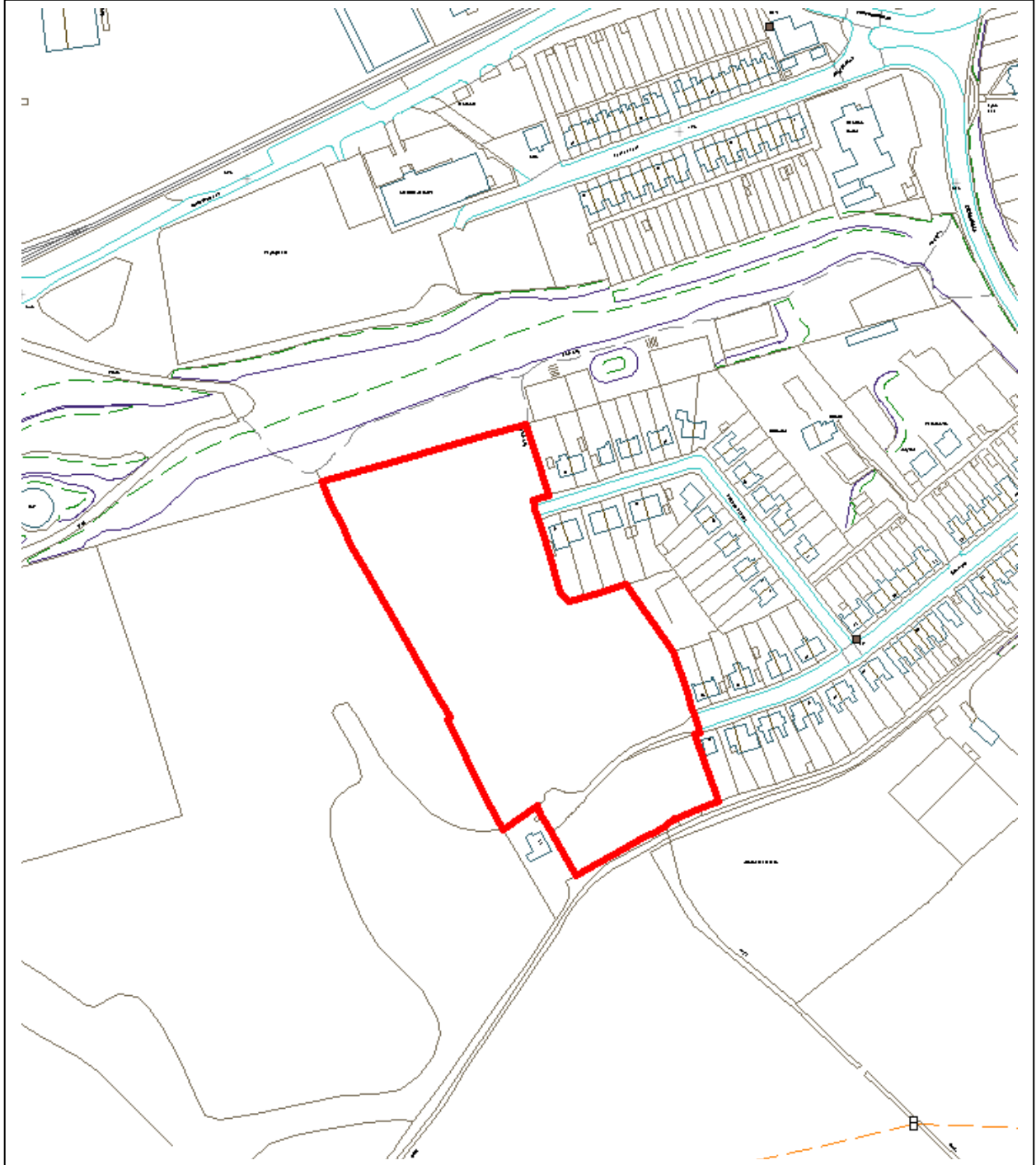


PLANNING COMMITTEE

3 JANUARY 2013

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 11/01172/OUT - LAND REAR OF EDWARD STREET AND UNA ROAD, PARKESTON, CO12 4PS



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Application:	11/01172/OUT	Town/Parish:	Ramsey & Parkeston Parish Council
Applicant:	Martin Simon Properties Ltd		
Address:	Land rear of Edward Street and Una Road, Parkeston, CO12 4PS		
Development:	Construction of thirty houses with associated parking, access and landscaping works.		

