



PLANNING COMMITTEE

DATE:	Tuesday, 21 August 2018
TIME:	6.00 pm
VENUE:	Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)
Councillor Heaney (Vice-Chairman)
Councillor Alexander
Councillor Baker
Councillor Bennison
Councillor M Brown

Councillor Cawthron
Councillor Everett
Councillor Fowler
Councillor Hones
Councillor McWilliams

Most Council meetings are open to the public and press.

Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk. Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting.

Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Charlotte Cooper on 01255686007

DATE OF PUBLICATION: Monday, 13 August 2018.

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 1 - 8)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 24 July 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 37

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 A.1- Planning Application - 18/00464/FUL - 138 Colne Way, Point Clear, CO16 8LU. (Pages 9 - 20)

Replacement dwelling (following demolition of existing).

6 A.2 - Planning Application - 17/01229/OUT - Land Adjacent and to the Rear of 755 and 757 St Johns Road, Clacton-On-Sea, CO16 8BJ. (Pages 21 - 62)

Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

7 A.3 - Planning Application - 17/02162/OUT - Land to the South of Thorpe Road, Weeley, CO16 9AJ. (Pages 63 - 100)

Outline planning application with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge.

8 **A.4 - Planning Application - 18-00367-FUL - Land North Of Cockaynes Lane
Alresford, CO7 8BT. (Pages 101 - 130)**

Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.

9 **A.5 - Planning Application - 18/00827/FUL - 13 Church Street, Harwich, CO12 3DS.
(Pages 131 - 140)**

Proposed change of use from C3 (Dwellinghouse) to C4 (House In Multiple Occupation).

10 **A.6 - Planning Application -18/00734/OUT - 48 Colchester Road, Holland-on-Sea,
CO15 5DG. (Pages 141 - 150)**

Outline application with all matters reserved for the construction of 1 dwelling.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley, CO16 9AJ at 6.00 pm on Tuesday, 18 September 2018.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

Tendring District Council



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME May 2017

This Public Speaking Scheme is made pursuant to Council Procedure Rule 38 and gives the opportunity for a member of the public and other parties identified below to speak to Tendring District Council's Planning Committee when they are deciding a planning application.

TO WHICH MEETINGS DOES THIS SCHEME APPLY?

Usually any public meeting of the Council's Planning Committee, which are normally held every 4 weeks in the Council Chamber at the Council Offices, Thorpe Road, Weeley CO16 9AJ beginning at 6.00 pm. In some instances, the Planning Committee may be held at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE and the public are encouraged to check the venue on the Council's Website before attending.

WHO CAN SPEAK & TIME PERMITTED? All speakers must be aged 18 or over:

1. One member of the public who wishes to comment on or to speak in favour of the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
2. One member of the public who wishes to comment on or speak against the application or someone who produces a signed, written authority to speak on their behalf. A maximum of 3 minutes is allowed;
3. Where the proposed development is in the area of a Parish or Town Council, one Parish or Town Council representative. A maximum of 3 minutes is allowed;
4. All District Councillors for the ward where the development is situated ("ward member") or (if the ward member is unable to attend the meeting) a District Councillor appointed in writing by the ward member. Member(s) of adjacent wards or wards impacted by the proposed development may also speak with the agreement of the Chairman. Permission for District Councillors to speak is subject to the Council's Code of Conduct and the declarations of interest provisions will apply. A maximum of 5 minutes is allowed;
5. In accordance, with Council Procedure Rule 34.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 34.1;
6. The applicant, his agent or representative; or (where applicable) one person the subject of the potential enforcement action or directly affected by the potential confirmation of a tree preservation order, his agent or representative. A maximum of 3 minutes is allowed; and

7. A member of the Council's Cabinet may also be permitted to speak on any application but only if the proposed development has a direct impact on the portfolio for which the Cabinet member is responsible. The Leader of the Council must approve the Cabinet Member making representations to the Planning Committee. A maximum of 3 minutes is allowed.

Any one speaking as a Parish/Town Council representative maybe requested to produce written evidence of their authority to do so, by the District Council's Committee Services Officer (CSO). This evidence may be an official Minute, copy of standing orders (or equivalent) or a signed letter from the Clerk to the Parish/Town Council and must be shown to the DSO before the beginning of the Planning Committee meeting concerned.

No speaker, (with the exception of Ward Members, who are limited to 5 minutes) may speak for more than 3 minutes on any agenda items associated with applications (such as a planning application and an associated listed building consent application). Speakers may not be questioned at the meeting, nor can any public speaker question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material, including slide or other presentations, as part of their public speaking.

All Committee meetings of Tendring District Council are chaired by the Chairman or Vice-Chairman (in their absence) whose responsibility is to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community. The Chairman of the Planning Committee therefore, has authority to use their discretion when applying the Public Speaking Scheme to comply with this duty.

WHICH MATTERS ARE COVERED BY THIS SCHEME?

Applications for planning permission, reserved matters approval, listed building consent, conservation area consent, advertisement consent, hazardous substances consent, proposed or potential enforcement action and the proposed or potential confirmation of any tree preservation order, where these are the subject of public reports to the Planning Committee meeting.

HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?

In addition to the publication of agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's website. It should be noted that some applications may be withdrawn by the applicant at short notice and others may be deferred because of new information or for procedural reasons. This means that deferral takes place shortly before or during the Planning Committee meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is next considered by the Planning Committee.

DO I HAVE TO ATTEND THE PLANNING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Planning Committee Councillors, will contain a summary of the representations received.

HOW DO I ARRANGE TO SPEAK AT THE MEETING?

You can:-

Telephone the Committee Services Officer ("CSO") (01255 686585) during normal working hours on any weekday after the reports and agenda have been published,

OR

On the day of the Planning Committee meeting, you can arrive in the Council Chamber at least 15 minutes before the beginning of the meeting (meetings normally begin at 6.00pm) and speak to the DSO.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraph 1 above), the right to speak under that category will be on a “first come, first served” basis.

Indicating to the Chairman at a site visit that you wish to speak on an item is NOT formal notification or registration to speak; this must be made via the Committee Services Officer in the manner set out above.

WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?

- Planning Officer presents officer report
- Public speaking takes place in the order set out above under the heading “WHO CAN SPEAK?”
- Officer(s) may respond on factual issues arising from public speaking and may sum up the key policies and material planning considerations relevant to the application
- Committee Members may ask Officers relevant questions and may move, debate and vote

Normally, the Committee then determines the matter, but sometimes the Councillors decide to defer determination, to allow officers to seek further information about a particular planning issue. If a matter is deferred after the public speaking, the Committee will not hear public speaking for a second time, unless there has been a substantial change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report will identify whether public speaking is going to be permitted on an application being reconsidered after deferral. If there is an update since the Report was published, the Council’s website will confirm this information.

WHAT SHOULD I SAY AT THE MEETING?

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

Matters such as the following are not relevant planning matters, namely the effect of the development on property value(s), loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

Please be courteous and do not make personal remarks. You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

WHO DO I CONTACT FOR MORE INFORMATION?

The Council's website will help you and you can also contact the relevant planning Case Officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Tendring District Council, Planning Services, Council Offices, Thorpe Road, Weeley,
CLACTON-ON-SEA, Essex CO16 9AJ Tel: 01255 686161 Fax: 01255 686417
Email: planningservices@tendringdc.gov.uk Web: www.tendringdc.gov.uk

It always helps to save time if you can quote the planning application reference number.

**Monitoring Officer
Tendring District Council
in consultation with Head of Planning and
Chairman of the Planning Committee
(Council Procedure Rule 38)
May 2017**

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 24 JULY, 2018 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors White (Chairman), Heaney (Vice-Chairman) (except minutes 29, 34 and 35), Alexander, Baker (except minute 34), Bennison, MBrown, Everett, Fowler, Hones and Turner (except minutes 34 and 35)
Also Present:	Councillors P. Honeywood (except minutes 37-39), Land, Nicholls (except minute 39) and Raby (except minutes 37-39)
In Attendance:	Cath Bicknell (Head of Planning), Graham Nourse (Planning Manager), Susanne Chapman-Ennos (Planning Team Leader) (except minutes 34-39), Alison Newland (Planning Team Leader), Charlotte Parker (Solicitor (Property, Planning and Governance)), Charlotte Cooper (Leadership Support Officer) and Katie Sullivan (Committee Services Officer)

29. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor McWilliams (with Councillor Turner substituting) and Councillor Cawthron (with no substitute).

30. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 26 June 2018, were approved as a correct record and signed by the Chairman.

31. DECLARATIONS OF INTEREST

Councillor Turner declared that, due to the fact that he was acting as a substitute and was not present at the meetings where Planning Applications 17/02168/OUT, 17/00535/DETAIL and 17/02204/FUL had previously been before the Committee, he would not participate whilst the Committee deliberated on those Applications and reached its decision.

Councillor Baker declared an interest in Planning Application 17/00535/DETAIL, insofar as he was pre-determined. Councillor Baker confirmed that he would withdraw from the meeting whilst the Committee deliberated on the Application and reached its decision.

Councillor Baker also declared that he had been lobbied on Planning Application 17/01845/FUL, however, he was not pre-determined.

Councillor Baker further declared an interest in Planning Application 18/00640/FUL insofar as he was a local Ward Member and a Lawford Parish Councillor, Councillor Baker confirmed that he had not attended the Parish Council meetings regarding those items was not pre-determined.

Councillor Heaney declared that, due to the fact that she was not present at the meeting where Planning Applications 17/00535/DETAIL and 17/02204/FUL were previously before the Committee, she would withdraw from the meeting whilst the Committee deliberated on those Applications and reached its decision.

32. **QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

33. **A.1 - PLANNING APPLICATION - 17/02168/OUT - LAND WEST OF LOW ROAD, DOVERCOURT, CO12 3TR**

Councillor Turner had earlier declared that, due to the fact that he was acting as a substitute and had not been present at the meeting where Planning Application 17/02168/OUT was previously before the Committee, he would not participate whilst the Committee deliberated and reached its decision.

It was reported that this application had been referred to the Committee at the request of Councillor Callender, a local Ward Member.

Members recalled that this application had been originally considered by the Committee at its meeting held on 28 March 2018. At that meeting Members had deferred the application in order to enable Officers to chase up on all outstanding consultation responses from Consultees, discuss with Highways the possibility of moving the southern access point opposite the existing access and also the possible addition of a roundabout and to discuss with Essex County Council Archaeology the possibility of war graves on the application site.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (SC-E) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) One further letter received; and
- (2) Amendment to suggested planning conditions.

The Chairman reminded the Committee that only those Members who had considered the application at the meeting held on 28 March 2018 were eligible to consider and vote on the application at this meeting.

Following discussion by the Committee and advice provided by Officers, it was moved by Councillor Everett, seconded by Councillor Alexander and **RESOLVED** that this application be deferred in order for consideration to be given to alternative highway improvements/access.

34. **A.2 - PLANNING APPLICATION - 17/00535/DETAIL - LAND TO THE SOUTH OF LONG ROAD AND TO WEST OF CLACTON ROAD, MISTLEY, CO11 2HN**

Councillor Turner had earlier declared that, due to the fact that he was acting as a substitute and had not been present at the meeting where Planning Application 17/00535/DETAIL was previously before the Committee, he would not participate whilst

the Committee deliberated on the Application and reached its decision. Councillor Turner withdrew from the meeting.

Councillor Baker had earlier declared an interest in Planning Application 17/00535/DETAIL, insofar as he was pre-determined. Councillor Baker therefore withdrew from the meeting whilst the Committee deliberated on the Application and reached its decision.

Councillor Heaney had earlier declared that, due to the fact that she had not been present at the meeting where Planning Application 17/00535/DETAIL was previously before the Committee she would not participate. Councillor Heaney therefore withdrew from the meeting whilst the Committee deliberated on the Application and reached its decision.

Members recalled that this application had been considered by the Committee at its meeting held on 6 June 2018. At that meeting Members had deferred the application following concerns that the juxtaposition of the proposed dwelling houses with the countryside had not properly addressed the perceived need to soften the transition from countryside to built development, it being considered that this could be achieved by introducing a lower rise (bungalow) development to the most visible parts of the site periphery. It was also considered that a small element of retail should be introduced into the scheme to afford future residents local shopping opportunity.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of an amendment to the proposed conditions.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Everett and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant approval of Phase 1 reserved matters in respect of access, appearance, landscaping, layout and scale for detailed planning permission for 96 residential units and 162 sqm A2 floorspace subject to conditions as set out below.

All other planning conditions are to remain unchanged from the original outline planning permission as amended/superseded by planning permission 17/01537/OUT for Variation of Condition 4 of 15/00761/OUT as well as the completed Section 106 legal agreement to secure education contributions, affordable housing, open space and open space maintenance contribution, healthcare contributions and contributions towards highway improvements to the crossing at Manningtree Station.

Conditions:

1. Development in accordance with outline permission except as modified by this permission.
2. Development to be in accordance with the approved plans.

3. Site levels.
4. Estate Roads and Footway details to be submitted and approved.
5. Estate Roads and Footways implementation and management.
6. Vehicular access to dwellings to be constructed prior to occupation.
7. No loose surfacing to parking areas, shared vehicular courts or vehicular accesses.
8. Landscaping (Hard and Soft) details and Open Space to include 'The Green' and Village Square' details to be submitted and approved.
9. Landscaping (Hard and soft) and Open Space to include 'The Green' and 'Village Square' implementation, management and retention.
10. Lighting details to be submitted and approved.
11. Removal of PD Rights.
12. Obscure glazing to flank wall windows of House Type '4'.
13. A2 Marketing suite to revert to A1 use upon completion of phase 1.

35. A.3 - PLANNING APPLICATION - 17/02204/FUL - CROWN BUSINESS CENTRE, OLD IPSWICH ROAD, ARDLEIGH, CO7 7QR

Councillor Turner had earlier declared that, due to the fact that he was acting as a substitute and was not present at the meeting where Planning Application 17/02204/FUL was previously before the Committee, he would not participate whilst the Committee deliberated on the Application and reached its decision. Councillor Turner withdrew from the meeting.

Councillor Heaney had earlier declared that, due to the fact that she was not present at the meeting where Planning Application 17/02204/FUL17 was previously before the Committee she would not participate. Councillor Heaney therefore withdrew from the meeting whilst the Committee deliberated on the Application and reached its decision.

Members recalled that this application had been considered by the Committee at its meeting held on 6 June 2018. At that meeting Members had deferred the application in order to allow the applicant time to re-consider the retention of a mature protected Oak Tree and amendment to the scheme.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of a representation received from a member of the public.

Following discussion by the Committee, it was moved by Councillor Alexander, seconded by Councillor Fowler and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Time limit for commencement.
2. Compliance with plans.
3. Site Levels.
4. Landscape details.

5. Planting and Replacement.
6. Tree protection – Compliance with Report.
7. Landscape Management Plan.
8. Boundary treatment.
9. Highway Improvements Schedule.
10. Construction Method statement.
11. Archaeology Evaluation/Fieldwork/Post excavation Assessment.
12. Suds 1 Surface Water Drainage Scheme.
13. Suds 2 Offsite flooding.
14. Suds 3/4 Maintenance Plan and Monitoring.
15. Artificial Lighting.
16. Materials.
17. Scheme for control of noise emanating from the site.
18. Scheme for access for the disabled.
19. Scheme for Renewable Energy/Energy Conservation.
20. Removal of PD Rights (Industrial buildings).
21. Removal of PD Rights (Offices).
22. No external Storage.
23. Foul Drainage Strategy.

36. A.4 - PLANNING APPLICATION - 17/01845/FUL - 42 - 46 BROOKLANDS GARDENS, JAYWICK, CO15 2JP

Councillor Baker had earlier declared that he had been lobbied on Planning Application 17/01845/FUL, however, he was not pre-determined.

It was reported that this application had been referred to the Committee because Jaywick was one of the most deprived areas in the country with many of the existing properties originally built as holiday homes. Most properties were substandard by modern day expectations and were within the high risk flood zone.

Members were aware that the regeneration of Jaywick was one of the Council's top long-term objectives and that the Council had been leading a multi-agency project to explore and deliver improvements in the area to better the quality of life for residents and secure a long-term sustainable future for the community. Part of the strategy for regenerating Jaywick was to actively encourage the redevelopment of the poorest and most vulnerable properties in the area and to introduce a new benchmark for building design that addressed flood risk concerns, improved the quality of accommodation, maximised the enjoyment of Jaywick's assets and inspired property owners and developers to redevelop and remodel other parts of the area.

It was reported that, unfortunately, the scale of development that had been proposed within this application was considered excessive, upsetting the delicate balance of regeneration of the area versus existing residents' amenity.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) An Ecological Assessment provided by the applicant;
- (2) Removal of reason for refusal number 3;
- (3) Aerial photographs submitted by the applicant; and
- (4) An error in the report in relation to the height of the second storey.

Councillor Raby, a local Ward Member, spoke in favour of the application.

Councillor P Honeywood, the Council's Housing Portfolio Holder, spoke in favour of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Turner and **RESOLVED** that, contrary to the Officer's recommendation of refusal, the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development because the improvement the development could contribute to the regeneration of Jaywick Sands, supported by the emerging Local Plan, outweighs the concerns regarding overlooking and the development being overbearing in this instance and therefore permission should be granted subject to the following conditions:

1. 3 year time limit
2. Approved plans
3. Recommendations of habitat survey
4. Construction Method Statement
5. Provision of cycle and car parking and ebike charging as shown prior to occupation and retained thereafter
6. No unbound materials
7. Residential travel packs
8. Provision of bin stores as shown prior to occupation and retained thereafter
9. Finished first floor levels to be set no lower than 5.605 metres above Ordnance Datum
10. Development to be carried out in accordance with the submitted FRA and Flood Evacuation Plan (to remain a live document and updated as required)
11. Approval of external materials
12. Approval of privacy screens to both balconies
13. Obscure glazing to living/dining/kitchens at first and second floor rear and side.

37. A.5 - PLANNING APPLICATION - 18/00876/OUT - RAMSEY WAR MEMORIAL HALL, CHURCH HILL, RAMSEY, CO12 5EX

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

Suzanne Howe, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor Hones, and unanimously **RESOLVED** that the Head of Planning (or

equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

1. Outline planning permission time limit for commencement.
2. Reserved matters submission.
3. Construction Management Plan.

Informative: This planning permission is granted in relation to the replacement village hall approved under 16/02070/FUL, and the benefits of providing that community facility outweigh the modest harm to the sites location 400 metres outside the settlement development boundary of the Strategic Urban Settlement of Harwich and Dovercourt.

38. A.6 - PLANNING APPLICATION - 18/00640/FUL - 168 LONG ROAD, LAWFORD, CO11 2EF

Councillor Baker had earlier declared an interest in Planning Application 18/00640/FUL insofar as he was a local Ward Member and a Lawford Parish Councillor, Councillor Baker confirmed that he was not pre-determined.

It was reported that this application had been referred to the Planning Committee at the request of Councillor V E Guglielmi, a local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

Toby Spencer-Campbell, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor M Brown, seconded by Councillor Bennison and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. Three Year Time Limit.
2. Approved Plans.
3. Ancillary Use to 168 Long Road, Lawford.

39. A.7 - PLANNING APPLICATION - 18/00781/FUL - LAND ADJACENT LITTLE THATCH MILL LANE, THORPE-LE-SOKEN, CO16 0ED

It was reported that this application had been referred to the Planning Committee at the request of Councillor Land, the local Ward Member.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Team Leader (AN) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) A representation submitted by a member of the public; and
- (2) An amendment to paragraph 1.1.

Kirstine Hansen, a local resident speaking on behalf of the residents of Mill Lane, spoke against the application.

Councillor Land, the local Ward Member, spoke against the application.

Peter Le Grys, the agent on behalf of the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Heaney and unanimously **RESOLVED** that, contrary to the Officer's recommendation of approval, the Head of Planning (or equivalent authorised officer) be authorised to refuse planning permission for the development due to the following reasons:-

- Lack of Habitat Survey.
- Impact on both immediate neighbours.
- Impact on setting of Listed Building.

The meeting was declared closed at 9.08 pm

Chairman

PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 18/00464/FUL - 138 COLNE WAY, POINT CLEAR BAY, ST OSYTH, CO16 8LU.



