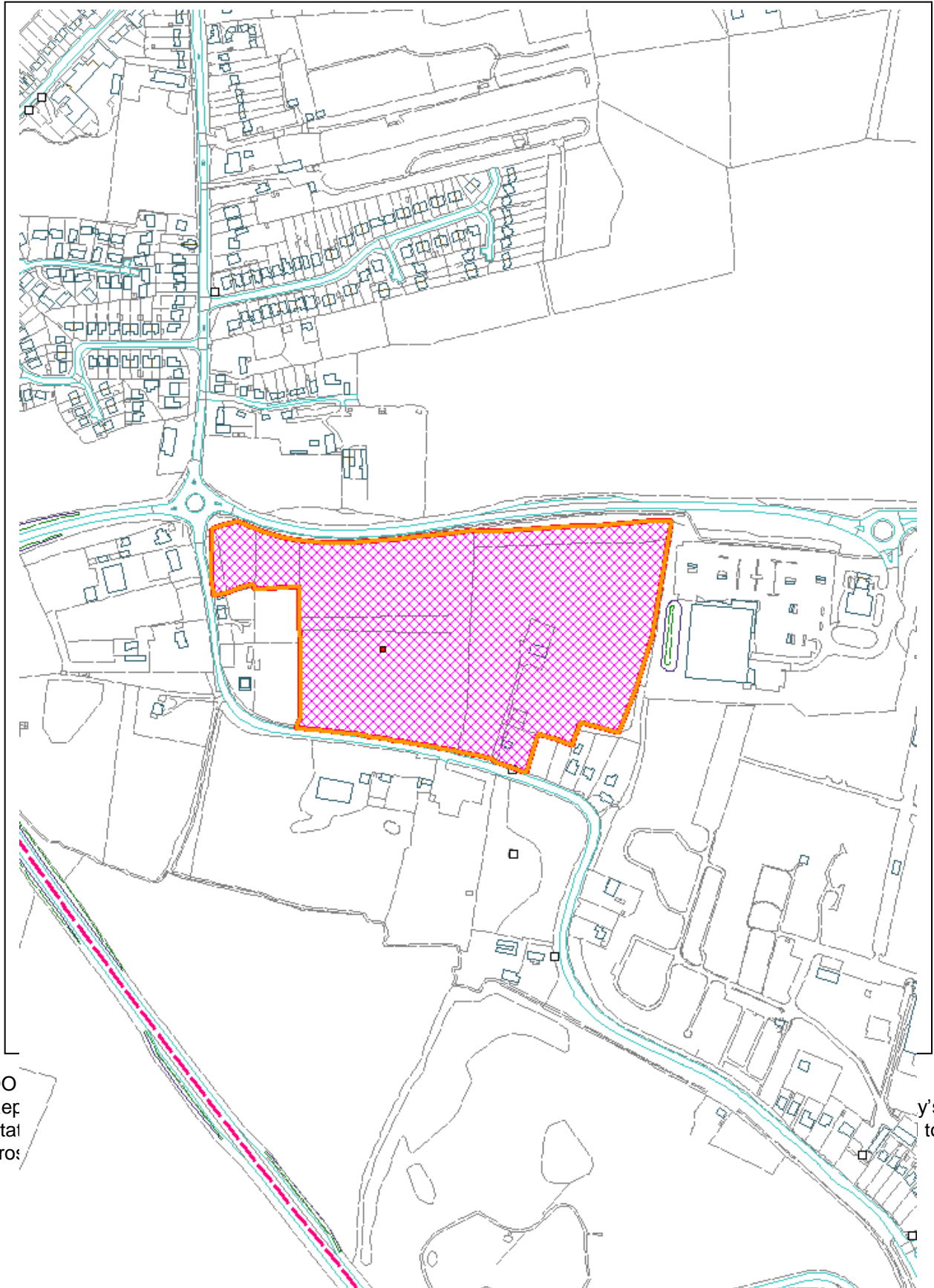


PLANNING COMMITTEE

14TH JUNE 2016

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATIONS - 15/01720/OUT - LAND SOUTH OF CENTENARY WAY LONDON ROAD, CLACTON ON SEA, CO16 9RA



DO
Rep
Stat
pro:

y's
to

Application:	15/01720/OUT	Town / Parish: Clacton Non Parished
Applicant:	Mr Ray Chapman - Ray Chapman Associates	
Address:	Land South of Centenary Way, London Road, Clacton-on-Sea	
Development:	Outline proposal for the erection of up to 175 residential dwellings, provision of permanent public open space and supporting site infrastructure, with all matters reserved apart from access.	

1. Executive Summary

- 1.1 This outline application with all matters reserved apart from access, proposes the erection of up to 175 dwellings, provision of permanent public open space and supporting site infrastructure on land South of Centenary Way London Road Clacton On Sea. This application is before Members as it is a departure from the adopted Development Plan.
- 1.2 On 12th April 2016, the Local Plan Committee considered a report containing Officers' recommendations for sites to include in the new version of the Local Plan for housing and mixed-use development. It was resolved to agree the recommended sites which included land South of Centenary Way London Road Clacton On Sea (the application site) with an indicative capacity of 175 dwellings. Whilst this resolution carries very limited weight as a material planning consideration at this time, it does indicate the intention for this site to form part of the new consultation draft of the Local Plan.
- 1.3 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 and Little Clacton 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.
- 1.4 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply. The National Planning Policy Framework (NPPF) 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.
- 1.5 Given the above, the current application should therefore be considered under the presumption in favour of "sustainable development". The NPPF requires the decision maker to grant planning permission, unless there are (a) adverse impacts and (b) such impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.
- 1.6 Whilst the application attracted objections from local residents, no significant issues have been raised by technical consultees. With regard to these technical aspects of the application the following solutions have been agreed:
 - Housing – Request 12 affordable homes on the site to be gifted to the Council.
 - Trees and Landscaping – Condition attached to secure the soft landscaping shown on the indicative site layout plan. In addition the proposed removal of the hedgerow on the boundary with London Road and the construction of the linear Ribbon type development along this section of road will significantly alter the character of the area. The appearance of the land from this aspect currently forms a pleasant and aesthetically pleasing green gap on the edge of the Clacton on Sea conurbation. Consideration

should be given to alternative arrangements for the dwellings on this part of the application site in an attempt to minimise the urbanising impact of the development.

- Open Space – On site provision of open space and play facilities complies with planning criteria but its position should be reconsidered as part of reserved matters application due to its proximity to Centenary Way.
- Contaminated land – Conditions attached to secure a full contaminated land initial phase 1 survey as well as a condition for construction and demolition sites.
- Anglian Water – No objection and Clacton Holland Haven Water Recycling Centre has available capacity to accommodate the current proposal.
- SuDS – Additional information has addressed ECC SuDS's initial concerns and conditions have been attached to secure agreed measures.
- 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.
- ECC Highways Authority - The Highway Authority raises no objection subject to a number of pre-commencement conditions as well as the some highway improvement works that would include improvements to the London Road/Progress Way/Centenary Way roundabout.

In addition upgrading of the four bus stops which would serve the application site. Two in London Road in the vicinity of the site access and two in London Road north of Progress Way/Centenary Way roundabout.

All the above stated works will be secured through a Section 106 Legal Agreement.

- Essex County Council Education Services – Financial contribution to be secured through Section 106 to address the shortfall across education sectors.
- NHS England – Financial contribution to be secured through a S.106 Legal Agreement

1.7 In considering the proposal on its merits, your Officers, in line with national policy, have attached significant weight to the projected need for housing in Tendring and the shortage of available sites and consider that, on a balanced judgement, the adverse impacts of development are not significant and demonstrable enough to outweigh the social benefit of delivering up to 175 dwellings and associated economic and environmental gains.

