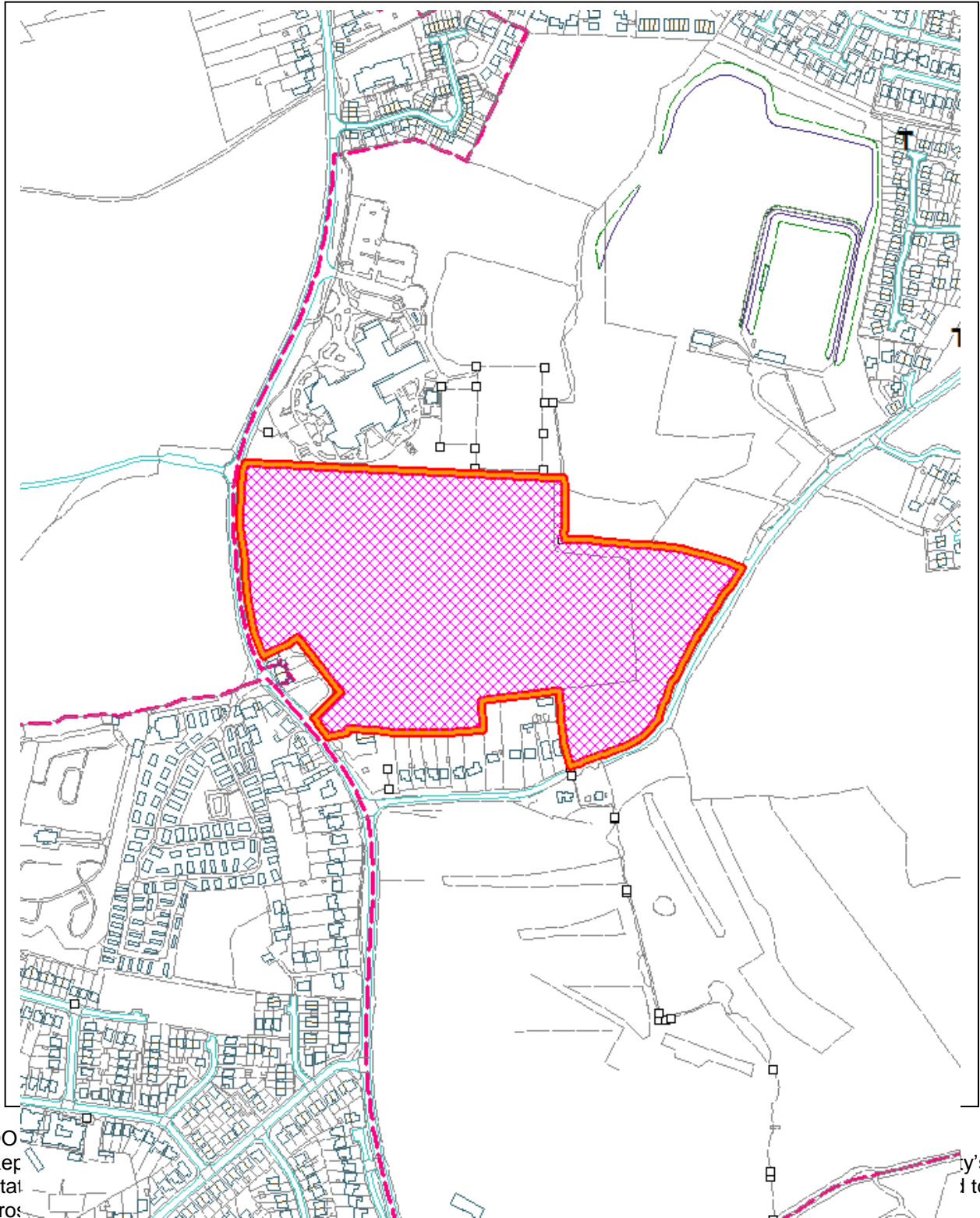


PLANNING COMMITTEE

20<sup>TH</sup> OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATIONS - 15/00904/OUT - LAND NORTH OF RUSH GREEN ROAD, CLACTON ON SEA, CO16 8BQ**



<b>Application:</b>	15/00904/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Bloor Homes Eastern	
<b>Address:</b>	Land North of Rush Green Road Clacton On Sea Essex	
<b>Development:</b>	Outline planning application for up to 240 dwellings with areas of landscaping and open space and associated infrastructure.	

