

**TENDRING DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**ALTERATIONS AND ADDITIONS TO PLANNING COMMITTEE**

**02 SEPTEMBER 2020**

**Agenda Item A.1**

**19/00188/FUL – Lower Farm East End Green Brightlingsea Colchester Essex CO7 0SX**

Additional representations have been received from a local resident, raising the following comments on highways and heritage specific matters:

**Highways Issues**

The site access plan for the development is not up to date or correct. Robinson Road at this point has been considerably altered and diverted, just prior to the access point of the site, into the Hopkins Homes Site. I do not believe that the original site access assessment is valid as this is a significant change, this is the one that I believe was assessed by ECC highways as I can find no amended plan on the portal.

There is now a built out and significant realignment of the road with a new give way from the unaltered area of Robinson Road. It is not comparable with the drawing provided. This junction should have been assessed for its acceptability in Highway Terms and for adequate visibility based on the agreed Hopkins homes layout. This layout was available with the Hopkins Homes application as this was a committed development prior to this application and the road was constructed months ago. I am unsure why the old Robinson Road plans are being used and confirmation is required that this new road layout and access arrangement has been assessed for the scheme by ECC highways with up to date drawings.

I would also like to draw your attention again to the Tennpenny Hill/Brightlingsea Road/Clacton Road/Station Road junction which the Tendring local plan modelling report has identified as being a key junction significantly over capacity. This junction modelling only considered 100 houses (Hopkins homes site) being built in the plan period in the assessment, the number of which has now been exceeded and fully built.

The application at Alresford Hall has now been approved by Tendring, this development will add traffic to this significantly over capacity junction both at peak and off peak times. The Colne Community School are looking to expand the school by 300 pupils by September 2021. This will affect this junction particularly as current advice is to not use public transport if possible. This is likely to result in a rise of car trips from next week and further expansion of the school will add to the existing traffic issues. I would suggest that the Committee need to consider whether the expansion of a local school is more beneficial to the community or a holiday development.

It is not possible to continue to add traffic to this junction, it is a major issue for those living in Brightlingsea. This is also not in line with assessments for the Tendring local plan which also demonstrates that more traffic cannot be continued to be added to this junction. Unless considerable mitigation at this junction is funded (not currently considered for the local plan) it has been demonstrated by the local plan documents that there will be significant issues on all entry points to this junction. A particular impact will be on Brightlingsea as there is no other choice of route for residents and businesses. *The lower farm application did not assess this junction and any junctions in Brightlingsea.* The recent junction assessment for the Alresford Hall application confirmed the Local Plan junction assessment and indicated significant delays and queues at this junction due to it being over capacity.

The cumulative effect of development on this junction cannot be continued to be ignored. More development over that which was tested for the one local plan accepted site in Brightlingsea has not been considered, largely due to the junction not being able to accommodate any further traffic.

It should also be noted that the peak times demonstrated for the Lower Farm development are the same as the school start and end times and access to the site is via the roads at the Colne where there are currently no formal crossing points for the students (Church Road, Batemans and Samsons).

#### **ECC County Highways response**

In relation to the realignment of Robinson Road this obviously formed part of the Hopkins Homes development and was proposed in advance of the Lower Farm application (details attached) and the proposed junction would need to tie in with the arrangement as part of a S278 agreement and as such would be subject to a stage 2 Road Safety Audit before it could be constructed.

However, on review of the currently recommended **road junction condition (condition 14)**, it is suggested that it should be amended to read as follows:

*No development shall commence until a revised road junction design with Robinson Road has been submitted with a Stage 1 Road Safety Audit and agreed in writing with the Local Planning Authority and in conjunction with the Highway Authority. The junction shall be constructed at right angles to the highway boundary and to the existing carriageway to a carriageway width of 5.5 metres with minimum radius kerbs of 6 metres; with a flanking single footway 2m. in width returned around the radius kerb only with tactile paving to provide a pedestrian link to the existing footway on the opposite side of Robinson Road.*

**Reason:** *To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.*

In relation to the Tennpenny Hill/Brightlingsea Road/Claclton Road/Station Road junction what the objector has said is not incorrect but the junction may be at capacity at certain times but there is no long term improvement scheme highlighted for the junction and the development is not likely to have a severe impact that would warrant refusal for an application of this kind.