1.8 In addition, Clacton is categorised as an 'urban settlement' in recognition of its size and range of services and facilities. This is the most sustainable category of settlement and is the primary focus for development in the emerging Local Plan. The approach to growth in urban settlements is to specifically allocate land for development to help achieve a fair and proportionate distribution of growth across the district and sites have been identified within and around the town to achieve this.

1.9 In the absence of an up to date Local Plan and a five-year supply of deliverable housing sites, Officers consider that this development complies with the requirements of the National Planning Policy Framework and the recommendation is approval subject to a s106 agreement to secure affordable housing, open space and allotments, and financial contributions towards health and education.

Recommendation: Approval

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
- On-site Council Housing/Affordable Housing;
 - Education contribution;
 - Health contribution;
 - Open space and maintenance contribution;
 - Highway improvement works
 - Improvements to the London Road/Progress Way/Centenary Way roundabout
 - Upgrading of the four bus stops which would serve the application site. Two in London Road in the vicinity of the site access and two in London Road north of Progress Way/Centenary Way roundabout.
- 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) Standard 3 year time limit for submission of reserved matters application.
 - 2) Standard 2 year limit for commencement of development following approval of reserved matters.
 - 3) Details of appearance, access, layout, scale and landscaping (the reserved matters).
 - 4) Layout and phasing plan/programme.
 - 5) Development to be in general conformity with indicative layout plan.
 - 6) Development to contain up to (but no more than) 175 dwellings.
 - 7) Highways conditions (as recommended by the Highway Authority).
 - 8) SuDs conditions (as recommended by ECC SuDS)
 - 9) Foul water strategy.
 - 10) Surface water drainage scheme.
 - 11) Off-site drainage scheme during construction.
 - 12) Maintenance and monitoring of Sustainable Drainage System.
 - 13) Contamination report.
 - 14) Hard and soft landscaping plan/implementation.
 - 15) Ecological mitigation/protection measures as outlined
 - 16) Suitable biodiversity offset
 - 17) Details of lighting, materials and refuse storage/collection points.
 - 18) Provision of fire hydrants.
 - 19) Broadband connection.
- 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 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

Local Plan

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy

Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development

Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts

Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM4: New Community Facilities (including Built Sports and Recreation Facilities)

Supports the creation of new community facilities where they are acceptable in terms of accessibility to local people, impact on local character, parking and traffic and other planning considerations.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM9: Allotments

Safeguards against the loss of existing allotments.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN2: Local Green Gaps

Seeks to keep areas designated as Local Green Gaps open and essentially free of development in order to prevent the coalescence of settlements and to protect their rural setting.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN11a: Protection of International Sites

Guards against development that would have an adverse impact on wildlife habitats of international importance which includes the Stour Estuary.

EN11b: Protection of National Sites

Guards against development that would have an adverse impact on wildlife habitats of national importance such as Sites of Scientific Interest (SSSI) and National Nature Reserves (NNR).

EN11c: Protection of Local Sites

Guards against development that would have an adverse impact on wildlife habitats of local importance including Local Wildlife Sites (LoWS).

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development within the Proximity of a Listed Building

Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SD1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SD2: Urban Settlements

Identifies Manningtree, Lawford and Mistley together as a 'Urban Settlement' and one of the district's more sustainable locations for future growth.

SD5: Managing Growth

Seeks to direct new development to sites within settlement development boundaries.

SD7: Securing Facilities and Infrastructure

Requires developments to address their individual or cumulative infrastructure impacts and states that the Council will use planning obligations and/or CIL (when it is in place), where necessary, to ensure this happens.

SD8: Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

SD9: Design of New Development

Sets out the criteria against which the design of new development will be judged.

SD10: Sustainable Construction

Requires development to maximise measures to reduce energy consumption and reduce carbon emissions and other forms of pollution both during construction and during use.

PRO1: Improving the Strategic Road Network

Sets out the Council's intention to work with partners to secure improvements to key sections of the district's road network, which includes the A137 and the railway crossing at Manningtree Station.

PRO2: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

PRO3: Improving Education and Skills

Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PEO1: Housing Supply

Sets out the proposed growth in new housing for the district, but is subject to considerable change to ensure compliance with the NPPF, as being overseen by the new Local Plan Committee.

PEO3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

PEO4: Standards for New Housing

Sets out proposed minimum standards for the internal floor area and gardens for new homes. Internal floor standards have however now been superseded by national standards to be imposed through building regulations.

PEO5: Housing Layout in Tendring

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

PEO7: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

PEO9: Family Housing

Promotes the construction of family homes within new housing developments.

PEO10: Council Housing

Requires up to 25% of new homes on large development sites to be made available to the Council, at a discounted price, for use as Council Housing.

PEO19: Green Infrastructure

Requires new developments to contribute, where possible, toward the district's green infrastructure network.

PEO20: Playing Pitches and Outdoor Sports Facilities

Requires new developments to contribute where possible to the district's provision of playing pitches and outdoor sports facilities.

PEO22: Green Infrastructure in New Residential Developments

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

PEO23: Children's Play Areas

Requires new children's play areas as an integral part of residential and mixed-use developments.

PLA1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PLA3: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PLA4: Nature Conservation and Geo-Diversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PLA5: The Countryside Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement. The policy includes reference to the Coastal Protection Belt and the proposed extension to the Suffolk Coast and Heaths Area of Outstanding Natural Beauty.

PLA6: The Historic Environment

Sets out the Council's approach to understanding, protecting and enhancing the district's historic environment, in line with the NPPF.

PLA8: Listed Buildings

Guards against developments that would have an adverse impact on Listed Buildings, including their setting.

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

09/01059/FUL	Continued use of field for car boot sales, markets and exhibitions together with the siting of mobile toilets.	Refused	14.01.2010
09/01060/FUL	New access to field for car boot sales etc including new vehicle crossover. Closing of existing access and removal of vehicle crossover.	Approved	14.01.2010
10/00283/FUL	Continued use of field for car boot sales, markets and exhibitions together with the siting of mobile toilets.	Approved	10.06.2010
13/30106/PREAPP	Redevelopment of site for up to 4 no. aspirational houses.	Refused	18.02.2014
14/30439/PREAPP	Outline proposal for up to 175 residential dwellings, new public open space and amenities.		11.02.2015
15/01720/OUT	Outline proposal for the erection of up to 175 residential dwellings, provision of permanent public open space and supporting site infrastructure, with all matters reserved apart from access.	Current	

4. Consultations

Building Control and Access Officer	It is unclear at this early stage how the access for fire fighting appliances meets the provisions of Approved Document B.
Environmental Health	<p>Please add a condition to cover any Unexpected Contamination</p> <p>1. Should contamination be found that was not previously identified during any stage of the application hereby approved or previous to this and not considered in the any remediation scheme it shall be made safe and reported immediately to the local planning authority. The site shall be assessed in accordance with current guidance and and a remediation scheme shall be submitted for approval by the planning authority.</p> <p>2. Validation of Remediation Scheme</p> <p>The developer shall notify the local planning authority in writing of impending completion of the remediation works immediately on completion of such works a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the planning authority for approval.</p> <p>3. Validation Certificate</p> <p>Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to</p>

confirm that the remediation works have been completed in accordance with the documents and plans detailed in the remediation method statement

Regeneration

No comments received.