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Application:	18/00464/FUL	Town / Parish: St Osyth Parish Council
Applicant:	Mr M Skeels	
Address:	138 Colne Way Point Clear Bay St Osyth	
Development:	Replacement dwelling (following demolition of existing).	

1 Executive Summary

- 1.1 **This is a full planning application to build a 2 storey two bedroom dwelling to replace an existing single storey chalet.** The planning application has been referred to Planning Committee as the applicant is an elected Councillor of Tendring District Council.
- 1.2 **At the Planning Committee on 30th May 2018 Members considered the original plans and requested that the application is deferred to enable officers to negotiate a building of reduced height and bulk to improve its appearance within the street scene and to ensure a more sympathetic relationship to neighbouring buildings. Consequently, amended plans have been received which show the second floor being removed and the building reduced to two-storey height. The amended plans ensure that the building would be less prominent in street scene views, would be of comparable height to the property to the west and would lessen the impact upon neighbours in terms of loss of outlook and light. The amended plans are considered to overcome Member's previous concerns. All amendments to the original report are in bold font for clarity.**
- 1.3 The application site is located in Point Clear Bay where the existing properties were predominantly built as holiday homes. Most properties are substandard by modern day expectations and are within the tidal flood zone where the risk of flooding is set to increase with the effects of climate change.
- 1.4 The traditional design approach incorporating a gambrel style roof is considered to represent an appropriate response to the character of the area. Notwithstanding this point the replacement property would be higher and bulkier than the existing property on the plot and those neighbouring the site. However, this is an area where the current standard of residential property places residents at a high risk of flooding particularly if climate change results in rising sea levels as projected by the Environment Agency. By including only storage, utility rooms, kitchen, shower room and parking on the ground floor the development would bring about a net improvement in flood safety.
- 1.5 With this in mind, Officers are advising the Committee to consider whether this approach is justified in order to facilitate a development that could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an example to other property owners who might consider redevelopment to a more resilient, lower flood risk form of development.
- 1.6 Therefore in the absence of any objections from the Environment Agency and Essex County Council Highways and in weighing up the advantages of the development against the disadvantages, the application is recommended for approval.

Recommendation: Approve

Conditions:

1. Standard 3 year time limit for commencement.
2. Accordance with approved plans.
3. Garage/parking bay available for use prior to occupation and retained as approved for parking purposes only.
4. Submission of flood evacuation plan.
5. Submission of flood proofing/building flood resilience measures report.
6. Ground floor shall only be used for purposes as shown on plans and retained (parking, storage and wet room/utility room and kitchen).
7. Details of materials/surface finishes.
8. Obscure glazing to side bathroom window and rear bedroom window
9. Removal of permitted development rights (extensions/outbuildings/Roof Additions and windows).

2 Planning Policy

NPPF National Planning Policy Framework (2018)
National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy
QL3 Minimising and Managing Flood Risk
QL9 Design of New Development
QL10 Designing New Development to Meet Functional Needs
QL11 Environmental Impacts and Compatibility of Uses
HG1 Housing Provision
HG9 Private Amenity Space
HG12 Extensions to or Replacement of Dwellings outside Settlement Development Boundaries
HG14 Side Isolation
HG20 Plotland Development
TR1A Development Affecting Highways
TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SP1 Presumption in Favour of Sustainable Development
SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
PPL1 Development and Flood Risk

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

3 Relevant Planning History

16/01985/FUL	Proposed replacement dwelling following demolition of existing.	Refused	16.08.2017
17/01474/FUL	Replacement dwelling (following demolition of existing).	Refused	24.10.2017
18/00464/FUL	Replacement dwelling (following demolition of existing).	Current	

4 Consultations

ECC Highways Dept Colne Way is a private road and as such this Authority does not wish to make any comments.

Building Control and Access Officer No comments at this time.

Environment Agency - The site is currently protected by flood defences with a minimum effective crest level of 4.33m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.3m AOD. Therefore the site is not at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 5.38m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 1.96m AOD would be 3.42m deep, and in the building using the proposed finished floor levels of 2.11m AOD would be 3.27m deep.

We have no objection to this planning application as the site is currently defended and the Essex and South Suffolk Shoreline Management Plan (SMP) policy for this area has an aspiration for "hold the line."

5 Representations

5.1 **St Osyth Parish Council - The Parish Council would reaffirm its objections of 24th April 2018, in that the position of the proposed development is still set forward of neighbouring properties, over which it would have a detrimental effect, especially no 139, which due to the height of the proposed development would be in direct view.**

Additionally, Councillors are concerned that unless the proposed development is moved towards the rear of the plot, it will potentially block the sightline of drivers approaching New Way from Western Promenade.

6 Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Design/Visual Impact;
- Private Amenity Space;
- Residential Amenities;
- Flood Risk; and
- Highway Considerations

Site Context

- 6.2 The application site is located on a prominent corner plot on the western side of the junction between Western Promenade and Colne Way within the Point Clear Bay area. The area comprises of a mixture of private dwellings and holiday chalets of differing age, scale and design.
- 6.3 The application site currently accommodates a small holiday chalet partly brick built with a shallow felted pitched roof. The chalet appears to have been constructed in the 1950's and, due to the presence of a restrictive occupation condition, cannot be occupied in the winter months (November through to April).
- 6.4 The front of the property is laid to grass and there are no formal parking arrangements. To the rear is a small grassed garden area. The boundaries are marked by bushes and low level timber fencing.
- 6.5 The site is located within a Flood Risk Zone 3 but is protected by current sea defences.

Proposal

- 6.6 This application proposes the replacement of the existing chalet with a **two storey permanent dwelling. The property would comprise of 2 bedrooms with a dining/lounge area at first floor. The ground floor would accommodate a single garage, a shower room and kitchen area.**
- 6.7 **The dwelling would consist of a gambrel style roof with facing brickwork at ground level with the first floor consisting of fibre cement boarding. Overall the property would measure 6.6m in height and 6.8m in width by 10m in depth.**
- 6.8 It is proposed that the property would be lived in all year round and not just on a holiday basis as per the existing chalet.

Planning History

- 6.9 An application for a three storey contemporary style property was refused by members of the planning committee in Aug 2017. The refusal was on the basis that the development would be detrimental to the character and appearance of the area due to its excessive bulk, mass and overall size. Furthermore, the refusal makes reference to the out of character contemporary design of the property and its set forward prominent siting. A second reason for refusal concerned the lack of useable private amenity space.
- 6.10 A further planning application was refused in October 2017 by officers under delegated powers. Whilst the gambrel style roof design was considered to be more in keeping with the

character of the locality, the forward siting of the property was deemed to be unacceptable by virtue of its excessive prominence within the street scene. The property was also not served by sufficient private amenity space to accord with the saved policy requirements and the proposed windows to the rear of the dwelling were found to cause unacceptable levels of overlooking into neighbour's rear gardens.

Principle of Development

- 6.11 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) 2018 are a material consideration in this regard.**
- 6.12 The site comprises existing development outside of any defined settlement boundary contained in the saved or emerging local plans. However, as the site already accommodates a dwelling and the application represents a replacement property there is a general presumption in favour of development in principle.
- 6.13 However, this part of Point Clear Bay falls within Flood Zone 3a, therefore the Council is still required to give special consideration to flood risk issues and the requirements of the NPPF i.e. the 'sequential' and 'exceptions' tests. These are considered in more detail later in this report.
- 6.14 In the saved local plan the Point Clear Bay area falls within an area controlled by saved policy HG20 which is aimed at limiting development on plotland sites such as this. The preamble to the policy states, amongst other things, that it is recognised that many plotland dwellings offer substandard living accommodation and usually located on small sites. The purpose of the policy is therefore to ensure that the impact upon the landscape, street scene and residential amenity is minimalised and to assist in controlling the demand on local services and infrastructure. The main content of saved policy HG20 states that the replacement of lawful plotland dwellings will be allowed provided that the cubic content of the replacement dwelling does not exceed that permitted for the original dwelling under the tolerances of the General Permitted Development Order. This policy is however clearly out of date as the General Permitted Development Order has since changed and permitted development rights for extensions are no longer calculated on a cubic content basis.
- 6.15 Furthermore, as in Jaywick, the policy aimed at strictly controlling development has failed to bring about any positive changes in the area particularly in respect of flood risk. Since the NPPF has given Councils more freedom to apply planning policies to better reflect local circumstances the Council, the Environment Agency and other partners have agreed that lifting some of the planning restrictions and moving towards flexible policies aimed at encouraging developers to provide high-quality, resilient and innovative new homes in the area is a better approach. This is reflected by the fact that the plotland policy has not been carried forward within the 2017 Emerging Local Plan.
- 6.16 Saved Policy HG12 concerns the replacement of dwellings outside settlement development boundaries. This policy is criteria based and in particular sets out that new development should be well related to the original dwelling, is not visually intrusive, is not detrimental to highway safety, would not adversely affect the residential amenities of adjoining neighbours and sufficient spacing is retained around the dwelling to protect its setting.
- 6.17 Again as stated above a more flexible approach is required in assessing the development against this policy. It is evident that the dwelling will be larger than the existing property and higher to incorporate flood resilient measures and a place of safe refuge at first floor level for residents. As such the principle of replacing the existing building with a larger property is acceptable in principle. Consideration therefore turns to the detailed design of the proposal.

Design/Visual Impact

- 6.18 **The original plans for the proposed dwelling showed a three storey high property with a double garage at ground floor. The proposed dwelling was significantly higher than the neighbouring properties.**
- 6.19 **At the Planning Committee on 30th May 2018 Members considered the original plans and requested that the application was deferred to enable officers to negotiate a building of reduced height and bulk to improve its appearance within the street scene and to ensure a more sympathetic relationship to neighbouring buildings. Consequently, amended plans have been received which show the second floor being removed and the building reduced to two-storey in height.**
- 6.20 **The significant reduction in height of the property from 7.95m to 6.6m ensures that the building would be less prominent in street scene views, would be of comparable height to the property to the west and would lessen the impact upon neighbours in terms of loss of outlook and light.**
- 6.21 **Whilst the proposed replacement property would still be larger in terms of its height and bulk than the existing chalet dwelling on the site, the reduced size and height of the dwelling assists in reducing the bulk of the building to acceptable levels. The property would be visible in views along Western Promenade particularly as the building would occupy a prominent corner plot that forms a vista in views from the east. However, the height and scale of properties in the area is mixed. To the west of the site is a tall chalet style dwelling with large dormers to the roof space and to the north is a brick built bungalow with a high ridge line. To the west along Western Promenade are some examples of three storey high properties of considerable bulk. The plans also show that the property has been set back further into the plot 4m back from the site frontage to reduce its overall prominence whilst 1m side isolation is retained to the boundaries.**
- 6.22 The design of properties in the locality is mixed. There are traditional brick built properties but there are also examples rendered and boarded buildings too. There are also examples of gambrel style three storey dwellings in the Point Clear Bay area. Consequently the gambrel style design approach incorporating cement boarding and concrete tile roofing would represent an appropriate response to the eclectic appearance of the area.
- 6.23 It is acknowledged by Officers that the dwelling would be higher and bulkier than the existing property on site. However, this is an area where the current standard of residential property places residents at a high risk of flooding – particularly if climate change results in rising sea levels as projected by the Environment Agency and in poor residential conditions. Because of this the development contains no main living accommodation on the ground floor to reduce the risk to residents in the event of a flood. As a result the building is required to be higher to allow for safe refuge in an event of a flood.
- 6.24 **As such Officers are of the opinion that the revised development acceptably overcomes the concerns raised by members previously and could help set the tone for the future regeneration of the area. If the Committee agrees that this approach is acceptable, this development provides an opportunity for other property owners to consider redevelopment to a more resilient, lower flood risk form of development.**

Private Amenity Space

- 6.25 Saved policy HG9 of the adopted Tendring District Local Plan (2007) states that 2 bedroom properties should be served by a minimum of 75 sqm of private amenity space. The preamble to the policy confirms that it is important that private amenity space is a useable

space appropriate to the size of the dwelling, its surroundings and adequately screened to ensure privacy.

- 6.26 In this instance the property would be served by a private garden area measuring 76sqm thereby according with the requirements of the aforementioned saved policy. The presence of solid fencing to the side of the property will ensure that the garden remains useable and private.

Residential Amenities

- 6.27 **The proposed dwelling would be two storeys high and therefore has the potential to impact upon the amenities of those residents living nearby.** To the north no.139 has an entrance door and associated window within its facing flank wall. As these are located northwards of the development and are not primary windows the impact upon light received by these openings would be minimal. In terms of outlook, no.139 has a small rear garden from which the development would be visible and fairly imposing. However, the distance and angle of the new property would reduce any impact in this regard.
- 6.28 To the west is no.137 which has an entrance door at first floor level accessed via a spiral staircase and a small high level window within its facing flank. These are not primary openings and therefore are not affected by the development. To the rear the property is served by a conservatory. It is conceded that the conservatory would lose some light and outlook as a result of the development; however the conservatory faces north and receives limited light at present. The set forward of the proposed property within the plot means that the development would not extend past the conservatory and therefore not have a significantly detrimental impact in this respect.
- 6.29 **In terms of overlooking, the front balcony faces south-east over an existing open grassed area and the frontage of properties on the opposite side of the road. Therefore views would be limited to public areas only. To the rear any concerns in respect of overlooking have been overcome by the inclusion of an obscure glazed bedroom window at first floor level only. The openings within the flanks of the building, due to the orientation of the development, would not look out over neighbour's private amenity areas.**

Flood Risk

- 6.30 The site, and the rest of this part of Point Clear Bay, is in Flood Zone 3 which is the highest area of risk due to its low-lying position on the coast. The NPPF, as supported by relevant policies in the adopted and emerging Local Plans, requires a 'sequential approach' to the location of new development which seeks to direct new development to the locations at lowest risk. In Tendring, there are clearly many locations of lower risk where a single dwelling could be located however as this development relates to the replacement of a single storey chalet in a poor state of repair a more flexible approach is justified where new development can assist in the regeneration of the area and helping to reduce the risk of flooding to life and property overall.
- 6.31 The Environment Agency within their comments have made reference to the Flood Risk Vulnerability Classification and have stated that the Council may deem that the development proposed to replace a restricted occupation holiday home with a permanent dwelling could elevate the development from 'more vulnerable' to 'highly vulnerable', which would be contrary to national planning policy and as such unacceptable on a matter of principle. The Council is however of the opinion that as this development relates to a replacement building accommodating a permanent dwelling and not a change of use of the existing single storey holiday home the development remains within the 'more vulnerable' category.
- 6.32 **The NPPF and Local Plan policies refer to the 'Exception Test' which must apply if a development in a higher risk area is being considered having undertaken the sequential test. Paragraph 163 of the NPPF (2018) requires such developments to be informed by site-specific flood risk assessment and to demonstrate that:**
- **within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;**

- **the development is appropriately flood resistant and resilient;**
- **it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;**
- **any residual risk can be safely managed; and**
- **safe access and escape routes are included where appropriate, as part of an agreed emergency plan.**

6.33 The application is accompanied by a site-specific flood risk assessment which, as advised by the Environment Agency, provides sufficient information for the Council to make an informed decision. The conclusions and recommendations in the assessment are summarised as follows:

- The site is currently protected by flood defences with an effective crest level of 4.33m AOD which is above the present-day 0.5% (1 in 200) annual probability flood level of 4.3m AOD. Therefore the site is not at risk of flooding in this event. The current defences will continue to offer protection over the lifetime of the development, provided the hold the line policy is followed and the defences are raised in line with climate change, which is dependent on future funding.
- At the end of the development lifetime with climate change applied to the design 0.5% annual probability flood event, if the SMP policy is not followed then through overtopping of the current defences the resulting on-site flood level would be 5.38m AOD. The resulting actual risk depth of flooding on the site using the minimum site level of 1.96m AOD would be 3.42m deep, and in the building using the proposed finished floor levels of 2.11m AOD would be 3.27m deep.
- Finished first floor levels have not been provided but there will be refuge above the 0.1% (1 in 1000) annual probability breach flood level of 5.77m AOD.
- A Flood Evacuation Plan has not been provided and is necessary to ensure the safety of the development.

6.34 Flood resilience/resistance measures have been proposed including the following:

- Electrical sockets will be installed above the flood level for ground floors to minimise damage to electrical services and allow speedy re-occupation.
- Water, electricity and gas meters will be located above predicted flood level.
- Non-return valves will be used in the drainage system to prevent back-flow of diluted sewage in situations where there is an identified risk of the foul sewer surcharging.
- All service entries will be sealed (e.g. with expanding foam or similar closed cell material).
- Closed cell insulation will be used for pipes which are below the predicted flood level.
- Boiler units and ancillary devices will be installed above predicted flood level and preferably on the first floor of two-storey properties.
- Underfloor heating will be avoided on ground floors and controls such as thermostats will be placed above flood level.
- Wiring for telephone, TV, Internet and other services will be protected by suitable insulation to minimise damage.
- Engineering bricks (Classes A and B) will be used which has 'good' resilience in terms of water penetration, drying ability and retention of pre-flood dimensions and integrity.

- Building materials that are effective for a 'water exclusion strategy' will be used which include: engineering bricks, cement-based materials including water retaining concrete and dense stone.
- Building materials that are suitable for a 'water entry strategy' will be used which include: facing bricks, concrete blocks, sacrificial or easily removable external finishes or internal linings.

6.35 The submission of an evacuation plan can be secured through a planning condition. The submitted plans show living accommodation at first floor level which in the event of the SMP not being followed and a 1 in 200yr and 1 in 1000yr breach would allow for the safe refuge of residents. The flood proofing/resilience measures proposed can also be secured through a condition to ensure the proposed building incorporates construction measures that can withstand potential flood waters.

6.36 Overall, it is considered that the development would meet with the NPPF Exception Test and when considering the lightweight construction and single storey nature of the current property on site would represent a significant improvement in terms of flood risk to future residents.

Highways

6.37 Essex County Council Highways raise no objections to the proposals as the property is sited onto a private road. The development shows two parking spaces of a size commensurate with the requirements of the current parking standards.

Conclusion

6.38 Therefore in the absence of any objections from the Environment Agency and Essex County Council Highways and in weighing up the advantages of the development against the disadvantages, the application is recommended for approval subject to conditions.

Background Papers

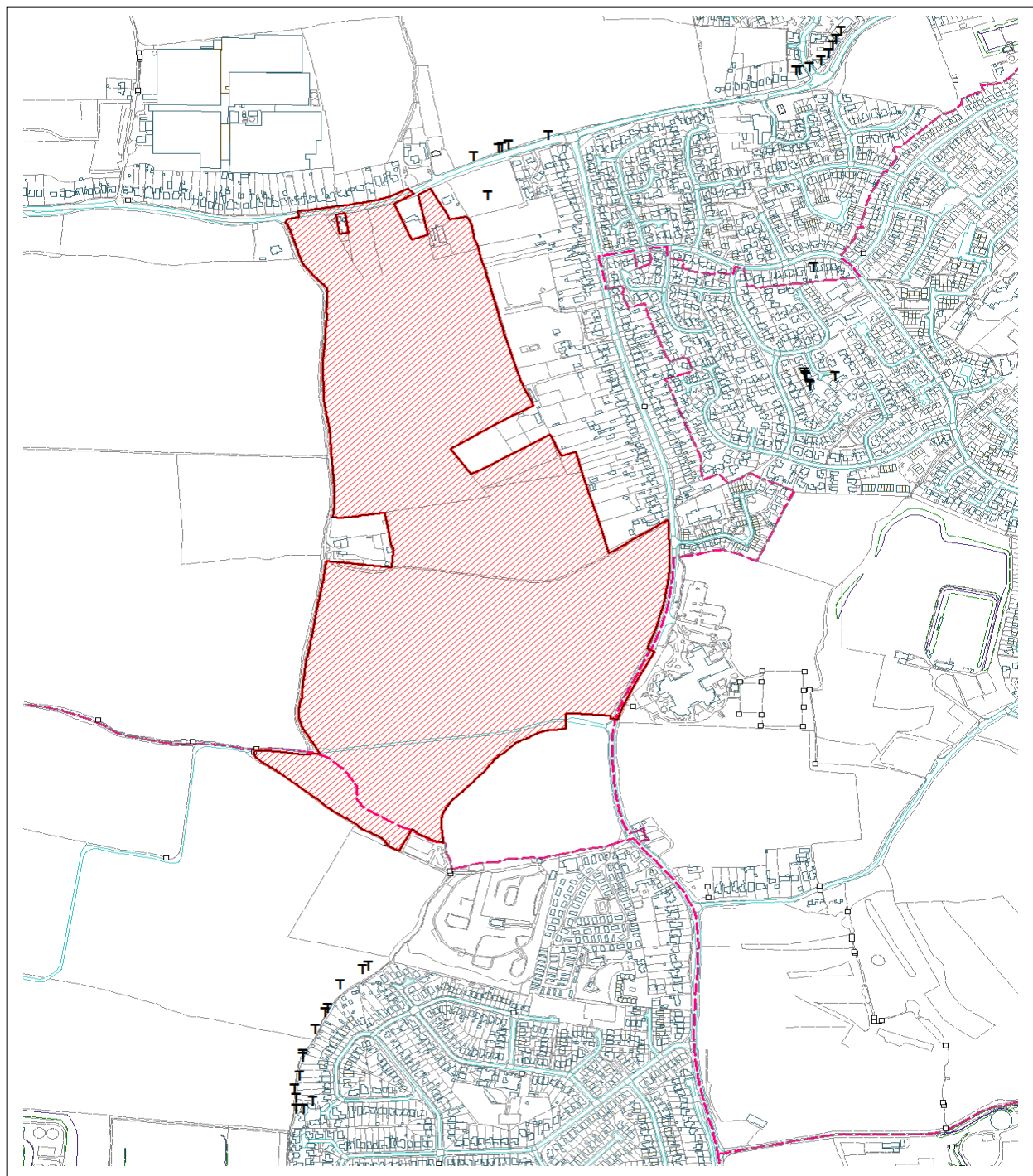
None.