1. **Executive Summary**

- 1.1 The principle of residential development on this site has been firmly established through the approval of previous planning permissions, including, most recently in 2008 for 30 dwellings. Therefore the principle of development is not at issue.
- 1.2 This application seeks outline planning permission, including details of the layout and access but all other matters reserved, for 30 dwellings with associated parking, access and landscaping works. The proposals are found to be acceptable in terms of layout and access and having regard to all other material planning considerations.
- 1.3 Officers are awaiting confirmation from the Environment Agency that the revised Flood Risk Assessment is acceptable and from Essex County Council Highways in relation to the revised Construction Traffic Management Plan. Accordingly the scheme is recommended for conditional approval subject to satisfactory confirmation from the EA and ECC in relation to these matters.

Recommendation: Approve

That subject to no objections being raised by the Environment Agency in relation to the revised Flood Risk Assessment information or Essex County Council Highways in relation to the revised Construction Traffic Management Plan, the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

(i) Conditions:

1. Time Limit for commencement – two years from the date of last reserved matters to be approved
2. Reserved Matters details to be submitted within three years
3. Development in accordance with the plans
4. Permeable surfacing
5. Materials
6. Hard and Soft Landscaping
7. Tree protection measures
8. Boundary treatments
9. Site Levels
10. Construction to be in accordance with approved Construction Traffic Management Plan

11. Land contamination
12. Surface water drainage
13. As per Highway Authority recommendations
14. As per key recommendations in phase 1 habitat survey

(ii) Reason for Approval:

The proposal for the construction of thirty houses with associated parking, access and landscaping works is considered to comply with the NPPF and Tendring District Local Plan in terms of layout and access. The Local Planning Authority having had regard to all planning considerations material to the determination of this application, including particularly the scale and nature of development and all consultations and representations made in connection with the application, this concluded that the proposal accords with the provisions of the Development Plan as applicable to it, and in the absence of any material adverse impact resulting from the development considers that there are no material grounds which justify its refusal.

Otherwise:

(iii) The Head of Planning (or the equivalent authorised officer) be authorised to refuse planning as the application has failed to demonstrate:

- (a) safe access and egress route to and from the development, and
- (b) a satisfactory construction traffic management plan

Therefore proposals are contrary to the NPPF and Tendring District Local Plan policies QL3, COM33 and TR1a.

2. Planning Policy

National Policy:

National Planning Policy Framework (NPPF)

Regional Planning Policy:

East of England Plan (2008)

- | | |
|------|---|
| SS1 | Achieving Sustainable Development |
| SS2 | Overall Spatial Strategy |
| SS5 | Priority Areas for Regeneration |
| H1 | Regional Housing Provision 2001 to 2021 |
| H2 | Affordable Housing |
| T14 | Parking |
| ENV2 | Landscape Conservation |
| ENV3 | Biodiversity and Earth Heritage |
| ENV7 | Quality in the Built Environment |

ENG1 Carbon Dioxide Emissions and Energy Performance

HG1 Strategy for the Sub-Region (Haven Gateway)

Local Plan Policy:

Tendring District Local Plan (2007)

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

ER3 Protection of Employment Land

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG3a Mixed Communities

HG4 Affordable Housing

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM2 Community Safety

COM6 Provision of Recreational Open Space for New Residential Development

COM19 Contaminated Land

COM23 General Pollution

COM26 Contributions to Education Provisions

COM29 Utilities

COM31a Sewerage and Sewage Disposal

COM33 Flood Protection

EN1 Landscape Character

EN6	Biodiversity
EN11c	Protection of Local Sites
EN13	Sustainable Drainage Systems
TR1a	Development Affecting Highways
TR1	Transport Assessment
TR3a	Provision for Walking
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development
HAR3	Development within the Vicinity of Carless Refinery

Tendring District Local Plan – Proposed Submission Draft (2012)

SD1	Presumption in Favour of Sustainable Development
SD2	Urban Settlements
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PEO3	Housing Density
PEO4	Standards for New Housing
PEO7	Housing Choice
PEO19	Green Infrastructure
PEO22	Green Infrastructure in New Residential Development
PLA1	Development and Flood Risk
PLA3	Water Conservation, Drainage and Sewerage
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape

Other guidance:

Essex Design Guide

Essex Parking Standards Design and Good Practice (2009)

3. Relevant Planning History

3.1 The site has an extensive planning history. Please see below for a summary of the key sequence of events since 1993:-

1956 – Planning permission refused for siting of one bungalow (43/56 refers).