Anglian Water Services Ltd

Assets Affected

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

Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton Holland Haven Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network

The sewerage system at present has available capacity for these flows, providing connection is made as per section 1.4 of the submitted foul sewage and utilities assessment. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Trade Effluent

Not applicable

ECC Highways Dept

Raised no objection subject to a number of conditions relating to:

1. Construction management plan
2. No occupation until -
 - a) Existing site accesses off London Road permanently removed
 - b) A priority junction off London Road to provide access to the proposal site.
 - c) Improvements at the London Road/Progress Way/Centenary Way roundabout.
 - d) Upgrade to current Essex County Council specification of the four bus stops. Two in London Road in the vicinity of the proposal site access and two in London Road north of the Progress Way/Centenary Way roundabout
 - e) A minimum 2 metre wide footway along the full length of the proposal site's London Road frontage (site access frontage)
 - f) An extension (minimum 3 metres wide) of the Centenary Way

shared footway/cycleway to the shared footpath/cycleway off London Road into the proposal site, south of the Progress Way/Centenary Way roundabout

g) A minimum 2 metre wide footway on the south side of London Road to link with the existing (to be widened) footway on the north side of London Road

h) Residential Travel Information Packs

Principal Tree &
Landscape Officer

The main body of the application site is not well populated with trees although there are important trees on or close to the site boundaries - primarily in the north western corner of the land.

In order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that retained trees would be physically protected should planning permission for development be granted the applicant has provided a Tree Survey and Report. The information contained in the report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

The report accurately describes the health and condition of the trees and shows the extent of the constraint that they exert on the development potential of the land. Although at the outline stage the applicant has submitted an indicative site layout plan which gives an indication of the extent to which trees and other vegetation would need to be removed in order to implement any planning permission that may be granted.

The site layout necessitates the removal of the hedgerow running across the site. Therefore, the applicant should provide an assessment of the hedgerow to determine whether or not it meets the criteria contained in The Hedgerow Regulations 1997 under which it may be considered important. This applies to any other hedgerows on the land such as the one adjacent to London Road.

At the present time it is not considered necessary to make a new Tree Preservation Order in respect of any of the trees on the land, or on adjacent land. However it may be prudent to do so to ensure that trees are adequately protected during the construction phase of any development that may be granted planning permission and to deal with post development pressures.

In order to show the potential impact of the development proposal on the character and appearance of the area the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA establishes that the site lies within the Clacton and the Sokens Clay Plateau Landscape Character Type as defined in the Tendring District Council Landscape Character Assessment.

The LVIA provides a detailed baseline assessment of the quality and characteristics of the local landscape and accurately describes the potential impact of the development proposal on both the countryside and the existing developed land.

It is clear that the proposed development would, if implemented, intrinsically alter the feel and quality of the local environs. This is most significant when viewing the site from publicly accessible land immediately adjacent to the application site.

In terms of the impact of the development on the landscape character of the wider area it is considered that the site is relatively well contained and the views of it limited to those from viewpoints close to the application site (VP1-8). From the more distant viewpoints (VP9-14) the application site is either: barely visible or not visible at all and therefore from these viewpoints the development proposal would not have an adverse impact on local landscape character. With regard to the internal site layout the retention of the open land on the northern part of the application site to be set out as public open space will, with the benefit of a comprehensive soft landscaping scheme, provide a good level of screening and softening of the appearance of the development when viewed from Centenary Way.

The proposed removal of the hedgerow on the boundary with London Road and the construction of the linear Ribbon type development along this section of road will significantly alter the character of the area. The appearance of the land from this aspect currently forms a pleasant and aesthetically pleasing green gap on the edge of the Clacton on Sea conurbation. Consideration should be given to alternative arrangements for the dwellings on this part of the application site in an attempt to minimise the urbanising impact of the development.

Should consent be likely to be granted then soft landscaping will need to be secured as a reserved matter. Soft landscaping should form an integral part of the development and will need to be a key element, in the design process, if a successful layout is to be achieved.

Essex Wildlife Trust

Essex Wildlife Trust's baseline position, as a matter of policy, is that we are fundamentally opposed to the development of any designated local Wildlife Sites. local Wildlife Sites make a vital contribution towards delivering both UK and local post-2010 Biodiversity Framework targets. They provide important and widely distributed wildlife refuges for most of our fauna and flora and, through their connecting, stepping stone and buffering qualities, support other site networks.

However if the Council are minded to grant permission for this application the proposed mitigation scheme outlined by Alister Killingsworth (James Blake Associates) in his response to our objection, combined with a suitable biodiversity offset, should be secured by a S106 agreement and/or planning conditions. There should be no net loss, and preferably a net gain, in biodiversity as a result of the proposed development.

Natural England

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Arch. Liaison Off, Essex
Police

No comments received.

ECC Schools Service

A development of this size can be expected to generate the need for up to 15.7 early years and childcare (EY&C) places, 52.5 primary school, and 35 secondary school places.

- Early years and Child Care contribution £218,579
- Primary School contribution £639,030

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission subject to the following:

Condition 1

No works shall take place until detailed surface water drainage scheme for the site, based on sustainable drainage principles and an

assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority, The scheme shall subsequently be implemented prior to occupation.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

To ensure the effective operation of SuDS features over the lifetime of the development.

To provide mitigation of any environmental harm which may be caused to the local water environment

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of top soils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. has been submitted to and agreed, in writing, by the Local Planning Authority.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Condition 5

The development hereby permitted shall not be commenced until the pipes within the extent of the site, which will be used to convey surface water, are cleared of any blockage and are restored to a fully working condition.

Reason

To ensure that drainage system implemented at the site will adequately function and dispose of surface water from the site.

The following advisory comments were also provided:

Full network modelling will be expected to be provided pursuant to Condition 1 along with a statement explaining how the final design has been arrived at.

If permeable areas are draining to the drainage system but are not allowed for in the runoff rates, a suitable overflow should be provided to allow the runoff from permeable areas to overtop the flow control.

NHS Property Services
Ltd

This development is likely to have an impact on the services of 2 GP practices within the locality. These GP practices do not have capacity for the additional growth as a result of this development. Therefore a HIA 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.

In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework which provide for development contributions to be secured to mitigate a development's impact, a financial contribution of £52,820 is sought, which would be payable before the development is first occupied.

Housing Consultation

Clacton is the area of highest demand on the housing register. There are currently 400 households on the housing registers seeking a 1 bedroom property, 188 seeking a 2 bedroom property, 87 seeking a 3 bedroom property and 45 seeking a 4 bedroom property or larger.

There is currently however no prospect of the Council being able to purchase up to 25% of the properties on the site as affordable housing, even at a discounted price. The Council would prefer to be gifted 12 of the properties on the site, this being 30% of the 25% affordable housing provision as set out in the emerging Local Plan.

Open Space Consultation

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area. Any additional development in Clacton will increase demand on already stretched facilities.

The nearest play area to the proposed development is located at Chingford Avenue, and is only accessible from the site via Centenary Way.

The play area is classified as a Local Equipped Area for Play, but provides limited provision.

It is noted that due to the size of the site on site provision of open space and play facilities have been included. However whilst the open space may meet with the planning criteria to maintain the green gap between Clacton and Little Clacton it only provides for a green

corridor and buffer to the south of Centenary Way and additional use by residents of the properties will be limited by the close proximity of the busy road.

The provision of the play area within this open space should be reconsidered as its close proximity to the busy road should be avoided.

5. Representations

5.1 This application has attracted some public objections. 16 Letters of objection have been received and these raise the following matters:

- Application is exploiting the Council's lack of an up to date Local Plan.
- Site has never been allocated for development in the Local Plan.
- The Parish Council has consistently opposed the development of this site.
- Development disproportionate for the size of the village.
- Would devalue the village and residents' way of life.
- High density development that will integrate poorly with the character of the area.
- Inappropriate urbanisation in this prominent location.
- Impact on local health services
- Impact on local doctors surgery
- Strain on educational facilities
- Significant increase in traffic and the risk of accidents.
- Existing roads and footpaths are in a poor state of repair.
- Poor bus services.
- Very few shops in the village.
- Loss of land within the Local Green Gap.
- Flooding concerns
- Land will be lost for car boot sales
- Cumulative developments will destroy character of the area.
- Impact of nesting birds and wildlife
- Green gap that is being retained is too small
- Lack of employment opportunities locally
- Impact on local wildlife site
- Housing mixed proposed is not what is needed locally
- Density proposed does not reflect character of the area
- Destruction of important landscape between the two built up areas of the village.
- Site supports habitats of bats and newts
- Increase in localised flooding.

