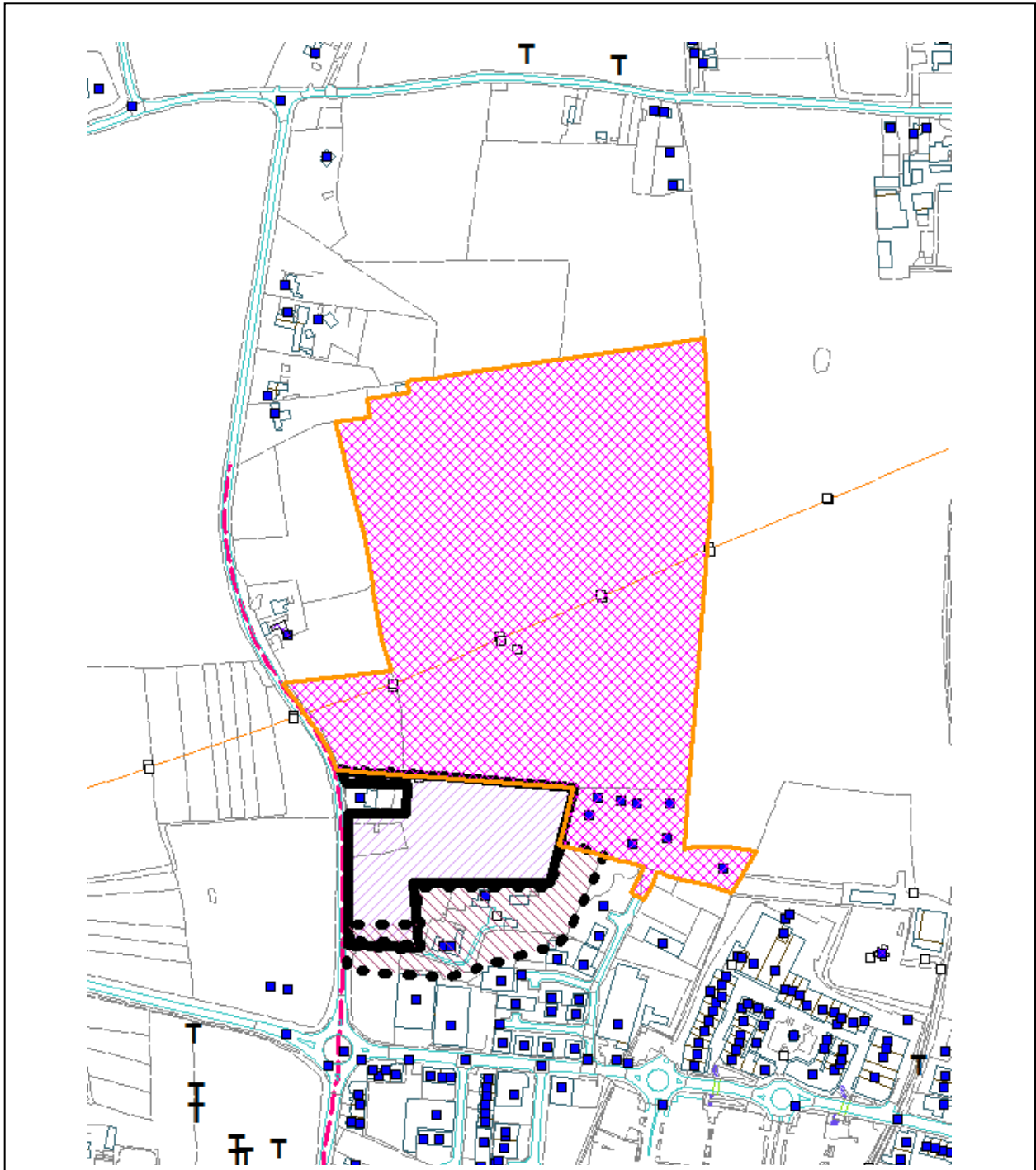


PLANNING COMMITTEE

25 August 2015

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 12/01262/OUT - OAKWOOD PARK LAND EAST OF THORPE ROAD, CLACTON ON SEA, CO15 4TL



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Application:	12/01262/OUT	Town / Parish: Clacton Non Parished
Applicant:	Mr Kevin Britton	
Address:	Oakwood Park Land East of Thorpe Road Clacton On Sea CO15 4TL	
Development:	Residential development of up to 250 dwellings, 2,273m ² (gross) B1c floorspace and open space, with access from Thorpe Road (residential) and from Fowler Road (employment), with all matters reserved.	

1.
 - 1.1 **This application was referred to Planning Committee on 3rd February 2015. The Planning Committee resolved to grant outline planning permission subject to the completion of a Section 106 legal agreement within 6 (six) months (i.e. by 3rd August 2015); subject to conditions; otherwise the Head of Planning had Authority to refuse if necessary. Any reserved matters application was to be referred to the Planning Committee.**
 - 1.2 **Since the date of the resolution discussions regarding the completion of the Section 106 legal agreement have been ongoing and are nearly resolved. The Head of Planning seeks the Committee's agreement to an extension of time until 31st October 2015 in order to complete the legal agreement. The original Officer's report from 3rd February 2015 is reproduced in full below for information only with the revisions to the recommendation highlighted in bold text and underlined.**
2. **Executive Summary**
 - 2.1 The majority of the application site lies outside of the defined settlement development boundary of Clacton-on-Sea as set out in the Tendring District Local Plan (2007), with that part within the defined settlement boundary allocated for employment use. However the whole site lies within the extended defined settlement boundary of Clacton-on-Sea in the Tendring District Local Plan Proposed Submission Draft (2012) (as amended), as supporting an urban extension to the town and has been specifically identified for residential development under draft policy COS15.
 - 2.2 Outside of these boundaries Policy QL1 of the Tendring District Local Plan (2007) and Policy SD5 of the Tendring District Local Plan Proposed Submission Draft (2012) (as amended) states that permission is to be refused for new residential development subject to specified exceptions.
 - 2.3 Clacton-on-Sea is identified as an 'Urban Settlement' in the 2012 Draft Local Plan – the most sustainable category of settlement owing to the range of infrastructure, job opportunities, shops, services and facilities that larger settlements have. Such settlements are better placed to accommodate larger scale development than smaller rural villages where access to such benefits is more limited.
 - 2.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
 - 2.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers recognise that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the

proposed development cannot be refused solely on the basis that a site is outside the development boundary.

- 2.6 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 2.7 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 2.8 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' as outlined in the NPPF, whilst also being able to achieve a development that could comply with Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) as well as Policies SD2, SD9 and COS15 of the Tendring District Local Plan Proposed Submission Draft (2012) (as amended).

Recommendation:

That the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

- a) **By no later than 31st October 2015** 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 required):

- **Affordable Housing**
- **Education Contribution**
- **Provision of Bus Service**

- b) 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).

(i) Conditions:

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
2. Application for approval of the reserved matters to be made within three years
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters
4. Development to contain a maximum of 250 dwellings
5. Development to contain a maximum of 2,273 sqm of B1c floorspace
6. Phasing Plan and Programme
7. Details of materials
8. Development constructed in accordance with details contained within the Tree Report
9. Landscape/Public open space management plan
10. Ecological mitigation scheme and management plan
11. Details of boundary treatments
12. Details of refuse storage/collection points
13. Archaeology investigative and report works
14. Site lighting strategy
15. Sustainability report for reserved matters
16. Construction Method Statement, including details of hours of operation during construction.