1976 – Planning permission refused for residential development (265/76 refers).

1993 – Planning permission for residential development granted following an appeal (88/01539/OUT refers) for the residential development of the site. At that time, the Inspector envisaged a traditional development of 50 dwellings. However, no planning condition or planning obligation attaching to the 1993 outline planning permission or to any subsequent outline planning permission expressly limited/limits the number of dwellings.

1998 – Outline planning permission for residential development granted (TEN/96/0848 refers).

2002 – Outline planning permission for residential development granted - renewal of TEN/96/0848 (00/01811/OUT refers).

2003 – Planning permission refused and subsequent appeal dismissed for 77 no. dwellings (02/01614/FUL refers). Summary of reasons for refusal:

- The site lies within the Consultation Distance of a Major Hazardous Installation [the Carless Refinery;
- The adverse impact of the development on the character of the area; and,
- The activity and traffic generated by the development would adversely affect the safety and free flow of traffic on Una Road and Edward Street to the detriment of residents' amenities.

In dismissing the appeal the Inspector stated that the main issues were:

- (a) Whether, in view of the proximity of the site to a major hazardous installation, the proposal would place occupiers of some of the proposed dwellings at unacceptable risk;
- (b) The impact of traffic generated by the proposal on the safety and free flow of traffic on Una Road and Edward Street; and,
- (c) The impact of the proposed development on the character of the area.

3.2 In his decision letter, the Inspector stated that the Council's precautionary approach to Issue (a) was entirely understandable and that Issue (a) was sufficient on its own to justify the refusal of planning permission. Issue (b) was not a sufficient reason on its own to refuse planning permission, but was a "further factor which on balance goes against the proposal". He also concluded that the appeal proposal would not be so out of character with the existing development in the locality as to be detrimental to the character and appearance of the area (Issue (c)).

3.3 However, between the date of the Council's refusal of that application and its dismissal on appeal by the Secretary of State, on 10 June 2003 the Council approved a full planning

application (02/01634/FUL refers) for 20 parking spaces etc and a reserved matters application (02/01635/DETAIL refers) for 77 residential dwellings (relating to outline planning permission 00/01811/OUT). An objector sought a judicial review of those decisions and, on 27 November 2003, they were quashed by the High Court due to serious inadequacies of the reports presented to members.

2007 – Reserved matters application refused for the erection of 50 dwellings pursuant to outline planning permission 00/01811/OUT (05/01080/DETAIL refers).

2008 – Reserved Matters (Detailed) granted for the erection of 30 dwellings with associated parking and open space (04/02096/DETAIL refers).

2009 – Applications 02/01634/FUL, 02/01635/DETAIL, 04/02093/FUL and 04/02094/FUL were all withdrawn from determination.

4. Consultations

4.1 The application has been the subject of two rounds of consultation on the following dates:

- Initial consultation - 3 November 2011
- Amended plans - 24 July 2012

4.2 The following consultation summaries refer only to the amended plans.

Public Experience (Environmental Services):

4.3 Historical records indicate that this land had a former contaminative land use. No objections to this proposal subject to the imposition of conditions relating to:

- Site investigation/risk assessment carried out to ascertain any contamination;
- A scheme of remediation being submitted and carried out as approved;
- Reporting of any previously unidentified contamination; and,
- Long term monitoring and maintenance.

Regeneration:

4.4 No objection but would ask that a contribution consistent with Policy ER3 is made as this proposal is on a site of a former brickworks would see the loss of this industrial land.

Essex County Council (Highways):

4.5 The Highway Authority does not object to the principle of the proposed development but observes that both Una Road and Edward Street are unsuitable to cater for and accommodate construction vehicles and HGV movements due to their unsatisfactory width, alignment, gradient and lack of forward visibility.