5.2 Little Clacton Parish Council objected to the scheme on the following grounds:

1. It is too large and could lead to more housing applications along Centenary Way, along with the 250 at Thorpe Road already agreed.
2. It is out of character with the Little Clacton Village Setting and we need to maintain the Green Gap which separates the village of Little Clacton from Great Clacton.
3. The Site is outside of the defined settlement limit, as defined by Policy QL1 of the Tendring District Local Plan 2007 as well as SD5 of the Tendring District Local Plan.
4. The impact on healthcare, education highway safety and increased traffic. Since the vast majority of journeys undertaken to important destinations will be via private car, the proposed development cannot be considered sustainable and fails to conform with National Planning Framework (2012) and the core principles of paragraph 17.
5. In addition to the structural impacts on schools, health services and traffic, which are common concerns for local residents, there is also concern of the impact on the local drainage system with this large scale development.

6. Planning Officers need to be mindful of refused Application 15/00904/OUT by the Planning Committee with regards to development of 240 properties on land north of Rush Green Road. This application is almost identical in every detail.
7. The site offers through boot sales and, as a charitable activities/fundraising site, a valuable amenity to both local residents and public further afield. It also supports/supplements small businesses who cannot afford a static premises.
8. In the Statement of Community Involvement we understand that the public exhibition was held and 55% were against the development.
9. If this application was agreed, Little Clacton Parish Council would like to see any contributions made in the way of 106 agreements or C.I.L be made available to bring traffic calming measures to the village ,extend the school or increase healthcare provision.

- 5.3 Councillor Jeff Bray objected to the proposed development based on the following grounds:
- Loss of the Green Gap between Clacton and Little Clacton
 - Site is located outside the Settlement Development Boundaries as defined by Policy QL1 of the Adopted Local Plan 2007 as well as Policy SD5 of the Draft Local Plan 2012.
 - Development is not sustainable as majority of journeys would need to be made by private car.
 - Local infrastructure currently at capacity
 - Development would have impact on local drainage system
 - Amenity value of site as car boot sales would be lost
 - Application is almost identical to 15/00904/OUT that was refused by Planning Committee
 - Development would set a precedent if approved

6. **Assessment**

Site Description

- 6.1 The application site is located to the south of Centenary Way and north of London Road leading into Clacton. To the immediate east of the site is a Morrison's supermarket, which is also accessed via Centenary Way. The Highfield Grange Holiday Park is immediately southeast of the site.
- 6.2 The site comprises two parcels, both of which extend between London Road and Centenary Way. One is an open field used for a regular car boot sale (three times a week) and partially designated as a local wildlife site, and one residential plot. The site rises slightly to the north and east of the site. The boundary margins of the site are partly un-vegetated with occasional shrub planting and partly densely vegetated with established hedgerows.
- 6.3 The character of the site is defined by a range of urban development immediately adjacent and lower-density residential properties to the west and south. The site provides some separation between Clacton and Little Clacton. Residential properties in Little Clacton are approximately 50m north of Centenary Way.
- 6.4 Adjoining and in the immediate vicinity of the site are a large retail park; two superstores; two holiday parks, and infant, junior and secondary schools in addition to local shops, amenities, employment and leisure opportunities in and around Clacton.
- 6.5 Three dwellings back onto the site in the southeast corner and two dwellings adjoin the western boundary. There are a small number of dwellings and businesses along the south and west side of London Road.
- 6.6 The site itself is split into two sections, one with a significant amount of boundary planting serving a single dwelling, Whispering Trees, and second parcel that is relatively open and sparse. This serves a regular car boot sale.

- 6.7 The site is approximately rectangular in shape and extends to 8.3ha. The application boundary extends along the highway to the south, north and northwest. Access is currently obtained via entrances on London Road for both sections of the site.

The proposal

- 6.8 The proposed application is for up to 175 dwellings which will be restricted to the southern portion of the site. This will allow a substantial green gap to be secured to the north of the site. Access is proposed in the location of the current access.
- 6.9 The site will provide 6.29ha of developable area within the 8.3ha site. 2.01ha of green space is proposed as permanent open space to the north of the site. The developable area would include infrastructure elements such as drainage basins and pockets of open space. The scheme will deliver a minimum of 24% as open space and allowing for a 175 dwellings the gross density of the site would be 21 dwellings per hectare (dph). Accounting for the permanent open space, the built area would provide housing at a density of around 28dph.

Status of the Local Plan

- 6.10 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.11 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, is the Council's 'emerging' Local Plan.
- 6.12 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is submitted to the Secretary of State to be examined by a Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply. The separate Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation in summer 2016.
- 6.13 On 12th April 2016, the Local Plan Committee considered a report containing Officers' recommendations for sites to include in the new version of the Local Plan for housing and mixed-use development. It was resolved to agree the recommended sites which included land off Centenary Way (the application site) with an indicative capacity of 175 dwellings. Whilst this resolution carries very limited weight as a material planning consideration at this time, it does indicate the intention for this site to form part of the new consultation draft of the Local Plan.

Community Involvement

- 6.14 For major development proposals, such as the current application, the Council expects applicants to undertake pre-application community engagement and subsequently expects that details of the engagement be included as part of the planning submission.
- 6.15 In accordance with this expectation, the applicants have indicated through a Statement of Community Involvement that a range of stakeholder meetings followed pre-application advice from the local planning authority. In addition a public consultation was undertaken

which took the form of a public event with the public being able to provide comments and feedback for a period of two weeks.

- 6.16 Given the above officers are satisfied that the applicant has discharged their responsibility with regard to the community involvement requirements set out by the Council.

Principle of development

- 6.17 The site, for the purposes of this application, therefore remains unallocated for development in either the Council's 2007 adopted Local Plan or current draft of the emerging Local Plan (the 2012 Proposed Submission Draft as amended by the 2014 Focussed Changes).
- 6.18 The site is located outside of the defined Settlement Development Boundaries (SDBs) of Little Clacton and Clacton-on-Sea. 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.
- 6.19 Policy QL1 in the adopted Local Plan states that development will be concentrated within settlement development boundaries and outside of these, only development which is consistent with countryside policies will be permitted. Policy SD5 in the emerging Local Plan states that outside of settlement development boundaries the Council will refuse planning permission unless the site is specifically allocated for a particular form of development or the applicant or developer can demonstrate that the proposed development meets a set of exceptional criteria.
- 6.20 However, paragraph 47 of the National Planning Policy Framework (NPPF) requires Councils to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing and both adopted and emerging Local Plans currently fall significantly short of this requirement. Paragraph 47 of the NPPF also requires local planning authorities to boost significantly the supply of housing by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In areas where there has been persistent under delivery of housing, an additional 20% 'buffer' is also required to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.21 For Tendring, the housing requirement is 550 dwellings per annum, as based on the evidence contained within the 'Objectively Assessed Housing Needs Study' (July 2015) and supplementary evidence that was presented to the Local Plan Committee on 21st January 2015. This represents a rate of development is significantly higher than what has been achieved in the district in recent years. At the time of writing, it was only able to identify an approximate 3.4 year supply and thus there still remains considerable shortfall. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered 'up to date' if it is not possible to demonstrate a five year supply of deliverable housing sites and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged.
- 6.22 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.23 Due to the lack of a five-year supply of housing sites and the subsequent engagement of the presumption in favour of sustainable development, the Council would not be justified in refusing planning permission purely on the basis of the application site being outside of the

settlement development boundaries and not being allocated for development, notwithstanding the matters of principle raised by objectors to the proposal.

- 6.24 Based on the above and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight and the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
 - social; and;
 - environmental roles.