17. A minimum of 10% of the site area (gross) (within the residential element of the scheme) to be allocated as public open space
 18. Details of a surface water drainage scheme, including surface water swales
 19. No dwellings/premises to be occupied until the surface water drainage strategy is carried out
 20. Details of a foul water strategy
 21. Details of wheel cleaning facility
 22. The South and West Roads shown on Indicative Site Plan (or other such roads as shown on any alternative plan) to be provided in accordance with an approved Phasing Plan, and shall be no less than 6.75m wide, and shall extend and abut to the eastern and northern application site boundaries. The west road must have a spur which extends to and abuts the boundary with Oak House Farm.
 23. No part of the development other than the employment units shall be accessed by motor vehicles from Fowler Road (except emergency vehicles)
 24. Details of engineering solution to prevent motor vehicle access between employment element and residential element of scheme (but that allows access by emergency vehicles)
 25. No commencement of development until Fowler Road has been adopted as highway.
 26. No commencement of development until details of the following have been approved:
 - On site bus stop locations and specification
 - New and/or improved off-site bus stops
 - On site bus turn round and/or layover facilities (temporary and/or permanent)
 - No occupation of the development until the agreed details have been provided.
 27. No occupation of the development until the following have been provided or completed:
 - A roundabout in Thorpe Road to provide access to the residential element of the proposal
 - Fowler Road extended in a northerly direction to provide access to the employment element of the proposal. Extension to include a minimum 3 metre wide footway/cycleway into the proposed residential element of the proposal
 - A continuation of the footway/cycleway on the south side of Stephenson Road West to the footway/cycleway on the south side of Centenary Way, west of the Thorpe Road roundabout
 - A residential travel plan
 - Residential travel information packs
- b) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies QL2, HG4, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

3. Planning Policy

National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Policy:

Tendring District Local Plan 2007

- QL1 Spatial Strategy
- QL3 Minimising and Managing Flood Risk
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- QL12 Planning Obligations
- ER1 Employment Sites
- ER2 Principal Business and Industrial Areas
- HG1 Housing Provision
- HG3 Residential Development Within Defined Settlements
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space
- HG14 Side Isolation
- COM1 Access for All
- COM6 Provision of Recreational Open Space for New Residential Development
- COM26 Contributions to Education Provision
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN4 Protection of the Best and Most Versatile Agricultural Land
- EN6 Biodiversity
 - EN6A Protected Species
 - EN6B Habitat Creation
- EN13 Sustainable Drainage Systems
- EN23 Development Within the Proximity of a Listed Building
- EN29 Archaeology

- TR1A Development Affecting Highways
- TR1 Transport Assessment
- TR3A Provision for Walking
- TR5 Provision for Cycling
- TR6 Provision for Public Transport Use
- TR7 Vehicle Parking at New Development

Tendring District Local Plan: Proposed Submission Draft (2012) as amended by the
Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

- SD1 Presumption in Favour of Sustainable Development
- SD2 Urban Settlements
- SD7 Securing Facilities and Infrastructure
- SD8 Transport and Accessibility
- SD9 Design of New Development
- SD10 Sustainable Construction
- PRO2 Improving the Telecommunications Network
- PRO3 Improving Education and Skills
- PRO14 Employment Sites
- PEO1 Housing Supply
- PEO2 Housing Trajectory
- PEO3 Housing Density
- PEO4 Standards for New Housing
- PEO5 Housing Layout in Tendring
- PEO7 Housing Choice
- PEO8 Aspirational Housing
- PEO9 Family Housing
- PEO10 Council Housing
- 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

PLA6 The Historic Environment

PLA8 Listed Buildings

COS15 Development East of Thorpe Road

COS19 New Primary, Early Years and Childcare Provision in Clacton

Other Guidance:

Parking Standards Design and Good Practice Guide (2009)

Essex Design Guide

4. Relevant Planning History

97/00626/OUT- Extension to Oakwood Business Park for Class B1, B2 and B8 uses, creation of new access from Thorpe Road, associated estate roads, extension of spur roads from Stephenson Road West into site and boundary landscaping. Approved 13.03.2003

06/00438/DETAIL - Extension to Oakwood Business park for class B1, B2, and B8 uses, creation of new access from Thorpe Road, associated estate roads, extension of spur roads from Stephenson Road West into site and boundary landscaping. Approved 01.06.2006

4. Consultations

- 4.1 Little Clacton Parish Council – Objects to application on the grounds of the number of properties and the adverse impact on the demographics of Little Clacton Village. Although the development lies just outside Little Clacton boundary the size and problems that it would bring in the way of population and pressure on already severely strained infrastructure would be catastrophic. Serious concerns would be with schooling and transport. We are a village of approximately 2,500 residents and this development in its application could add another 1,000 plus and not half a mile from our Village Centre. Is this to be considered under the present Development Plan or the proposed one.
- 4.2 Essex County Council Highways – Do not raise an objection subject to the following conditions:
1. Prior to commencement of development details of a wheel cleaning facility to be submitted for approval.
 2. No commencement of development until Fowler Road has been adopted as highway (*for information agreement to facilitate the adoption of Fowler Road has been completed by the Council*).
 3. No commencement of development until details of the following have been approved:
 - a. An improved existing and/or a new bus service or services
 - b. On site bus stop locations and specification
 - c. New and/or improved off-site bus stops
 - d. On site bus turn round and/or layover facilities (temporary and/or permanent)
 - e. No occupation of the development until the agreed details have been provided.

4. No occupation of the development until the following have been provided or completed:
 - a. A roundabout in Thorpe Road to provide access to the residential element of the proposal
 - b. Fowler Road extended in a northerly direction to provide access to the employment element of the proposal. Extension to include a minimum 3 metre wide footway/cycleway into the proposed residential element of the proposal
 - c. A continuation of the footway/cycleway on the south side of Centenary Way, west of the Thorpe Road roundabout
 - d. A commercial travel plan to include but shall not be limited to a £3,000 contribution to cover the cost of the Highway Authority approving, reviewing and monitoring the travel plan
 - e. A residential travel plan
 - f. Residential travel information packs

5. The main spine road through the proposal site to have a minimum width of 6.75 metres.

4.3 Following the submission of an amended indicative site plan showing a spine road west to east through the site, the Highway Authority were re-consulted and the following comments provided:

4.4 *As the application is outline, all drawings relating to the proposed internal layout have been treated as indicative only.*

4.5 *However requirement 5 of the Highway recommendation was that the main spine road through the proposal site shall have a minimum carriageway width of 6.75 metres.*

4.6 *Looking at the amended indicative site plan, this should actually be applied to two of the proposed roads. Firstly the one which runs west to east nearest the site's southern boundary and secondly the road which runs south to north nearest the site's western boundary.*

4.7 *This would enable any future development to the east and north to 'plug' into this proposal and enable any bus route/service serving this proposal to also be extended in a northerly and easterly direction.*

4.8 *There should also be no vehicular access between the proposed residential and employment elements of the proposal. The residential element should be accessed via the Thorpe Road roundabout and the employment element via Fowler Road. If this wasn't the case, the residents would complain about commercial vehicles travelling through the residential area to get to and from the employment site, instead of using Fowler Road. This may lead to ECC Highways having to retrofit measures to deter this, not only at the expense of the public purse but it may not be possible to introduce measures severe enough to deter commercial vehicles or what measures are provided turn out to be insufficient to deter them.*

4.9 TDC Housing – See main report below under heading Housing.

4.10 TDC Environmental Health – No comments Received.

4.11 TDC Regeneration - Regeneration recognises that the land use status of this site is changing in the draft Local Plan. The supporting statement suggests that the employment element of the revised mixed use scheme will create 50 jobs which is a key output for this service.