4.6 The Highway Authority recommends that the application be refused for the following reasons:

- Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

The applicant should be invited to provide such additional information as listed below.

A Construction Traffic Management Plan which shall include:

- 1) How construction traffic will be managed including the largest vehicle attracted to or generated by the proposed development sites activities
- 2) Where ground workers, earth works and construction workers vehicles will be parked
- 3) How construction materials and stores deliveries will be managed
- 4) How waste materials will be managed during the construction and fitting out phases
- 5) A suitable and appropriate means of ingress and egress to and from the proposed development site for the above mentioned vehicles
- 6) Swept path analysis drawings/plans detailing a suitable and appropriate means of ingress and egress to and from the proposed development site for the above mentioned vehicles

Upon receipt of the additional information, the Highway Authority may properly assess this application.

- 4.7 **Officer Comment: Further to the above, The Highways Authority has provided additional comments to which a revised layout plan is awaited from the applicant, which will address the minor points raised. An update will be given at the meeting in this regard.**

Essex County Council (Schools, Children and Families):

- 4.8 According to our forecasts there should be sufficient primary and secondary school places serving this development. In the case of Early Years and Childcare, however, there is unlikely to be sufficient capacity to accommodate this development. According to the last Childcare Sufficiency census in June, there are no nurseries or pre schools in Ramsey and Parkeston ward. The other Harwich wards have between 86% and 100% take-up of places and the Children's Community Development Officer for Tendring confirms that it is appropriate to seek a contribution to serve this development.
- 4.9 Since this is an Outline planning application and the precise unit mix is as yet unknown, I am therefore requesting on behalf of Essex County Council that a section 106 agreement is entered into on a formula basis. Clauses to this effect can be provided by Essex Legal Services, based on our adopted policies. For information only, should the development consist of thirty houses, each of two or more bedrooms, the contribution would total £33,904 index linked to April 2011 costs.
- 4.10 If your council were minded to turn down the application, I would be grateful if the lack of provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

Environment Agency:

- 4.11 Object to the application at this stage. We consider that our objection is supported by Planning Policy Statement 25 and Policy QL3 Minimising and Managing Flood Risk in the Tendring District Adopted Local Plan 2007. We wish to make the following comments.

Flood Risk

- 4.12 The site itself lies within flood zones 2 and 3, which is an area defined as having a low probability of flooding. However, the site is located within a dry island which could be surrounded by flood water should the tidal defences overtop or fail. Whilst the houses themselves may not be expected to flood, the land around them might, which could lead to site users being cut off. In order to be considered safe, site users should be safe within the building and around the building. The FRA confirms that site users should remain safe

within the buildings, but there is no confirmation that site users would be safe around the buildings as there is no dry access and egress route to and from the development.

- 4.13 Consideration should be given to whether access to and from essential services, such as shops, hospitals etc can be gained from the site if flooding were to occur. It is not considered acceptable for development to be provided where residents may be cut off from such essential services. It may be possible to manage the risk to the site through a flood evacuation plan and a plan should be submitted with any future application. The depths and velocities of flood water along the primary evacuation route should be considered for the 1 in 200 year event, inclusive of climate change. The assessment should include details of the rate of onset of flooding and duration of time that flood waters may be impassable. If it is demonstrated that safe access and egress can not be guaranteed along the evacuation route during the 1 in 200 year flood then it will be useful to consider the depths, velocities and durations of flooding if flooding occurred at the flood warning threshold. An analysis at the flood warning threshold will provide details of the flood risk which may be expected if no flood warning is received and is extremely useful to emergency planners when considering whether a flood evacuation plan is acceptable.
- 4.14 Unfortunately the topographical survey submitted is not legible. A legible electronic copy should be submitted in the future and if this is not possible, a hard copy should be submitted with any future submission. We shall await for information relating to the flood risk at the site.
- 4.15 **Officer Comment: Further to the above, a revised Flood Risk Assessment was provided to the Environment Agency but no further comments were received from the EA. This matter is being pursued and an update will be given at the meeting in this regard.**

Natural England:

- 4.16 Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which NE would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

Essex Wildlife Trust:

- 4.17 Strongly object to the proposed development at Ramsey Ray Local Wildlife Site (LoWS).