Economic Sustainability

- 6.25 With regards to the economic limb of sustainable development, development of the site for residential use would result in the loss of the current car boot use which generates some local employment and contributes to the local economy and the loss of the potential for the land to be used for other employment-generating or economic uses in the future. However, it is accepted that the construction of 175 dwellings and the contribution their inhabitants are likely to make to the local economy and in particular the nearby Little Clacton village centre, neighbourhood centre at Great Clacton and other nearby existing shops, services and facilities can be considered to be an economic benefit. The economic benefit in this instance is therefore likely to be neutral, taking into consideration the loss of the existing economic activity and the site's potential for other economic uses. It is therefore considered that the scheme could reasonably be considered to meet the economic arm of sustainable development.

Social Sustainability

- 6.26 In terms of its social impact, it is the policy of the Council as contained within Policies QL 1 and HG1 of the saved plan and Policies SD1, SD2 and SD5 of the emerging plan that proposals for new residential development outside the defined Settlement Development Boundary will not be permitted.
- 6.27 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.28 In the emerging Local Plan, Clacton-on-Sea is categorised as an 'urban settlement' in recognition of its size and range of services and facilities. This is the most sustainable category of settlement and is the primary focus for development in the emerging Local Plan. The approach to growth in urban settlements is to specifically allocate land for development to help achieve a fair and proportionate distribution of growth across the district and sites have been identified within and around the town to achieve this.
- 6.29 Officers are of the opinion that the application site would be well served by supporting infrastructure, including Clacton Town Centre, two supermarkets, hotels, employment uses, churches, nursery; primary and secondary schools, post office, GP's, chemists, village hall and banks. These services are all reachable by public transport that can be accessed immediately outside the application site.
- 6.30 A further consideration in assessing the social impact of a proposal is whether the scale of development proposed can be accommodated by the area's existing infrastructure or whether provision can be made to ensure adequate infrastructure can be provided. The primary concerns for a development of this scale are education provision and impact on

health care provision. Essex County Council Education Services have been consulted as part of the current application and have advised on the level of financial contributions that would be required to mitigate the impact of the proposed development on education. For the proposed development, contributions would be required in respect of early years and childcare provision and primary school provision.

- 6.31 Furthermore, the NHS have indicated that a financial contribution would be required in order to mitigate the development's impact on local health services.
- 6.32 The applicants have indicated that utility connections can be provided to the development while sewerage connections have been agreed with the local water authority. In this regard it is noted that Anglian Water raised no objection to the scheme.
- 6.33 To improve transportation and connectivity the applicants suggest that improvements can be achieved as key aspects of the application. In order to facilitate the forgoing a footpath will be provided along the south side of London Road/Long Road to ensure a pedestrian connection is provided into Clacton to the south and to the bus stops located to the south of the site.
- 6.34 Overall officers consider that the application site performs well in terms of the social role within the definition of sustainability.

Environmental Sustainability

- 6.35 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 adjacent to established commercial development to the east and residential development to the south and west while a green buffer would be provided along Centenary Way while the rear gardens of properties to the south would back onto London Road. On this basis officers are satisfied that the current scheme would be well related to the current settlement pattern.
- 6.36 The site contains a Local Wildlife Site (LWS), Burcart's Meadow. The site for a large part consists of semi-improved grassland. Notwithstanding this designation, Burcart's Meadow is heavily trampled due to its use as a car boot sale site.
- 6.37 Given the site's designation, Essex Wildlife Trust (EWT) was consulted on the proposed scheme. EWT raised an objection to the development of the site in principle due to the presence of corky-fruited water-dropwort (plant) that has been recorded on the site. It is stated that this species is rare in Essex and is on the 2002 Red Data List and is the primary reason for the LWS designation.
- 6.38 The applicants acknowledge the presence of corky-fruited water-dropwort and have in addition to an extended Phase 1 Survey also carried out a botanical survey. These surveys recommend that a viable population of Corky-Fruited Water-Dropwort could be preserved and retained within the public open space provided as part of the scheme. The recommendations of these reports and surveys would be secured through a condition. This would ensure that the site would be able to retain its LWS designation.
- 6.39 In addition EWT also indicated in their response dated 10th May 2016 that if the Council is minded to grant permission for this application the proposed mitigation scheme outlined by Alister Killingsworth (James Blake Associates) in his response to the EWT objection, combined with a suitable biodiversity offset, should be secured by a S106 agreement and/or planning conditions. There should be no net loss, and preferably a net gain, in biodiversity as a result of the proposed development.

- 6.40 Officers conclude 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.
- 6.41 The detailed impact upon the Green Gap designation is considered elsewhere in this report.

Design and Density

- 6.42 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.
- 6.43 Policies QL9, QL10 and QL11 of the Saved Plan 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.
- 6.44 The proposal is for up to 175 residential dwellings which will include affordable dwellings. Across the development as a whole an average indicative residential gross density of around 21 dwellings per hectare (dph) would be achieved. Allowing for the permanent open space, the built area would provide housing at a net density of 28dph. While policies do not seek minimum densities for development, a typical urban development would tend to exceed 30pdh. Officers are satisfied that at this net density the scheme would be comparable and complimentary to development in the Clacton area.

Design

- 6.45 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.
- 6.46 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. In addition a number of house types have been shown, and whilst only indicative, these are considered characteristic of Essex design and external finishes including architectural features and details. The indicative layout includes a mix of house sizes and includes 4-bed family homes with integral garages, 3 bed link semi-detached family houses, 2-bedroom bungalows, and two-bedroom detached houses with all houses are either single or two-storey.
- 6.47 Officers are of the view that the locations of the built forms of development, open spaces and structural planting as set out represents the most natural extension of the existing pattern of development whilst still allowing a green buffer area to the north of the site assimilating the scheme into the Green Gap and the undeveloped land beyond.
- 6.48 In order to secure a degree of certainty with regard to layout of the current scheme officers have included a condition requiring the principles of the Framework Plan, as it relates to the public open space to the north, to be adhered to.

Landscape Impact & Visual Impact

- 6.49 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.
- 6.50 In terms of general landscape and visual impacts, Policy QL9 in the adopted Local Plan and Policy SD9 in the emerging Local Plan requires developments to respect and enhance views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy EN1 of the adopted Local Plan and Policy PLA5 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SD9 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.51 In response to the above the applicants have submitted a Landscape Visual Assessment (LVA) in support of the application. The Councils Principle Tree and Landscape Officer was consulted on the submitted details and indicated in response that the LVA provides a detailed baseline assessment of the quality and characteristics of the local landscape and accurately describes the potential impact of the development proposal on both the countryside and the existing developed land.
- 6.52 It is clear that the proposed development would, if implemented, intrinsically alter the feel and quality of the local environs. This is most significant when viewing the site from publicly accessible land immediately adjacent to the application site.
- 6.53 It was concluded that should consent be granted then soft landscaping will need to be secured as a reserved matter. Soft landscaping should form an integral part of the development and will need to be a key element, in the design process, if a successful layout is to be achieved.
- 6.54 Officers have had due regard to this advice and consequently a soft landscaping condition has been included as part of the recommendation before Members.

Green Gap

- 6.55 The site falls within a 'Local Green Gap' between Clacton and Little Clacton as identified in the Council's adopted Local Plan which. The objective of this specific green gap, as set out in the text of the Local Plan, is to:
- Safeguard the separate identity, character and openness of the setting of Little Clacton, particularly by protecting the undeveloped land either side of Centenary Way;
 - Preserve and where possible enhance views from the settlements;
 - Prevent further ribbon development in the Long Road area between Clacton on Sea and Little Clacton; and
 - Safeguard the open character of the land either side of the Little Clacton Bypass.
- 6.56 Policy EN2 of the adopted Local Plan aims to keep Local Green Gaps essentially free of development within the plan period which, for the adopted Local Plan, was up to 2011. Whilst the adopted Local Plan is now out of date, particularly in respect of housing supply, the objectives of the Green Gap designation are still material in the determination of applications.
- 6.57 With the need for additional land for housing to meet longer-term requirements however, there is an acceptance that it might not be possible to carry forward Local Green Gaps in all

parts of the district into the next version of the Local Plan. In the current version of the emerging Local Plan, many of the Local Green Gaps, were proposed to be removed following a review of the policy – although the area subject of this application was not one of them. However, the Local Plan Committee has given provisional agreement to this site's allocation for housing in the new version of the Local Plan which, if carried forward, will require either require the removal or the significant re-alignment of the green gap designation.