PLANNING COMMITTEE

21 AUGUST 2018

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 17/01229/OUT - LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON ON SEA, CO16 8BJ.



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Application:	17/01229/OUT	Town / Parish: Clacton (un-parished)
Applicant:	Persimmon Homes Essex and Messrs M & I Low, K Francis and S & A Duncan	
Address:	Land adjacent and to the rear of 755 and 757 St Johns Road Clacton On Sea CO16 8BJ	
Development:	Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.	

On 30th May 2018, the Planning Committee resolved to grant outline planning permission for this major development at Rouses Farm, Clacton - subject to the completion of a section 106 legal agreement and a series of planning conditions, including those recommended by Essex County Council in its capacity as the Highway Authority. This is one of the largest sites allocated in the new Local Plan upon which the Council relies for the purposes of its five-year housing supply calculations.

Following the Planning Committee’s decision on 30th May, there has been very positive progress in preparing the s106 agreement. The developer has been working very constructively with the solicitors of Tendring District Council and Essex County Council and completion of the s106 agreement is imminent. This follows independent viability testing which has proven that the development is economically viable, albeit only with a small reduction in the amount of affordable housing to be delivered on site.

The main reason for this further report is to update the Planning Committee on changes to the Highway Authority’s recommended planning conditions which affect the phasing of the various highways works and to seek the Committee’s approval to proceed with the grant of planning permission, subject to these revised conditions.

Members might recall that there was a lot of discussion about phasing at the 30th May meeting and a strong desire for the ‘link road’ between Jaywick Lane and St. John’s Road to be delivered as early as possible. In the original recommendation from the Highway Authority, it was requested that the link road and other highways works be delivered before the first dwelling within the development is occupied. This was reported to Members in response to questions about the phasing of the link road and the Committee voted to grant planning permission subject to this, and other conditions recommended by the Highway Authority.

However, through discussions with the developer and the Highway Authority following the Committee meeting, it has become apparent that the completion of the link road within the early phases of the development raises practical safety issues about the conflict between construction vehicles and domestic traffic. Furthermore, it would not be necessary from a highway capacity perspective, or economically viable for all the recommended highway works to be delivered prior to the first occupation of any dwellings. Following the preparation of a technical paper by the developer’s transport consultants, the Highway Authority has reviewed its recommendations and has revised them to enable the highway works to be phased through different stages of the development.

Under the revised recommendation, the main highway works would be delivered as follows:

- the signalised junction onto St. John's Road would need to be completed prior to occupation of any dwellings on Phase 1 of the development;
- the signalised junction onto Jaywick Lane would need to be completed prior to occupation of any dwelling or commercial building on Phases 2A, 3 or 4;
- the link road between St. John's Road and Jaywick Lane would need to be completed prior to the occupation of any dwelling on Phases 3 or 4 (as currently envisaged, this would mean up to 475 of the new dwellings could be occupied before the link road is completed);
- the off-site improvements to the St. John's Road/Jaywick Lane junction and the St. John's Road/Cloes Lane junction would have to be completed prior to the occupation of 250 dwellings; and
- the off-site improvements to the St. John's Road/Peter Bruff Avenue junction and the St. John's Roundabout would have to be completed prior to the occupation of 500 dwellings.

Given the Planning Committee's particular interest in the phasing of the development and the various highway works, Officers are seeking the Committee's approval to authorise the Head of Planning to grant planning permission, subject to the Highway Authority's revised conditions and following the imminent completion of the s106 legal agreement.

To assist the Committee, the original report to the Planning Committee on 30th May 2018 is replicated below with any relevant updates indicated in bold and in [square brackets].

1 Executive Summary

- 1.1 The application site known as 'Rouses Farm' comprises 42 hectares of predominantly agricultural land on the western side of Clacton on Sea and north of Jaywick. This land is allocated for a major residential and mixed-use development in the Council's emerging Local Plan and outline planning permission is now being sought for up to 950 residential units; a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre; a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 1.2 The site lies outside of the settlement development boundary for Clacton within the adopted Local Plan but in the emerging Local Plan it is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. The emerging plan has now reached an advanced stage of the plan-making process, the Rouses Farm development is the subject of very few unresolved objections and the Council relies on this site to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. It is therefore considered that the allocation of this land for residential and mixed use development in the emerging Local Plan should carry considerable weight in the decision making process. Officers have therefore worked positively with the applicants to resolve all technical planning issues with a view to bringing the application to the Planning Committee with a recommendation of approval.

- 1.3 This is an application for outline planning permission with all matters reserved with the exception of access. Other matters including appearance, landscaping, layout and scale are reserved for approval at a later date and therefore this application seeks only to establish the principle of residential and mixed-use development of the site and the arrangements for access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane and the Highway Authority, having modelled the impacts of this development on the highway network as part of the Local Plan process, has no objections in principle to the proposed arrangements, subject to conditions requiring the approval of further details and certain off-site highway improvements **[as revised]**.
- 1.4 Due to the large scale and potential impacts of the development, planning regulations require the preparation of an Environmental Statement. The applicant's Environmental Statement contains a thorough assessment of the following matters: landscape & visual; ecology and nature conservation; archaeology and cultural heritage; transport & access; air quality; noise & vibration; soils and agriculture; hydrology, flood risk & drainage; ground conditions and contamination; and socio-economics. All in all the Environmental Statement concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development. Natural England, Historic England and the Environment Agency are the key consultees for development requiring an Environmental Statement and their comments have all been taken into account and addressed as appropriate through the determination of this application.
- 1.5 The application is the subject of just four local objections raising general concerns about the impact of the development in this location. They have all been considered in this report and are addressed accordingly.
- 1.6 Officers are content that subject to the imposition of reasonable planning conditions and s106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.
- 1.7 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions. The applicant is keen to progress with the development and has already drafted a s106 legal agreement to secure all of the relevant requirements and this is being scrutinised by the Council's lawyers. The applicant has also prepared a viability assessment for the development which is being tested by independent valuers to determine the level of s106 contributions the development can afford. **[Independent viability testing has now proven that the development is viable, albeit only with a reduction in affordable housing]**

Recommendation: That the Head of Planning is authorised to grant outline 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 and subject to the completion of viability testing):

- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
- Provision of land on-site for a new healthcare facility together with a financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
- Transfer of new open space, including proposed equipped play areas to the Council or a management company;
- Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
- Financial contributions to create additional secondary school places;
- New neighbourhood centre; and
- Financial contributions towards off-site ecological mitigation.

[Also the routing of bus services through the development – as advised on the 30th May 2018 update sheet]

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 first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development.
2. Standard 2 year limit for commencement of development following approval of reserved matters.
3. Details of appearance, layout, scale and landscaping (the reserved matters).
4. Layout and phasing plan/programme.
5. Compliance with approved access plans.
6. Development to be in accordance with the approved parameters plans.
7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
8. Highways conditions (as recommended by the Highway Authority) relating to:
 - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
 - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
 - bus services to be routed through the development;
 - residential travel plans;
 - improvements at existing St. John's Rd/Jaywick Lane junction;
 - signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
 - improvements to St. Johns Rd/Peter Bruff Avenue junction;
 - improvements at St. John's roundabout;
 - road safety assessments to be completed for all the above measures;
 - no discharge of surface water onto the highway;
 - wheel cleaning facilities; and
 - car parking spaces and garages.

[The Highway Authority's recommended conditions are revised to cover:

- **The need for a construction management plan;**
- **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
- **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
- **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**

- The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;
- Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;
- Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;
- Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;
- Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);
- Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and
- Residential travel plan and residential travel pack.]

9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.

11. Foul water drainage strategy.

12. Archaeological assessment/trial trenching.

13. Contaminated land investigation and remediation.

14. Piling restrictions.

15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.

16. Hard and soft landscaping plan/implementation.

17. Tree protection measures.

18. Construction Environmental Management Plan.

19. Landscape and ecology mitigation/management plan.

20. Details of dog walking routes (part of ecological mitigation).

21. Broadband connection.

22. Local employment arrangements.

23. Details of water, energy and resource efficiency measures.

- 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, or further period as agreed, 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 Policy

National Planning Policy Framework (NPPF)

- 2.1 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level. **[Please note that a new version of the NPPF was published in July 2018 but many of the key principles remain unchanged. Where relevant paragraph numbers have changed, these are indicated below.]**
- 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.

[The new NPPF refers to these as economic, social and environmental 'objectives']

- 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 **[now section 5]** 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 10%]** 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 solution 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*". **[Paragraph 38 in the 2018 NPPF similarly states: "Local planning authorities should approach decisions on proposed development in a positive and creative way" and "Decision makers at every level should seek to approve applications for sustainable development where possible"]**.

National Planning Practice Guidance (PPG)

- 2.6 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.

Local Plan Policy

- 2.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 of the NPPF **[now paragraph 213]** 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 **[now paragraph 48]** 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.

- 2.8 As of 16th June 2017, the emerging Local Plan is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is currently in the process of being examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached an advanced stage in the plan making process its policies can carry more weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 216 [now 48] of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

Tendring District Local Plan (2007) – as ‘saved’ through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards urban areas and seeks to concentrate development within settlement development boundaries. Also defines Clacton as a larger urban area where most new development is to be concentrated.

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.

QL6: Urban Regeneration Areas: Defines West Clacton as an urban regeneration area and the focus for investment in social, economic and transportation infrastructure along with initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

QL8: Mixed-Uses: Encourages a mix of complementary and compatible uses within town, district and local centres and urban regeneration areas.

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.

ER31: Town Centre Hierarchy and Uses: Seeks to direct ‘town centre uses’ including retail, leisure, offices and tourism to defined town, district and local centres within the district to support their vitality, viability and regeneration objectives.

ER32: Town Centre Uses Outside Existing Town Centres: Sets the criteria against which proposals for town centre uses outside of defined town centres will be judged. It requires that new development is of an appropriate scale, does not harm the vitality and viability of existing centres and is accessible by a choice of transport modes.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

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 has 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.

COM1: Access for All: Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

COM2: Community Safety: Requires developments to contribute towards 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.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM24: Health Care Provision: Supports developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, towards 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.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as a priority over higher quality land.

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.

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.

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

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 developments affecting an existing public right of way to 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 2013-2033 and Beyond Publication Draft (June 2017)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Clacton as a 'Strategic Urban Settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

Strategic Urban Settlements are expected to accommodate the largest proportion of the district's housing stock over the plan period to 2033.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Clacton extends to include the application site.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites that deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the 'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: 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.

LP4: Housing Layout: 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.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP3: Village and Neighbourhood Centres: Identifies that a new neighbourhood centre is proposed for the development at Rouses Farm and that any retail units created will receive future protection against the loss to other uses.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also 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.

PPL1: 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.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute towards the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: 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.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: Says that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: 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.

SAMU4: Development at Rouses Farm, Jaywick Lane, Clacton: Specifically allocates the application site for a mix of residential development, community facilities and public open space. The policy contains specific requirements in relation to housing numbers, educational facilities, the neighbourhood centre, healthcare provision, highways and open space.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

3 Relevant Planning History

None.

4 Consultations

TDC Building Control Access for fire fighting appliances should be in accordance with regulation B5.

TDC Environmental Health Satisfied with the content of the acoustic report and the Construction Methods Statement and will require no further information or have no adverse comments at this time.

TDC Principal Tree & Landscape Officer The main body of the land is in agricultural use and is not well populated with trees with most of the vegetation, comprising hedgerows and hedgerow trees situated on the boundary of the land. The largest specimen trees are situated on the northernmost part of the land. The applicant has submitted a tree report and survey in accordance with British standards.

The Oak trees to the north of the site have high visual amenity value and are, generally, in good condition. The report identifies the retention of T13 and T14 close to the proposed position of the new access road from St Johns Road. The other important trees, in terms of their visual amenity value, are the trees within G14 of the tree report. It is considered that the inclusion of these trees within a loosely connected group does not accurately reflect their true value. Although the trees are shown as retained it is important to recognise their long term value.

Tree T11 is also categorised as C1 although it could reasonably fit within the above cascade chart as a B1 or B2 tree. The masterplan identifies the need to fell this tree. It would appear that the tree is not an obstruction to the development of the immediately adjacent land and the tree should be retained if possible. With regard to boundary trees and trees on adjacent land, the site layout shown on the Indicative Masterplan shows the land adjacent to the field boundaries to the south and west as new open space. This will ensure that the boundary trees and hedgerows can be retained.

It appears that the development of the land could take place without harm being caused to the majority of the trees and hedgerows on the land and it is not considered expedient to protect them by way of a Tree Preservation Order at the present time. It may be desirable to formally protect them at some stage in the future to ensure that they are not harmed during the development process or as a result of post development pressures.

In terms of the impact of the development of the land on the local landscape character and to show the potential harm likely to arise as

a result of the development of the land, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects. It recognises the changes that will result from the development of the land. However the LVIA does not appear to contain a quantitative or qualitative assessment of the harm that is likely to be caused by the development of the land.

Notwithstanding this, the topography of the land is such that the relatively flat nature of the immediately surrounding area; combined with the Masterplan layout showing Public Open Spaces on the perimeter of much of the site provides the opportunity for a comprehensive soft landscaping scheme to be provided and implemented that would ensure that the development is satisfactorily assimilated into its setting. Should permission be granted then a soft landscaping condition should be attached to secure details of soft landscaping of the whole site, both the residential area and the open space. New tree planting in prominent locations will be a key part of a good soft landscaping scheme.

TDC Waste Management No comments at this stage.

Anglian Water The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flow from your development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure there is sufficient treatment capacity should the planning authority grant planning permission.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. They request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires their consent. They ask that an informative be included within the decision notice should permission be granted.

Environment Agency Confirm that it was not necessary for them to be consulted on this application.

Essex County Council (ECC) Archaeology Questions the findings of the Environmental Statement and its consistency with the applicant's archaeological desk based assessment (DBA). Also questions the applicant's chosen method of evaluation (geophysical survey) suggesting that it has been ineffective. Concern therefore that the Environmental Statement is inaccurate in places and fails to adequately establish the significance of the known heritage assets. On similar sites to this, a programme of rectification of aerial photos and targeted trial trenching would normally be considered an appropriate evaluation method.

Recommended that the applicant conduct a field evaluation to

establish the nature and complexity of the surviving archaeological assets. This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in site and/or the need for further investigation.

[Note: Officers are recommending that this additional evaluation work be secured through a planning condition].

ECC Education

Based upon the development of 950 homes, the proposal would produce the need for 85 Early Years and Childcare (EY&C) places, 285 primary places and 190 secondary school places. A new 2 form entry primary school with a 56 place nursery would be delivered on the site.

For the proposed school land, the s106 legal agreement grant ECC an option to take transfer of the land, at nominal cost (usually £1). The option period should open no later than the occupation of 50 homes on the development and close ten years thereafter or, if later, on completion of the development. The land provided, and location therefore, must meet the criteria set out in ECC's Developers Guide and any planning application must include a Land Compliance Study to evidence compliance suitability. A Land Compliance Study has been submitted by the applicant and it is likely that the site proposed for the new primary school and combined EY&C facility will be acceptable subject to a number of arrangements being put in place in order to ensure that the land complies with ECC requirements, these include for example the removal of Japanese Knotweed, removal of any contamination and noise attenuation arrangements.

The breakdown and the cost that the development would need to contribute towards education through the s106 agreement is £1,452,840.92 for EY&C and £4,246,642.50 for Primary Education and £3,675,550 for Secondary Education.

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however the developer should ensure that safe direct walking and cycling routes to local schools are available.

ECC Flood and Water Management

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the imposition of conditions.

ECC Highways

They have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and does not wish to raise an objection subject to the imposition of reasonable planning conditions and obligations. These relate to:

- detailed junction arrangements on St. Johns Rd and Jaywick Lane;
- cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
- bus services to be routed through the development;

- residential travel plans;
- improvements at existing St. John's Rd/Jaywick Lane junction;
- signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
- improvements to St. Johns Rd/Peter Bruff Avenue junction;
- improvements at St. John's roundabout;
- road safety assessments to be completed for all the above measures;
- no discharge of surface water onto the highway;
- wheel cleaning facilities; and
- car parking spaces and garages.

[The revised letter from the Highway Authority recommends conditions and obligations relating to the following:

- **The need for a construction management plan;**
- **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
- **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
- **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
- **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
- **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
- **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**
- **Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;**
- **Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);**
- **Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and**
- **Residential travel plan and residential travel pack.]**

Essex Police

The published documents have been studied and do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 69 of the National Planning Policy Framework (NPPF) has been achieved. In supporting the ethos of Sections 58 & 69 of the NPPF, Essex Police provide a free, impartial advice service to any applicant who request this service.

[Note: This level of detail would be required at Reserved Matters

Stage]

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England

Initial response was that based on the information provided in support of the application, there was insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. They also considered that there was insufficient information to rule out adverse effects to the Colne Estuary Site of Special Scientific Interest (SSSI) and therefore requested that additional information was provided by the applicant. Suggestions for resolving the issue include on-site and off-site mitigation such as:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of >2.7 km² and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/leaflets to householders to promote these areas for recreation;
- Dog waste bins etc; and
- Developer contributions towards the implementation of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in respect of the Colne Estuary.

[Note: In response, the applicant has contacted Natural England and has agreed that such measures being secured through conditions or through the s106 legal agreement].

NHS England

The proposed development is likely to have an impact on the services of 3 branch surgeries operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the area. Therefore, the proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development.

NHS England has no objection in principle to the proposed development, subject to appropriate mitigation being secured for Primary Healthcare. However, it must be made clear that at the present time there is no agreement in place between the applicant and NHS England or the GP Practices, that the new proposed health facility will be utilised by an NHS England funded GP Practice. NB. any project proposed by a GP Practice is subject to CCG agreement and NHS England prioritisation and approval processes.

[Note: In further correspondence, NHS England has indicated that its preference is for a financial contribution of £329,613 to be secured through s106 legal agreement].