## 1. Executive Summary

- 1.1 This outline application with all matters reserved apart from access, proposes the erection of 240 dwellings on land north of Rush Green Road and south of Tendring Enterprise Studio School. This application is before Members as it is a departure from the adopted Development Plan and has also been to committee by Councillor Everett.
- 1.2 The site has been shown as a housing allocation within the 2012 and 2014 draft Local Plans. The application site is located within a 'Local Green Gap' as defined within the 2007 adopted Plan. This impact upon a defined gap between Clacton-on-Sea and Jaywick must be weighted up against the significant lack of housing land within the District, emerging policy and the potential benefits such a scheme could deliver.
- 1.3 As well as housing, part of which will be affordable, the development also provides green space, biodiversity improvements and financial contributions towards education, healthcare and highway improvements.
- 1.4 No significant issues have been raised during the application process by Council departments or statutory undertakers. Relatively few objection letters have been received.
- 1.5 Officers consider the proposed development to be acceptable and recommend approval of outline planning permission, subject to a Section 106 legal agreement and a number of controlling conditions.

### **Recommendation: Approve Outline**

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

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required)
  - Affordable housing;
  - Education;
  - Public Open Space;
  - Highways requirements; and
  - Health.
- 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).

**Conditions:**

- Reserved matters condition
  - Reserved matters time limit
  - Commencement of development within 2 years of reserved matters
  - Local recruitment strategy
  - Method statement from Environmental Health
  - Contaminated land survey
  - Flood authority conditions x 4
  - Programme of archaeological trial digs
  - Archaeological field work
  - Post excavation assessment
  - Surface water drainage
  - Landscaping condition
  - Ground level condition
  - Hours of working condition
  - Recommendations of ecological assessment
  - Wheel washing
  - Highways condition with six requirements:
    - a. Traffic light controlled junction
    - b. U[grade to bus stops
    - c. Footpath to Jaywick Lane
    - d. Footpath to Rush Green Road
    - e. Pedestrian refuge
    - f. Travel information packs
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse 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.

**2. Planning Policy**

National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Plan 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 Use

HG1            Housing Provision

HG4	Affordable Housing in New Development
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
COM20	Air Pollution/Air Quality
COM21	Light Pollution
COM22	Noise Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN13	Sustainable Drainage Systems
EN23	Development Within the Proximity of a Listed Building
EN29	Archaeology
TR1a	Development Affecting Highways
TR1	Transport Assessment
TR2	Travel Plans
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

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

SD5	Managing Growth
SD8	Transport and Accessibility
SD9	Design and New Development
PEO1	Housing Supply
PEO2	Housing Trajectory
PEO3	Housing Density
PEO4	Standards for New Housing
PEO5	Housing Layout in Tending
PEO7	Housing Choice
PEO22	Green Infrastructure in New Residential Development
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape
PLA6	The Historic Environment
COS12	Development at Rouses Farm Jaywick Lane
COS13	Development South of Clacton Coastal Academy

Other guidance:

Parking Standards Design and Good Practice Guide (2009)

Essex Design Guide (2005)

Urban Place Supplement (2007)

Public Open Space SPD (2008)

Schools Contributions from Residential Developments (2004)

**3. Relevant Planning History**

13/30148/PREAPP	Screening opinion to confirm whether land constitutes formal EIA development.		31.12.2013
14/30418/PREAPP	Proposal for up to 265 new residential dwellings, high quality public open space with the principal point of access from Jaywick Lane and a secondary access off Rush Green Road.		11.02.2015

#### **4. Consultations**

- 4.1 TDC Housing – Affordable housing provision would be required as part of the scheme.
- 4.2 TDC Trees and Landscaping – No objection to proposed development. Landscaping scheme required, further comments on specific trees on site.
- 4.3 TDC Regeneration – No comments received.
- 4.4 TDC Open Space – Contribution required.
- 4.5 TDC Environmental Health – Contaminated land condition requested. Hours of working required during construction. No specific issues with lighting or air quality assessments.
- 4.6 Essex Police – No objection to development, detailed design must be to Secure by Design standards.
- 4.7 National Grid – No comments received.
- 4.8 UK Power Networks – No comments received.
- 4.9 Essex County Fire Officer – No comments Received.
- 4.10 Anglian Water – No objection to proposed development. Capacity exists in wastewater network and at Jaywick STW.
- 4.11 Essex Wildlife Trust – No comments received.
- 4.12 ECC SuDS Approval Board – Raised a holding objection to the scheme suggesting that the Flood Risk Assessment (FRA) fails to provide enough information about flow rates and the outfall ditch. The applicants have through their engineers in consultation with ECC SuDS prepared additional information which officers understand has addressed ECC SuDS's concerns. The SuDS body now raise no objection to the proposed development subject to the imposition of a number of conditions.
- 4.13 Environment Agency – No objection but comments on recycling centre to north and sustainability of buildings has been provided
- 4.14 ECC Archaeological Services – No objection to proposed development subject to a number of controlling conditions
- 4.15 Natural England – No objection and confirmed that the proposal will not have an impact on nearby European Protected sites. Recommend securing measures to enhance biodiversity of the site.
- 4.16 ECC Highways Authority - The Highway Authority raises no objection subject to a number of pre-commencement conditions and requirements for the legal agreement.
- 4.17 Essex County Council Education Services – Request Section 106 contributions to address the shortfall across education sectors (see Assessment below)
- 4.18 NHS England – No objection and has requested a financial contribution to be secured through a S.106 Legal Agreement

## 5. Representations

5.1 Councillor R Everett has referred this planning application to the Planning Committee as the local ward Councillor, for the following reasons:

- The plans are not in accordance with the sustainability objectives of the NPPF
- The plans are of significant concern to residents in my ward for various issues including - potential noise nuisance; inadequate infrastructure to support such a development; access considerations among other reasons.
- The submitted application possibly indicates a desire to overdevelop the site.
- Ecological issues including but not limited to bats and great crested newts.
- Finally the application does not accord with the existing local plan.

