the following sections:

North-West Corner

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

Central Loop Road

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

South-West Corner

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

East-West Street Axis

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

Conclusion

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

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

ECC Place
Services
03.04.2023

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

Summary

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

protected

& Priority species and habitats and identification of proportionate mitigation.

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

Waste Management
22.09.2022

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

Anglian Water
Services Ltd
27.09.2022

ASSETS

Section 1 - Assets Affected

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

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

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

Section 4 - Surface Water Disposal

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

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

Section 5 - Suggested Planning Conditions

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

Used Water Sewerage Network (Section 3)

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

5. Representations

5.4 Parish Council:

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

5.5 There have been 4 other letter of representation received.

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

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

6. Assessment

Site Description

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

Relevant Planning History

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

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

Proposal

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

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

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

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

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

6.16 The accompanying Transport Statement concludes as follows:

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

Main Issues

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

Principle of Development

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

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

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

Design

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

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

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

Approved Scheme (20/00307/DETAIL)

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

Proposed Replan Scheme (22/01333/FUL)

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

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

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

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

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

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

Access

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

Affordable housing provision

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

Impacts on residential amenity

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

Energy Efficiency and Renewable Energy Measures

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

Response to Town Council comments

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

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

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

7. Conclusion and Overall Planning Balance

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

8. Recommendation

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

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

8.2 Conditions and Reasons

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

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

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

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

TW024-PL-10 C

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

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

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

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

21.5136.08 E
21.5136.09 E
21.5136.10 F
21.5136.11 E
21.5136.12 F

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 13 Prior to the occupation of any dwelling, a scheme for the provision of electric vehicle charging facilities for the new dwellings hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the dwellings.

REASON: In order to promote sustainable transport.

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

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

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

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

8.3 Informatives

1 Positive and Proactive Statement

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

2 Highway Informatives

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicant should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: General note: areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted, a half a metre ‘no build zone’ will need to be provided and hard surfaced.

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

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

4 Legal Agreement Informative

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

On-site 30% Affordable Housing Provision

Education Contribution

Health Contribution

Completion and Transfer of Public Open Space and Maintenance Contribution

RAMS Coastal Recreational Disturbance Financial Contribution

£10,000 Financial Contribution towards speed reduction measures

£15,000 Financial Contribution towards additional footpath improvement works

9. Additional Considerations

Public Sector Equality Duty (PSED)

- a. In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- b. A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- c. B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- d. C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- e. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- f. The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- g. It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

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

Finance Implications

- k. Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- l. The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by

Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

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