5 Representations

5.1 Five letters of representation have been received by the Council, four of the authors of which object to the proposal with one making neutral comments about the scheme. The letters of objection raise the following concerns:

- Green space and farmland are being eroded more and more.
- The land is used to feed local people, is well used by the surrounding community, has community value and is teeming with wildlife.
- This will have a completely negative impact on residents' way of life, including from the construction process.
- The council should pass smaller developments that won't destroy a whole area of beauty instead of trying to build a monstrosity.
- When this development was first mooted it was for approximately 800 properties, now it is 950. It will add more vehicles to the already very busy St Johns Road and Jaywick Lane and will lead to more congestion on both.
- Jaywick Lane is already a really dangerous and often congested road, there is not sufficient infrastructure to this development, it will just cause gridlock in the area.
- There is already excessive traffic and issues with speeding.
- No street lights, making it difficult and dangerous to cross the road.
- At present the town is unable to recruit GP's, therefore most are locums and question how the health centre would be staffed.
- Question who will occupy the social housing aspect of this development.
- Question whether Clacton can really sustain all new developments in terms of available jobs and infrastructure.
- Whilst there are plans for a school and community area, where are these people going to work, or will they just be the local unemployed.
- Will the train line be improved to allow people to commute to bring back some money to the area or will they just be another drain on the Council.
- The school would back onto the garden of 40 Jaywick Lane, Persimmon's solution to leave an alleyway behind the fence which would make the occupants more vulnerable who are elderly and suffering with ill health.
- Noise from the proposed school and possible financial implications if adjacent occupiers have to put up a stronger fence.
- The Frinton Residents' Association object to the proposal on the grounds of what they have experienced during and after the construction of 37 units at Witton Wood Road, Frinton by the applicant, as opposed to raising points that are specific to the proposal before Members. They do however stress the importance of ensuring that the development is of a high quality, as well as being sustainable and protecting the living conditions of existing residents.

5.2 The letter of comment received states that whilst, as a walker they welcome any additional Public Rights of Way (PROW), they have concerns that without the potential footway links in place, lack of use could result in the planned leisure routes becoming overgrown. They assume ECC will be responsible for maintaining these new routes, and it is necessary to mention that to get a path included on their cutting programme is not easy, and takes a number of complaints to do so. They also notice that the footway link to the west of the plan, does not link up with a PROW, but a private track. For this to be used it would need the landowners consent to make the track a permissive right of way. They also state that the footway link onto St. Johns road would require walkers to cross the busy B1027 to gain access to the footpath on the opposite side of the road. This would however allow access to the PROW network.

6 Assessment

Site Context

- 6.1 The application site comprises 42.13 hectares of predominantly arable agricultural land that is situated to the western side of Clacton on Sea, north of Jaywick. The northern boundary of the site is demarcated by St John's Road (B1027) and is punctuated by the curtilages of existing dwellings at 717, 719, 755 & 757 St John's Road. On the opposite side of St John's Road, to the north east is a grade II listed building known as Duchess Farmhouse.
- 6.2 To the west of the site is Rouses Lane which is demarcated by field hedging for part of its length and leads to Rouses Farm (outside of the application site) and the track of Botany Lane, beyond this boundary is open farmland. The southern boundary of the proposed developable area is formed by a metalled farm track which leads to Jaywick Lane, almost opposite the Tendring Education Centre. Beyond the farm track is more farmland, the southern point of which just touches the start of the built-up area of Jaywick (adjacent to the Sackett's Grove caravan site). The majority of the eastern boundary is formed by either Jaywick Lane itself or the rear of properties that front it, and include a new development of bungalows at 82 Jaywick Lane and the Chester and Silver Dawn Caravan Parks within the Bockings Elm Ward.
- 6.3 The site is relatively flat, but does slope slightly towards the south. Where a lack of hedging allows, views across the site are quite open, from one boundary to another, bar where existing buildings are located.
- 6.4 Bockings Elm benefits from a range of existing local services which include a post office, hairdresser, public house, fish and chip shop, and grocery stores. Nearby community facilities include the Coppins Hall community centre, and schools currently include an early-years playgroup, the Raven Academy primary school, and Clacton Coastal Academy which provides secondary and sixth form education. The aforementioned Tendring Education Centre incorporates early years settings, the West Clacton Library, and sporting facilities. The nearest Doctors Surgery is currently the Green Elms Health Centre located in Nayland Drive.
- 6.5 The application site is also served by several buses which run via St Johns Road. These include FirstGroup routes 17 and 18 between Clacton and Point Clear (combined half-hourly service Monday – Saturday daytimes, hourly Monday – Saturday evenings and Sundays), and FirstGroup route 74 between Clacton and Colchester (hourly Monday – Saturday daytimes, two-hourly Monday – Saturday evenings and Sundays). The Go Ride 72 and 79 routes also operate along Jaywick Lane and connect the site to Colchester and Brightlingsea respectively.

The Proposal

- 6.6 Outline planning permission is sought for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 6.7 The application is accompanied by an Environmental Statement (ES), produced pursuant to the Town & Country Planning (Environmental Impact Assessment) (England and Wales Regulations) (2011) and which follows the issue of a Scoping Opinion (SO) by the District Council on 9 April 2015 under reference 15/30060/PREAPP). The SO concluded that the following issues should be covered, and which have been included as chapters within the

ES: Landscape & Visual; Ecology and Nature Conservation; Archaeology and Cultural Heritage; Transport & Access; Air Quality; Noise & Vibration; Soils and Agriculture; Hydrology, Flood Risk & Drainage; Ground Conditions and Contamination; and Socio-economics.

6.8 The ES is supported by a number of technical appendices, these include:

- Arboricultural Impact Assessment and Tree Schedule;
- Archaeological Desk Based Assessment;
- Archaeological Geophysical Survey;
- Built Heritage Statement;
- Drainage Strategy and Calculations;
- Extended Phase 1 Habitat Survey;
- Habitat Regulations Assessment Screening Report;
- Phase 2 Ecological Surveys and Assessments;
- Flood Risk Assessment;
- Geo-Environmental Desk Study Report; and
- Geo-Environmental and Geotechnical Desk Study and Site Investigation.

A Non-Technical Summary of the ES has also been provided.

6.9 In addition to the ES, a detailed suite of documentation and revised technical evidence during the processing period has been submitted with the planning application, including the following:

- Application Forms & Certificates;
- Application Plans comprising:
 - Location Plan;
 - Master Plan;
 - Access and Movement Parameter Plan;
 - Building Heights Parameter Plan;
 - Density Parameter Plan;
 - Land Use Parameter Plan;
 - Open Space Parameter Plan;
 - Phasing Parameter Plan;
 - Northern Access onto St John's Road;
 - Eastern Access onto Jaywick Lane; and
 - Topographical Land Surveys;
- Construction Method Statement;
- Design & Access Statement;
- Education Checklist;
- Existing Utilities Report;
- Minerals Assessment Report;
- Planning Statement;
- Statement of Community Involvement;
- Transport Assessment ;
- Travel Plan;
- Viability Assessment [confidential].

6.10 With the exception of the formation of the access into the site, details of the appearance, landscaping, layout and scale are all reserved matters which means that approval is not sought for these at this stage and details are therefore not currently required. If the outline application were to be granted the applicant, or any successors in title, would need to submit reserved matters applications to the Local Planning Authority, in addition to discharging planning conditions before development could commence.

- 6.11 The application proposes two vehicular access points into the site, one onto St John's Road, to the east of no 755, the other opposite the Tendring Education Centre onto Jaywick Lane. Both these junctions would have dedicated right turn, signalised junctions and as illustrated on the submitted Masterplan and Access and Movement Parameter Plans, these would connect up through a central spine road which would be designed to accommodate bus services and a central cycle route through the scheme. The spine road would therefore connect the proposed new dwellings and the surrounding area to the proposed neighbourhood centre and primary school, as well as allowing local traffic to bypass Jaywick Lane.
- 6.12 The Access and Movement Parameter Plan also identifies indicative secondary roads as well as footpaths throughout the site, with the Design and Access Statement (DAS) which has been updated during the processing of the planning application to add further detail to the design approach and to give a clearer vision for the road hierarchy. The exact location of the routes through the site would be refined through the Reserved Matters process, although the applicants opine that the information provided with the submission demonstrates that it is possible to deliver a well-connected site.
- 6.13 Whilst a reserved matter, the indicative Masterplan and Land Use Parameter Plan identify the potential layout of the site, which is intended to give some certainty to the general location of development and ultimately be used to inform the Reserved Matters stage/s. This would be a predominantly housing-led scheme for up to 950 units and whilst the precise mix of dwelling types is unknown, the applicants state that they intend to provide a broad range of residential accommodation ranging from one bedroom apartments to five bedroom houses. It is also intended that the scheme would include an element of bungalow accommodation with the precise amount to be a matter for the detailed design stage. To accord with the emerging plan, an appropriate proportion of dwellings would be provided as affordable housing.
- 6.14 Housing density across the scheme would average at approximately 40 dwellings/Ha (net) or 23 dwellings per hectare (gross). Density would however vary through the scheme to create differing character areas eg. It is envisaged that densities would generally be lower around the edges of the scheme and higher towards the core and around key focal points within the development. The DAS highlights that it is intended that the development would be of a style based on the local vernacular, and that the principles of the Essex Design Guide would be followed.
- 6.15 The primary school site is shown to be located on a 2.1 Hectare (Ha) parcel of land to the north and close to the St John's Road access point which would allow it to be delivered early in the development process, and also means that it would not be surrounded by construction activity once operational. It would also ensure that it is close to the existing community that it would also serve.
- 6.16 The Neighbourhood Centre would include the healthcare facility and would be located towards the Jaywick Lane access (to south of) to ensure that it could also serve the wider community as well as the development site. Again, its proximity to the site access also means that it would not be surrounded by construction activity when operational.
- 6.17 A minimum 20m landscape buffer is identified along the western boundary of the site to comply with the emerging Local Plan's policies for this site and form a suitable transition between the built development and surrounding countryside. A large area of open space is indicated at the southern end of the site, and which complements the proposed Strategic Green Gap allocation between Clacton and Jaywick. Further landscape buffers are proposed to be located around the sensitive boundaries of the site, as well as smaller pockets of Public Open Space (POS), two of which would include Local Equipped Areas for

Play (LEAP). In total, POS would amount to some 13 Ha, including surface water attenuation areas.

Main Planning Considerations

6.18 The main planning considerations are:

- Principle of Development;
- Environmental Impact, incorporating the following:
 - Landscape & Visual Impact;
 - Ecology and Nature Conservation;
 - Heritage;
 - Archaeology
 - Transport & Access;
 - Air Quality;
 - Noise & Vibration;
 - Soils and Agriculture;
 - Hydrology, Flood Risk & Drainage;
 - Ground Conditions and Contamination; and
 - Socio-economics;
- Planning Obligations and Viability;
- Reserved Matters - Appearance, Landscaping, Layout and Scale; and
- Living Conditions.

Principle of Development

6.19 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 significant material consideration in this regard.

6.20 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 [**now 213**] 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 [**now 48**] 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

6.21 Section 1 of the Local Plan was examined in January and May 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan is expected to take place in Autumn 2018. Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 216 [**now 48**] of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan. **[We have now received the Inspector's letters in respect of Section 1 which confirm the soundness of Tendring's housing figures, but which raise concerns about Garden Communities which will delay the progress of the Local Plan towards adoption].**

6.22 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit within a short distance of) the 'settlement development boundary' for Clacton. The southern part of the site immediately south of existing properties in Jaywick Lane is designated as a 'Local Green Gap' which, for this area, is designed primarily to

maintain clear separation between West Clacton and Jaywick to safeguard their separate identities and character, and to also protect views from these areas over the open countryside.

6.23 In the emerging Local Plan, the site is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. The Local Green Gap/Strategic Green Gap designation has been scaled back in the emerging Local Plan in response to longer-term development needs and to both reflect the extent of development that has already taken place on the eastern side of Jaywick Lane (i.e. housing at Harpers Way and the School); and focus protection on the open land south of the school and between Jaywick and Cherry Tree Avenue.

6.24 Policy SAMU4 states: *“Land at Rouses Farm, west of Jaywick Lane and south of St. John’s Road, Clacton-on-Sea, as defined on Map SAMU4, is allocated for a mix of residential development, community facilities and public open space”*. The policy then sets out specific requirements of the development and criteria that need to be met through any planning applications for the site:

- Requirement a) is that the development will include at least 850 homes of mixed sizes and types to include affordable housing as per the Council’s requirements up to 2033 and features to support a range of housing sizes and types to reflect the needs of the area requirements. The proposal is for up to 950 dwellings thus exceeding the minimum requirement. At this level, the development provides more than sufficient scope to deliver a mix of sizes and types which will be determined, in more detail, at the reserved matters stage(s);
- Requirement b) is for a new primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land as required by the Local Education Authority through Section 106 Planning Obligations. The application makes provision for this requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered;
- Requirement c) is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site;
- Requirement d) is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. In its representations on the Local Plan, the NHS asked for Criterion d) to be modified to allow for either new infrastructure or a financial contribution and has indicated that it is a financial contribution of just under £330,000 that will be required;
- Requirement e) of Policy SAMU4 is for minimum of 5 hectares of public open space and this is to be provided within the development, predominately at the southern end of the site to help maintain and strengthen the sense of openness between Jaywick and West Clacton;
- Criterion f) in Policy SAMU4 advocates a master-planned approach which the applicant has followed within the material in support of the application;

- Requirement g) is for the principal points of vehicular access to be off St. John's Road in the north and Jaywick Lane in the south;
- Requirement h) is for the design and layout of the development to have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to developer links with the existing landscape and access features. A minimum 20 metre landscaping buffer along the western edge of site is required to minimise visual impacts. The application allows for this requirement and is supported by a Landscape and Visual Impact Assessment with proposed mitigation measures (see below);
- Requirement i) is for a spine road of 6.75 metres carriageway width to link St. John's Road and Jaywick Lane capable of accommodating buses and other large vehicles and enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane to the benefit of existing residents in the area;
- Requirement j) is for the incorporation of highway capacity, safety, public transport, cycle, pedestrians and bridleways service and/or infrastructure enhancements. It requires a safe cycle path/footpath between the development and the Clacton Coastal Academy and the new primary school;
- Requirement k) is for a financial contribution to early years and childcare and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;
- Requirement l) is the delivery of opportunities for the protection and enhancement of the historic environment features and settings including the built and archaeological environment; and
- Requirement m) is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development.

6.25 The application complies with the broad and strategic requirements of Policy SAMU4 and the more up-to-date specific and detailed requirements of Essex County Council and the NHS. The detail of how the proposal complies with Policy SAMU4 and other Local Plan policies is set out under the key considerations below.

6.26 The allocation of this site for residential and mixed use development in the Publication Draft of the emerging Local Plan and the requirements of Policy SAMU4 did not attract many objections from residents or any other stakeholders. The only comments raised came from:

- Essex County Council who asked that the housing numbers in the policy be double checked for consistency with other sections of the plan;
- Historic England who wanted to ensure that the separate characters of Jaywick and Clacton are maintained; and that the Grade II Duchess Farmhouse in St. John's Road is properly taken into account;
- NHS England who suggested that the healthcare requirements could be met either through a new facility on the site or through a financial contribution towards healthcare capacity in the wider area;

- Natural England who wanted to ensure the value of the land for wintering birds and the potential impact on water quality are properly assessed and that appropriate mitigation measures are put in place;
 - Persimmon Homes who, as the developer for this project, supported the allocation and the policy; and
 - Land Logic Ltd who objected to the proposal on landscape, visual and infrastructure grounds, because they are promoting an alternative site off London Road, Clacton in the middle of the Strategic Green Gap between Clacton and Little Clacton for 220 homes.
- 6.27 There were no specific objections or comments from residents in response to the allocation at the publication stage, however this location has been proposed for development in numerous iterations of the Local Plan as it has emerged and the site promoters have undertaken ongoing community consultation in the area. They have also been engaged in extensive pre-application discussions with the Council with a view to ensuring all relevant planning matters have been properly considered and, where possible, local concerns have been addressed. Four local objections have been received in response to this planning application specifically (summarised above) and these are addressed throughout this report.
- 6.28 In applying the guidance within paragraph 216 **[now 48]** of the NPPF, the Local Plan has reached an advanced stage of the plan-making process; the objections to Policy SAMU4 are relatively few and have all been resolved by the applicants; and the proposal is entirely in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, Policy SAMU4 and the allocation of land at Rouses Farm for mixed-use development can carry a reasonably high level of weight in the determination of this planning application.
- 6.29 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 47 **[now 73]** of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining outline planning permission in the short-term, in order for them to progress to the detailed planning stages and to start delivering new homes from the middle part of the plan period. In fact, the Council's evidence to demonstrate a five year supply relies on the housing trajectory contained within its very latest Strategic Housing Land Availability Assessment' (SHLAA) (April 2018) which anticipates the grant of outline planning permission in 2017/18, the approval of reserved matters in 2018/19, the discharge of pre-commencement planning conditions and commencement of development in 2019/20 with the first new houses in 2020/21. The Rouses Farm development is currently expected to contribute around 90 new homes to the five-year supply between 2020/21 and 2022/23 and between 30 and 60 new homes, per year, from 2023/24.
- 6.30 Having considered the application site's status within the adopted and emerging Local Plans, the limited level of objection received during the Local Plan consultation and the imperative to deliver new homes and to maintain a five-year supply of deliverable housing sites, Officers consider that the principle of a major residential and mixed-use development on the site is acceptable – subject to consideration against other relevant policies, including Policy SAMU4. Officers have therefore sought to work with the developer to address any planning issues and to work positively towards a recommendation of approval.

Environmental Impact

Landscape & Visual Impact

- 6.31 NPPF para. 109 **[now 170]** stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.32 In response to this, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which highlights that the application site is situated in the St Osyth Coastal Ridge Landscape Character Area (LCA) and is on relatively high land overlooking the St Osyth Coastal Slopes and the St Osyth Drained Marshes LCAs. In this respect the development of the land has the potential to cause harm to a wider landscape area, although the site is not covered by any specific landscape designation and the Principal Tree and Landscape Officer states that the information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects.
- 6.33 The application site comprises relatively flat agricultural land with limited landscape features within the site boundaries which some include mature and established hedgerows; and a light scattering of tree groups. As it lies on the western urban edge of Clacton, existing residential development is situated along the majority of the eastern boundary. In addition, there are three residential properties located adjacent to the site's northern boundary, with a ribbon of development on the opposite side of St. John's Road. The locality is therefore already partly residential in character.
- 6.34 Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential, and would inevitably result in a permanent significant effect upon the landscape. However, whilst only in outline, the planning application demonstrates that the scheme could be designed to minimise landscape and visual effects, through the creation of a positively designed western settlement edge to Clacton. As part of the landscape design it is proposed that existing trees and hedgerows on the site boundary would be retained and enhanced by new native planting and a substantial landscape buffer to the western boundary created.
- 6.35 The Tree and Landscape Officer confirms that the largest specimen trees are situated on the northernmost part of the land, and in order to assess the impact of the development on trees and other vegetation on the application site and on adjacent land the applicant has submitted a tree report and survey. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.
- 6.36 As highlighted above, requirement h) of Policy SAMU4 is for the design and layout of the development to have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to developer links with the existing landscape and access features. A minimum 20 metre landscaping buffer along the western edge of site is required to minimise visual impacts and the application allows for this requirement and would ensure that the boundary trees and hedgerows can be retained for the long term.
- 6.37 Therefore, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Ecology and Nature Conservation

- 6.38 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 109 [now 170] which recognises that the planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.39 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.40 With respect to Green infrastructure, the PPG defines this as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.
- 6.41 The ES states that the site predominantly comprises of agricultural habitats bordered by species-poor native hedgerows that support a range of protected species including breeding birds and reptiles. The site is located close to the coast and within 5km of two sensitive ecological sites. The indirect effects of the Proposed Development arising from increased human disturbance pressures on the nearby coastal European designated sites have been considered and suitable alternative natural green space is to be provided within the proposed development to reduce recreational pressure on the designated sites.
- 6.42 A habitat management plan would be implemented to maintain habitat quality for breeding birds, reptiles, notable mammals and invertebrates and reduce human disturbance on these features. This would enhance boundary and grassland habitats within the site, with the proposed development being designed with a range of mitigation and enhancement measures to ensure no net loss of biodiversity and no significant adverse significant effects on ecology features. The implementation of habitat management would ensure that for some features there are a range of net benefits for biodiversity in line with national planning policy.
- 6.43 Natural England has stipulated that based on the information originally provided in support of the application, their view was that there was insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the

Colne Estuary SPA and Ramsar site to be ruled out. They also considered that there was insufficient information to rule out adverse effects to the Colne Estuary Site of Special Scientific Interest (SSSI). Their advice was given in respect of the Conservation of Habitats & Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).