North East Essex Badger Group:

- 4.18 There is a recorded Badger sett on this land which would need to be closed under licence if the plans go ahead.

Ramsey and Parkeston Parish Council:

- 4.19 The view of the Ramsey & Parkeston Parish Council is to re-iterate concerns previously submitted with additional comments:
1. TDC Local Plan 2007 - TR1a - Development Affecting Highways Una Road and Edward Street being access/egress in relation to the proposal will add hazards and inconvenience to traffic and the safety of pedestrians and the potential impact on the structure of properties along Una Road and Edward Street; these roads will struggle to accommodate the traffic generated by the proposed development.

2. Concern of the lack of supporting infrastructure that is at present struggling with the surrounding population: consideration has to be given to the additional impact on the infrastructure of surrounding developments in place and/or proposed that will overstretch the amenities including schools/doctors/dentists/hospital/policing and leisure facilities.
3. Concerns of the impact of construction traffic, relating to safety and congestion on Una Road, Edward Street and feeder roads, together with a potential impact on the structure of properties along Una Road and Edward Street.

5. **Representations**

Initial consultation

- 5.1 7 representations received in relation to the initial submission, all in objection to the proposals. One of these is a petition containing 100 signatures.

Amended plans

- 5.2 14 representations have been received further to the receipt of revised plans all objecting to the proposals. One of these is a petition containing 98 signatures. The salient points are as summarised:

- Concern over proximity to Carless Refinery;
- Unsuitable access to the site for any sort of construction traffic;
- No work opportunities for future occupiers;
- No police presence;
- Biodiversity concerns;
- No schools or shops;
- Existing parking problems;
- No one would use communal parking;
- Concern over landscaping maintenance;
- Congestion would make emergency evacuation impossible;
- Site is totally unsuitable;
- Totally out of character with Victorian village;
- Loss of open space;
- Threat to wildlife; and,
- Concern over storage of inflammable liquids stored on the Carless site.

6. **Assessment**

- 6.1 The main planning considerations are:

- Planning Policy Considerations
- Layout and Highway Considerations
- Carless Refinery Proximity
- Site Contamination
- Landscape and Ecology Considerations

Site Context

- 6.2 The site comprises 1.89 hectares of land within the settlement limits on the western side of Parkeston. The site is divided into two parts by a scarp running across it in an east-west orientation. There are hedgerows along the north, west and south boundaries. The site is steeply sloping, with a fall from north to south of about 15 metres. Highway road access

from the northern end of the site is gained direct into Edward Street and via a right-angled bend downhill into Una Road and thence to Station Road. Highway road access from the southern end of the site is gained direct into Una Road and thence to Station Road. The surrounding residential development to the east of the site is characterised by two storey semi-detached and terraced housing. There is a large detached dwelling in the south west corner of the site. The site lies within the settlement boundary of Parkeston.

- 6.3 The site was a brick works until about 1940, although it is some years now since the site was substantially cleared of buildings. The site has been unused apart for informal recreation and has become quite overgrown. Some limited fly tipping has also occurred.
- 6.4 The Carless refinery is located to the north/west. The operational part of the refinery is approximately 400m from the nearest boundary of the application site and over 450 metres to the nearest proposed dwelling. For the purposes of consultation with the Health and Safety Executive there are three zones around the refinery site, representing the degree of risk to people present within the zones. Most of the site is within the middle zone, but a small portion in the north east corner falls within the inner zone where the risks are greatest.

Proposal

- 6.5 This planning application seeks outline planning permission for the erection of 30 no. dwellings. Details of the access and layout are included for determination. All other matters are reserved for later consideration i.e. appearance, landscaping and scale.
- 6.6 The application has been accompanied by:
- Design and Access Statement
 - Flood Risk Assessment (revised)
 - Affordable Housing Viability Assessment

Planning Policy Considerations

Principle of Development

- 6.7 The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes. Relevant policies are discussed within the planning considerations section of this report below.
- 6.8 Paragraph 58 states that local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs.
- 6.9 Paragraph 215 of the NPPF states that for local plan policies which were adopted in accordance with the 1990 Town and Country Planning Act due weight should be given in accordance with their degree of consistency with the NPPF.
- 6.10 For housing development, central government policy set out in the NPPF seeks to achieve sustainable development, making more efficient use of 'Brownfield' sites.
- 6.11 The site has had the previous benefit of outline planning permission for residential development and detailed consent for 30 dwellings. The site is also within the housing

settlement limits of Parkeston in the adopted TDLP and is not specifically protected for other uses.