- 6.58 Over the last few months, the Planning Committee has resolved to refuse a number of planning applications for being contrary to adopted Local Green Gap policy including 15/01234/OUT for 240 dwellings off Halstead Road, Kirby Cross; 15/00904/OUT for 240 dwellings off Rush Green Road, Clacton; 15/00964/OUT for 71 dwellings off Mayes Lane, Ramsey; 15/01710/OUT for 110 dwellings off Thorpe Road, Kirby Cross; and 15/01550/OUT for 98 dwellings off The Street, Little Clacton.
- 6.59 The Council has also now received two appeal decisions for Local Green Gap sites. The first relates to an outline planning application for up to 60 dwellings on land north of Harwich Road, Little Oakley (Ref: 14/00995/OUT) and the second relates to an outline application for up to 75 dwellings on land east of Halstead Road, Kirby-le-Soken (Ref: 15/00928/OUT). Both appeals were dismissed with both Planning Inspectors concluded that the emerging Local Plan should carry only limited weight and that, critically, Policy EN2 in the adopted Local Plan is not a housing policy and should carry 'full weight'. The Inspector stated "*this policy aims to keep Local Green Gaps open and free of development, to prevent the coalescence of settlements and to protect their rural settings. This is compatible with the aim of the Framework, as set out in paragraph 17, to recognise the intrinsic character and beauty of the countryside and to protect valued landscapes. Consequently I have attached full weight to LP Policy EN2 in determining this appeal*".
- 6.60 However, there has since been a decision by the Court of Appeal (Cheshire East Borough Council v Secretary of State for Communities and Local Government & Anr. Case Number: C1/2015/0894) in which three judges overturned an earlier High Court decision which had determined that green gap policies are not housing policies and should not be considered out of date if a Council cannot identify a sufficient supply of housing land. In overturning the High Court's decision, the Court of Appeal judges concluded that the concept of 'policies for the supply of housing' should not be confined to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. They concluded that this concept extends to policies whose effect it is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the green belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development.
- 6.61 Notwithstanding the appeal decisions at Little Oakley and Kirby-le-Soken, the implication of this legal ruling is that the Council cannot simply refuse planning permission for development within Local Green Gaps on the basis that the Local Green Gap policy should carry 'full weight'. Instead, the Council must apply the key test within the NPPF to determine whether or not the adverse impacts of development would significantly and demonstrably outweigh the benefits – weighing up the presence of the Local Green Gap policy in the overall planning balance.
- 6.62 Officers agree with residents that the loss of a large area of the Local Green Gap represents an adverse impact, but one that needs to weighed against the benefits of development in delivering up to 175 dwellings towards meeting a significant projected need. In determining whether or not the impact is 'significant and demonstrable' the fact that 1) the Local Green Gap designation in this location can no longer carry 'full weight', 2) it is intended that a more formalised (albeit narrower) green gap will be retained as part of the

development, 3) the Council is still unable to identify a 5-year supply of deliverable housing sites, 4) the site is proposed for inclusion in the next version of the Local Plan for residential development, in Officers opinion, that a recommendation of refusal from Officers would not be justified in this instance.

- 6.63 That said, because the weight to be given to the Local Green Gap designation alongside the benefit of the development is a matter of judgement, if the Committee was to take an alternative view to Officers and concludes that the adverse impact of losing the Local Green Gap significantly and demonstrably outweighs all economic, social and environmental benefits of the development, refusal against Policy EN2 of the adopted Local Plan would at least be a legitimate and defensible reason for refusal. A resolution to refuse this application for being within the Local Green Gap would require the Local Plan Committee to reconsider the inclusion of this site for housing in the new Local Plan, with possible implications for other sites in the district.

Neighbouring Amenity

- 6.64 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.65 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.66 It is noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties.
- 6.67 In this instance, it is considered that the site is capable of accommodating up to 175 dwellings in a way that can accord with the above standards and would not result in any adverse impact on the amenities of neighbouring properties.
- 6.68 In addition conditions could be imposed to reduce aspects of noise and disturbance during both the construction period but also in the longer-term once the development is established. Conditions would be applied to the development to minimise impacts if Members were mindful to approve the application.

Traffic, access and highway safety

- 6.69 The current application has been submitted in outline form with access to the site the only matter that has not been reserved and will be considered in full as part of the current scheme.
- 6.70 In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Traffic Assessment (TA) in support of the application.

- 6.71 This document considers the access point into the site from London Road (existing access) as well as highway safety and capacity in the wider area.
- 6.72 Whilst the applicants have indicated that the development can be accessed from two connections to the existing highway network, only the access to the south of the site, onto London Road, is being proposed for regular use.
- 6.73 The second access would join London Road close to the northwest roundabout and could provide emergency access for vehicles. The applicants propose that the existing path to this gated access point could be upgraded to over 3m width to provide a suitable footpath and cycleway while also being secured for emergency vehicles. Details of this access would be submitted as part of the Reserved Matters and is not required to make the current proposal acceptable in policy terms.
- 6.74 It is being suggested that the access from London Road would limit impact of the development on the junction with Centenary Way and Progress Way. However documents submitted in support of the application suggest that modelling identified that there will be some additional stress on the junction with Centenary Way and Progress Way. In order to manage any additional traffic successfully, upgrades are recommended to the Centenary Way roundabout. These amendments have been submitted as part of the application and will secure turning lanes towards the site, reducing queuing lengths for other destinations.
- 6.75 Essex County Council Highways considered the content and findings of the TA and concluded that there would be no significant safety concerns with regard to the proposed access point from London Road while it was also concluded s from Halstead Road, Buckfast Avenue or Woburn Avenue.
- 6.76 Residents indicate serious concerns about the wider effects of additional vehicle movements on local traffic, highway capacity, pedestrian safety and access for larger vehicles (including the emergency services).
- 6.77 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 draft Local Plan.
- 6.78 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.
- 6.79 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.
- 6.80 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.

- 6.81 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SD9 of the draft Local Plan.
- 6.82 The Transport Assessment submitted in support of the application considered local highway capacity and concluded that the development being proposed is likely to only have a material impact on the London Road (B1441) / Centenary Way (B1442) roundabout junction. As a result it is suggested that mitigation works need to be carried out at this junction. This conclusion is supported by the Highways Authority in their consultation response and consequently officers have recommended that these highway improvement works be secured through a S106 legal agreement should permission be granted for the proposed development.
- 6.83 The applicants have also considered construction traffic and identified that the likely route for construction vehicles would be via the A133/B1442. A Construction Management Plan would be secured by condition in order for construction traffic to be managed during the construction period.
- 6.84 Having considered the Transport Assessment in respect of highway safety and capacity the highway authority has raised no objection to the proposal subject to achieving the specifications and conditions set out in its representation which includes the requirement to provide the following:
- Upgrade to current Essex County Council specification of the four bus stops. Two in London Road in the vicinity of the proposal site access and two in London Road north of the Progress Way/Centenary Way roundabout
 - A minimum 2 metre wide footway along the full length of the proposal site's London Road frontage (site access frontage)
 - An extension (minimum 3 metres wide) of the Centenary Way shared footway/cycleway to the shared footpath/cycleway off London Road into the proposal site, south of the Progress Way/Centenary Way roundabout
 - A minimum 2 metre wide footway on the south side of London Road to link with the existing (to be widened) footway on the north side of London Road
- 6.85 These requirements would be secured through a Section 106 Legal Agreement which the applicants have indicated they would be willing to enter in too.
- 6.86 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy SD8 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.87 The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garage, if being relied on to provide a parking space should measure 7 metres by 3 metres internally. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. It is considered that the site is capable of accommodating this level of parking.
- 6.88 It is also noted that a number of representations from local residents raised concern with regard to the likely congestion that the proposed development would cause through the introduction of 175 new dwellings. The applicants have compiled traffic survey data which indicates that the immediate area would not be affected by significant traffic congestion during peak periods.