4.12 ECC Education Services – See main report below under heading Education.

- 4.13 SuDS Approval Body – Advisory comments.
- 4.14 TDC Building Control – Insufficient information to establish whether satisfactory access for fire-fighting appliances has been provided.
- 4.15 Anglian Water – Request conditions that no development shall commence until a foul water strategy has been approved, and no dwellings/premises shall be occupied until the works have been carried out in accordance with the surface water strategy submitted.
- 4.16 Natural England – Advisory comments, and suggest some enhancements for bats are provided.
- 4.17 ECC Archaeological Services – Recommend condition that no development to take place until a programme of archaeological work in accordance with a written scheme of investigation has been approved.
- 4.18 Environment Agency – No objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles.
- 4.19 UK Power Networks – Advisory comments regarding high voltage electricity overhead lines.
- 4.20 Essex Wildlife Trust – No comments received
- 4.21 Police (Architectural) – No comments received

5 Representations

- 5.3 A total of 12 representations have been received for this application (9 objecting to the development and 3 making observations). The issues raised are summarised below:
- Concern over internal access to north of site over buried underground cabling – concern over future development.
 - Concern over potential ransom strips to land outside applicant's control.
 - Concern over wider Master plan not being delivered in a comprehensive manner.
 - Object to houses being built in and around Little Clacton area.
 - Holland Road is already dangerous with speed limits not adhered to.
 - Building in mass in such a small village – where does the line between Clacton, Little Clacton and Great Clacton begin and end.
 - Village feel will be lost.
 - Result in dramatic increase in traffic in Holland Road.
 - Any significant increase in traffic flow will endanger the safety of residents and property.
 - Development result in increase in traffic flow and noise – affecting quality of life and property values.
 - Holland Road already used as rat run.
 - Local schools already over-subscribed.
 - Not enough jobs locally – previously land planned for industrial use.
 - Proposal originally planned to create jobs will have the opposite effect.
 - Proposal out of character with surrounding area and existing houses.
 - Low water pressure concerns
 - Support sensible suggestions with regards to badger activity should the site become an active development site.
 - Land designated for industrial use in adopted 2007 Local Plan.
 - Over development.

- Density appears very high given size of the site and neighbouring houses are large detached dwellings with large gardens.
- Concern over drainage and surface water run-off.
- Dwellings could restrict light to adjoining fields and affecting growth of crops.
- Concern over ensuring eastern boundary is secured to restrict access to adjoining field.
- Concern over householder rubbish being blown onto adjoining field.
- Concern over barn owl box on eastern boundary and nesting birds.
- Concern over boundary encroachment on eastern boundary.
- Amount to urban sprawl – site is currently countryside.
- Not a sustainable location – residents likely to rely on private car.
- Objections have been raised to policy COS15.
- Other sites available for housing in more sustainable locations.
- Proposal is inappropriate and premature.

6 Assessment

6.1 The main planning considerations are:

- Site Description
- Planning History
- Proposal
- Planning Policy Position
- Layout and Design
- Sustainability
- Sustainable Location
- Community involvement
- Housing
- Highway and Parking Issues
- Biodiversity
- Landscape/Arboricultural Issues
- Impact on Heritage Assets
- Drainage and Flood Risk
- Education
- Employment Use
- Section 106 Obligations

Site Description

6.2 The application site extends to an area of 13.31 hectares and comprises partly constructed employment units (to the south of the site) and arable land.

6.3 The application site lies to the north of Clacton on Sea within the settlement development boundary of the Draft Local Plan, but outside within the adopted 2007 Local Plan. The site is bounded by Oakwood Business Park, residential properties and Stephen Road West to the south, Thorpe Road and Oak House Farm (Grade II Listed) to the west, and agricultural land and residential properties to the north and east.

6.4 The land is largely flat, sloping gently south-westwards. Hedgerows with trees and scrub of varying structure, condition and quality border the site. Those hedgerows on the eastern boundary have some, albeit limited, botanical interests, forming a feature of the local landscape and character of the area. Part of the Thorpe Road frontage is open, with a small ditch at the side of the road.

- 6.5 The site is not affected by any local designations, such as Local Green Gaps, Conservation Areas, or Areas of Outstanding Natural Beauty. This site is not subject to any statutory or non-statutory nature conservation designations, and is well separated from the nearest such designations by existing development. In terms of habitats, the site is of low/negligible ecological value and provides limited opportunities for protected species.
- 6.6 A redundant overhead power line crosses the site from south west to north east. It is understood underground cabling was laid in early 2010 along the northern and western boundary of the site to replace these overhead lines. The overhead power lines can be dismantled, and easement rights have been provided to the electricity provider for maintenance of the replacement underground cabling. Therefore the redundant overhead power lines do not form a constraint to development.
- 6.7 Part of the southern section of the site forms part of the employment allocation in the Draft Local Plan. The southern half of the site is allocated as a Principal Business and Industrial Areas in the 2007 adopted Local Plan.

Planning History

- 6.8 The site is a committed development site, comprising land subject to an implemented permission for a business park for classes B1, B2 and B8 uses. Outline planning permission 97/00626/OUT was granted on 13th March 2003 and reserved matters 06/00438/DETAIL on 1st June 2006 for an extension to Oakwood Business Park incorporating 42,211 sqm (gross) floorspace (B1, B2 and B8).
- 6.9 The grant of planning permission for the business park on the site established the principle of development on this land, and the principle means of access from Thorpe Road and Fowler Road. This planning permission and its implementation is an important material consideration which should be given due weight in the determination of this application. The application site covers an identical area to the business park permission.

Proposal

- 6.10 The proposal seeks outline planning permission for residential development of up to 250 dwellings, and 2,273 sqm (gross) of B1c floorspace, along with open space, landscaping and access from Thorpe Road (for residential), and from Fowler Road (for employment).
- 6.11 The employment floorspace created would deliver approx 50 jobs.
- 6.12 The application is submitted in outline form with all matters reserved for future consideration including appearance, scale, layout, access, and landscaping, and does not include any land not already committed for development. Whilst in outline form, the applicant has submitted an Indicative Layout Plan to provide an understanding of how the site could be developed.
- 6.13 The employment development is proposed on the southern section of the site in order to integrate it more effectively with existing employment provision and protect the residential amenity of future residents.
- 6.14 The site will be served by two vehicular accesses, one from Thorpe Road (for residential) and one from Fowler Road (for employment). Pedestrian and cycle links will be directed via Fowler Road.
- 6.15 All hedgerows are proposed to be retained and a landscaped border along the northern and western boundary retained and reinforced, taking into account easement rights for the underground cabling.

- 6.16 Street trees are proposed throughout the development, and open space will be provided in locations accessible to future residents. The landscaping would also include two balancing ponds, with one adjacent to the Thorpe Road access.
- 6.17 The application is supported by:
- Planning Statement
 - Development Brief
 - Transport Assessment
 - Heritage Assessment
 - Tree Report
 - Arboricultural Impact Assessment
 - Statement of Community Involvement
 - Design and Access Statement
 - Ecology Assessment
 - Flood Risk Assessment
 - Indicative Site Plan
 - Indicative Landscape Masterplan

Planning Policy Position

- 6.18 This site forms part of a larger area of land allocated for a residential-led mixed-use development in the Tendring District Local Plan: Proposed Submission Draft (2012), as amended by the Pre-Tendring District Local Plan: Pre-Submission Focussed Changes (2014), and is covered by a specific Policy COS15 'Development East of Thorpe Road'. This is one of many urban extension sites that were identified in the Draft Local Plan to address future housing requirements in the district up to 2024 in recognition of the short and ever decreasing supply of previously developed land within established built up areas and the government's requirement for Councils to boost, significantly, the supply of housing to meet objectively assessed needs.
- 6.19 In the Council's Adopted Local Plan (2007) this site is shown, in part, as protected employment land, reflecting the outline planning permission 97/00626/OUT for business and industrial development that was granted in 2003 and subsequent approval of reserved matters 06/00438/DETAIL in 2006. Since the approval of planning permission, some development has taken place on the southern part of the site off Fowler Road but there has been little commercial interest in developing the remainder of the site for business and industrial purposes. Paragraph 22 of the National Planning Policy Framework advises against the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and, accordingly, the Council took the decision to re-designate the site for a mix of residential and employment development in the Draft Local Plan.
- 6.20 The decision to re-designate this land from employment to mixed use development also followed the overwhelming level of public objection to the proposals for major neighbourhood development to the north-west of the town (Hartley Meadows) and on land off Sladbury's Lane (East Clacton) that were published for consultation in 2010 as part of the 'Core Strategy and Development Policies Document'. That document was subsequently abandoned following the government's changes to the planning system and, through the preparation of a new-style Local Plan, residential development on land off Thorpe Road was considered to be a more acceptable and more deliverable alternative to those larger, more controversial proposals.