You will be aware that back in May 2019 the Highway Authority's initial response was to recommend refusal in relation to this application as we were not satisfied with the information that had been supplied in support of the application; even though some of the matters we raised are contrary to the scoping response offered by ECC's Planning Services (17/30021/PREAPP) to the consultant; a copy of which is attached for ease of reference. The areas to which we were not satisfied with related to the following areas:

- Site description.
- Site assessment.
- Site Access
- Parking Provision
- Sustainable Modes
- Traffic Counts
- Traffic Growth
- Junction Assessment
- Trip generation

As a result of these points some of which had not been part of the original scoping response the client's consultant went away and undertook some further investigations into these areas. The consultant provided the following additional information on the following points:

**Site Description:**

The initial information had excluded details on the proposed glamping aspect of the proposals, the Highway Authority required further clarification and the following additional information was subsequently supplied:

- A maximum of 104 holiday lodges will be developed within the Site which will be complemented by Glamping with tents, tepees, glamping pods, yurts and other attractive and novel mid to high end temporary accommodation to enhance and attract visitors.
- A discreet glamping area will be included within Lower Farm Park and maintained throughout the summer season. Glamping areas will be established with a low-density (5 to 7) pitching arrangement to offer privacy and exclusivity. It should be noted that Glamping would be compliment to the proposed tourism uses across the Lower Farm Park site, i.e. offering alternative tourism accommodation to the holiday lodges.

**Site Assessment:**

The Highway Authority were generally satisfied with the operation the proposed land uses but required further clarification of the following:

- Use as a corporate training/flexible venue facility, detailed in the planning statement and design and access statement could generate a significant amount of additional trips. All uses on the site need to be factored into the trip generation.
- All listed additional uses would require trip generation which has not been provided in the Transport Statement.

The consultants advised that the corporate training use would only occur during the off-peak tourist season and would only be used by groups of 20 to 30 people and is envisaged to be used for team building exercises or similar. As such, it is considered that the traffic attraction calculations undertaken in the Transport Statement, which were undertaken on the basis of the peak season operation of the development, represent the worst case. For the avoidance of doubt, events and corporate training that are proposed across the Lower Farm Park site will provide out of season occupancy, with the holiday lodges offering the necessary accommodation. The consultants advised that the events and corporate training will not result in any additional vehicle movements to or from the site.

The Highway Authority are now satisfied regarding the site assessment.

**Sustainable Modes:**

The Highway Authority highlighted that local services and facilities were beyond the typical walking distances contained in the Institute of Highway and Transportation guidelines . In their response the applicant acknowledges the IHT guidelines document, which was produced in 2000. However, as indicated within the Transport Statement it is fact that the results of the 2015 National Travel Survey (NTS) indicate that 76% of journeys less than one mile (1.6km) in length are undertaken on foot and it is therefore considered that this distance should be regarded as applicable in terms of defining the walk-in catchment of a development. In fact, the most recently available iteration of the NTS (2017) indicates that 81% of journeys under 1.6km are undertaken on foot. We have used the 1.6km figure to confirm the walk-in catchment of development proposals in conjunction with planning applications throughout the country and to date it has rarely been contested and indeed why would it be as it is a fact derived from extensive National surveys. Furthermore, we would highlight that many of the walking distances quoted in Table 4.1 of the Transport Statement only exceed the 1.2km distance that you are advocating by between 100m and 200m. The top end of that range would only equate to in the order of 2.5 minutes walking time and therefore even if it was in addition to the clearly defined 1.6km threshold it would, in our opinion, be extremely unlikely to persuade people to choose a car trip over a walking trip.

As indicated above, please refer to paragraph 4.5 of the Transport Statement for details of the pedestrian links proposed in conjunction with the development.

Local access to the footway/public rights of way network has now been agreed with the applicant and secured through a planning condition. Additionally local services and facilities can be accessed by bike and ultimately if the private car is used this is unlikely to impact adversely on the operation of the local highway network.

**Traffic Counts/ Traffic Growth/ Junction Assessment:**

It was agreed at the scoping stage of the project that a Transport Statement (Refer to the scoping response offered by ECC's Planning Services 17/30021/PREAPP) represented the appropriate form of submission for the proposal, therefore, there was no need for traffic counts, traffic growth or junction assessments to be undertaken.

Following further consideration of the proposals at the planning application stage the Highway Authority raised concerns over the operation of local junctions including Robinson Road/Chapel Road and Bateman Road/Church Road.

In the first instance the consultants were asked to review the Transport Assessment (TA) work submitted by Hopkins Homes for the two phases of their development which is located opposite the Lower Farm Park site.