- 6.44 Natural England welcome that the Project Habitats Regulations Assessment (HRA) submitted in support of the development proposal acknowledges the impact pathway of increased recreational pressure on coastal designated sites in Essex, including the Colne Estuary. This is as a result of increased recreational use by residents of new development within walking or driving distance of them. They note that the proposed 13 ha of green space “will provide adequately for the increased recreational pressure and no further mitigation will be required” (as set out within the Project HRA).
- 6.45 Natural England’s current advice is that the mitigation of such impacts requires more than one type of approach, typically involving a combination of ‘on-site’ informal open space provision and promotion (i.e. in and around the development site) and ‘off-site’ visitor access management measures (i.e. at the designated site(s) likely to be affected).
- 6.46 In response to this, the applicant has provided a further commentary upon the points raised in the Natural England letter, and state that they concur with the need to provide Suitable Alternative Natural Green Space (SANGS) on the site. The landscape scheme at the Reserved Matters stage would include the following: An area of Public Open Space (POS) of 13ha, of which 10.7ha (64%) would be specifically designed to meet Natural England’s SANGS criteria, including a single large block of 4.5ha in the southern section with a central open water/wetland feature, and 6.7ha of linear park long sections of the west, northwest and eastern site perimeters.
- 6.47 A total of 5.15km of paths would be created on the site, including a 4.4km coherent circular route, with a subsidiary 750m linking arc to take in the eastern linear park area. Of these paths 3.1km would be within the dedicated SANGS POS, of which 1.35km would be around the southern park, focused on the large water feature. Paths in the northern perimeter linear park would focus on the two water features to be created there. All these paths would link directly to existing Public Rights of Way (PRoW) adjacent to the site.
- 6.48 The applicant suggests that the following measures to promote on site recreational activity are set out within a suitably worded planning condition:
- High-quality, informal, semi-natural areas;
 - Circular dog walking routes of >2.7 km² and/or with links to surrounding public rights of way (PRoW);
 - Dedicated ‘dogs-off-lead’ areas;
 - Signage/leaflets to householders to promote these areas for recreation; and
 - Dog waste bins and regular management of these facilities.

Comments on this information from Natural England are yet to be received, an update will be provided at Planning Committee.

- 6.49 However, whilst these measures fulfil Natural England’s advice for on-site mitigation, they also state that the unique draw of designated sites such as those identified above means that, even when well-designed, ‘onsite’ provisions are unlikely to fully mitigate impacts. They therefore advise that consideration of ‘off-site’ measures is also required as part of the mitigation package for predicted recreational disturbance impacts.

- 6.50 Natural England highlight that the Council's emerging Local Plan HRA includes a commitment to a cross-authority solution to delivering such 'off site' measures at the strategic level. Once adopted, this emerging strategy – the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – will specify requirements for developer contributions to an agreed and costed scheme of 'offsite' measures to help avoid and mitigate recreational disturbance impacts to designated sites. For other similar strategies, such measures have included visitor engagement (e.g. wardening, responsible dog owner projects etc.), visitor access management (e.g. screening of sensitive areas using tree planting, fencing, hides etc.) and visitor education/ information (e.g. footpath way markers, information boards, SPA discs etc.). The Essex Coast RAMS is set to be adopted in Autumn 2018; in the interim period, they advise that the Project HRA should investigate how the development fits with the emerging RAMS and whether or not a proportionate financial contribution can be secured in line with the project. They state that at this outline stage it may be possible to secure full adherence with the emerging RAMS at the reserved matters stage via a suitably worded planning condition.
- 6.51 In response to this the applicants state that whilst they note that the Essex RAMS is currently scheduled to be published in October 2018, in the interim, Natural England advises that a solution which has been agreed with TDC for other residential developments coming forward ahead of the Essex Coast RAMS and at the outline stage, for example 17/02162/OUT - Land to The South of Thorpe Road Weeley and 17/02168/OUT – Land west of Low Road, Dovercourt (both to be determined) is to secure full adherence with the emerging RAMS via a suitably worded planning condition; this is then to be agreed with TDC, including the necessary financial contribution at the Reserved Matters stage. For the purposes of their viability assessment they propose to assume a figure of £100 per unit (£95,000) for a RAMS payment. It is proposed to secure this contribution as part of the legal agreement.
- 6.52 In respect of habitats, Natural England state that as identified through the emerging Local Plan HRA, this allocation at Rouses Farm has 'moderate' potential to be used as an off-site SPA habitat (also known as 'functionally linked land' (FLL)) for golden plover and lapwing. As such, the Plan HRA required that wintering bird surveys be carried out to as part of the ecological surveys to further determine potential importance for golden plover and lapwing and inform any necessary mitigation proposals. They note from the Environmental Statement that wintering bird surveys were undertaken with the conclusions as follows: "No species of bird which is listed as a qualifying feature of the Colne Estuary SPA was recorded. Despite the limitation placed by the late dates of the two surveys, there is nothing to suggest that SPA species are likely to use the Application Site earlier in the winter. There are also no records in The Essex Bird Reports (2010 and 2012) suggesting this area is used by SPA species". On this basis, they have no objections in this respect.
- 6.53 With regard to water quality, Natural England state that as identified through the emerging Plan HRA, this allocation could also potentially lead to significant adverse effects on designated sites through changes in water quality The Plan HRA highlighted that Anglian Water have previously identified that there is insufficient capacity at some of the Water Recycling Centres (WRCs) in Tendring to accommodate growth proposed within the emerging Local Plan. Some of these WRCs (including Jaywick which is the closest to the proposed development) are linked to the Colne Estuary and so adequate wastewater infrastructure must be provided in time to serve proposed development in order to ensure protection of the environment in this regard and avoid potential impacts to designated sites. They therefore advise that the advice of Anglian Water is followed and that the condition requested in their consultation response is secured.
- 6.54 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the

mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Heritage

- 6.55 Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development, and the appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system. Paragraph 127 [now 189] of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. NPPF para. 129 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.56 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.57 There is one listed building in proximity to the application site, which is Duchess Farmhouse, a grade II listed building which is located diagonally opposite the north eastern-most part of the site, on the other side of St John's Road. The listed building is set well back from the road with mature evergreen boundary hedging intervening. Further, whilst only indicative, the section of the site closest to the listed building comprises a modestly sized paddock, identified as parcel R9 on the Masterplan and separated by the main residential development by the proposed Primary School. Consequently, it is considered that the setting of this designated heritage asset would not be harmed by the proposal.

Archaeology

- 6.58 In terms of Archaeology, the desk based assessment (DBA) highlights the moderate to high potential for the site contain archaeological remains of local to regional significance, however it fails to consider the significance of the finding of excavations at Lodge Farm close by to the west which took place over a number of years ahead of mineral extraction. Cropmarks of a potential cursus lie within the study area which forms part of the cropmark complex identified at Lodge Farm. Excavation at Lodge Farm revealed a large Neolithic causewayed enclosure of three roughly concentric circuits of discontinuous ditches. Within the interior of the monument were Neolithic pits, a pond barrow, Middle Bronze Age ring-ditches and Early and Middle Bronze Age cremations. A middle Iron Age enclosed settlement consisting of roundhouses, granaries and other post-built structures was also uncovered (EHER18332). This would likely be considered 'of schedulable quality' had the site not been quarried. The proposed development site clearly sits within this same extensive prehistoric landscape and has recorded cropmark evidence for a number of barrows of probable Bronze Age date.
- 6.59 The Environmental Statement submitted in support of the application contains a number of statements within the Archaeology and Cultural Heritage Chapter which do not correspond or concur with the results of the archaeological desk based assessment and geophysics survey which have been carried out as initial evaluation methods in support of the application. As a result of this Essex County Council Archaeology are of the view that the Environmental Statement is inaccurate in places and fails to adequately establish the

significance of the known heritage assets and in line with the NPPF further evaluation is required to determine the significance of the know heritage assets and the work carried out so far has failed to establish this. On similar sites to this a programme of rectification of aerial photos and targeted trial trenching would normally be considered an appropriate evaluation method.

- 6.60 The comments of Essex County Council Archaeology and this information would normally be required in advance of a planning decision, but given that this is an outline condition with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.

Transport & Access

- 6.61 Where concerning the promotion of sustainable transport, the NPPF in para. 29 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Para. 32 **[now 111]** of the NPPF stipulates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Furthermore, the NPPF in para. 34 **[now 103]** seeks to ensure that 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. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
- 6.62 On this subject, the PPG goes into more detail into the overarching principles on Transport Assessments, with Requirement j) of Policy SAMU4 being for the incorporation of highway capacity, safety, public transport, cycle, pedestrians and bridleways service and/or infrastructure enhancements. It also requires a safe cycle path/footpath between the development and the Clacton Coastal Academy and the new primary school. In addition, SAMU4 Requirement i) is for a spine road of 6.75 metres carriageway width to link St. John's Road and Jaywick Lane capable of accommodating buses and other large vehicles and enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane to the benefit of existing residents in the area.
- 6.63 A full audit of the highway network surrounding the application site has been undertaken by the applicant to identify land uses and locations that should be considered as sensitive receptors. These include Clacton Coastal College and children's nursery, the congested junctions of St John's Road/A133 and St John's Road/Cloes Lane, the residential properties fronting St John's Road, Jaywick Lane and Little Clacton Road. An assessment of both the construction and operational phases of the proposed development has been undertaken. During the construction phase the following effects were identified:
- Construction traffic - increase in traffic and proportion of HGVs leading to fear and intimidation and driver delay, although this is not likely to be significant.
- 6.64 During the operational phase the following effects were identified:
- Severance – likely to increase on St John's Road and Jaywick Lane, particularly near the site accesses. Pedestrian crossing facilities are proposed to be incorporated in the site access junction on St John's Road. On Jaywick Lane, near the site access, there is

no footway on the opposite side of the road so little demand for pedestrians to cross (negligible);

- Driver delay – likely to increase at the junctions of St John’s Road/Jaywick Lane, St John’s Road/Cloes Lane and St John’s Road/A133 (significant);
- Pedestrian amenity and delay – no roads experience a significant reduction in amenity or increase in delay (negligible);
- Fear and intimidation – the proportion of HGVs in the operation phase is unlikely to rise and traffic flow increases are generally below 30%. Roads considered have been observed to have low pedestrian flows and crossing demand (negligible);
- Accidents and safety – no particular accident pattern has been identified across the highway network and, therefore, accidents are unlikely to increase (not significant). Several mitigation measures have been identified to address any potentially significant traffic related effects resulting from the increased traffic flow associated with the Proposed Development. These mitigation measures include:
 - Provision of new traffic signals junctions at the site access, incorporating pedestrian crossing facilities on St John’s Road (minor beneficial);
 - Provision of high quality pedestrian and cycling links throughout the site and connecting to the surrounding highway network (minor beneficial);
 - Site layout designed to accommodate buses – minor beneficial;
 - Implementation of a Construction Traffic Management Plan (minor adverse);
 - Improvements to St John’s Road/Jaywick Lane junction (minor to moderate beneficial);
 - Redesign of St John’s Road/Cloes Lane junction as a traffic signals junction with pedestrian crossing facilities on all approaches (minor to moderate beneficial);
 - Modifications to St John’s Road/Peter Bruff Avenue junction (minor beneficial);
 - Improvements to St John’s Road/A133 roundabout (minor beneficial);
 - Implementation of a Travel Plan (minor beneficial).

6.65 The results of the assessment have indicated that the potential adverse environmental effects resulting from the increase in traffic generated by the Proposed Development are predicted to be minor or negligible, providing that the mitigation measures are implemented.

6.66 ECC Highways state that they have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and does not wish to raise an objection subject to the imposition of conditions to cover the following:

- A Stage 1 Road Safety Assessment in relation to the proposed highway mitigation measures.
- The following worked being undertaken at the Developer's expense prior to first occupation:
- The formation of a signalised junction onto St John's Road for the northern access point
- The formation of a signalised junction onto Jaywick Lane for the southern access point
- A 3m wide Cycleway/Footway across the St John's Road frontage
- A 3m wide Cycleway/Footway across the Jaywick Lane frontage
- The routing of bus services through the development site spine road including appropriately positioned bus stops
- Residential Travel Plan for the whole development, and all residential dwellings to receive transport info marketing packs
- All on-site parking facilities to accord with current policy standards
- For the St John's Road/Jaywick Lane junction, improvements to include:
 - Provision of a standard roundabout (increasing the inscribed circle diameter to 22m)
 - Increasing the entry width of both St John's Road approaches to the roundabout,
 - Provision of a 'through lane' on St Johns Road.
- For the Woodrows/Cloes/St John's junction, signalisation of the junction
- For the St John's Road/Peter Bruff Avenue junction, increasing the entry width of both St John's Road approaches to the roundabout
- For the St John's/A133 Roundabout, prior to occupation of the development, increase the flare length and entry width of both the St John's Road (w) approach and the London Road (s) approach to the roundabout or pay an index linked contribution, the value of which shall be the equivalent of the aforementioned works.
- No discharge of surface water onto the highway
- Details of wheel cleaning facilities
- Submission of a Construction Method Statement
- Sizes of vehicular parking spaces and garages

[These are superseded by the recommendations contained in the Highway Authority's latest letter as explained above.]

- 6.67 It is considered that these provision would satisfy the PPG tests for planning conditions; and planning obligations set out in the CIL Regs as they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind. Again, the application is consistent with the requirements of Policy SAMU4 and the precise details in respect of transportation and access will be confirmed at the reserved matters stage/s.
- 6.68 Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

Air Quality

- 6.69 NPPF paragraph 109 **[now 170]** states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels air pollution. Para. 124 **[now 181]** of the NPPF stipulates that planning decisions should aim to ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan.

The site isn't within an AQMA, however Dust Assessment and Mitigation Measures specified by The Institute of Air Quality Management (IAQM) can be secured by way of planning condition. The PPG provides more detailed advice on air quality.

- 6.70 As confirmed in the ES, baseline air quality conditions in the area are of a good standard, with no exceedance of the national air quality objective values predicted or measured. No significant effects on local air quality are likely as a result of the construction and operation of the proposed development. Standard practice dust mitigation measures will be implemented to control dust emissions to the extent that a significant effect does not occur during construction. Standard practice travel plan options are also suggested, to further reduce the limited impacts predicted as a result of operation traffic emissions.
- 6.71 Environmental Health confirm that they are satisfied with the content of the Construction Management Plan (CMS) and will require no further information or have no adverse comments at this time.
- 6.72 In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms. Therefore it is considered that the proposal, during either the demolition/construction or operational phases would not have a detrimental effect upon the air quality of the surrounding area.

Noise & Vibration

- 6.73 As previously referred to in this report, NPPF paragraph 109 **[now 170]** states that the planning system should contribute to and enhance the natural and local environment, in this case by, inter alia, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. Para. 123 **[now 180]** of the NPPF stipulates that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.74 The PPG states that noise needs to be considered when new developments may create additional noise and when taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment. It goes on to say that decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
 - whether or not an adverse effect is occurring or likely to occur; and
 - whether or not a good standard of amenity can be achieved.
- 6.75 A baseline noise survey has been undertaken and measurements taken over a representative time period. The noise levels have then been used to determine noise sources and levels affecting the Proposed Development. Noise from additional road traffic associated with the scheme is unlikely to have a significant effect. Any impact of noise and vibration associated with construction activity would be managed through controls on the hours of construction. All new dwellings would be designed to ensure that an acceptable living environment can be achieved. The Proposed Development has been assessed and it has been identified that with the appropriate mitigation measures in place, there would be no significant effect to new or existing noise sensitive receptors.
- 6.76 Environmental Protection confirm that they are satisfied with the content of the acoustic report and require no further information or have no adverse comments at this time.

Soils and Agriculture

- 6.77 The NPPF states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.
- 6.78 The ES confirms that the application site comprises approximately 39 ha of agricultural land used for arable cropping, including sugar beet, wheat and potatoes, and for the production of turf. A detailed soil and Agricultural Land Classification (ALC) survey of the application site has been undertaken. This survey has found that there are two main soil types on the site which reflect the drift geology. Soils with coarse-textured and very stony sub soils occur in the south-central part of the land; some of these also have a high percentage of stones in the top soils. The north western and southern parts of the land have fine-textured soils with slowly permeable layers. The ALC survey found that slightly over half of the site is classified as Grade 2, which is very good quality agricultural land. The remainder, in two separate areas to the north and south, is classified as Sub-grade 3a, which is good quality agricultural land. The Grade 2 land is limited by soil wetness, whilst the Sub-grade 3a land is limited in different parts by soil wetness, soil droughtiness and stone content.
- 6.79 Consequently, the proposal would involve the loss of 39 hectares of best and most versatile agricultural land in Grades 2 and 3a during the construction phase. The permanent loss of agricultural land cannot be mitigated, and this effect is considered to be significant. However, good practice would ensure that the soils on the site can continue to provide their various functions both on and off site. However, having regard to the presumption in favour of sustainable development, It is considered that the loss of this particular site from agricultural use is not considered to represent a sufficient basis for resisting the scheme, notwithstanding a preference for developing brownfield sites wherever possible.

Hydrology, Flood Risk & Drainage

- 6.80 Part 10 **[now 148]** of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.81 The site is currently a greenfield site with existing local watercourses adjacent to the western and southern boundaries which eventually outfall to the sea, it is located within Flood Zone 1 and is therefore at low risk from tidal/fluvial flooding. No infiltration of surface water is proposed, ensuring that the groundwater quality on site would not be affected or possibly contaminated. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.82 Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.
- 6.83 Requirement m) of Policy SAMU4 is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development. In response to the application Anglian Water state that the foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flow from the development site. They state that they are obligated to accept the foul flows from

development with the benefit of planning permission and would therefore take the necessary steps to ensure there is sufficient treatment capacity should the planning authority grant planning permission.

- 6.84 Anglian Water stated that the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed. From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of sewerage capacity; and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.
- 6.85 Overall no significant adverse or cumulative effects on water resource receptors have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.

Ground Conditions and Contamination

- 6.86 Para. 120 [**now 170**] of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.87 Historically the site has predominately been used for agriculture and has not been developed with the exception of land in the northeast corner of the subject site which was formally occupied by a building of unspecified use. The buildings in the north east corner are considered to be a potential source of contamination. A localised area of contamination was identified within the paddock located in the north east corner of the site. It is considered within the ES that this localised area of contamination may potentially pose a significant risk to human health of the future residents accordingly further investigation will be undertaken prior to construction to ensure acceptable conditions can be achieved. Therefore, an appropriately worded condition should be imposed upon any grant of planning permission.

Socio-economics

- 6.88 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to those cited above) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 203 [**now 54**] of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.89 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 204 [**now 56**] of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 6.90 The final core planning principle as set out within para. 17 **[now 92]** of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.91 The ES states that the proposed development would provide up to 950 dwellings which would result in a number of significant beneficial effects relating to: The creation of jobs during the construction phase; Supporting a larger economically-active population; Provision of new healthcare and education facilities onsite; Provision of public open space; and the provision of new open-market and affordable dwellings in a district experiencing a shortfall in housing provision. The potential for significant adverse effects arises from the increase in population which, if unmitigated, would increase pressure on local healthcare and education facilities. However, the proposal incorporates a two form-entry primary school and a 1,500 sq m medical centre, which would address the needs arising from the development and would assist in meeting the needs arising from the existing population, resulting in a net beneficial effect. It also states that the proposed development would give rise to many significant beneficial socio-economic effects and incorporates mitigation measures to ensure any additional pressure on local facilities is addressed.

Affordable Housing

- 6.92 Para. 50 **[now 62]** of the NPPF requires, amongst other things, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.93 Adopted Policy HG4 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, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.
- 6.94 With the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting.

Community Facilities/Neighbourhood Centre

- 6.95 NPPF paragraphs 69 and 70 **[now 91]** state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 6.96 Requirement c) of Policy SAMU4 is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site.
- 6.97 Requirement d) of Policy SAMU4 is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. In its representations on the Local Plan, the NHS asked for this to be modified to allow for either new

infrastructure or a financial contribution and has confirmed that it is a financial contribution of just under £330,000 that will be required.

Crime

- 6.98 NPPF paragraph 69 [**now 91**] states that planning decisions should also aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.99 Essex Police raise no specific objection to the proposal, but advise that the developer should liaise with their Crime Prevention Design Advisors in the early stages of the planning and throughout the development, so as to ensure that the properties achieve Secured by Design accreditation. The objective of this being to ensure that the security of these properties, potential residents and neighbours is relevant to the location and anticipated risk. This is a matter that will be dealt with as part of any reserved matters application.