- 6.21 Whilst the Draft Local Plan has yet to be fully adopted and the Council knows that further changes will be needed, paragraph 216 of the National Planning Policy Framework does allow Councils to give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework (the greater the consistency, the greater the weight that may be given).
- 6.22 The 2012 Draft Local Plan was published for consultation in November 2012 and the subsequent Focussed Changes were published in January 2014 having followed previous consultation on issues and options in 2009, a draft Core Strategy in 2010 and housing numbers, locations and type in 2011. Officers therefore consider that the Draft Local Plan has reached a sufficiently advanced level of preparation to be given weight in the determination of planning applications.
- 6.23 During the consultation period, Policy COS15 and the allocation of land off Thorpe Road only attracted eight representations – three in support and five in objection. Of the objections received, one was from Essex County Council, one was from Little Clacton Parish Council, two were from other landowners and one was from a St. Osyth resident. These are explained below:
- Essex County Council's objection related to the lack of primary school provision and need for an appropriate pedestrian footway from the development to the established built up area however both of these issues have now been considered and resolved by the applicant as part of this application, as explained elsewhere in this report.
 - Little Clacton Parish Council raised concerns about the potential impact of the development on the village of Little Clacton in terms of urbanisation and traffic, particularly as part of the site falls within Little Clacton Parish. However transport issues have been considered and addressed by the applicant in liaison with Essex County Council as the highway authority (explained elsewhere in this report) and the concerns over urbanisation are not accepted for this particular application because the principle of urban development has already been accepted through the previous grant of planning permission for business and industrial purposes.
 - Silverton Aggregates raised concerns about the physical separation between the site and established residential areas by the existing industrial estate, but only as a means to promote their own land in Oxford Road as an alternative site for a residential redevelopment. The resident from St. Osyth also raised similar observations, suggesting that other, better located sites may be available for residential development. A range of alternative development sites have been considered as part of the Council's 2013 Strategic Housing Land Availability Assessment (SHLAA) but this still concludes that the land off Thorpe Road provides a suitable, available and deliverable site for residential development that will be necessary to make a meaningful contribution toward addressing the objectively assessed needs for future housing development.
 - R.J. Wilkin and Partners who own and farm the land immediately east of the application site raised a list of concerns about the impact of development in this location on the general environment and on the operation of their farm. They have however since indicated a willingness to support the proposal if their land were also included in the

Local Plan for a further phase of development. The potential for expanding development eastwards is now being considered as an option to ensure the Local Plan meets the objectively assessed needs for future housing development (see below).

- 6.24 In response to the public consultation on the Pre-Submission Focussed Changes however, the revised COS15 allocation attracted a 113-name petition in objection to the development, a further objection from Little Clacton Parish Council and comments from neighbouring landowners wishing to ensure that development on one part of the site does not compromise the potential for future development on adjoining land. The main objections from the petitioners and Little Clacton Parish Council related to increased traffic, pedestrian safety and the positioning of the new school that would serve the development, as proposed a separate new policy COS19.
- 6.25 The Council also received a number of objections to the overall housing growth figures proposed for the Local Plan, including objections from Essex County Council, Colchester Borough Council and landowners and developers, concerned that the plan does not make adequate provision of land to meet the objectively-assessed need for housing, in full, as required by the National Planning Policy Framework (NPPF). Having taken advice from the Planning Inspectorate and considered the difficulties that other Councils have encountered in trying to meet the requirements of national policy, the Council, on 25th March 2014, decided that further revisions to the Local Plan will be needed to address this issue and that a dedicated Local Plan Committee would be set up to oversee this work. The aim is to prepare a new version of the Local Plan identifying additional sites for housing development for initial consultation in 2015 with final consultation, submission, examination and adoption in 2016.
- 6.26 All of these objections have either already been resolved by the applicant in liaison with Essex County Council as the highway and education authority as part of this application or, in the opinion of officers, do not challenge the soundness of Policy COS15 or the allocation of land for development off Thorpe Road. For these reasons, it is considered that the emerging policy can and should carry considerable weight in the determination of this application.
- 6.27 With regard to consistency with the National Planning Policy Framework, the development of this site would contribute significantly toward addressing the objectively assessed needs for housing development and reducing the shortfall that the Council will need to address through further changes to the Local Plan later in the year. The site is also in a sustainable location with good access to existing employment areas, public transport, the highway network and other local facilities and will become even more sustainable with the proposed provision of a new primary school and further services and facilities. For this reason the 'presumption in favour of sustainable development' set out in national policy should apply to this proposal.
- 6.28 Turning to matters of policy detail, criterion a) of Policy COS15, as revised, requires that "the principle point of vehicular access will be via a new roundabout and spine road off Thorpe Road which will provide access to residential development to the north and new employment to the south, immediately north of the industrial estate". The indicative layout drawings accompanying the application do not appear to provide for access in accordance with this criterion, instead suggesting access to residential development from Thorpe Road and a secondary access for employment use off Fowler Road. The rationale behind the 'spine road' concept was to ensure a sustainable mix of development with access for housing alongside future employment and other non-residential development not only during the current plan period, but also in the longer term if further phases of development to the east were ever required. Because this is an outline application with matters of detail reserved for later consideration, internal road layout is not being agreed at this stage. Through a later reserved matters application however, the applicant will need to

demonstrate that the layout of the development does enable access to land for both residential and non-residential development and does not jeopardise the potential for longer-term mixed-use expansion eastward.

- 6.29 Criterion b) of Policy COS15, as revised, requires that “the development must deliver improvements to Thorpe Road including the provision of a footway to the established built up area at Centenary Way”. Further exploratory work by the applicant has proven that the establishment of a footpath along Thorpe Road will not be physically possible within the constraints of available highway land and other land controlled by the applicant. Therefore an alternative arrangement that provides for pedestrian connections to the established built up area via Fowler Road is proposed.
- 6.30 Criterion c) of Policy COS15, as revised, requires that “the development must deliver safe, secure and direct routes through the development”. Because this is only an outline application with matters of detail reserved for later consideration, routes through the development are not being agreed at this stage.
- 6.31 Criterion d) of Policy COS15, as revised requires that “land west of the development and north of Centenary Way, as identified on Polices Map Inset 1, will be set aside for green infrastructure to help soften the impact of development and strengthen the Strategic Green Gap between Clacton and Little Clacton. This land will either be transferred to Tendring District Council with a financial contribution toward future maintenance and used for outdoor recreational activities, or suitable alternative management arrangements put in place to ensure long-term maintenance”. In this instance the applicant is looking to provide public open space within the development in accordance with Draft Local Plan policy PEO22, being that the application site is over 10 hectares in size, and the indicative layout is providing a minimum of 10% of the gross site area (the residential element) as public open space. The site plan however is indicative, and whilst the site plan indicates a provision of 18% of the gross site area of the residential element as public open space, the provision of a minimum 10% of the gross site area as public open space can be secured by planning condition.
- 6.32 Criterion e) of revised Policy COS15 requires that “the development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of a single-form entry primary school with commensurate early years and childcare facilities, as proposed, through Policy COS19, on land west of Thorpe Road”. Essex County Council Education Services have confirmed it is not necessary to reserve a potential school site on this application site, and the applicant has proposed an off-site financial contribution to be secured via a Section 106 Agreement (see Education section below).
- 6.33 Criterion f) of revised Policy COS16 requires that “the Council will also expect a full archaeological evaluation to be carried out prior to any development due to the potential existence of heritage assets, in the form of archaeological remains”. This will be secured by planning condition.
- 6.34 In conclusion, from a planning policy perspective, outline planning permission can be approved in accordance with Policy COS15 of the 2012 Draft Local Plan, as amended by the 2014 Focussed Changes and the ‘presumption in favour of sustainable development’ set out in the National Planning Policy Framework.