The Hopkins Homes Phase 2 TA presents traffic data and junction capacity assessments for the following 2 junctions: -

1. Robinson Road / Chapel Road priority junction (Junction 1)
2. Bateman Road / Church Road priority junction (Junction 2)

They submitted a scan of the summary results page from the PICADY (priority junction assessment software) at each of the above junctions, which demonstrate that both are predicted to operate with ample spare capacity during the weekday AM and PM peak hours in 2022 with all development traffic (including committed development traffic) added. At Junction 1 the maximum predicted Reference of Flow to Capacity (RFC) during either of the peak hours in 2022 with all development traffic scenario is 0.16, whilst the corresponding figure at Junction 2 is 0.53 and is forecast to occur during the weekday AM peak hour when the Lower Farm Park development is expected to attract a very modest 18 two way movements, i.e. only 1 vehicle movement every 3 minutes.

To set the predicted RFC values in context we would highlight that a value of 0.85 to 0.90 is normally regarded as the desirable maximum acceptable value, and the RFCs predicted at both Junction 1 and Junction 2 fall comfortably below that level. We would also highlight that the predicted queueing at both Junctions is also very modest with the maximum predicted queue at either Junction during the weekday peak hours being 1.1 vehicles only.

We consider that the results of the future year junction capacity assessments presented within the Hopkins Homes Phase 2 TA confirm that weekday peak hour junction / highway capacity within the vicinity of the Lower Farm Park site should not be an issue of concern. Furthermore, given the ample spare capacity forecast at both Junctions assessed within the Hopkins Homes Phase 2 TA, it is considered that they would continue to operate acceptably during the weekday peak hours

following the addition of the modest weekday peak hour traffic flows associated with the Lower Farm Park development proposals, i.e. 18 two way movements during the weekday AM peak hour and 35 two way movements during the weekday PM peak hour.

It was considered that the above reinforces the original Scoping Response offered by ECC Highways that a Transport Statement represented the appropriate transport / highway submission for the Lower Farm Park development proposals and further detailed traffic investigations in conjunction with the proposal are not warranted.

With regards to the Colne Community School looking to expand the school by 300 pupils by September 2021 this application has not been determined and would be considered on its merits, plus the nature of the Lower Farm application would mean the high season would co-inside with the school holidays minimising the potential impact in this area.

As a result the Highway Authority are now satisfied on these points.

### **Heritage Issues**

With regards to the Historic Buildings and Conservation advice regarding my property Marsh Farm house, I note that it is stated that 'the change in the setting in the immediate vicinity will be very apparent, making a change to the environment of the asset and the manner in which it is experienced'. It also states that paragraph 196 is relevant.

Paragraph 196 of the NPPF states that the harm of damage to the Heritage Asset should be weighed against the public benefits of the proposal including, where appropriate, securing the optimal viable use of that asset. Therefore, the applicant is required to provide evidence to demonstrate that there is no other viable use. Paragraph 195b of the NPPF states that appropriate marketing is required to demonstrate that there is no other viable use for the site that still provides for its conservation to some degree. I would argue that the current use of the site as a fishing lakes business is a viable use of the land. We would also be interested in buying the land to conserve it as it is and marry it back to the farm house, thus protecting the historic landscape, if this were marketed, we would have expressed an interest. I am also aware that Essex Wildlife Trust, the RSPB and a golf course owner were all interested in this site. EWT and RSPB would promote both conservation of the site and tourism for both Brightlingsea and Tendring.

I would also like to reiterate again that there is no significant buffer or proposed planting between our property and the development site. As it has been demonstrated that 'the change in the setting in the immediate vicinity will be very apparent, making a change to the environment of the asset and the manner in which it is experienced' this should be provided as the cabins are just metres from our boundary. These cabins have not moved position in the plans to allow for this after it was pointed out that the buffer they were providing was actually our property. All that has happened is the buffer has been removed. The previously refused holiday park application did demonstrate a significant buffer at the north of the site. This is imperative to protect the setting of our house and planting is required to visually shield and reduce noise and light pollution. I request that this is urgently considered as all other correspondence regarding this has not resulted in any amendments.

### **Additional Third Party letter**

As I am not permitted to speak in person I would request that the following questions and statement is submitted to the committee meeting to discuss the above proposed development. This is in addition to my previous emailed statements and questions.