Education

- 6.100 NPPF paragraph 72 [**now 94**] states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and Work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.101 In accordance with requirement b) of draft Policy SAMU4, a new 2 form entry primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land is proposed to be provided as required by the Local Education Authority (LEA) through Section 106 Planning Obligations. The application makes provision for this requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered.
- 6.102 Furthermore, requirement k) of draft Policy SAMU4 is for a financial contribution to early years and childcare and secondary education provision, also as required by the LEA through Section 106 Planning Obligations. The financial contributions, based on the summarised consultation response from ECC Education above, are thus:
- Early Years & Childcare: £1,031,789 for a 56 place nursery + £421,051 for offsite early years provision;
 - Primary Education: £4,246,642.50 towards a new primary school to be provided on the 2.1ha site;
 - Secondary Education: £3,675,550 towards secondary school places.
- 6.103 Again, with the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting. **[Independent viability testing has now confirmed that the affordable housing requirement should be reduced to ensure the scheme is viable and can afford the above contributions.]**

Public Open Space

- 6.104 NPPF para. 73 [**now 96**] states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities; and Requirement e) of Policy SAMU4 is for minimum of 5 hectares of Public

Open Space (POS) to be provided within the development, predominately at the southern end of the site to help maintain and strengthen the sense of openness between Jaywick and West Clacton.

- 6.105 As highlighted above, the landscape scheme at the Reserved Matters stage would include: An area of POS of 13ha, of which 10.7ha (64%) would be specifically designed to meet Natural England's SANGS criteria, including a single large block of 4.5ha in the southern section with a central open water/wetland feature, a 6.7ha of linear park long sections of the west, northwest and eastern site perimeters and two areas of equipped childrens play area.
- 6.106 This would satisfy the Council's policy requirements and the POS would either be transferred to a management company or transferred to TDC with £364,800 with the land laid out before transfer of ownership. **[The developer has confirmed that the open space will be transferred to a management company.]**

Reserved Matters - Appearance, Landscaping, Layout and Scale

- 6.107 Paragraph 56 **[now 124]** of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'.
- 6.108 Requirement f) in Policy SAMU4 advocates a master-planned approach which the applicant has followed within the material in support of the application. The current application is an outline application with all matters reserved except access. The applicant has submitted an indicative masterplan drawing, in addition to parameter plans, setting out their vision for developing the site, which along with the Design and Access Statement demonstrate one way in which the site could be developed. As referred to above, detailed access drawings have also been submitted which identify the proposed main vehicular access points onto St. John's Road and Jaywick Lane.
- 6.109 The applicant states that it is intended that the proposal would take cues from the Essex Design Guide, and Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.110 Although appearance, landscaping, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.
- 6.111 Due to the scale of the development proposed, and in order to minimise disturbance to existing residents, as well as ensuring that the mix of housing meets the requirements of the Council's Strategic Market Housing Assessment, it is recommended that a Site Wide Housing and Phasing Strategy be submitted for approval prior to the submission of the first Reserved Matters application.

Living Conditions

- 6.112 One of the Core Principles set out in the NPPF is that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants.
- 6.113 Whilst matters of layout and scale are reserved for future determination, with regard to privacy, the Essex Design Guide states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*.
- 6.114 The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers consider that there are no reasonable grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking.
- 6.115 Furthermore, the illustrative masterplan indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area.
- 6.116 All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Planning Obligations under S106 of the Town and Country Planning Act 1990

- 6.117 In order to mitigate against the impacts of the development it is proposed to secure a legal obligation under Section 106 of the Town and Country Planning Act. These obligations have been referred to previously in this report, but to summarise cover the following:
- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
 - New healthcare facility or in the event the land is not required a financial contribution of just under £329,613 towards health facilities elsewhere (to be determined by the NHS);
 - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
 - 2.1 ha of land for a new 2 form entry primary school and early years and childcare facility and financial contributions of £1,031,789.92 for Early Year and Childcare and £4,246,642.50 for Primary Education to go towards both their construction and expansion of existing facilities;
 - Financial contribution of £3,675,550 to create additional secondary school places;
 - New neighbourhood centre; and
- 6.118 Financial contributions towards off-site ecological mitigation. Overall, it is considered that the above satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind.

[The s106 has been drafted to include all of the above as well as £500,000 for the routing of bus services through the development.]

Planning Balance/Conclusion

- 6.119 This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane; and the Local Highway Authority has no objection to the proposed arrangements. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.
- 6.120 NPPF paragraph 14 **[now 11]** stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.121 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space in the emerging Local Plan. This can be afforded some weight in the decision making process due to it being at the Publication Draft stage, and is a material consideration in the determination of this planning application.
- 6.122 The application is accompanied by an Environmental Statement, which concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.
- 6.123 In addition, whilst outline in form, Officers are content that subject to the imposition of reasonable planning conditions **[including the revised conditions recommended by the Highway Authority]** and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing within the District.

Background Papers

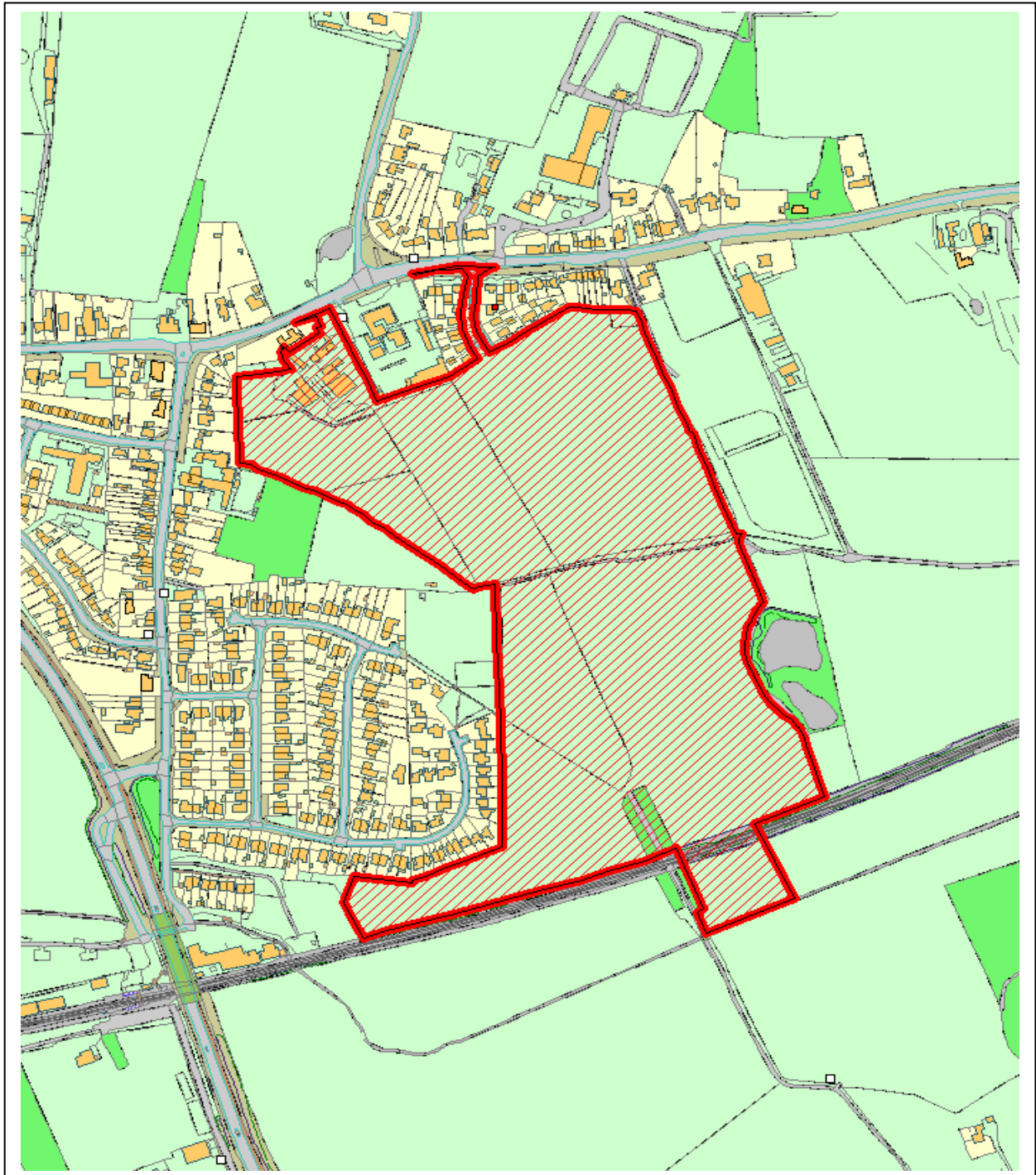
Essex County Council's revised Highway's recommendations dated 3rd August 2018.

PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATIONS – 17/02162/OUT - LAND TO THE SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ.



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Application:	17/02162/OUT	Town / Parish: Weeley
Applicant:	Mr & Mrs Lumber & Weeley	
Address:	Land to the South of Thorpe Road, Weeley, CO16 9AJ	
Development:	Outline planning application with all matters reserved, except for access, for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge.	

1 Executive Summary

- 1.1 The application site comprises 17.90 hectares of agricultural land that is situated to the south of the B1033 Thorpe Road, Weeley. This land is allocated for a major residential and mixed-use development in the Council's emerging Local Plan. Outline planning permission is now being sought for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge.
- 1.2 The site lies outside of the settlement development boundary for Weeley within the adopted Local Plan, but in the emerging Local Plan it is specifically allocated through Policy SAMU5 for a mix of residential development, employment land, primary school and public open space. The emerging plan has now reached an advanced stage of the plan-making process, the site allocation is the subject of a number of unresolved objections, but the Council relies on this to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. It is therefore considered that the allocation of this land for residential and mixed use development in the emerging Local Plan should carry considerable weight in the decision making process.
- 1.3 This is an application for outline planning permission with all matters reserved with the exception of access. Other matters including appearance, landscaping, layout and scale are reserved for approval at a later date and therefore this application seeks only to establish the principle of residential and mixed-use development of the site and the arrangements for access. The applicant has provided details of how they propose to access the site off Thorpe Road and the Highway Authority, having modelled the impacts of this development on the highway network as part of the Local Plan process, has no objections in principle to the proposed arrangements, subject to conditions requiring the approval of further details and certain off-site highway improvements.
- 1.4 Officers are content that subject to the imposition of reasonable planning conditions and S106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the village and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features and curtilage listed buildings. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected

from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.

- 1.5 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

Recommendation: That the Head of Planning is authorised to grant outline planning permission for the development subject to:-

- a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:
1. Affordable Housing – specific tenure and mix to be agreed at the reserved matter/s stage/s;
 2. Education - 2.1ha of land to accommodate a 2-form entry primary school and commensurate nursery; along with financial contributions towards: Early Years & Childcare for 15.2 places; Primary Education for 84 places; Secondary Education School Transport for 56 places;
 3. Healthcare – Financial contribution towards relocation costs for Thorpe Surgery (including its branch surgery Kirby Cross);
 4. Public Open Space, equipped play areas and Ecology Land (for Slow Worms) - To be transferred to management company and laid out before transfer;
 5. Ecology (off site) - Financial contributions towards off-site ecological mitigation - to improve access within Weeleyhall Wood SSSI;
 6. Highways and Transport – A financial contribution towards the proposed improvements at the A133/B1033/ services and Frating roundabouts as identified in the Tendring Local Plan Highways and Transportation Modelling work;
 7. Public Rights of Way (PRoW) – Footbridge to be constructed over the railway line and transferred to Network Rail on completion with a commuted sum for future maintenance, PRoW 5 to be diverted away from existing level crossing via footbridge on completion;
- 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 first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
2. Standard 2 year limit for commencement of development following approval of reserved matters.
3. Details of appearance, layout, scale and landscaping (the reserved matters).
4. Layout and phasing plan/programme - to be submitted for approval prior to submission of first Reserved Matters application and to include details of market and affordable housing

provision, employment provision (including the re-use of buildings at Ash Farm); and a phasing plan.

5. Development to provide for up to 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge and to demonstrate compliance with the approved Access and Land Use Layout Plans.
6. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.
7. Car parking spaces and garages to meet ECC standards.
8. No discharge of surface water onto the highway;
9. Construction Method Statement and Traffic Management Plan to submitted and be adhered to throughout the construction period, to provide for:
 - i. Safe access to/from the site
 - ii. The parking and turning of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities
 - vi. The safeguarding of Public Rights of Way during construction
 - vii. The erection and maintenance of security hoarding
 - viii. Measures to control the emission of dust and dirt during construction
 - ix. A scheme for recycling/disposing of waste resulting from construction
 - x. Delivery and construction working hours
 - xi. Temporary traffic management/signage
10. Submission and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context prior to the commencement of the development of each phase.
11. Submission and implementation of a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution prior to the commencement of the development of each phase.
12. Submission and implementation of 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 prior to the commencement of the development of each phase.
13. Submission and implementation of a foul water strategy prior to commencement of development.
14. A Programme of Archaeological and geoarchaeological evaluation.
15. Acoustic measures to be implemented to minimise noise disturbance to future occupants from the railway line.
16. Contaminated land investigation and remediation for ground gases and contamination hotspots.

17. No piling to be undertaken without prior written agreement.
18. Each reserved matters application to be accompanied by an external lighting scheme, to minimise light pollution and impact upon bats.
19. Each reserved matters application to be accompanied by details of location and design of refuse and recycling bins/storage.
20. Landscaping scheme for each reserved matters application to incorporate detailed specification of hard and soft landscaping works.
21. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.
22. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.
23. Protected species mitigation in accordance with: Barn Owl Mitigation report; Bat Activity Survey; Breeding Bird Survey; Reptile Survey and Outline Mitigation Strategy; and Ecological Impact Assessment.
24. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species.
25. Provision of Suitable Alternative Natural Green Space (SANGS) for dog walking.
26. Details and samples of all external roof and wall materials to be submitted with reserved matters applications for each phase.
27. Details of all boundary treatments materials to be submitted with reserved matters application for each phase.
28. Each reserved matters application to be accompanied by details of existing and proposed site levels and finished floor levels – identifying areas of cut and fill and the import or export of materials.
29. Adherence to Secured by Design Principles and certification.
30. Details of conversion of redundant agricultural curtilage listed buildings and demolition of non-curtilage listed buildings to be submitted in accordance with submission of first reserved matters.
31. Highway works as shown in principle on drawing no. 161890-002 Rev A, dated October 2017 to be carried out prior to occupation:
 - Widening of the Barleyfields carriageway;
 - Right-turn lane into Barleyfields to be provided;
 - A pedestrian refuge island to be provided to the west of Barleyfields access road;
 - The existing footway along the site frontage to be widened;
 - Adjustments to carriageway width to the east of Crow Lane and removal of the layby;
 - Provision of a right-turn lane into Crow Lane approaching from the east;
 - Homestead access to be constructed with appropriate kerb radii;
 - Right-turn lane into Homestead on approach from the east.

32. The provision of two new bus stops located to the east of Barleyfield's access on both sides of Thorpe Road.
33. The provision of new gateway traffic calming features to be provided on the approaches to Weeley in both directions on the B1033 to enhance the existing 30mph speed limits.

2 **Planning Policy**

National Policy

National Planning Policy Framework 2018 (NPPF)

- 2.1 The NPPF 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 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.4 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.
- 2.5 Section 5 of the NPPF relates to delivering a sufficient supply of homes. It requires Councils to boost significantly the supply of housing informed by a local housing need assessment. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements including a 5%, 10% or 20% buffer: to ensure choice and competition in the market for land; where the LPA wishes to demonstrate a five year supply of deliverable sites through an annual position statement to account for any fluctuations in the market during that year; or where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply respectively. (NPPF para. 73). 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.
- 2.6 Paragraph 38 of the NPPF states "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of

planning tools available,... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

National Planning Practice Guidance (PPG)

- 2.7 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.
- 2.8 The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan, despite some of its policies being out of date. Paragraph 213 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 48 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.
- 2.9 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector’s initial findings were published in June 2018. They raise concerns, very specifically, about the three ‘Garden Communities’ proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector’s concerns and the North Essex Authorities are considering how best to proceed.
- 2.10 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.11 In relation to housing supply, the NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.12 At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

Tendring District Local Plan (2007) – as ‘saved’ through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards 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.

QL8: Mixed-Uses: Encourages a mix of complementary and compatible uses within town, district and local centres and urban regeneration areas.

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.

ER3: Protection of Employment Land: States that the Council will ensure that land in employment use will normally be retained for that purpose.

ER7: Business, Industrial and Warehouse Proposals: In considering proposals for the establishment, expansion or change of use to business, industrial or warehousing sites the Council will need to be satisfied that as number of criteria are met covering: the scale and nature of the proposal; impacts upon amenity in terms of appearance, noise, smell, dirt or other pollution; vehicular access and adequate car parking is provided; mains water together with mains sewerage and/or adequate waste water and trade effluent treatment facilities can be made available; the site has acceptable storage facilities; in relation to a change of use, that the existing premises are suitable for the purpose; in relation to new sites, the need for a comprehensive Design Brief, including a landscaping scheme has been considered and where necessary prepared; and opportunities for promoting the movement of freight by rail or through the district’s ports are in no way compromised by the development proposed. It goes onto state that in rural locations permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated providing the criteria above can be met and the proposals can be accommodated without an adverse impact on the landscape character of the countryside.

Policy ER10: Small Scale Employment Sites in Villages: Small scale employment development including small enterprise centres will be permitted in villages provided they can meet the criteria set out in Policy ER7.

Policy ER11: Conversion and Re-Use of Rural Buildings: The re-use or conversion of rural buildings for business purposes will be permitted subject to the acceptability of: the type and scale of activity proposed and its compatibility with the character of the surrounding area; the suitability of the building for the use proposed; the level of traffic generated; the effect on the external appearance of the building; the scale and visual impact of any open storage areas associated with the proposed use; the location of the building in relation to other buildings, the landscape and the highway network; the impact on local amenity; and the impact on the historical value of the building. Proposals for the replacement of existing rural buildings which are or have been in lawful business/employment use will be subject to the same criteria.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

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 has 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.

COM1: Access for All: Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

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.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM24: Health Care Provision: Supports developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, towards 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.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as a priority over higher quality land.

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.

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.

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

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 developments affecting an existing public right of way to 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.

TR8: 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 2013-2033 and Beyond Publication Draft (June 2017)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

SP3: Meeting Housing Needs: The local planning authorities will identify sufficient deliverable sites or broad locations for their respective plan period, against the requirement in the table below.

SP4: Providing for Employment and Retail: A strong, sustainable and diverse economy will be promoted across North Essex with the Councils pursuing a flexible approach to economic sectors showing growth potential across the Plan period.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Weeley as a 'Rural Service Centre'.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Weeley extends to include the application site.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites that deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP3: Green Infrastructure: Will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the 'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: 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.

LP4: Housing Layout: 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.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP7: Employment Allocations: New Employment allocations are needed to provide job opportunities for residents in Tendring District and to support the growth aspirations for the towns. To achieve this objective, at least 20 hectares of new employment land is provided for through the allocation of sites, including the application site and defined on the Policies Map, to provide for B1 (Business and Office Use).

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also 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.

PPL1: 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.

PPL3: The Rural 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.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: 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.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: Says that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: 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.

SAMU5: Development South of Thorpe Road, Weeley: Specifically allocates the application site for a mix of residential development, employment, a Primary School and public open space. The policy contains specific requirements in relation to housing numbers, educational facilities, healthcare provision, highways and open space.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

3 Relevant Planning History

14/00082/OUT and 14/01841/DETAIL for Erection of 20 dwellings with associated garages and single access point to Thorpe Road at Barleyfield Drive adjacent - Approved 20 June 2014 and 14 April 2015.

4 Consultations

Building Control and Access Officer

No comments at this stage.

Environmental Protection

They have looked at the noise assessment and have no comments to make at this stage.

Principal Tree and Landscape Officer

Most of the application site is in agricultural use with a small area of land close to Ash Farm comprising agricultural buildings. There are several established hedgerows containing trees on the land and one or two small groups of trees that are important landscape features.