- 6.12 Accordingly there is no material conflict, in principle, with national or local planning policy.

Layout and Highway Considerations

Layout Considerations

- 6.13 The application has been revised since original submission to take account of comments raised by ECC Highways and in relation to urban design advice.
- 6.14 The NPPF, at Para 56, states that The Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. In relation to highway matters the NPPF advises that, amongst other things, safe and suitable access to the site can be achieved for all people.
- 6.15 Tendring District Local Plan (2007) Policy HG3 states that within defined development boundaries, residential development will be permitted provided it satisfies amenity, design, density, environmental, highway, local housing needs and sustainability criteria and can take place without harm to the character of the local area.
- 6.16 In this instance the proposed layout is formed of two elements, with separate accesses from Una Road (southern) and Edward Street (northern). The Una Street (southern) access will lead to 22 dwellings with 8 dwellings accessed via Edward Street. A large area of public space lies between the two elements.
- 6.17 The proposed dwellings to the southern element are to be constructed primarily facing northwards, thereby overlooking the central area of public open space. Each dwelling has two car parking spaces (and/or garaging) and visitor parking is also provided. The dwellings to the Una Road entrance are aligned to continue the general pattern of development initially leading to a cul-de-sac arrangement. The dwellings to the northern element form mainly semi-detached dwellings accessed via the single access way and culminating in a turning circle. This complements the character and layout of existing development in the locality.
- 6.18 The proposed layout has been revised to take account of initial concerns and therefore has evolved since submission. The proposed density level of 16 dwellings per hectare is lower than that of surrounding development, although necessary due to the proximity to the Carless Refinery. However this has led to a more spacious development with significant levels of open space of both public and private nature.

Highway Considerations

- 6.19 The proposed development provides adequate parking for the dwellings proposed and therefore is acceptable in this regard.
- 6.20 The main highway issue to be considered relates to the management of construction traffic. In this regard the application has been accompanied by a Construction Traffic Management Plan (CTM) Document. This has been revised a number of times to take account of comments and concerns as raised by the Highway Authority. In addition, significant local concern has been expressed in relation to this matter and therefore careful consideration has been necessary.

- 6.21 The latest revision of the CTMP is currently under consideration by Essex County Council and an update will be given at the meeting in this regard. However, it is anticipated that an acceptable CTMP can be agreed.

Crime and Disorder

- 6.22 Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Carless Refinery Proximity Considerations

- 6.23 The Carless Refinery is an installation that undertakes the storage and processing of a number of hydrocarbon liquids, including those which are hazardous and flammable. The site is subject to legislation designed to minimise the occurrence of major incidents. The relationship of the proposals to the Refinery is an important consideration, and once that has been fully considered previously also. As the Refinery is identified as a hazardous installation, the risks associated with the relationship need to be considered and the advice of the Health and Safety Executive (HSE), taken into account. The issue is of course whether the proposed layout is satisfactory having regard to the potential hazards from the Refinery.
- 6.24 The purpose of health and safety advice relating to land use planning is to mitigate the effects of a major accident on the population in the vicinity of hazardous installations. This is done by providing advice, on a consistent and systematic basis, on applications for planning permission around such sites. The assessment is carried out using a matrix based upon the density of the proposed development and the consultation zone in which the development lies.
- 6.25 The principle of development has already been accepted for 30 dwellings on this site and therefore no objections can be raised in this regard.