5.2 Ward Councillor Newton has confirmed to officers that she is happy for Cllr Everett to progress her referral.

5.3 Cllr Land made objections to the planning application which are summarized below:

- Impact on Green Belt land
- Loss of identity for villages
- Lack of infrastructure including education and healthcare
- Impact on highways
- Lack of jobs within the area

5.4 Seven letters of objection were received in relation to this planning application. Issues are summarised below:

- Access and impact on highways
- Impact on landscape character
- Impact on education provision
- Poor telecommunication and broadband
- Lack of jobs in Clacton
- Poor television signal in locality
- Impact on 'Green Belt'
- Does not accord with COS13 and COS12
- Requirement to upgrade Jaywick Lane
- Impact on health provision
- Impacts on sewage plant and infrastructure
- Development is on a greenfield site
- Changes to Clacton airfield flight paths
- Lack of public transport in the locality
- Impact on Green Gap
- Impact on the character of villages which adjoin Clacton
- Planning applications being refused elsewhere
- Traffic impacts
- Important to look at this development in line with the Rouses Farm development
- Concerns over affordable housing
- Net impact with Jaywick in terms of deprivation
- Questions over site selection and location
- Too many properties in one area
- Request for green route through development
- Improved pedestrian and cycle routes
- Bats spotted on site
- Lack of bat survey

## 6. Assessment

### Principle of development

- 6.1 The application site is located to the west of Clacton-on-Sea between the western edge of Clacton and the eastern edge of Jaywick. The site is bounded by the Tendring Enterprise Studio School to the north, Jaywick Lane to the west and Rush Green Road to the south and east.
- 6.2 The site is located outside of the defined Settlement Development Boundaries (SDBs) of Clacton-on-Sea and Jaywick within the adopted (2007) Local Plan. Outside development boundaries, the Local Plan sought to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.3 Clacton-on-Sea is identified as a 'Town' within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a significant amount of growth can be supported. Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards these larger urban areas and to within development boundaries as defined within the Local Plan as mentioned above.
- 6.4 The application site has been identified within the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) as supporting an urban extension to the town and has been specifically identified for residential development under policy COS13.
- 6.5 Policy COS13 is outlined below:

#### ***POLICY COS13: DEVELOPMENT SOUTH OF CLACTON COASTAL ACADEMY, JAYWICK LANE/ RUSH GREEN ROAD***

*Land to the south of the Clacton Coastal Academy between Jaywick Lane and Rush Green Road, Clacton-on-Sea (as defined on Policies Map Inset 1) is allocated for residential development. The Council will work with the developer (and relevant partners) prior to the submission of a planning application to ensure that alongside relevant policy requirements in Chapters 2 to 5 of this Local Plan, development proposals also meet the following specific requirements:*

- a) *The development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution) to any upgrading or expansion that is necessary at the existing sewage treatment works in Jaywick;*
- b) *The development must secure a direct connection to the Jaywick Sewage Treatment works, or a connection to the Rouses Farm development to avoid placing pressure on the existing sewage treatment network unless other suitable arrangements can be agreed with Anglian Water;*
- c) *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 Jaywick Lane;*
- d) *The development will contribute (either through Community Infrastructure Levy or an equivalent financial contribution where viable) toward the provision of the purpose-built medical centre proposed, through Policy COS12, on land at Rouses Farm;*
- e) *The principle points of vehicular access will be off Jaywick Lane with a secondary access off Rush Green Road (to be agreed in advance with the Highways Authority);*
- f) *Proposed development must deliver high quality public space including boundary treatments and hard and soft landscaping designed as an integral part of the development*



*reflecting the function and character of the development and surroundings;*

*g) The development shall deliver safe, secure and direct routes through the development including a green corridor linking Rush Green Road and Jaywick Lane; and*

*h) 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*

- 6.6 Chapter 6 of the 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. 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.
- 6.7 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. This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.
- 6.8 As has been said, 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. 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.
- 6.9 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.
- 6.10 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.

### **Economic**

- 6.11 Officers consider that the proposal would contribute economically to the area, for example by providing custom for services such as shops and public houses within Clacton-on-Sea. It is also considered that employment during the construction of the development will also take place, this could take the form of the developer utilising local services and tradesmen. It is therefore considered that this meets the economic arm of sustainable development.
- 6.12 The Council has the power to impose a Local Recruitment Scheme within a policy attached to this permission.