- 6.89 Based on the above it is considered that the proposed development can provide safe and adequate means of access to the site whilst the scheme could also comply with the aims and objectives of the NPPF as well as Local Plan Policies with regard to highway safety and parking requirements.

Biodiversity

- 6.90 A number of representations have raised concerns about the potential loss of wildlife resulting from the proposed development.
- 6.91 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA4 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended 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. The benefits of the development should clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other relevant Authorities.
- 6.92 In support of the application the applicants submitted a Phase 1 Habitat Survey as well as an Extended Phase 1 Habitat Survey. The Extended Phase 1 Habitat Survey established that a botanical survey and further surveys for bats, reptiles and great crested newts would be required given the characteristics of habitat in and around the site.

Ecological Designations

- 6.93 The Extended Phase 1 Habitat Survey considered Statutory Nature Conservation Sites within 2km of the site and Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites within 7km.
- 6.94 It was concluded that Pickers Ditch Meadow Local Nature Reserve (LNR) was the only statutory designated site within 2km of the site.
- 6.95 An additional 7km radius search was carried out for SPAs, SACs and Ramsar sites. Three conservation sites were found: Colne Estuary Ramsar and SPA; Essex Estuaries SAC; and Hamford Water Ramsar, SAC and SPA. With regard to these sites it is noted that the Natural England raised no objection to the proposed development and stated that the proposal is unlikely to affect any statutorily protected sites or landscapes
- 6.96 Although non-statutory designated sites do not receive statutory protection, they do receive policy protection (as "Local Sites"), as set out in the National Planning Policy Framework (NPPF). In this regard Members are advised that the site is covered by such a designation. This Local Wildlife Site falls within the site and is currently used for car boots sales, including two small paddocks for horses. The site is designated for its large abundance of corky-fruited Water-dropwort, which is an Essex Red Data List species. The population of Adder's-tongue Fern is notable. Other grassland species include sweet vernal-grass, common bent, common fleabane, oxeye daisy, common knapweed, tufted vetch, selfheal and bird's-foot-trefoil.
- 6.97 Given this designation the applicants submitted a Botanical Survey in support of the application which was sent to the Essex Wildlife Trust (EWT) as part of the Council's Statutory consultation process. EWT in their response indicated that in principle there was an objection to the development of Local Wildlife Sites (LWS).
- 6.98 In response to this objection the applicants submitted further details to EWT with regard to the current use and impact on the site as well as additional details regarding mitigation and habitat improvement. EWT responded by again indicating that there would be an in principle objection to the development being proposed, but that if the Council was minded to grant permission for this application the proposed mitigation scheme outlined by Alister

Killingsworth (James Blake Associates) in his response to our objection, combined with a suitable biodiversity offset, should be secured by a S106 agreement and/or planning conditions. There should be no net loss, and preferably a net gain, in biodiversity as a result of the proposed development.

- 6.99 On this basis officers have included a number of conditions within their recommendation that would achieve the outcomes suggested by EWT thereby ensuring that the site retains a viable population of corky-fruited Water-dropwort that would secure its designation as a Local Wildlife Site.

Protected Species

Badgers

- 6.100 No signs or evidence indicating the presence of badgers was recorded. No further survey is considered necessary.

Bats

- 6.101 Several mature trees had low or moderate bat roost potential, if these trees will be impacted further survey should be undertaken. A farm house, garage, three sheds, container and barn were in the eastern field of the site. The sheds and container provided negligible bat roost potential, whereas the farm house, garage and barn provided low bat roost potential.
- 6.102 It was recommended that an internal/loft inspection of the buildings on site are undertaken to provide a full assessment of bat roost potential.
- 6.103 The woodland, hedgerows, scrub and grassland (un-trampled areas) provide suitable foraging and commuting habitat for bats. The hedgerow separating the two fields is scheduled for removal and therefore further surveys to monitor bat activity are recommended.
- 6.104 In response to the above recommendations a further bat survey was undertaken between the 3rd and 26th of June 2015. This survey concluded that:
- Day roosts used by low numbers (1-2) common pipistrelles was recorded within the house and a further day roost used by up to three common pipistrelles was recorded within the barn on the site. Bat droppings within the barn were also found during an internal inspection of the buildings, therefore a Natural England European Protected Species Licence will be required prior to the demolition of both buildings.
 - Various species of bats were recorded foraging throughout the site. Due to the amount of suitable foraging habitat within the surrounding area, it is unlikely that foraging bats will be negatively impacted by the proposed development.

Reptiles

- 6.105 The Extended Phase 1 Habitat Survey found that the grassland and hard standing areas provided suitable foraging and basking habitat for reptiles. The woodland, hedgerows, scrub, tall ruderal vegetation and earth/rubble piles provided sheltering and hibernating opportunities. The proposed works are considered likely to impact reptiles, if present, using the habits within the site boundary and therefore it is recommended that further surveys are carried out.
- 6.106 Again as recommended a further reptile specific survey was undertaken and submitted in support of the application. This survey was undertaken between the 1st May and 18th June 2015. It concluded that:

- No reptiles were recorded using the artificial refuges during the survey period and consequently there are no constraints or mitigation requirements for the development, with respect to reptiles.

Great Crested Newts (GCN)

- 6.107 The Extended Phase 1 Habitat Survey established that there were no ponds or wet ditches within the site boundary; however, three ponds were located within 500m. A pond located approximately 35m north of the site boundary and 350m to the south-west were of average suitability for great crested newts. Another pond approximately 85m to the south was of poor suitability.
- 6.108 The grassland (un-trampled areas), woodland, hedgerows and scrub within the site provided suitable terrestrial habitat for great crested newts.
- 6.109 The proposed works are likely to impact the terrestrial grassland, scrub and hedgerows. Great crested newts may be using the pond closest to the site and terrestrial habitats within the site boundary. It is considered that great crested newts, if present, would be affected during the proposed works and therefore further surveys are recommended.
- 6.110 In response a survey focussing on the presence of Great Crested Newts was completed. This included water samples being taken from ponds within 500m of land off London Road, Little Clacton, Essex and tested for eDNA to determine the presence or likely absence of great crested newts. One pond was also surveyed on 5th June 2015, following Natural England guidelines.
- 6.111 Laboratory testing found no evidence of great crested newt eDNA within the water samples.
- 6.112 Overall it is considered that great crested newts are likely to be absent from the site. As a result specific mitigation for the species is not considered to be necessary.

Birds

- 6.113 The buildings, woodland, hedgerows, scrub and grassland provided suitable habitat for nesting and foraging birds.
- 6.114 Birds observed within the site boundary included; black-headed gull, blue tit, carrion crow, chaffinch, dunnock, gold finch, great tit, herring gull, jackdaw, lesser black-backed gull, pheasant, robin, rook and wood pigeon.
- 6.115 It is considered that bird species found to be using the site are expected to benefit from the green infrastructure that would be introduced as part of the current scheme. As stated previously officers would suggest that it would be necessary to achieve the extent of green infrastructure shown on the illustrative drawings. Whilst it is accepted that landscaping is a matter reserved for later consideration officers are of the view that given the location of the site that it would be reasonable to attach a condition that would secure the details as presented in this outline application as part of any reserved matters application.