Layout and Design

- 6.35 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

- 6.36 With regard to decision taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.37 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.38 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.39 The submitted details show that the total development site covers an area of 13.31ha (32.88 acres). This includes employment area, public open space, surface water swales, and boundary landscaping. Of this total area 12.29ha (30.36 acres) would comprise of residential, and 1.01ha (2.49 acres) of B1c employment. Approx. 2.21ha is designated as Public Open Space within the residential element of the scheme (18% of the site area). The development would result in an average housing density of 20 dwellings per hectare
- 6.40 With regards to the residential element of the scheme, the applicant confirms this will include a mix of housing types and densities, integrated with private amenity and open space. This will include boulevard housing based upon 2 or 3 storey houses arranged in detached, semi-detached or short terraces to suit their site location. Towards the centre of the site, along the boulevards or overlooking the central open space could be larger houses with building ranges of approx. 6-7 metres in width and 7 to 12 metres in length. These houses could have a second floor with pitched roof spaces.
- 6.41 Moreover, Arcadian housing is indicated mainly 2 storey which could be located near the perimeter of the site, particularly to the northern and western site boundaries, which would be arranged in a more informal or Arcadian layout – with shared meandering roadways set in landscaped margins.
- 6.42 With regards to the employment element, as part of this application it is proposed that the south eastern area of the site is developed for employment consistent with the extant planning permission for that part of the site. It is therefore intended that the buildings will have a 7 metre eaves height, and varying in size from 180sqm to 650 sqm.
- 6.43 Whilst the matters of layout and scale are for later consideration the applicants have given a general indication of the likely layout of the site with the submission of an Indicative Site Plan. This plan identifies the location for the 250 dwellings to the majority of the site, with the employment element to the south of the site. It also identifies power cable to be re-routed underground along the west and northern boundaries, open space, play areas, surface water swales, new and existing trees, and accesses off Thorpe Road to the west, and Fowler Road to the south.

6.44 Based on the land available for development and having regard to local constraints it is considered that developing this site for up to 250 residential units with associated public open space, and 1.01ha of employment land could be successfully achieved.

Sustainability

6.45 The government has set out, at the heart of the National Planning Policy Framework (NPPF), the concept of a 'presumption in favour of sustainable development' which should be seen as a golden thread running through both plan-making and decision taking.

6.46 Paragraph 6 of NPPF states that "the purpose of planning system is to contribute to the achievement of sustainable development" and paragraph 7 goes on to identify the three fundamental roles that the planning system should play in seeking to achieve that goal – an 'economic role', a 'social role' and an 'environmental role'.

6.47 The NPPF makes it clear that gains in each of these respects are necessary for a proposal to contribute toward, and be classed as sustainable development.

6.48 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.49 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.

6.50 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.

6.51 The Council has published the Tendring District Local Plan Proposed Submission Draft (2012), but the document is yet to be submitted to the Secretary of State. Formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.

6.52 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.53 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',

- economic,
- social; and,
- environmental roles.

6.54 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic

- 6.55 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and in the new employment site and from future occupants utilising local services such as shops and amenities within the town, and so meets the economic arm of sustainable development.

Social

- 6.56 In terms of the social role, the site is within proximity of various services all within walking distance of the site. Bus services are in close proximity of the site, with a bus stop on Stephenson Road West to the south of the site (300 metres walking distance). Existing bus services from the south of the site provide a link to Clacton Town Centre and surrounding towns and villages, and in addition bus service 137 provides access to Clacton Railway Station.
- 6.57 The site also benefits from a number of primary schools within a 2 mile walking distance.
- 6.58 Overall officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability.

Environmental

- 6.59 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site forms part of the Settlement Development Boundary in the 2007 adopted Local Plan, albeit allocated for employment use.
- 6.60 It is also acknowledged that the entire application site forms a committed development site in the form of an extension to the Oakwood Business Park.
- 6.61 On this basis, and given the inclusion of the site within the defined settlement boundary in the draft Local Plan, Officers consider that a more pragmatic approach is justified in this instance to development, as the development of this site can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

Sustainable location

- 6.62 Clacton-on-Sea is identified as an 'Urban Settlement' in the 2012 Draft Local Plan – the most sustainable category of settlement owing to the range of infrastructure, job opportunities, shops, services and facilities that larger settlements have. Such settlements are better placed to accommodate larger scale development than smaller rural villages where access to such benefits is more limited.
- 6.63 In addition, this location has been identified for potential development for a number of years, initially through the Council's 2009 consultation on 'Issues and Possible Options', then through the 2011 consultation exercise on possible housing numbers, locations, sites and type. These exercises lead to the formulation of the 2012 Local Plan Proposed Submission Draft which specifically allocates the site in question for mixed-use development. Sustainability Appraisals were carried out to inform the 2009, 2010 and 2012 exercises to assess the relative sustainability of different options, sites and policies and these appraisals alongside evidence contained in the Council's SHLAA (that assesses the suitability, availability and deliverability of sites) have helped to underpin the decision to allocate this site, as well as others, as a preference to other alternative sites.

Community Involvement

- 6.64 The concept of development in this location was the subject of consultation exercises relating to the preparation of the Local Plan in 2009, 2011, 2012 and 2014. The 2009 and 2012 exercises also involved exhibitions in the Princes Theatre, Clacton Town Hall, and the latter resulted in a number of comments being submitted in relation to the proposal in the Draft Local Plan. On top of this, the applicant has undertaken considerable stakeholder engagement both with local bodies including Little Clacton Parish Council, the local MP, Essex CC, the Environment Agency and Anglian Water.

Housing

- 6.65 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph 49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with a degree of flexibility to promote choice and competition in the market for land.
- 6.66 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land. In applying weight to the emerging 2012 Draft Local Plan however, the Council is demonstrating its intention to comply with this requirement by identifying additional sites for the period up to 2021, of which one is the application site.
- 6.67 In the absence of a five year supply of deliverable housing sites in the 2007 Adopted Local Plan, the Council is expected to comply with NPPF's 'presumption in favour of sustainable development' and, where possible, support proposals for housing development. Because the application site is the subject of an allocation in the 2012 Draft Local Plan that has been approved by Full Council, there is already an acceptance that development in this location could be supported. The fact that the Draft Local Plan has also been published for consultation and the applicant has actively sought to address the comments raised, both during consultation on the Draft Local Plan and through their own consultation efforts adds further weight to the argument that this application should be approved to ensure compliance with the NPPF and the presumption in favour of sustainable development.
- 6.68 Policy PEO7 of the draft Local Plan (as amended) supports the objectives of the NPPF by promoting a mix of housing size, type and tenure on new development sites of 10 units or more, with a preferred mix being:
- At least 10% of dwellings to be private housing with 4 or more bedrooms;
 - At least 40% of dwellings to be private housing with 3 bedrooms;
 - Between 10% and 25% of dwellings to be Council Housing or Affordable Housing; and
 - Between 25% and 40% to be determined by developers in responding to market demand.
- 6.69 Policy PEO10 of the draft Local Plan requires development proposals involving the development of 10 or more dwellings to provide 25% of the new dwellings as affordable units, with a minimum of 10% of new dwellings to be provided on site, and the remainder of the 25% requirement offered as an off-site financial contribution towards the construction of property for use as Council Housing. In this instance the applicant is committed to delivering 10% affordable housing on-site (up to 25 units), and is willing to negotiate an off-site affordable housing contribution on the basis that this can be justified through further

evidence on need, and subject to viability assessment (see Section 106 Obligations section).