### **Social**

- 6.13 In terms of the social role, the site is within close proximity of various community services all within walking distance of the site, in particular the Tendring Enterprise Studio School.

- 6.14 Clacton-on-Sea benefits from good transport links. The nearest bus stop is located opposite the site to the southwest and the nearest train station is approximately 4.5km away. The location has provision to public transport that provides accessibility to Colchester. Clacton railway station also provides connections to London. Overall, this site has good access to services, facilities and public transport.
- 6.15 In terms of local education facilities, there are a number of Primary Schools relatively close to the site however this school is at capacity (see education comments below). The Tendring Enterprise Studio School is adjacent to the application site. A contribution is required for early years and primary education.
- 6.16 In addition, it is noted that Clacton-on-Sea has been identified as one of six 'Urban Settlements' within the district in Policy SD2 of the draft Local Plan. These are the largest types of settlement, containing a vast range of local services and facilities with potential for the highest level of growth in terms of homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of town centres, public transport facilities and other community facilities. Whilst the policy has limited weight at this stage, it goes some way to illustrate the sustainability credentials for the town and the site.
- 6.17 Overall officers consider that the application site performs well in terms of the social role within the definition of sustainability.

### **Environmental**

- 6.18 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 is close to the Settlement Development Boundary in the 2007 Plan and is within it in the 2012 Draft Local Plan with development to the north of the site. The proposed development will make further sense in terms of settlement shape if and when the proposed allocated sites to the northwest and east come forward.
- 6.19 As a result, development would be comparable with existing development in the locality. 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 positive 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.
- 6.20 The detailed impact upon the Green Gap allocation is considered elsewhere in this report.

### **Design and Density**

- 6.21 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The Framework as stated at paragraph 17 is to always seek to secure high quality design.
- 6.22 Policies QL9, QL10 and QL11 of the Saved Plan aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Policy SD9 of the Draft Plan, whilst of limited weight carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

### **Density**

- 6.23 The applicant, in their accompanying information to this planning application, indicated a capacity of 240 dwellings on site. The site area measures some 9.7 hectares allowing for a density of some 25 dwellings per hectare. This does however include areas of open space so in reality the net density on site will be higher, some 30 dwellings per hectare.
- 6.24 The site was promoted through the Council's previous 'Call for Sites Exercise' to inform the new Local Plan, where an indicative capacity of 270 dwellings was promoted by landowners. Within the Draft Plan, as mentioned above, the site was proposed for housing allocated with an indicative capacity of 100 dwellings allowing for a large area of green open space within the southern part of the site. This capacity was increased to 180 on site within the Focused Changes Document. The site was also promoted through the Local Plan Committee process. Draft policy SD6 recommended a capacity of 225 dwellings on site at the 21<sup>st</sup> October Local Plan Committee.
- 6.25 The application site was also subject to pre-application consideration by officers and then-Members. At that time a capacity of 265 was recommended by the developer, however Members and Officers considered that this density was too high and would lead to design problems on site.
- 6.26 A capacity of 240 with a resultant density of between 24 and 30 dwellings per hectare is considered acceptable in this location.

### **Design**

- 6.27 This planning application is submitted in an outline form with all matters, except access, reserved for later consideration by the Council. The development's detailed design is one of these matters to be considered at 'reserved matters' stage.
- 6.28 This being said, the applicant has provided an illustrative Framework Plan which, whilst only indicative demonstrates to officers that a suitable layout could be achieved on site.

### **Landscape Impact & Visual Impact**

- 6.29 The application site is not located in or close to any area of land defined as local, national or international protected sites, however there are some site specific characteristics to be considered.

### **Local Green Gap**

- 6.30 The proposed development is located within an area designated as a 'Local Green Gap' within the adopted plan. This designation and its associated policy (EN2) aim to prevent the coalescence of settlements so that their character may be protected. The policy achieves this by effectively preventing development within these areas.
- 6.31 A number of recent appeal decisions have provided officers with an up-to-date position from the Planning Inspectorate as to their thoughts on this local designation. The specific appeals in question are those of 'Torcross Poultry Farm, 110 Harwich Road, Lt Clacton' and 'West Country House, Cherry Tree Avenue, Clacton-on-Sea'. The Inspector considered that the designation and its associated policy still hold weight in planning decisions and that consideration must therefore be given to these. The Inspector did say however that a balance could be made between protection of Green Gaps and the significant need for housing across the district. It was further considered that, whilst limited, some weight could be given to the proposed allocations within the 2012 and 2014 Plans as these show the Councils direction of thought as to land designations. The Inspector also considered that

the function of the policy should be upheld.