In order to show the potential impact of the development proposal on the hedgerows on the boundary of the land the applicant has provided a tree report and survey. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

As the application is in outline form it is not possible to assess the direct impact of the development on specific trees, hedgerows or other vegetation as the site layout has yet to be determined. Within the Design and Access Statement Figure 2 entitled Land Use Layout gives an indication of the shape of the development, but without sufficient detail to gauge the potential impact on existing trees and other vegetation. The tree report identifies the most important trees and hedgerows and should be used to shape the development layout

Should planning permission be likely to be granted then details of soft landscaping should be secured as a reserved matter.

In terms of the impact of the development on the local landscape character the applicant has submitted a Landscape and Visual Appraisal to assess the likely effect on the character and visual qualities of the landscape.

The Landscape and Visual Impact Assessment has been carried out in accordance with Landscape Institute and Institute of Environmental Management and Assessment guidance contained in the Guidelines for Landscape and Visual Impact Assessment Third Edition 2013.

It addresses the nature of the impact and effect on the local landscape character and refers to the Tendring District Council Landscape Character Assessment (LCA) to describe the local landscape character types. This document accurately describes existing landscape character types and their relationship with one another.

It recognises that harm will be caused to the existing landscape character and sets out the steps that will need to be taken to mitigate the harm. In terms of the visual impact the LVIA sets out the potential benefits of creating a softer edge to the developed land juxtaposed with the adjacent countryside.

In terms of its assimilation into the local landscape the development has clear strengths and weaknesses. It has the potential to 'sit well' in the landscape as it is directly adjacent to existing developed land. Conversely it has the potential to have an adverse impact on the wider landscape as it is situated on sloping land falling from the Clacton and the Sokens Clay Plateau into the Holland Brook Clay Valley. The application site is clearly visible from the Public Right of Way network to the south.

The key to the successful integration of the development into the local landscape character will be to secure strong soft landscaping on the complete boundary of the application site and to ensure that new soft landscaping forms an integral part of the residential part of the development.

In essence the development will have a negative and detrimental impact on both the character and visual qualities of the local landscape character. The degree to which this is a factor is reasonably accurately described in the LVIA which also describes the potential benefits, which in landscape terms, is primarily the creation of a softer edge to the developed land.

Waste Management

No comments at this stage.

Anglian Water

The foul drainage from this development is in the catchment of Clacton Holland Haven Water Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment

capacity should the planning authority grant planning permission.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures and they request a condition requiring the drainage strategy covering the issue(s) to be agreed.

**Essex County Council
(ECC) Archaeology**

A Heritage Assessment submitted with the application recognises the potential of the development area to contain multi-period archaeological remains associated with the findings from the adjacent site at St Andrews Road and from other sources of evidence. The evidence for Palaeolithic remains within the area is strong and the potential for Pleistocene deposits with Palaeolithic potential to be present within the development site will need to be established through specialist consultation and, if required, fieldwork investigations. The Heritage assessment notes that no evidence of the Napoleonic barracks known to have been sited at Weeley has been found in the archaeological investigations in the surrounding area, however these were small scale and limited in their extent. Conditions securing a Programme of Archaeological and geo archaeological evaluation are recommended.

**ECC Economic Growth
and Development
(Education)**

Based upon the development of 280 homes, the proposal would produce the need for 15.2 Early Years and Childcare (EY&C), 84 primary places and 56 Secondary school places. 2.1Ha of land to be provided for the primary school and nursery should be delivered and transferred to ECC at no cost.

The likely financial contributions are:

Early Years & Childcare: £220,668.80; Primary Education: £1,069,656; Secondary Education: £1,083,320 and £196,224 for School Transport;

**ECC Flood and Water
Management**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the imposition of conditions.

ECC Highways

Their assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework and in particular the following aspects were considered: access and safety; capacity; the opportunities for sustainable transport; and highway mitigation measures.

The Transport Assessment accompanying the planning application has been considered in detail and the Highway Authority is satisfied that, at peak times, the number of trips generated by the proposal would not have a severe impact and could be accommodated safely and efficiently on the local highway network, subject to a number of requirements which could be secured by way of planning conditions and obligations, namely:

- Provision of a Construction Traffic Management Plan;
- Securing of a diversion of the existing definitive right of way;

- Widening of the Barleyfields carriageway;
- Right-turn lane into Barleyfields to be provided;
- A pedestrian refuge island to be provided to the west of Barleyfields access road;
- The existing footway along the site frontage to be widened;
- Adjustments to carriageway width to the east of Crow Lane and removal of the layby;
- Provision of a right-turn lane into Crow Lane approaching from the east;
- Homestead access to be constructed with appropriate kerb radii;
- Right-turn lane into Homestead on approach from the east;
- Provision of a financial contribution towards the proposed improvements at the A133/B1033/ services and Frating roundabouts as identified in the Tending Local Plan Highways and Transportation Modelling work;
- The provision of two new bus stops located to the east of Barleyfield's access on both sides of Thorpe Road;
- Provision of new gateway traffic calming features to be provided on the approaches to Weeley in both directions on the B1033 to enhance the existing 30mph speed limits; and
- Provision and implementation of a Residential Travel Information Pack per dwelling.

Essex Police

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 69 of the National Planning Policy Framework has been achieved.

Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request their service. The intended outcome of the service is to promote Crime Prevention Through Environmental Design, a key enabler being encouraging and supporting applicants to achieve certification to an appropriate level under the nationally acknowledged and police recommended Secured by Design award system.

Essex Wildlife Trust

Weeleyhall Wood nature is already experiencing an increase in negative impacts following the completion and occupation of a new housing estate in the village. This is a fairly wet woodland which becomes very muddy in the winter. There has been a very noticeable widening of the trampled area of rides and footpaths, plus increasing creation of informal detours around particularly wet areas. This is inevitably damaging the valuable ground flora. Suitable mitigation measures to offset the impacts of even more visitors related to the proposed building of 280 additional houses should be focused on the provision of high-quality surfacing for the main rides, a section of which needs to be wide enough to allow access for their vehicle, to enable them to carry out essential management works. Additionally, there are a couple of very wet sections of footpath which would benefit from having boardwalks installed to protect rare plants, prevent informal detours and improve access for visitors. In terms of improved interpretation on site, a lockable, glazed noticeboard positioned by the site entrance would be a valuable addition to our current signage and would allow them to keep visitors informed and

up to date with site management works, notable wildlife sightings and events such as guided walks..

Natural England

Based on the information provided in support of the application, and with the inclusion of conditions, it is Natural England's view that the proposal is unlikely to lead to adverse effects on Hamford Water Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI), the Essex Estuaries Special Area of Conservation (SAC), the Colne Estuary SPA, Ramsar site and SSSI, the Stour and Orwell Estuaries SPA, Ramsar site and SSSI or Weeleyhall Wood SSSI.

They therefore have no objections, subject to the inclusion of planning conditions to secure the mitigation measures covering High-quality, informal, semi-natural areas; Circular dog walking routes of >2.7 km² and/or with links to surrounding public rights of way (PRoW); Dedicated 'dogs-off-lead' areas; Signage/leaflets to householders to promote these areas for recreation; Dog waste bins etc; Developer contributions towards the implementation of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in respect of the Colne Estuary; and a proportional financial contribution from the developer towards the costs of the recreational disturbance mitigation works for Weeleyhall Wood SSSI, to be agreed with Natural England and the Essex Wildlife Trust.

NHS England

The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. The 2 GP practices do not have capacity for the additional growth resulting from this development. The proposed development would therefore likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within the area and specifically within the health catchment of the development. NHS North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment, improved Information Technology (IT) infrastructure, or potential relocation from the existing practices, a proportion of the cost of which would need to be met by the developer. Most likely in this instance, depending on specific timescales, a contribution to the relocation costs for Thorpe Surgery (including its branch surgery Kirby Cross).

NHS England calculates the level of contribution required, in this instance to be £97,152. Payment should be made before the development commences.

Network Rail

Due to the potential impact that the proposed development would have on the usage, safety and operation of Church Lane (COC) FPW footpath crossing, Network Rail believes that the closure of the crossing is necessary to make the development acceptable. (Please note that this position was detailed within Network Rail's consultation response (dated 2 August 2017) relating to Policy SAMU5 of the Tendring District Council Publication Draft Local Plan.) It is positive that the Applicant recognises the potential impact that the proposed

development would have on safety at Church Lane (COC) FPW footpath crossing and that the closure of the crossing, through the construction of a new pedestrian/cycle bridge over the railway line, will be required. Network Rail is supportive of the proposed closure of the crossing and the construction of a new bridge. It is recommended that the existing footpath is diverted over the footbridge through the Town and Country Planning Act 1990.

In summary, Policy SAMU5 is welcomed by Network Rail. However, the trigger figure for construction of a bridge should be reviewed to take into account the current application and its impact on Church Lane (COC) FPW footpath crossing. Network Rail recommends the bridge should be constructed on completion of the 25th Dwelling. This figure is based on current data and recent fatality at the Level Crossing. The Bridge Design has been accepted by Network Rail's Asset Protection Team (ASPRO) and therefore there is no objection to the design. Ownership of the bridge will be handed to Network Rail once completed and a commuted sum will be provided by the developer to cover maintenance.

5 Representations

- 5.1 Thorpe Le Soken Parish Council object on the grounds of unwanted expansion into the countryside, impact of local listed sites of interest and inadequate highway access.
- 5.2 Weeley Parish Council objects strongly to this application, they state: the traffic levels are already at saturation levels in this area and it is difficult to see how the additional levels of road traffic could be accommodated, particularly in holiday season; the public transport infrastructure is poor; this site is susceptible to flooding; the proposed pedestrian footbridge is highly unattractive and unnecessary and does not have access for pushchairs or wheelchairs; and the five year housing supply numbers have already been achieved without this large and unpopular development.
- 5.3 37 letters of objection and one letter of support have been received by the Council from local residents. The letters of objection raise the following concerns:

Principle of Development

- Concern over consideration of this application before the Local Plan goes to the Public Inspector
- Concern 17/02162/OUT has not been properly and adequately presented to the public
- The proposal does not accord to the written document Local Plan Publication
- Concern development is for profit only, not the local community
- Weeley has already provided its quota for new houses
- More suitable location at Horsley Cross
- Tendring is more suited to the retired, little to stimulate children and teenagers
- This development would be hazardous to, contravene and conflict with several Local Plan criteria
- TDC can demonstrate 6.2 years supply of housing without this development

Access (Highway, public transport, cycling and walking)

- Already excessive traffic through village and on keys roads – B1033, B1441

- Proposed one road access into such a large development is dangerous
- Volume of traffic being a reason cited for closure of Christmas Wonderland
- The proposed development entry from B1033 would add further traffic
- Poor rail service with no parking facilities at station
- Poor bus service
- Poor quality roads
- Loss of a well-used foot path leading up to Barracks Hill
- One road, B1033, is inadequate to serve the proposed development
- The proposed footbridge is inaccessible to those with pushchairs or wheelchairs

Landscape and Ecology

- Concern this development would irreparably damage village landscape
- Negative impact on local wildlife and already threatened species
- Loss of good agricultural land
- Threat to ancient woodland
- Loss of green space

Living Conditions/Residential Amenities

- Residents will be negatively impacted by increase in traffic fumes
- Loss of views

Community Infrastructure

- Lack of secondary school provision
- Little to no real employment opportunities in the local area
- Concern that the local infrastructure such as GP's, schools, roads, sewage and electric etc struggles to cope already, without the extra load from the proposed development
- GP's surgeries already full to capacity
- Train station is not fully accessible to wheelchair users
- No additional infrastructure proposed
- Local emergency services cannot cope

Heritage/Setting of Listed Buildings

- Loss of historic village heritage

Flooding

- The proposed site is regularly waterlogged in autumn/winter
- Poor sewage systems
- Proposed site liable to flooding

5.4 The letter of support states:

- The support of the application is assuming that the bridge over the railway will be constructed. A bridge over the railway can only be beneficial to walkers as it would provide a safe crossing and prevent future closure of this rail crossing, by Network Rail.

They can only assume from the plan that the footpath would remain on the current route as there does not appear to be any mention of a diversion and would also expect this PROW to remain open and usable during construction.

6 Assessment

Site Context

- 6.1 The application site comprises 17.90 hectares of agricultural land that is situated to the south of the B1033 Thorpe Road, Weeley. The northern boundary of the site is shared with a range of land uses, including Ash Farmhouse, a grade II listed building with its farm yard that is in commercial use forming part of the application site, the Tendring District Council offices, the recently completed residential estate of 20no dwellings known as Barleyfield Drive and more established dwellings, including 1-6 Thorpe Road and a bungalow known as Emma-Dawn.
- 6.2 To the east of the site is the Tendring Hundred Riding Club showground, a pair of ponds and open farmland beyond, to the south is the railway line, with houses fronting Second Avenue and The Street beyond the western boundary. Also halfway along the western boundary is a new development under construction for 14no houses, garages, access, public open space and landscaping on land at the end of St Andrews Road, pursuant to 15/01750/FUL.
- 6.3 The site is relatively flat semi-improved grassland, but does slope gently towards the south and surrounding it are hedgerows with standard trees, some previously managed as coppice and pollards. To the south of the site is small copse/woodland (through which a Public Right of Way passes down to the railway line) with evidence of previous coppicing, within the site are occasional aged trees, some with veteran associations.
- 6.4 Weeley benefits from a range of existing local services which include a primary school, a holiday park, the Black Boy pub, a bakery and a convenience shop and post office. Furthermore Weeley Heath is located nearby to the south with additional services and facilities. In recognition of these services and other factors, Weeley is designated as a Rural Service Centre in the draft Local Plan.
- 6.5 The application site is also served by several bus services that link to nearby settlements (105/107 to Colchester, 2/76/100 to Clacton, 87C to Brightlingsea, 115 Thorpe-le-Soken, and 702 to Frinton), with the village also having a railway station that provides a service from Clacton/Walton to Colchester and beyond to London.

Proposal

- 6.6 As set out at the head of this report, outline planning permission is sought for 280 dwellings, a 2 Form of Entry primary school, 56 place early years nursery, up to 3000 sqm of office (B1) buildings on 1 hectare and associated ancillary buildings, drainage systems, boundary treatments and hard surfacing as well as public open space, vehicular access from Thorpe Road a pedestrian footbridge and the closure of existing level crossing and formal diversion of public footpath No 5 - Weeley, over the new railway bridge.
- 6.7 This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off Thorpe Road, via Barley Field Drive with the creation of a footway/cycleway along the existing Ash Farm entrance which itself would be retained for the residential and agricultural use of Ash Farm. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.

- 6.8 The application is supported by a wide suite of technical drawings and documents, these include:
- Site Location Plan;
 - Existing Site Plan;
 - Land Use Audit/Illustrative Master Plan;
 - Proposed Access Arrangement Plan;
 - Additional Pedestrian/Cycle Access Plan;
 - Footpath Diversion Plan;
 - Proposed Footbridge, General Arrangement Plan;
 - Topographical Survey Plans;
 - Acoustic Assessment;
 - Air Quality Assessment;
 - Barn Owl Mitigation report;
 - Bat Activity Survey;
 - Breeding Bird Survey;
 - Design and Access Statement;
 - Ecological Impact Assessment;
 - Flood Risk Assessment;
 - Heritage Assessment;
 - Junctions report for right turn lane;
 - Landscape and Visual Impact Assessment;
 - Phase 1 Desk Study and Risk Assessment
 - Planning Statement;
 - Preliminary Ecological Appraisal;
 - Reptile Survey and Outline Mitigation Strategy;
 - Road Safety Audit Stage 1;
 - School Land compliance study and Knotweed Survey;
 - Statement of Community Involvement;
 - Transport Assessment;
 - Tree Constraints Assessment; and
 - Underground utilities search report.
- 6.9 Additional information has also been submitted in the form of emails and letters dealing with points raised within consultation responses, covering ecological mitigation in respect of international wildlife sites and Weeleyhall Woods SSSI.
- 6.10 With the exception of the formation of the access into the site, details of the appearance, landscaping, layout and scale are all reserved matters which means that approval is not sought for these at this stage and details are therefore not currently required. If the outline application were to be granted the applicant, or any successors in title, would need to submit reserved matters applications to the Local Planning Authority, in addition to discharging planning conditions before development could commence.
- 6.11 The application proposes one main vehicular access point into the site through Barleyfield Drive. In order to facilitate this a dedicated right turn lane, with carriageway realignment within the public highway would be carried out as shown on the proposed access arrangement plans. It is also proposed to install a 3.5m wide footway/cycleway along the existing access that serves the dwelling and farm buildings at Ash Farm.

- 6.12 The submitted illustrative Masterplan shows that the principal site access from Barleyfield Drive would likely run in a southerly direction through the heart of the site, thereby creating a central spine road off of which secondary vehicular access routes, including to the employment area and school land would be created. The illustrative Masterplan also identifies the existing public footpaths that pass through the site, as well as new potential pedestrian and cycle routes. The exact location of the proposed new routes through the site would be refined through the Reserved Matters process.
- 6.13 Whilst a reserved matter, the indicative Masterplan and Land Use Parameter Plan identify the potential layout of the site, which is intended to give some certainty to the general location of development and ultimately be used to inform the Reserved Matters stage/s. This would be a predominantly housing-led scheme for up to 280 units and whilst the precise mix of dwelling types is unknown, the applicants state that they intend to provide a broad range of residential accommodation and would include both affordable and market housing, likely to be 2-5 bedrooms.
- 6.14 The design of the housing would likely follow the design cues from the adjacent Barleyfields development, which was recently completed by the applicant, and is of a traditional design with a high level of detailing such as bargeboards, finials, string courses, stone cills, segmented brick lintels and oversized eaves. The proposed residential buildings would likely be a mixture of 1, 1½ and 2 storey homes and would be of a mixture of detached, semi-detached and terraced housing; The roofscape would include a mixture of half dormers and gables that present to the side and/or the front.
- 6.15 The site and policy context gives rise to three main character areas. As the site abuts the countryside, an 'edge' typology/character area would be used to help transition from open countryside to built form. This would likely have a combination of large detached houses as well as some small cottages. The main body of the site would have a more suburban feel based around a broad avenue, lined with street trees. The third of the main character areas would be around the community hub focused on the school, employment land and the existing Council offices (which are outside of the application site). These buildings would have a civic and community focus to create a communal and public space in and around this area.
- 6.16 The main planning considerations are:
- Principle of Development;
 - Transport & Access;
 - Reserved Matters - Appearance, Landscaping, Layout and Scale;
 - Landscape & Visual Impact;
 - Ecology and Nature Conservation;
 - Archaeology and Cultural Heritage;
 - Hydrology, Flood Risk & Drainage;
 - Ground Conditions and Contamination;
 - Air quality and Noise;
 - Living Conditions; and
 - Planning Obligations.

Principle of Development

- 6.17 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 significant material consideration in this regard.

- 6.18 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 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 48 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 6.19 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 6.20 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 6.21 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit adjacent to) the 'settlement development boundary' for Weeley. In the emerging Local Plan, the site is specifically allocated through Policy SAMU5 for a mix of residential development, employment, a Primary School and public open space. The policy contains specific requirements in relation to housing numbers, educational facilities, healthcare provision, highways and open space.
- 6.22 Draft Policy SAMU5 states: *"Land south of Thorpe Road, Weeley, shown on the Map SAMU5, is allocated for mixed use development as follows:*
- a. *at least 280 new homes of a mixed size and type to include affordable housing as per the Council's requirements;*
 - b. *1 hectare of land for employment (potentially utilising buildings at Ash Farm);*
 - c. *1 hectare of public open space;*
 - d. *2.1 hectares of land for a new primary school with co-located 56 place commensurate early years and childcare facility (D1 use) as required by the Local Education Authority through Section 106 Planning Obligations;*
- Proposals must accord with the following:*
- e. *the principal point of vehicular access will be off Thorpe Road;*
 - f. *capacity and/or safety enhancements to the local highway network where necessary;*
 - g. *where necessary, enhancements to public transport, cycle and pedestrian infrastructure;*

- h. provision of a pedestrian/cycle bridge over the railway line, as a replacement for the existing level crossing prior to the occupation of the one-hundredth dwelling;*
- i. the design and layout of the development must have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures;*
- j. delivery of opportunities for the protection and enhancement of the historic environment including the built and archaeological environment;*
- k. early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development;*
- l. a financial contribution to early years and childcare, primary and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;*
- m. financial contributions towards other community facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations.”*

6.23 The application is for 280 dwellings with 1 hectare proposed for employment and public open space each, in addition to 2.1 hectares identified for a new primary school, in accordance with the Council’s requirements. The principal point of vehicular access is shown to be off Thorpe Road; and enhancements to the local highway network and public transport, cycle and pedestrian infrastructure including the provision of a pedestrian/cycle bridge over the railway line, as a replacement for the existing level crossing prior to the occupation, are also proposed, and will be discussed in greater detail below, along with the other requirements of the policy.