- 6.70 The remaining housing mix (as required by draft policy PEO7) can be determined at the reserved matters stage to ensure the housing proposed meets local market demands.
- 6.71 The Council' Housing dept have been consulted on this application. They confirm that Clacton is the preferred location for 45% of all applicants registered for housing as at 1st January 2015, and there is a demonstrate need for affordable housing in the Clacton area. However as the size and type of properties to be built are unknown at this stage, the Housing dept have reservations with regards to the agreement of only 10% on-site provision given the demand for affordable properties in Clacton. They state that they would prefer on-site provision given this demand but the number or percentage/financial contributions will need to be clarified and discussed further once it is know how many units will be built and what size and type they are.
- 6.72 Whilst this position is acknowledged, draft policy PEO10 is clear in that it allows developers to provide a minimum of 10% of new dwellings on site, with the remaining 15% to be provided as a financial contribution, as an alternative to providing the full 25% on site. As a result, Officers are satisfied that the requirements of policy PEO10 can be met through a Section 106 Agreement.
- 6.73 Officers consider that the above would be compliant with the requirements of Policy PEO7 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) (as amended).

Highway and Parking Issues

- 6.74 Paragraph 4 of the NPPF sets out the criteria for promoting sustainable transport and in this regard stipulates in Paragraphs 34 to 36 how this should be approached. The overall aims and objectives of the NPPF are supported by Policies contained within Chapter 7 of the Tendring District Local Plan (2007) as well as by Policies SD8 and PEO4 of the Tendring District Local Plan Proposed Submission Draft (2012).
- 6.75 Paragraph 34 indicates that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.76 Paragraph 35 further requires that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.
- 6.77 Paragraph 37 stipulates that there should be a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

- 6.78 In this regard and in support the outline application the applicants have submitted a Transport Assessment (TA) which identifies that the site is in a location suitable for development in accordance with national and local planning policy, with Clacton being identified within both the adopted and draft Local Plans as one of the most suitable settlements for this within Tendring.
- 6.79 The precedent for development on the site has been set by extant planning permission for 42,211 sqm of employment floor space. The extant employment scheme was proposed to be served by a new roundabout junction located on Thorpe Road. The access arrangements from Thorpe Road and Fowler Road including the design of the roundabout on Thorpe Road and traffic impact of the extant employment development was approved by Essex County Council as the Highway Authority.
- 6.80 The development proposal is for the provision of up to 250 residential units. However it is noted the TA considers the traffic generation and impact of 400 residential units to take into account the Council's wider aspirations for Land East of Thorpe Road. In addition the TA also considered the proposed employment development.
- 6.81 It is proposed (although access is reserved) that access to the residential development will be served by the same approved extant roundabout design. The roundabout is approx. 31 metres inscribed circle diameter and located approx. 250 metres north of the roundabout junction with Stephenson Road West and Centenary Way. It is proposed that vehicle access to the employment area is served via Fowler Road which is an existing industrial cul-de-sac. Fowler Road forms a priority junction with Stephenson Road West to the south of the site.
- 6.82 The pedestrian and cycle access to the proposed residential development site will be via Fowler Road. Fowler Road is a cul-de-sac with footways on both sides and will provide a connection to the existing footway and bus stop facilities on Stephenson Road West to the south of the development (existing bus stop approx 300m walking distance from site).
- 6.83 Concerns have been raised through the representations received with regards to highway safety on the local highway network. The TA has reviewed the collisions on the local highway network in the vicinity of the site which does not reveal any discernible collision patterns. The TA therefore concludes there is no existing collision problems that will be exacerbated by the development proposal.
- 6.84 The exception to this is a number of cycle collisions on Stephenson Road West. As part of the Factory Outlet cinema permission a combined footway cycleway along the southern side of Stephenson Road West between the existing cycleway on Centenary Way and the existing cycleway that terminates at the western entrance to Clacton Factory Shopping Village will be delivered. However, if the Factory Outlet permission is not implemented these improvements will be delivered by this scheme (by planning condition), and will reduce the potential for conflict between cyclists and other road users.
- 6.85 The TA concludes that the traffic generation and impact of the scheme together with the Council's aspirations for wider development at Land East of Thorpe Road (assessed as being 400 at the time the TA was written), and the employment allocation adjoining the site have been found to be acceptable. The scheme benefits from good accessibility by non-car modes, and there are no highway reasons why the proposed development should not receive planning permission.
- 6.86 Essex County Council as the Highway Authority has been consulted on this application, and raises no objection subject to the imposition of conditions (outlined above in consultations following assessment of the original indicative site plan and amended indicative site plan).

- 6.87 Of particular note is the requirement to provide an improved existing and/or a new bus service or services. The Essex Design Guide states the ability for public transport to penetrate larger developments is a major component in the County Councils sustainable transport policy. It goes on to state that there is a need to ensure that those without access to a car as well as those who tend to use their cars mainly for short trips have an opportunity to make use of a convenient public transport system. Within a larger development, the walking distance between any dwelling and a bus stop should be in the order of 400 metres. Given that the southern boundary of the application site is approx. 300m in walking distance to the existing bus stop on Stephenson Road West (and therefore the northern section of the site would be over 400 metres from this bus stop), the provision of a bus service through the development site would comply with the aims of policy QL2 of the 2007 Local Plan. The applicant has agreed to this provision within their draft Heads of Terms.
- 6.88 With regards to parking issues, given that this application is in outline form with all matters reserved, details of the parking provision have not been provided, however the applicant confirms the level of parking will accord with the 2009 parking standards.
- 6.89 Officers have raised concerns during the course of the application that the vehicular access off Thorpe Road is of particular importance to the Council, given that the site is the key access point into the much wider allocation, and therefore it is critically important that any development on this site does not prejudice this wider strategic housing allocation, or result in a lack of important infrastructure to make the wider area work. The applicant has advised Officers that whilst the approved Thorpe Road roundabout has significant capacity over above the movements generated by this residential scheme (i.e. the roundabout was designed to accommodate the business park consent which would generate 694 two way movements in the AM Peak Hour, compared with 250 dwellings generating only 130 two way movements, and as a comparator 1,250 dwellings still only generating 651 two way movements), it is for the draft Local Plan to determine future allocations and access options. Therefore whilst this information provides the Council with a broad brush estimate of the proposed Thorpe Road roundabout's capacity, the applicant states it is not for them to assess this but for the Local Plan process.
- 6.90 Officers are aware of a recent appeal decision in Somerset for a residential development where the local Council refused planning permission partly due to the lack of a master plan for the wider site, and concerns that the proposal would prejudice the development of the area in a planned and sustainable manner. The appeal was allowed and the Appeal Inspector whilst sympathising with the Council's desire to 'master plan' the entire site allocation, the Council could not demonstrate a five-year housing supply, and there was no adopted development plan policy requirement to undertake a master plan exercise. Given the presumption in favour of sustainable development based on the three mutually dependent dimensions – economic, social and environmental, and that the Inspector considered the scheme would meet all three dimensions without requiring a master plan, the appeal was allowed and planning permission granted.
- 6.91 Against such assessments, Officers have given this point considerable thought, and on balance whilst assurances have not been provided, Officers acknowledge that access is reserved for further consideration, and land does appear to be available to provide a larger roundabout if required. On this basis the vehicular access arrangement off Thorpe Road is considered acceptable, but members will need to exercise judgement, taking into account the points raised above. Furthermore, the use of Fowler Road for pedestrian and cycle access to the whole site, and vehicular access to the employment land is also considered to be acceptable, especially given that Fowler Road has previously been accepted for pedestrian and cycle routes by extant permission 97/00626/OUT.