- 6.32 In this instance, it is considered that sufficient protection is given by an acceptable design solution which can take place on site. The applicant has proven that a suitable gap can be provided to the southwest of the site which would keep the settlements of Clacton and Jaywick separate. Moreover, it is considered that, as part of an allocated site the insertion of green space within the development is a stronger protection in comparison to upholding the Local Green Gap policy as agricultural land alone.
- 6.33 Officers consider that the provision of a site for 240 dwellings would add significantly to the supply of housing land within the District and on balance weight can be given to this significant need.
- 6.34 Officers further consider that the proposed allocations in the 2012 and 2014 plans as well as the site's inclusion within the Local Plan Committee notes show the officer support for the proposed development.
- 6.35 It is therefore considered that the above demonstrates the Council's intention, in principle to deliver housing on the site and remove the Green Gap allocation from it within later versions of the Local Plan. Furthermore, a divide can still be delivered between Clacton-on-Sea and Jaywick which can be protected in a more formal manner. It is also considered that a balance must be made between the protection of the Green Gap and the significant need for housing throughout the District. In this instance it is considered that the need for housing land outweighs the Green Gap policy.

### **Trees**

- 6.36 The main body of the application site is currently in agricultural use with a crop of Broad Beans currently being grown.
- 6.37 There are no trees or other significant vegetation on the main body of the land. There are a number of trees on the boundary of the application site with the highway, within the gardens of properties abutting the application site and on the adjacent recreation ground.
- 6.38 In order to ascertain the extent of the constraint that these trees are on the development potential of the land the applicant has provided a tree survey and report that has been carried out in accordance with BS5837 Trees in Relation to Design, Demolition and Construction 2012, recommendations. The report identifies the extent of the constraint that the trees are on the development potential of the land and shows how retained trees will be protected for the duration of the construction phase of any consent that may be granted. The report identifies the retention of virtually all viable trees and identifies the extent of measures to be put in place to ensure that harm is not caused to important retained trees.
- 6.39 Works are detailed in the report to fell trees that are not viable and to reduce others that are in a potentially dangerous condition, this includes the pollarding of the White Willows situated on the boundary with Rush Green Road.
- 6.40 The report also identifies the need to coppice trees close to the proposed new bollard-controlled access from Rush Green Road. It states that T2 - Ash, T3 - Oak, T4 - Ash and T5 - Ash will be coppiced. Whilst the condition of the Ash is such that the works are justified the Oak is a better tree and should be retained. It appears that it would not fall within a visibility splay and if a 'Crown Lift' were to be carried out to remove lower branches, then the tree could be retained.
- 6.41 In terms of the indicative site layout the proposed open space provides room for play and pleasant pedestrian links through the development. A soft landscaping condition will be

attached to secure further details on the indicative planting shown on the site layout plan. Soft landscaping of the site will be a key element in achieving a desirable layout that could be accommodated in a semi-rural location. Soft landscaping should include planting to soften and enhance the appearance of the development and the open space as well screening the whole site to minimise any potential adverse impact on the character and appearance of the countryside.

### **Sustainability**

- 6.42 Officers consider the application site to offer a sustainable location for housing development. Prior to the site being included as a proposed allocation site within the 2012 Draft Local Plan officers assessed the site using Sustainability Appraisal (SA). Using this criteria, the site individually was found to be located in a sustainable location.
- 6.43 With regard to detailed sustainable design, whilst this shall be considered at 'reserved matters' stage, officers can make the following comments.
- 6.44 A number of sustainable construction principles have been recommended by the Environment Agency, however these can be considered in detail at 'reserved matters' stage.

### **Crime**

- 6.45 Essex Police have been consulted as part of the application process. Whilst they had no objection to the proposed development in principle, it was requested that the development meet Secure by Design certification. Officers consider that these detailed issues can be dealt with at 'reserved matters' application stage.

### **Impact upon Neighbours**

- 6.46 Whilst the layout provided is only indicative, the proposed development is located to the north of the application site away from the properties which front Rush Green Road and Jaywick Lane. The impact on the neighbouring properties is therefore considered to be acceptable. Whilst considered elsewhere in this report, the applicant has negotiated with adjoining residents and the proposed indicative layout has been amended accordingly.

### **Highway Safety**

- 6.47 Essex County Council Highways Authority were consulted as part of the application process. The Authority did not object to the proposed development provided that a number of conditions were attached to any approval and subject to the completion of a legal agreement.

### **Contaminated Land**

- 6.48 To the northwest of the application site is the Rush Green Recycling centre. There are potential land contamination issues associated with this land use. The Council's Environmental Health team were consulted as part of the application process. The Environmental Health Team do not object to the proposed development but do require a full contaminated land survey and method statement. These would be requested through a planning condition.