Door mice

- 6.116 There was limited habitat within the site suitable for dormice. The woodland strip to the north of the eastern field was structurally suitable and will be retained in the development. The hedgerow separating the two fields had been recently flailed and it was considered likely to be managed annually. It is therefore considered unlikely that dormice would be impacted by the development.
- 6.117 No further survey is considered necessary.

Aquatic mammals

- 6.118 There were no suitable wet ditches/water courses within 50m of the site boundary. No signs or evidence indicating the presence of water voles or otters were recorded.
- 6.119 No further survey is considered necessary.

Invertebrates

- 6.120 The site is unlikely to provide habitat for a significant assemblage of invertebrates. The majority of the more structurally diverse habitats, such as the woodland, trees and hedgerows are scheduled for retention within the development. The hedgerow between the fields is species-poor and its removal is considered unlikely to significantly impact the local invertebrate population.
- 6.121 No further survey is necessary.

Drainage and Flood Risk

- 6.122 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.
- 6.123 The applicants have submitted a detailed Flood Risk Assessment (FRA). This indicates that the site is situated within Flood Zone 1 (low risk).
- 6.124 Whilst the application is in outline form with all matters apart from access reserved for later consideration the applicants have had regard to the fact that the site is greater than one hectare in size and on this basis submitted a flood risk assessment, including surface water drainage strategy has been prepared and submitted in support of the application.
- 6.125 The Flood Risk Assessment (FRA) considers flooding from various sources as required by Local Plan Policies for development sites exceeding 1 hectare in size. In this regard the following sources were identified:

Groundwater Flooding

- 6.126 The depth of ground water has been established at approximately 1.5m below existing ground levels for this site. Since the site has a fall to the south east there are no low areas where ground water would otherwise surface. The proposed development also does not have any significant low areas that could accumulate groundwater, if groundwater levels were high enough.
- 6.127 The site is not located in a ground water source protection zone or aquifer.

Flooding from Overland Flood Flow (Pluvial Flooding)

- 6.128 The nearest major river channel to the site is near to Brightlingsea, 5.0km to the west of the site and Hamford Water about 5.0km north east of the site, but the site is much higher than the 1 in 1000 year flood levels for these tidal water masses and therefore they do not pose a direct flood risk to this site. There is a land drainage watercourse on the eastern boundary of the site. The Picker's Ditch watercourse that runs through Clacton between Holland on Sea and the A133 south of the site, receives flows from numerous land drainage ditches,

none of which directly pose a flood risk to the site as indicated on the Environment Agency's flood maps

Flooding from Artificial Drainage Systems

- 6.129 Surface water flooding occurs when the drainage capacity of the network or nearby drainage ditches is exceeded or fails. This can be due to the design capacity of the network being less than the return period of the rainfall event. Otherwise, it can be when the network does not perform to the design capacity due to blockage or damage within the network.
- 6.130 The Environment Agency's flood mapping shows that there are some current surface water issues in the northeast corner of the site. This is associated with the land drainage ditch to the east of the site.
- 6.131 With regard to surface water disposal Anglian Water indicated that the proposed method of surface water management does not relate to Anglian Water operated assets. It was suggested that the Council should seek the advice of the Lead Local Flood Authority.
- 6.132 In response to their consultation Essex County Council SUDS Authority have stated that they had no objection to the proposed development providing that a number of conditions be attached to any approval to ensure that the proposed development meets the requirements of the National Planning Policy Framework. These can be summarised as follows:
- Detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development
 - A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works
 - A Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies
 - Maintenance of yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request.
 - Pipes within the extent of the site, which will be used to convey surface water, should be cleared of any blockage and restored to a fully working condition.
- 6.133 On this basis officers have attached a number of conditions to secure these submitted details.
- 6.134 Based on the details contained within the FRA and Drainage Strategy 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.

Infrastructure

- 6.135 Policy QL12 in the adopted Local Plan and Policy SD7 in the emerging Local Plan require that new development is supported by the necessary infrastructure. Objectors have raised concern about the impact of the cumulative impact of additional homes on local infrastructure including local schools, healthcare provision, emergency services and transport. These matters are addressed below.

Education

- 6.136 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC advises that early years and childcare facilities and primary schools in the catchment are forecast to have a deficit in places and therefore, in its current state, would not be able to accommodate the additional pupils expected to arise from the development. As a result financial contributions for Early Years and Child Care of £218,579 and Primary Schools of £639,030 have been requested by ECC to mitigate these impacts. The applicant has indicated a willingness to pay such moneys, through a s106 legal agreement, if the Committee is minded to approve this application.

Health

- 6.137 For health, many residents are concerned that additional housing and the associated population increase will put unacceptable strain on already overstretched health facilities, pointing out that Little Clacton itself does not have a doctors surgery.
- 6.138 NHS England was consulted on the current application and indicated in their response that this development is likely to have an impact on the services of 2 GP practices within the locality. These GP practices do not have capacity for the additional growth as a result of this development. Therefore a HIA 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.
- 6.139 In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework which provide for development contributions to be secured to mitigate a development's impact, a financial contribution of £52,820 is sought.
- 6.140 The applicant again has indicated a willingness to enter into a s106 legal agreement to secure this sum if the Committee is minded to approve.

Open space

- 6.141 Policy COM6 in the adopted Local Plan and Policy PEO22 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The indicative drawings in support of the planning application show the provision of substantially more than 10% of the site area being provided as open space which is in response to the need to maintain a physical gap to preserve the setting of the village, the need to respect the setting of the two listed buildings and the need to protect and enhance the site's ecological features.
- 6.142 The Council's Open Space and Bereavement Service Manager has commented on the application and has identified a deficiency of 41.08 hectares of play in the Clacton/Holland area.
- 6.143 It was also noted that due to the size of the site on site provision of open space and play facilities have been included and whilst the open space may meet with the planning criteria to maintain the green gap between Clacton and Little Clacton it only provides for a green corridor and buffer to the south of Centenary Way and additional use by residents of the properties will be limited by the close proximity of the busy road.
- 6.144 The provision of the play area within this open space should be reconsidered as its close proximity to the busy road should be avoided.
- 6.145 As the application is in outline form officers consider that sufficient land would be available within the site to secure open space that would accord with eth Council's policies.

Housing

- 6.146 Adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic. The thresholds under adopted Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.
- 6.147 The Council's Housing Needs Team has commented that Clacton is the area of highest demand on the housing register. There are currently 400 households on the housing registers seeking a 1 bedroom property, 188 seeking a 2 bedroom property, 87 seeking a 3 bedroom property and 45 seeking a 4 bedroom property or larger.
- 6.148 There is currently however no prospect of the Council being able to purchase up to 25% of the properties on the site as affordable housing, even at a discounted price. The Council would prefer to be gifted 12 of the properties on the site, this being 30% of the 25% affordable housing provision as set out in the emerging Local Plan

Conclusion

- 6.149 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.150 Economic: Whilst the scheme is predominantly residential with no commercial premises provided, up to 175 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built.
- 6.151 Social: The provision of up to 175 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. The impacts of health and schools provision will be mitigated through financial contributions to be secured through a s106 agreement, if the application is approved.
- 6.152 Environmental: The environmental impacts of the proposal have required very careful consideration. The site is designated as a Local Green Gap in the adopted Local Plan and parts of the site have some ecological value. The loss of land to development within the Local Green Gap is an adverse impact that has needed to be weighed against the significant need for housing having regard to recent Committee decisions, appeal decisions and appeal court judgements. The ecological impact of development on the site and surrounding area itself has the potential to be neutral or positive with mitigation and enhancement measures that will potentially improve conditions for biodiversity.
- 6.153 In the overall planning balance, Officers consider that the adverse impacts do not significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

Background Papers

None.