Biodiversity

- 6.92 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of the Environment Agency and other appropriate authorities.
- 6.93 Officers note that no part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.94 In support of the application an Ecological Assessment prepared by Aspect Ecology has been submitted. This assessment identifies that the line of trees, hedgerows, and ditches around the site are considered to be of moderate/low ecological value at the site/local level, and will be largely retained and protected under the proposals, with the exception of several small losses to facilitate development. The remaining habitats within the site are either species-poor, and/or intensively managed and composed of common and widespread species such that these habitats are of low/negligible ecological value and therefore their loss under the proposals is considered to be of minor/negligible ecological significance.
- 6.95 With regards to protected species, the habitats within the site provide limited opportunities for bats, badger, reptiles and common birds, and therefore the following mitigation/precautions are proposed:
- 6.96 Bats – Trees with bat potential at the site will be protected during construction and a lighting scheme for the development designed and implemented which reduces light spill onto these trees and boundary vegetation, where appropriate.
- 6.97 Badgers – There is potential for badgers to pass through the site on occasion and therefore appropriate measures will be undertaken during construction to safeguard badgers.
- 6.98 Reptiles – The grassland areas within the site provide some limited sub-optimal habitat for reptiles, and accordingly individual common reptiles may occasionally be present. A precautionary habitat manipulation exercise will therefore be implemented, if required, in order to safeguard any reptiles that may occasionally utilise this habitat.
- 6.99 Birds – Common birds may use habitats within the site for nesting, and as all wild birds receive protection whilst nesting, in order to avoid a potential offence it is recommended that any clearance of nesting habitat is undertaken outside of the bird nesting season. New landscape planting will ensure long-term nesting opportunities for birds are secured if not enhanced.
- 6.100 In conclusion, based on the evidence obtained from detailed ecological survey work, and with the implementation of the recommendations set out in the report (secured by condition), together with mitigation measures and an ecological enhancement scheme, there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be significantly harmed by this proposal. Therefore based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or geo-diversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Landscape/Arboricultural issues

- 6.101 Policy PLA5 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the countryside in the district is one of its key assets both in terms of tourism and the living environment of local residents. The district is diverse in its landscape character and appearance and certain areas are particularly sensitive to development and change.
- 6.102 In this regard, the applicant notes the existing site is bounded by hedgerows to the northern, eastern, and western sides with a number of mature hedgerow trees along the eastern boundary. The southern boundary comprises the hedgerow and trees of Bramcote Wood and the security fence around the retained industrial site.
- 6.103 The applicant has submitted a separate Arboricultural Impact Assessment and Tree Report to confirm the condition of the existing trees and to recommend those that are to be retained and those which are in less good condition and which may be removed. A landscape design for the site has been submitted which is indicative (as landscaping is reserved for future consideration), and has been in-formed by the site's semi-rural location, the aspirational nature of the proposed development and the ecological and hydrological requirements of the scheme.
- 6.104 The overall road layout of the scheme has been designed to have a boulevard feel with avenues of trees lining the roads, with the trees set in grass verges which will separate pedestrians from vehicles.
- 6.105 Public open spaces are shown on a submitted Indicative Landscape scheme which would comprise a plant palette with hedging to reinforce the perimeter fence, and native species trees and shrubs set within areas of short mown amenity grass and wildflower meadows.
- 6.106 The hydrological requirements of the development have produced two balancing ponds which will occasionally fill with drainage water during periods of heavy rainfall before discharging away. The larger of these ponds is located adjacent to the proposed roundabout that will provide access into the development. This location has been chosen for a combination of hydrological, topographical and aesthetic considerations. The pond would be fenced off and set within a grassed area and surrounded by appropriate native species trees and shrubs with marshland species planted within the body of the pond. It would form an entrance feature for the development.
- 6.107 With regard to the above the Councils Landscape and Tree Officer was consulted. The Officer commented that it has been demonstrated that the development proposal could be developed without harm being caused to the perimeter trees however if consent were to be granted then a new TPO would be made in order to ensure that the trees were retained following completion of the development of the land, and the landscaping of the land should also be secured under reserved matters.
- 6.108 As a result, it is considered the proposals would not have a significant adverse impact on the character and appearance of the area, or any protected trees.

Impact on Heritage Assets

- 6.109 The NPPF in Chapter 12 sets out how Local Planning Authorities should assess and deal with planning applications that would affect heritage assets. In this regard Policies in Chapter 6 of the Tendring District Local Plan (2007) and Chapter 5 of the Tendring District Local Plan Proposed Submission Draft (2013) support Governments objectives and set out that the historic environment within the District has a powerful influence on people's quality of life generally giving them a sense of identity and civic pride. Its enduring physical presence contributes significantly to the character and 'sense of place' of rural and urban environments.

- 6.110 As a result relevant policies seek to protect or enhance the district's historic assets but also make best use of its rich heritage to help promote the district as a visitor destination and an attractive place to live and work.
- 6.111 In order to comply with National and Local Plan Policies the applicants have submitted a Heritage Statement to support the application. The Heritage Statement identifies three groups of assets:
- Below ground archaeology (undesignated assets),
 - Willow Farm (designated asset) – Listed Grade II situated east of the site and is timber-framed building from the 17th century or earlier,
 - Oak House Farm (designated asset) – Listed Grade II situated to the west of the site and is timber-framed from the 16th century with later alterations.
- 6.112 The Heritage Statement concludes that there will be no direct impact on the two listed buildings, and careful screening of the proposed development boundaries should reduce any visual impact on these designated heritage assets.
- 6.113 As this is an outline application with all matters reserved for future consideration, it would not be possible to come to a final conclusion on the actual impact of the development on the setting of the Grade II Listed Buildings. Officers however consider that with careful consideration of details regarding layout, scale and design during the reserved matters application a development of this site in the manner proposed could be achieved without having a materially harmful effect upon the character and appearance, or setting of the Listed Buildings, therefore compliant with relevant National and Local Plan Policies.
- 6.114 In addition to the Listed Buildings, the Heritage Statement concludes that the potential for the presence of prehistoric and Roman periods is low, while that for medieval remains is considered to be slightly higher.
- 6.115 Essex County Council Archaeology confirmed that the application site has the potential for having archaeological implications. The County Council did not raise an objection to the application subject to the inclusion of a full Archaeological Condition with any approval. The applicants acknowledge that the application site is in an area where important prehistoric remains are known and that there is therefore sufficient reason for the Local Planning Authority (taking advice from specialist Historic Environment officers at Essex County Council) to request an archaeological evaluation of the site prior to development, in line with current legislation and planning guidance.
- 6.116 Based on the above it is considered that the proposed development of the site can be achieved without causing harm to any of the identified Heritage Assets in keeping with the aims and objectives of National and Local Plan Policies identified above.

Drainage and Flood Risk

- 6.117 The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.118 The applicants have submitted a Flood Risk Assessment as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps the site is located entirely within Zone 1 – at low risk of flooding, as defined by Table 1 of the

Technical Guidance to the National Planning Policy Framework (having a less than 1 in 1000 annual probability of river or sea flooding in any year).

- 6.119 The Flood Risk Assessment (FRA) further also considers flooding from other sources as required by Local Plan Policies for development sites exceeding 1 hectare in size. In this regard the following sources were identified:
- 6.120 **Flooding from Rivers** – Both Pickers Drain and Holland Brook, the nearest main water courses are approx. 1.5km from the site. The risk from flooding from rivers is considered to be low.
- 6.121 **Flooding from the Sea** – The site is approx. 2.6km from the sea and at a level approx. 21m AOD. The risk of flooding from the open coast and tidal rivers is considered to be low.
- 6.122 **Flooding from the Land** – On a macro scale, the site is at the crest of a local rise and that the land tends to fall away from the site in all directions. Therefore the site is not considered to be vulnerable from overland flow. On a micro scale, the site falls 5m across approx. 500m in an east to west direction, giving a cross fall of between 1 in 100 and 1 in 200. This would facilitate run-off across the site. However ground conditions from site investigations in the area indicate that there is a layer of sands and gravels over the predominately clay based superficial deposits. This means that any rainfall onto the site will soak into the ground and is therefore unlikely to flow overland. Therefore the risk from the land is considered as low.
- 6.123 **Flooding from the Ground** – As highlighted above the ground conditions indicate that the site has a layer of sands and gravels over a layer of fissured clays. The risk of flooding from groundwater is considered as high for structures within the ground and therefore needs to be taken into consideration in the design of drainage.
- 6.124 **Flooding from Sewers** – There is an Anglian Water culverted ditch to the south-west of the site which the ditch along the southern boundary discharges into and this has been known to block and back up which has flooded the south-west corner of the site. The risk that these sewers could become blocked or overwhelmed is considered as medium.
- 6.125 **Flooding from Reservoirs, Canals and Other Artificial Sources** - There are no known artificial sources of potential flooding.
- 6.126 Due to the high risk of flooding from groundwater and the medium risk from drainage systems, mitigation measures will be required which relate to drainage. It is therefore proposed that the following flood risk management measures will be undertaken as part of the design of the proposed scheme:
- **Level Strategy** – FFLs will be set a minimum of 150mm above the surrounding external works to alleviate the risk of overland flow.
 - **Surface Water Drainage (SUDs)** – The proposed development is introducing impermeable areas into what is currently a greenfield site which discharge to local ditch network and then into the Anglian Water sewers. Therefore SUDs are a key aspect of the design of the surface water drainage solution and careful consideration has been used.
- 6.127 With regards to the information submitted within the FRA, the Environment Agency has been consulted, and have no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydrogeological context of the development.