### **Flood Risk**

- 6.49 The Environment Agency's maps show the site lies in Flood Zone 1, which is the area of low flood risk (1 in 1000 year event). As the site exceeds 1 hectare, a Flood Risk

Assessment (FRA) is required, in accordance with Footnote 20 of paragraph 103 of the National Planning Policy Framework (NPPF) that provides details of how surface water is to be managed on the site. Whilst the site is outside the floodplain, development of this scale can generate significant volumes of surface water. The applicant has prepared a Flood Risk Assessment (FRA) which shows that ground water flooding will not be an issue.

- 6.50 Essex County Council SuDS team are the Lead Local Flood Authority (LLFA) in regard to flood risk and as such the Council has consulted them with regard to this application. The LLFA raised no objection to the proposed development with the imposition of four conditions.

### **Noise**

- 6.51 The applicant has provided a noise assessment dated May 2015. This sets out noise levels in the locality, and predicted levels from construction and occupation of the application site. The Council's Environmental Health team agreed with the recommendations made and set hours of working which can be conditioned.

### **Air Quality**

- 6.52 The application is accompanied by an air quality assessment which considers air quality at present, during construction and once the site is occupied. The Council's Environmental Health team were consulted on this report considered that the conclusions reached were acceptable.

### **Lighting**

- 6.53 The applicant has provided a lighting assessment which considers the existing lighting levels within the locality and those proposed by the new development. This assessment was assessed by the Council's Environmental health team who agreed with the conclusions of the assessment and found the lighting to be provided to be acceptable.

### **Biodiversity and Green Infrastructure**

- 6.54 Natural England was consulted as part of the application process. This body did not object to the application but did advise the Council to pay regard to their standing advice in respect to protected species.
- 6.55 The application is accompanied by an Ecological Assessment of the site. This constitutes an extended Phase One habitat survey. The assessment found that the loss of habitat, principally arable land, semi-improved grassland and some trees would not constitute a significant loss of high quality habitat. It is also recommended to plant additional trees and sow a wild flower mix within the open space to the south of the site.
- 6.56 Two statutory sites were identified in the assessment within 2 kilometres of the application site. Clacton Cliffs and Foreshore Site of Special Scientific Interest (SSSI) is located 997m south of the application site and is designated for its geological rather than ecological interest so is unlikely to be significantly affected by the propose development.
- 6.57 The second site is the Essex Estuaries Special Area for Conservation (SAC) located some 1.9 kilometres south of the application site. The SAC which is designated for its estuarine habitats is particular vulnerable to 'coastal squeeze', this is to say the landward migration presented by coastal protection works. The proposed development will not have an impact on this feature and so this relationship is considered to be acceptable.
- 6.58 With regard to nationally protected species' on or near to the application site the

assessment found the following:

- 6.59 Evidence of bats was not found on site but it was noted that a number of the trees to be affected could potentially be habitats for bats before the development commences. The assessment recommends the surveying of trees prior to works commencing on site. The assessment also recommends the insertion of bat boxes and that a suitable lighting scheme is provided.
- 6.60 Within the locality of the application site a number of lakes and ditches were identified and surveyed, These features were all found to be unsuitable habitats for Great Crested Newts as the water bodies consisted of managed ponds and a swimming pool and the ditches that adjoin the application site were dry on the second site survey.
- 6.61 With regard to badgers, no evidence of a population was found within the desk study or on the site visit, it is therefore considered that impacts on badgers would not be significant as a result of the proposed development.
- 6.62 Similarly, with regard to water voles, no evidence of a population was found within the desk study or on the site visit, it is therefore considered that impacts on water voles would not be significant as a result of the proposed development.
- 6.63 The assessment found that the site had the potential to be home to reptile species. This area of land was considered to be modest, consisting of only a rubble pile and a small area of modern grassland. It was considered that this area of land would not support a reptile population in its own right and therefore no further assessment work would be required. Mitigation measures have been recommended to address any impact. Clearing of the rubble pile is to be undertaken outside of winter months and the grassland is to be managed prior to cutting.
- 6.64 Some common bird species were noted on site but no significant impact was likely to take place as a result of the proposed development. A number of mitigation measures are put forward in the ecological assessment.
- 6.65 Whilst the assessment did identify a foxes den at the edge of the application site, this appeared to be unused, Mitigation measures are to be put in place to avoid harm to this animal.
- 6.66 Whilst a number of invertebrate species were identified by the desk study within 500m of the site, the proposed development has the potential to enhance these identified habitats through mitigation and habitat improvement measures.
- 6.67 Officers therefore consider that should the development be carried out in accordance with the recommendations of the Ecological Assessment, impact on species and habitat will not be significant and could be enhanced within the proposed development.

#### **Heritage Assets (Listed Buildings & Conservation Areas)**

- 6.68 There are no listed buildings or conservation areas within, adjoining or close to the application site.

#### **Heritage Assets (Archaeology)**

- 6.69 The Essex Historic Environment Record, including the results of the Tendring Historic Environment Characterisation Project, indicates that there are extensive below ground archaeological deposits in this area, including ring ditches, track-ways, field boundaries and enclosures (EHER 2898). The Tendring Geodiversity Characterisation report also highlights

the potential for evidence of early human occupation being present in the Holland Gravels located within the development site.