Site Contamination

- 6.26 Historical records indicate that this land had a former contaminative land use, as a brickworks with associated worksheds, pits, kilns etc. In this regard the application is accompanied by a Desk Study Contamination Report which explores whether the previous industrial uses of the site have contaminated the soil. The Council's Contamination Officer has considered this report and is satisfied that contamination issues can be dealt with by the imposition of a controlling condition.
- 6.27 This is in accordance with National Planning Policy Framework (Para 109) which aims to prevent new development being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution and to remediate and mitigate despoiled or contaminated land where appropriate. This also accords with Local Plan Policy COM19.

Landscape and Ecology Considerations

- 6.28 In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.
- 6.29 A Phase 1 habitat survey has been carried out and no protected species were identified within the site, although the survey did identify that the site could be used by protected species e.g. bats when foraging for food.

- 6.30 Whilst Essex Wildlife Trust oppose the application on the grounds that the application has the potential to adversely impact on reptile populations of Ramsey Ray Local Wildlife Site, Natural England confirms that they *“do not consider that this application poses any likely or significant risk to those features of the natural environment for which they would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.”*
- 6.31 The application also includes a Badger Survey and Reptile Mitigation Strategy, the recommendations of which are incorporated into the suggested conditions above.
- 6.32 Given the length of time between the closure of the brick works and this application, the site has become overgrown, giving the appearance of a ‘natural’ habitat, with the potential to support wildlife as well as provide greenery in the locality. This point has been raised by objectors to the proposal. This was an issue raised in respect of the last appeal decision in respect of application 02/01614/FUL. The Inspector stated, “While it is understandable that those residents of long standing should view the former brickfield site as an area that has naturally regenerated and become a local haven for wildlife, outline planning permission for redevelopment for housing was granted some 10 years ago”. The position remains the same and further to this, permission for residential development was also granted in 2008, and it is considered that refusal on this ground could not be justified.

Other Material Considerations

Planning Obligations

- 6.33 Without prejudice to the determination of the application, discussions have been held with the applicants in order to ensure that social and physical infrastructure would be provided in association with the proposed development. These discussions have taken place in line with the provisions of the Community Infrastructure Regulations, 2010 and the Development Plan, in particular Local Plan Policy QL12 relating to the completion of Planning Obligations.
- 6.34 The Community Infrastructure Levy Regulations, 2010 transferred the provisions of Circular 05/05 in relation to the completion of Planning Obligations into law. Circular 05/05 has subsequently been withdrawn following the publication of the National Planning Policy Framework (NPPF). The NPPF advises that Local Planning Authorities “...should consider whether unacceptable development could be made acceptable through the use of conditions or Planning Obligations. Planning Obligations should only be used where it is not possible to address impacts through a planning condition”.
- 6.35 In this regard a Viability Assessment was undertaken in relation to the proposals and this Viability Assessment has been independently assessed. The following conclusion was reached by the independent valuer:

“Based upon the information provided by the applicant, and notwithstanding the lower construction costs or the omission of an appropriate benchmark land value, the scheme does not appear to be viable.

Whilst the benchmark land value is a significant factor in assessing whether a scheme can deliver affordable housing, in this instance the omission of a benchmark land value artificially improves the schemes viability.

As it stands the residual value of the scheme stands at £130,000. This equates to approximately £27,837 per acre (£68,783 per ha). Were one to take into consideration an

appropriate benchmark land value, to reflect the present day value of the existing site, this could reasonably equal or surpass this figure.

Furthermore the provision of affordable housing and Section 106 requirements will reduce the residual value. This reinforces our opinion that the scheme is not viable.”

- 6.36 Affordable housing does not form part of the development proposal. Any such requirement is normally secured by way of an Agreement under Section 106 of the Town and Country Planning Act 1990 which attaches to an outline or full planning permission. No such planning obligation was made in relation to the original outline planning permission granted in 1993 or its “renewal” in 1998, nor was it made in relation to outline planning permission 00/01811/OUT. The planning application now before the Committee has been considered against the context of the Affordable Housing Viability Assessment which was submitted with the application. The Assessment was appraised independently on behalf of the Council and as detailed above, concluded that the proposals would be unable to make provision for any affordable housing on the site.
- 6.37 Policy COM6 of the Tendring Local Plan relates to the provision of recreational open space for new residential development and requires proposals for residential development on a site of 1.5 hectares and above to provide at least 10% of the gross site area as public open space. This submission complies with Policy COM6.

Background Papers

None.