- 6.128 In addition, Anglian Water has commented upon the application, and confirms the foul drainage from this development is in the catchment of Clacton – Holland Haven STW that at present has available capacity for the flows from the proposal. With regards to the foul sewerage network, AW state the development will lead to an unacceptable risk of flooding downstream, and therefore a drainage strategy will need to be prepared in consultation with AW to determine mitigation measures. This can be imposed as a planning condition.
- 6.129 Based on the details contained within the FRA it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Education

- 6.130 Local Plan Policies QL12 of the Tendring District Local Plan (2007) and SD7 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the Council will seek planning obligations wherever they are fairly and reasonably related in scale and kind to the proposed development.
- 6.131 Having regard to the overall scale of the current proposal Essex County Council Education Services have stated that at primary school level the proposed development site falls within the priority admissions area for Burrsville Infant School. Children attending Burrsville Primary School have priority for admission to Great Clacton CEJS. Both of these schools are operating at close to capacity and are forecast to have deficits once new housing is added into the forecast. A contribution towards the cost of providing new permanent school places is required to serve the development, and based on 250 houses, the sum would be £812,475 index linked to April 2014 costs, to provide 75 places. In terms of land, ECC confirm it is not necessary to reserve a potential school site on this development.
- 6.132 ECC also confirm that all providers of early years & childcare (EY&C) in the Burrsville area are at 100% capacity, and could not accommodate children from this development. Based on 250 houses, the sum of £277,920 would be sought, index linked to April 2014 costs, to provide 22.5 places.
- 6.133 ECC have also requested EY&C places attributed to the proposed employment element of the scheme (based on number of employees x 0.04 (paces generated) x £12,352 (cost per EY&C place) index linked to April 2014 costs, thereby amounting to £24,704. However, given that the application site has an extant planning permission for employment use, they have withdrawn the request for monies linked to the employment element of the scheme.
- 6.134 ECC confirm at secondary school level, the proposed development area falls within the priority admissions area for Clacton County High School, and given that this school is forecast to have a surplus of places in 2017-18, no contribution is requested for additional secondary school places or sixth form provision.
- 6.135 The applicant disputes some of the evidence base provided by ECC Education Services. For example, the applicant claims the school capacity at Gt Clacton CEJS is 360 places, not 240 as stated by ECC, and as a result there is capacity to accommodate primary school age children from the Oakwood Park development.
- 6.136 Furthermore, the applicant claims there is a lack of evidence to demonstrate no capacity in the local area and the current application resulting in a net reduction in demand for EY&C places in the local area, and that EY&C is a personal preference and there is no statutory duty to enrol children into EY&C places.

- 6.137 The applicant however does acknowledge there would be a deficiency in primary school places for Reception, Years 1 and 2 (given that Gt Clacton CEJS caters for the age range 7-11), and as a result the applicant has offered a financial contribution of £348,203 (i.e. 3/7^{ths} of the contribution requested by ECC – given the 7 age groups at primary school) to the local authority to spend in consultation with the Education Authority and/or relevant education providers on existing and new local primary school facilities within the site's catchment.
- 6.138 With regards to these points, Officers have had a meeting with colleagues at ECC Education to establish their position. Evidence has been provided from the Secretary of State for Education which confirms the capacity at Gt Clacton GEJS is 240 in the age range of 7-11. Further information has been provided with evidence of the lack of capacity for EY&C places in the local area. This information has been shared with the applicant.
- 6.139 The applicant confirms they are committed to delivering an education contribution of £348,203, and are willing to negotiate an increased education contribution on the basis this can be justified through further evidence on education capacity and needs, subject to a viability assessment (see Section 106 Obligations section).

Employment Use

- 6.140 Policy COS15 of the Tendring District Local Plan Proposed Submission Draft (2012) provides for a mixed-used scheme including an employment related development.
- 6.141 The proposal includes provision within the southern portion of the site for 2,273 sqm (gross) floorspace for B1(c) uses. The employment floorspace proposed would deliver approx 50 jobs, based on The Employment Densities Guide (2010) which identifies an area of 47 sqm of B1c floorspace per full time equivalent job. The inclusion of employment related floorspace therefore is in accordance with policy COS15.
- 6.142 In addition it is considered that due to the fact that the whole scheme is primarily residential it is essential that any employment uses must not affect the quiet amenity value of the residential occupiers. The employment related floorspace is located adjacent to the existing commercial units on Fowler Road, and as a result it is considered acceptable.
- 6.143 It is acknowledged that approx one-third of the application site is safeguarded as allocated employment land within the 2007 adopted Local Plan (Policy ER2), and the whole site has extant planning permission as an extension to the existing Oakwood Business Park. However given the status of the Local Plan, and it is acknowledged the employment land allocation is mostly removed under the draft 2012 Local Plan, policy ER2 is not considered to be consistent with the NPPF, as the NPPF (at Paragraph 22) states "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose....Applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".
- 6.144 It is therefore considered that residential development on part of the previous employment allocation should be assessed on the merits of delivering housing on that land, and given the lack of a 5 year housing supply, the delivery of housing outweighs the benefits of protecting a committed employment site which as a whole is unlikely to come forward for that approved use.

Section 106 Obligations

- 6.145 Policy PEO10 of the draft Local Plan requires for developments of 10 or more dwellings, the Council will expect 25% of new dwellings to be made available to Tendring District Council

to acquire at a discounted value for use as Council Housing, or as an alternative, the Council will accept a minimum 10% of new dwellings to be made available to the Council alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement. In this instance, the applicant has offered 10% of the total unit build as affordable housing, with a remaining off-site contribution to be negotiated with the Council. Negotiations with regards to the off-site financial contribution are on-going with officers, and if members are minded to approve the application, this would be subject to the satisfactory resolution of those negotiations.

- 6.146 Essex County Council Education Services have confirmed the need for a financial contribution towards education provision. ECC confirm that there are sufficient secondary school places to serve the needs of the development. However, ECC forecasts indicate a deficiency in early years and childcare, and primary school spaces. The applicant is willing to provide a financial contribution but require further evidence on education capacity and needs to increase their education contribution. Negotiations with regards to the financial contribution are on-going with officers and colleagues from Essex County Council, and if members are minded to approve the application, this would be subject to the satisfactory resolution of these negotiations.
- 6.147 Also as stated in the report above, a Section 106 Agreement is required for the provision of a bus service.
- 6.148 The applicant has indicated a willingness to enter into a planning agreement to secure financial contributions required by the development, and these discussions are ongoing. Members are therefore requested that if there is a resolution to grant outline planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the above matters.

Conclusion

- 6.149 It is considered that the development of the application site in the manner proposed could be achieved in compliance with the National and Local Plan Policies identified above and approval is recommended on this basis.

Background Papers

None