- 6.70 The Archaeological Desk Based Assessment included with the planning application also identifies the potential for below ground archaeological remains of local and possibly regional significance that may be affected by the development.
- 6.71 Essex County Council Archaeology were consulted as part of the application process. No objection was raised, however the imposition of three conditions was recommended.

### **Legal Obligations**

#### **Education**

- 6.72 Essex County Council Education has been consulted as part of the application process.
- 6.73 On the basis of 240 houses the proposal would generate a need for 22 Early Years and Childcare (EY&C); 72 primary school and 48 secondary school places.
- 6.74 The proposed development falls in the Bockings Elm ward of the Tendring district. Within Bockings Elm ward there are 8 childcare providers, all Ofsted rated as good or outstanding. There are currently no vacancies showing for FEEE2 or FEEE3/4 places and 3 of the 8 providers are operating at over 80% occupancy. Neighbouring wards are Little Clacton and Weeley, Hamford, Peter Bruff, St Osyth and Point Clear, St Marys, St Johns and Rush Green. Across all 8 wards there are 41 providers (14 Child minders, 4 Day Nurseries, 8 Pre-schools, 3 Primary Nursery Schools, 5 Breakfast Clubs, 4 After School Clubs, and 3 holiday Clubs). 7 of the 8 wards are currently showing no vacancies across the entire FEEE offer and 20 providers are above 80% occupancy. Based on the local sufficiency data I would suggest that there would not be capacity in the area for the additional children this development.
- 6.75 Based on the formula set out In Essex County Council's Developers' Guide, 22 additional places would suggest a contribution of up to £299,465 (index linked to April 2015 costs).
- 6.76 However, it is unclear at this stage whether existing provision can be expanded. A more cost effective solution to adding sufficient provision to serve the area may therefore be the construction of a new facility and it may be appropriate that land is set aside on this development to facilitate this solution.
- 6.77 This proposed development is located within the Tendring primary group 2 (Clacton) forecast planning group. The forecast planning group has an overall capacity of 4,202 places, of which 133 places are in temporary accommodation. The Tendring primary group 2 (Clacton) forecast planning group is forecast to have a deficit of 313 permanent places by the school year 2018-19. By way of indication, if an existing primary school can be extended the formula set out in Essex County Council's Developers' Guide would suggest a contribution of up to £876,384 (index linked to April 2015 costs) from a development of this size. This proposed development is located within the Tendring secondary forecast planning group 1 (Clacton). The forecast planning group has an overall capacity of 5,365 places. The Tendring secondary forecast planning group 1 (Clacton) forecast planning group is forecast to have a surplus of 233 places by the school year 2018-19.
- 6.78 The applicant has agreed to submit the above mentioned financial contributions as part of a wider Section 106 legal agreement. With regard to the provision of a facility on site, officers consider that this should be delivered through the Local Plan process through broad level strategic growth.



### **Affordable Housing**

- 6.79 The Council's Housing department were consulted as part of this planning application process. The department states that, given the size of the development and the fact that Clacton is the area of highest demand in the district, they would prefer to see affordable housing delivered on-site at this development.
- 6.80 The adopted affordable housing policy (HG4) requires that new developments of 15 or more dwellings adjacent to towns should provide 40% of dwellings as affordable. The Council has drafted emerging policy PEO7 'housing choice' which is based on more up-to-date evidence on viability than the adopted policy. The emerging policy requires that, for developments of 10 or more dwellings, between 10% and 25% of dwellings should be affordable. A recent appeal decision (17 and 19 Harold Road, Frinton-on-Sea) found that the thresholds, that is the number of dwellings, should refer to the adopted policy. The percentage of affordable housing continues to reflect the emerging policy as this element is based on recent evidence. Officers therefore consider that, between a 10% and 25% contribution on site would be acceptable.
- 6.81 A 25% affordable provision on site would constitute 60 dwellings on site being sold to the Council at a discounted rate. The Council's Housing department is currently working on its development priorities and at this stage the housing department cannot commit to purchase 25% of the housing for affordable housing.
- 6.82 The housing department would prefer to see properties 'gifted' to it. The housing department require 12 no gifted properties. The applicant has agreed to submit the above mentioned affordable units as part of a wider Section 106 legal agreement.