The development is promoting cycling and walking within the local area. What steps are proposed to prevent cycling along the designated foot only footpath along stoney lane? What contribution is going to be made for the upkeep of this footpath and the section passing through marsh farm house property, as at the moment I am paying for the upkeep of both and additional foot traffic will make a considerable difference to my upkeep costs.

What security measures will be in place to prevent visitors accessing my property?

What steps will be taken to ensure contaminants are not released ( air Bourne or otherwise) during ground penetrating works on a designated land fill site. These works will include cable laying for huts and street lighting, pipe laying and road creation. Has an assessment of the thickness of the cap on the land fill been carried out?

What is the new buffer zone between the development and our property and how will it be screened? This has not been clearly defined on the latest drawings.

What is proposed to limit sound pollution from the site? The natural amphitheatre ( as stated within the advertising for the site)created by the quarry works will focus all sound across to my home.

Will a new highways assesment be carried out on the access as the new road layout means that the entrance now sits on top of a t junction and there is no visibility to see oncoming traffic.

In conclusion

The Lower Farm application, as based on my previous comments submitted, can be summarised as comprising of an inappropriate form, of development in respect of the principle of development (not allocated in the local plan and outside the development boundary), which would result in a significant detrimental effect on the character and appearance of the surrounding area, the setting of a historic building, harm caused to the amenity of occupants of neighbouring dwellings, harm caused to ecology and protected surrounding areas and would significantly reduce highway safety and effect the traffic flow on the surrounding road network particularly as traffic will pass the Colne Community School and pass through residential roads and have no direct access to the primary road network.

### **Additional third party representations**

I emailed Natural England about the existing right of way information in the Appropriate Assessment being misleading.

In their reply Julie Lunt from Natural England advised that I should raise my concerns with the Local Planning Authority.

I received no reply from case officer Mathew Lang in respect of his quote In the AA regarding access to Flag Creek.

For your ease, here are the quotes again:

*"no easy pedestrian link to the designated site"* Table 4.1 page 8

*"no easy pedestrian link to the Colne Estuary SPA & RAMSAR and Essex Estuaries SAC. This further limits the recreational impact from the development alone."* 4.18 page 8

*"The site currently has poor access to Flag Creek"* Local Planning Authority Case Officer Comments page 14 of the HRA

The existing right of way runs along the boundary of the proposed development, past the grade ii listed Marsh Farm and straight down to the creek. I would consider it a normal length walk from the proposed holiday development

I discussed the issue with Mark Nowers, RSPB conservation officer for the Greater Thames Priority Landscape and he gave me this quote:

*"We should all be deeply concerned about the state of our beach-nesting birds. Pressure from people is a present and increasing threat. The Colne Estuary is designated for its breeding Little Terns, but this year there were none. The designations across the Essex coast show that there should be at least 73 pairs of Little Terns from the Colne down to Foulness."*

Please consider this information in relation to the Lower Farm application and Brightlingsea's highly protected designated Creeks

## **Agenda Item A.2**

### **20/00525/FUL – Land adjacent 3 Bentley Road Weeley Clacton on Sea Essex CO16 9DT**

#### **3 additional representations received:**

Letter of support received from occupier of 3 Bentley Road.

- I would be most affected but see no problem;
- Space has not been utilised for a number of years now;
- One bungalow would not impact on area;
- It is not a greenfield site or backland;
- I have enjoyed easy access for parking from the street for my whole time here; and
- Infilling of this type should be promoted by the Council as it negates the need for more large developments

Letter of support received from owner of 3b Bentley Road.

- It would embellish a prominent part of the area which is currently unsightly due to a run down outbuilding for a single bungalow;
- This is not backland development; it fronts the road and already has access; and
- There are plenty of precedents where plots like this have been granted planning permission

Letter of comment received from occupier of 64 Bentley Road.

- Weeley Heath is in danger of losing its identity;
- Proposal should be viewed positively as it removes what is essentially an eyesore;
- The plot though small is not out of keeping with similar developments;
- It is not backland development but has a full road frontage and is essentially infill;
- It will enhance the streetscene;

- It is within the accepted development area and appears to be sympathetic to adjacent properties;
- It uses an existing highway access; and
- We cannot be against all developments or we will lose our ability to be taken seriously when trying to object to large scale incursions which would have a dramatic effect on the landscape

**Agenda Item A.3**

**20/00603/FUL – 34 De Vere Estate Great Bentley Colchester Essex CO7 8QA**

No further updates.