### **Open Space**

- 6.83 The Council's Open Space and Play department were consulted as part of this planning application.
- 6.84 Any additional development in Clacton will increase demand on already stretched facilities.
- 6.85 The nearest play area to the proposed development is located at Rush Green Recreation Ground. The play area is classified as a Local Equipped Area for Play.
- 6.86 Due to the proximity to the site it is highly likely that the biggest impact would be felt at this play area. Without the provision of additional play areas it is very likely that a largest impact would be felt at this play area. To account for the proposed development and to prevent the current deficit from increasing further, additional play opportunities would need to be provided.
- 6.87 It is noted that open space and the provision of new on-site play areas has been incorporated within the design. Should the developer wish to transfer the open space and play facilities to the Council upon completion a commuted sum calculated in accordance with Appendix 4, Supplemental Planning Document, Provision of Recreational Open Space for New Development dated May 2008 would be required for a period of ten years.

### **Health Provision**

- 6.88 NHS England was consulted as part of the planning application. The organisation made the following comments:
- 6.89 The planning application does not include a Healthcare Impact Assessment (HIA) of the proposed development or propose any mitigation of the healthcare impacts arising from the

proposed development.

- 6.90 NHS England has recently carried out a review of GP services to identify capacity issues throughout Essex. The current capacity and the significant level of proposed housing growth in this area means that it is anticipated that a new medical facility may be required, but the case for this has not yet been reviewed. The number of additional patients relating to development within this area alone is unlikely to warrant a new service provider being commissioned. Any new facility may therefore need to accommodate not just the increase in population arising from the housing growth but also to accommodate patients currently accessing services at existing locations.
- 6.91 A number of practices have patients registered within this area. Most of these services are provided under GMS contracts in properties owned or leased directly by GP partners.
- 6.92 The exception to this is the service at Nayland Drive which falls within the areas for development. These services are commissioned from Anglian Community Enterprise on a time limited contract, and the building is owned by NHS Property Services. The need for a commissioning led scheme in this area will be reviewed during 2015 alongside the review of the contract for services provided at Nayland Drive.
- 6.93 This development is likely to have an impact on the services of 2 GP Practices and 1 branch surgery within Clacton on Sea. These GP practices do not have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
- 6.94 In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution of £72,400 is sought, which would be payable before the development is first occupied.
- 6.95 Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.
- 6.96 NHS England is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF which require the obligation to be a) necessary to make the development acceptable in planning terms, b) directly related to the development and c) fairly and reasonably related in scale and kind to the development
- 6.97 Officers understand that the applicant is willing to provide the financial contribution required.

#### **Environmental Impact Assessment**

- 6.98 The site has been screened by the Council under the 2011 regulations where it was found that the development is not EIA development and did not require an Environmental Statement at application stage.

#### **Utilities**

- 6.99 The application is accompanied by a Utilities Assessment which details the requirement of the proposed development on a number of existing utility providers.
- 6.100 Foul water drainage is to be accomplished by utilising the existing 150mm gravity sewer which cores the site north to south and drains into the adopted sewer on Rush Green Road.

The sewer has capacity for the proposed development with the potential insertion of a suitably sized pump chamber. Officers have contacted Anglian Water direct in this respect. The Water Authority confirms that there is sufficient capacity in the network and that the sewage treatment works at Jaywick also has capacity for the proposed development.

- 6.101 With regard to electricity UK Power Networks provided the developer with two separate budgets, either of which is considered to be acceptable. The principle difference in these two scenarios is that one includes the burying of the existing high voltage cables which currently crosses the site and the other does not. This can be further considered at 'reserved matters' stage. UK Power Networks and National Grid were consulted as part of the application process but have chosen not to comment as yet.
- 6.102 Gas on site is provided by a connection to the medium pressure main along Jaywick Lane, as proposed by National Grid within the Utilities Assessment. This too can be confirmed at 'reserved matters' stage.
- 6.103 With regard to fresh water, Affinity Water has confirmed that there is capacity to serve the proposed development within the existing network.
- 6.104 Telecommunications and internet will be provided from the south end of the site but details of this will need to be considered with BT at 'reserved matters' stage.

### **Community Engagement**

- 6.105 The applicant has undertaken public exhibitions at the adjoining school and invited adjoining residents to attend meetings. A leaflet campaign was also undertaken and the applicant has also contacted Ward Members. Officers find the level of public engagement to be acceptable in this instance.

### **Other Matters**

- 6.106 As well as the comments made in respect to the 'call in' detailed above, the Ward Member also made further comments via email which should be addressed.
- Concerns over bat sightings on the application site - this issue has been addressed above.
  - Concerns over the loss of the Green Gap - this is addressed above.
  - Concerns regarding the lack of a Health Impact Assessment - this is considered in the above report.
  - Concerns relating to contaminated land - this is addressed above.

### **Conclusion**

- 6.107 Your Officers consider that notwithstanding the fact that the application site before you fails to be within the adopted development plan, significant weight can be given to the Council's lack of deliverable housing land in this instance. Furthermore it is considered that the impacts on the Green Gap and landscape character and appearance should be weighed against the benefits of providing housing land, affordable homes and contributions to health, education and open space in the District.
- 6.108 Members are respectfully requested to allow the Head of Planning to approve this application subject to conditions attached.

### **Background Papers**

None.