6.24 The allocation of this site for residential and mixed use development in the Publication Draft of the emerging Local Plan and the requirements of Policy SAMU5 attracted 26 objections from residents and other stakeholders. The objection comments raised are summarised below, these along with the local objections received in response to this planning application specifically are addressed throughout this report:

- Policy SAMU5 and the formal site allocation on the Policies Map should be deleted; and amendments made to the proposed spatial distribution of housing growth and employment development across the district;
- The development of the site for 280 dwellings would be oversized and spoil the village;
- Would not want to see the public footpath (no5) and the proposed railway footbridge be upgraded to a Bridleway due to health and safety concerns and potential conflicts between users and farm machinery;
- The village would have building works for years to come which would lead to residents' lives being disrupted with noise, traffic and unsuitable vehicles on small roads, including HGVs;
- Inadequate social and highway infrastructure to serve the development;
- The land is full of wildlife, including barn owls, bats, grass snakes, hedgehogs and herons;
- There are more suitable areas in Weeley for this development which would not blight so many of the residents;
- Plans for such massive over-development would also be contrary to the requirements of Section 7 of the NPPF as in no way would it be 'contributing to protecting and enhancing Weeley's natural, built and historic environment'.

- 6.25 In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached an advanced stage of the plan-making process; the objections to Policy SAMU5 are noted, although Officers are of the view that the proposal is in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, Policy SAMU5 and the allocation of the site for mixed-use development can carry a reasonable level of weight in the determination of this planning application.
- 6.26 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 73 of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining outline planning permission in the short-term, in order for them to progress to the detailed planning stages and to start delivering new homes from the middle part of the plan period. In fact, the Council's evidence to demonstrate a five year supply relies on the housing trajectory contained within its latest Strategic Housing Land Availability Assessment' (April 2018) (SHLAA) which anticipates the grant of outline planning permission in 2018/19, reserved matters approval in 2019/20, discharge of conditions and commencement in 2020/21 with first completions in 2021/22. The estimated building rate is 40 dwelling completions per annum.
- 6.27 The SHLAA recognises that this proposal is the subject of a fair number of objections both to the allocation in the local plan and to the planning application, but that all issues raised in objections are resolvable.
- 6.28 Therefore, having considered the application site's status within the emerging Local Plan and the imperative to deliver new homes and to maintain a five-year supply of deliverable housing sites, Officers consider that the principle of a major residential and mixed-use development on the site is acceptable – subject to consideration against other relevant policies, including Policy SAMU5.

Highways, Transport & Access

- 6.29 Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Para. 111 of the NPPF stipulates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment, this is to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe.
- 6.30 On this subject, the PPG goes into more detail into the overarching principles on Transport Assessments, with Requirements e.-h. of Policy SAMU5 requiring the principal point of vehicular access into the site off Thorpe Road; with capacity and/or safety enhancements to the local highway network and to public transport, cycle and pedestrian infrastructure, where necessary; as well as the provision of a pedestrian/cycle bridge over the railway line, as a replacement for the existing level crossing.
- 6.31 A full audit of the highway network surrounding the application site has been undertaken by the applicant, with the proposal fulfilling the above requirements. ECC Highways have assessed the highway and transportation impact of the proposal, including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and do not wish to raise an objection subject to the imposition of reasonable planning conditions and obligations, the subject of which, as highlighted within the summary of their response are included at the head of this report.

- 6.32 Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

Reserved Matters - Appearance, Landscaping, Layout and Scale

- 6.33 Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 6.34 The current application is an outline application with all matters reserved except access. The applicant has submitted an indicative masterplan drawing, setting out their vision for developing the site, which along with the Design and Access Statement demonstrate one way in which the site could be developed. As referred to above, detailed access drawings have also been submitted which identify the proposed main vehicular and pedestrian/cycle access points onto Thorpe Road.
- 6.35 The applicant states that it is intended that the proposal would take cues from the adjacent Barleyfield Drive and the Essex Design Guide, and Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.36 Although appearance, landscaping, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.
- 6.37 Due to the scale of the development proposed, and in order to minimise disturbance to existing residents, as well as ensuring that the mix of housing meets the requirements of the Council's Strategic Market Housing Assessment, it is recommended that by way of the imposition of a condition, a Layout and phasing plan/programme be submitted for approval prior to the submission of the first Reserved Matters application. This should also include details of market and affordable housing provision; and a phasing plan.

Landscape & Visual Impact

- 6.38 NPPF para. 170 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.39 In response to this, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which highlights that the application site is situated within two character areas, 8B, Clacton and The Sokens Clay Plateau and 6D Holland Valley System. In this respect the development of the land has the potential to cause harm to a wider landscape

area, although the site is not covered by any specific landscape designation and the Tree and Landscape Officer acknowledges that the information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects.

- 6.40 The application site comprises relatively flat (albeit sloping towards to the railway line on the southern end) agricultural land with landscape features within the site and to its boundaries which include mature and established hedgerows and small tree groups. As it lies on the eastern edge of Weeley, with existing development situated along the northern and western boundary, the locality is therefore already partly residential in character.
- 6.41 Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential/mixed use, and would inevitably result in a permanent significant effect upon the landscape. However, whilst only in outline, the planning application demonstrates that the scheme could be designed to minimise landscape and visual effects, through the creation of a positively designed settlement edge to Weeley.
- 6.42 As part of the landscape design it is proposed that existing trees and hedgerows on the site would be retained and enhanced by new native planting and a substantial landscape buffer to the southern boundary created which would incorporate the public open space and land to be designated for ecological purposes/the translocation of Slow Worms from elsewhere on the site.
- 6.43 The Tree and Landscape Officer states that the key to the successful integration of the development into the local landscape character would be to secure strong soft landscaping on the complete boundary of the application site and to ensure that new soft landscaping forms an integral part of the residential part of the development.
- 6.44 As the application is in outline form it is not possible to assess the direct impact of the development on specific trees, hedgerows or other vegetation as the site layout has yet to be determined. Within the Design and Access Statement Figure 2 entitled Land Use Layout gives an indication of the shape of the development, but without sufficient detail to gauge the potential impact on existing trees and other vegetation. The tree report identifies the most important trees and hedgerows and should be used to shape the development layout, which has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.
- 6.45 In conclusion on this matter, and pursuant to requirement i. of Policy SAMU5, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to mitigation measures which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Ecology and Nature Conservation

- 6.46 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 6.47 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.48 With respect to Green infrastructure, the PPG defines this as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.
- 6.49 The Preliminary Ecological Appraisal (PEA) submitted with the application recommended that Barn Owl, Bat, Bird and Reptile surveys be carried out, consequently the following reports have been submitted: Barn Owl Mitigation report; Bat Activity Survey; Breeding Bird Survey; and Reptile Survey and Outline Mitigation Strategy, with an Ecological Impact Assessment (EclA), the aim of which is to set out mitigation measures required to ensure compliance with nature conservation legislation and to address any potentially significant ecological effects.
- 6.50 Building 4 (a hay barn) located on Ash farm has confirmed breeding Barn Owls in a Barn Owl box located within this building, with the presence of 3 Barn Owl chicks at the time that the survey was carried out.
- 6.51 With regard to Bats, the majority of the foraging activity was noted in the southern arable field, along the external boundary hedgerows, the hedgerow east to west across the centre of the site and in the small areas of woodland to the south of the site adjacent the railway line. These features were confirmed to be mainly in use by common species of bat, including Common Pipistrelle and Soprano Pipistrelle. Two passes of a Nathusius' Pipistrelle and Leisler's bat were recorded during the first period of static monitoring close to the railway line.
- 6.52 The site was found to support 24 species of bird, 17 of which are thought to be using the site for breeding. Most of the species encountered are common and widespread in Essex and the UK in general. The majority of the species using the site are not listed as birds of conservation concern, (BoCC), or are UK Biodiversity Action Plan (UKBAP) or Local Biodiversity Action Plan (LBAP) or listed as Species of Principal Importance under NERC s41 with the exception of: Skylark (Red/UKBAP/LBAP/NERC), Tree Sparrow, and Yellowhammer, (red status/UK BAP/NERC). Mallard, Dunnock and Common Gull are listed as Amber, of which only Tree Sparrow, Skylark, Dunnock and Yellowhammer are considered to be breeding on site. Key habitats used by breeding birds included the hedgerows, scrub and trees present along the boundaries of the site, which are considered important on a site scale.
- 6.53 The grassland on site was confirmed suitable for reptiles during the reptile survey with a good population of Slow Worm recorded across the site, and which would need to be translocated to a dedicated part of the site where they can reside undisturbed i.e through the fencing off of an area separate from the Public Open Space. Detailed mitigation measures and recommendations for the enhancement of biodiversity are included within the EclA and which should be secured by way of planning condition/s. These measures would ensure the effective protection of protected species and other wildlife, including hedgehogs.

- 6.54 As has been highlighted above, based on the information provided in support of the application, and with the inclusion of conditions, it is Natural England's view that the proposal would unlikely lead to adverse effects on Hamford Water Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI), the Essex Estuaries Special Area of Conservation (SAC), the Colne Estuary SPA, Ramsar site and SSSI, the Stour and Orwell Estuaries SPA, Ramsar site and SSSI or Weeleyhall Wood SSSI. With regard to the latter Essex Wildlife Trust have expressed concerns with regard to the impacts that an increase in visitors is already having upon Weeleyhall Wood and have costed work to improve rides and install boardwalks at around £55,000. Clearly the proposal would likely add to the pressures and therefore it is considered appropriate to seek a proportionate contribution, especially as the use of Weeleyhall Wood would in part mitigate the use of the international wildlife sites by future residents.
- 6.55 In addition, it is recommended that a planning condition be imposed which seeks to secure mitigation measures to provide high-quality, informal, semi-natural areas within the site; Circular dog walking routes of >2.7 km² and/or with links to surrounding public rights of way (PRoW); and Dedicated 'dogs-off-lead' areas; in addition to signage/leaflets to householders to promote these areas for recreation; Dog waste bins etc.
- 6.56 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

Archaeology and Cultural Heritage

- 6.57 Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF para. 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Furthermore, para. 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.58 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.59 There is one listed building in close proximity to the application site, which is Ash Farmhouse, a grade II listed building which is located immediately beyond the north western corner of the site. The listing description for this is: *Grade II listed 15th/16th century house with later alterations and additions. Timber-framed and plastered. Red plain-tiled roofs. Two red brick chimney stacks to left range, right stack to central range. 2 storeys.*

Left crosswing, jettied central range and right crosswing, this with 2 brackets. Single storey lean-to extension to left return.

- 6.60 There are a number of farm buildings to the south of the farmhouse, these were built during the Victorian period and consisted of an enclosed rectangular farmyard and therefore can be deemed to be curtilage listed. This layout survived until 1923, but from 1958, there was very considerable change involving the construction of very large modern barns to the south, these would likely be demolished prior to building out the commercial element of the scheme (subject to the relevant consents), with the curtilage listed buildings converted to offices which would require an application for listed building consent.
- 6.61 The submitted heritage statement highlights that the curtilage listed buildings have undergone some change, and do not have as much 'heritage value' as the listed farmhouse. Nevertheless, the proposed changes to the farm and its farmyard should take into account the curtilage listing, and should treat sympathetically those structures within the curtilage listing. Officers concur with this view, and the fact that the curtilage listed buildings act as a 'buffer' to the farmhouse it is considered that these designated heritage assets and their settings would not be harmed by the proposal.
- 6.62 In its glossary, the NPPF highlights that *"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point."*
- 6.63 As highlighted by ECC Archaeology, the heritage statement recognises the potential of the development area to contain multi-period archaeological remains associated with the findings from the adjacent site at St Andrews Road and from other sources of evidence. The evidence for Palaeolithic remains within the area is strong and the potential for Pleistocene deposits with Palaeolithic potential to be present within the development site will need to be established through specialist consultation and, if required, fieldwork investigations. The assessment notes that no evidence of the Napoleonic barracks known to have been sited at Weeley has been found in the archaeological investigations in the surrounding area, however these were small scale and limited in their extent. Conditions securing a Programme of Archaeological and geo archaeological evaluation are therefore recommended.
- 6.64 Subject to the above measures, it is considered that the proposal would not give rise to detrimental effects upon Cultural Heritage or Archaeology; and Requirement j. of Policy SAMU5 would be met i.e. the delivery of opportunities for the protection and enhancement of the historic environment including the built and archaeological environment.

Hydrology, Flood Risk & Drainage

- 6.65 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.66 The site is currently greenfield land and forms part of the natural catchment of Weeley Brook which is located for much of its part, to the south of the railway line. A ditch runs from west to east approximately through the centre of the site, from here ultimately discharges to Holland Brook, close to where it joins Weeley Brook, to the east of the site. There are ditches running southwards, either side of the track that aligns with the railway crossing point. The ditches continue to the south of the railway and it has been proven that a filter drain drains from the site into the railway land. A pipe can be seen discharging to the continuation of the ditch to the south of the railway. The site is located within Flood Zone 1 and is therefore at low risk from tidal/fluvial flooding. Construction would also be managed

and controlled to ensure no contamination of groundwater is caused during the construction phase.

- 6.67 Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.
- 6.68 Requirement k) of Policy SAMU5 is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development. In response to the application Anglian Water state that the foul drainage from this development is in the catchment of Clacton Holland Haven Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning permission and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.
- 6.69 Anglian Water state that the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed. From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of sewerage capacity; and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.
- 6.70 Overall no significant adverse or cumulative effects on water resource receptors have been identified during the construction and operational phases of the proposed development; therefore it would be compliant with legislation and planning policy.

Ground Conditions and Contamination

- 6.71 Section 15 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.72 Historically the site has predominately been used for agriculture and has not been developed with the exception of the farmyard in its north west corner which could have hot spots of contamination from chemical, fuel or oil spillages. The submitted report on a Phase 1 Desk Study and Risk Assessment states that a historical landfill is listed associated with a former gravel pit some 80m to the south-east of the site and which was licensed to take commercial and household waste between 1958 and 1966. This historical landfill could be a source of ground gases which could influence the eastern, central and south eastern parts of the site.
- 6.73 In addition, the Envirocheck Report which is appended to the Phase 1 Desk Study report indicates a number of areas of potentially infilled land which in addition to the historical landfill identifies an area close to the south western corner which corresponds with the brick and tile works noted on the historical maps. It should be noted that this area has been redeveloped for housing (the estate which includes First and Second Avenue, and the streets leading from them), however, it is possible that the former brick and tile works could also be a potential source of ground gases.

- 6.74 Therefore it is recommended that an appropriately worded condition be imposed that requires further investigation to assess the potential for ground gases/vapours and establishing the concentrations of potential contaminants in particular areas of the site.

Air quality

- 6.75 NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of air pollution. The PPG provides more detailed advice on air quality.
- 6.76 As confirmed in the submitted Air Quality report a qualitative construction dust risk assessment has been carried out based on the IAQM guidance 'Guidance on the Assessment of Dust from Demolition and Construction 1.1'. The dust emission magnitude for all activities: demolition, earthworks, construction and trackout, were considered. The sensitivity of the area to dust soiling effects and human health impact were also considered. An overall risk of the dust impact for each of the activities was derived. The risk for dust soiling impact for all activities is considered to be 'Medium' to 'High', and the risk of impact to human health impact is considered to be 'Negligible' to 'Low Risk'.
- 6.77 The Environmental and Sustainability Management Plan (EMP) – PEP Part 3 indicates that construction activities related to the development would cause some nuisance to local population, however with appropriate mitigation measures recommended within the EMP and IAQM the resulting residual dust impacts during the construction phase would be 'insignificant'. Based on the air quality data available from the nearest non-automatic monitoring site (triplicate site 14/15/16, A133 Bypass) and background concentrations from DEFRA and non-automatic triplicate (11/12/13) site at Town Hall, a qualitative assessment of air quality impacts during the operational phase of the development has been carried out and it is considered that the operational phase impacts would also be 'Insignificant'. Therefore, based on available information the overall local air quality is unlikely to be an issue at the site; and furthermore, it is considered that future receptors (residential dwellings, staff and students at the school), once in operation, would be exposed to pollutant concentrations below the National Air Quality Objectives (NAQOs) and the locations are considered suitable for the proposed use.
- 6.78 In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms. Therefore it is considered that the proposal, during either the demolition/construction or operational phases would not have a detrimental effect upon the air quality of the surrounding area.

Noise & Vibration

- 6.79 As previously referred to in this report, NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment, in this case by, *inter alia*, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. Para. 180 of the NPPF stipulates that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.80 The PPG states that noise needs to be considered when new developments may create additional noise and when taking decisions about new development, there may also be

opportunities to consider improvements to the acoustic environment. It goes on to say that decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

- 6.81 A baseline noise survey has been undertaken and measurements taken over a representative time period. The noise levels have then been used to determine noise sources, such as the railway line and levels affecting the proposed development. Noise from additional road traffic associated with the scheme is unlikely to have a significant effect; and any impact of noise and vibration associated with construction activity would be managed through controls on the hours of construction and piling. All new dwellings would be designed to ensure that an acceptable living environment can be achieved.
- 6.82 Environmental Protection confirm that they are satisfied with the content of the acoustic report and require no further information or have no adverse comments at this time. Therefore, the proposed development has been assessed and it has been identified that with appropriate mitigation measures in place, there would be no significant effect to new or existing noise sensitive receptors.

Living Conditions

- 6.83 Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.84 Whilst matters of layout and scale are reserved for future determination, with regard to privacy, the Essex Design Guide states that *“with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable”*. It goes on to state that *“where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”*.
- 6.85 The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers consider that there are no reasonable grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking; and a loss of outlook and daylight/sunlight.
- 6.86 Furthermore, the submission indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area and the wider landscape. All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Planning Obligations

- 6.87 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to any previously cited within this report)

secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

- 6.88 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 56 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

- 6.89 Section 8 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Affordable Housing

- 6.90 Para. 62 of the NPPF requires, inter alia, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.91 Adopted Policy HG4 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, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing. This is in compliance with the requirements of requirement a. of draft Policy SAMU5 that specifies that the proposal should be for at least 280 new homes of a mixed size and type to include affordable housing as per the Council's requirements.

Education

- 6.92 NPPF paragraph 94 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.93 In accordance with requirement d) of draft Policy SAMU5, a new 2 form entry primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land is proposed to be provided as required by the Local Education Authority (LEA). The application makes provision for this requirement and the applicant has liaised directly with Essex County Council to determine where and how this would be delivered.
- 6.94 Furthermore, requirement l) of draft Policy SAMU5 is for a financial contribution to early years and childcare and secondary education provision. The financial contributions, index linked from April 2017 and based on the projected future population of the scheme have been summarised thus from the consultation response from ECC Education:

- Early Years & Childcare: £220,668.80;
- Primary Education: £1,069,656; and
- Secondary Education: £1,083,320 plus £196,224 for School Transport;

Healthcare

- 6.95 NPPF paragraphs 91 and 92, amongst other things, state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 6.96 Requirement m. of draft Policy SAMU5 is for financial contributions towards facilities such as health provision as required by the NHS/CCG either through the Community Infrastructure Levy or Section 106 Planning Obligations to be made. The NHS have stipulated that a financial contribution of £97,152 towards the relocation costs for Thorpe Surgery (including its branch surgery Kirby Cross) is required.

Public Open Space

- 6.97 NPPF paras. 91 and 92, amongst other things, state that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities; and requirement c) of Policy SAMU5 is for 1 hectare of Public Open Space (POS) to be provided within the development
- 6.98 As highlighted above, the landscape scheme at the Reserved Matters stage would include an area of POS of 1ha, which the illustrative masterplan identifies as predominantly being in two parcels: between the secondary road proposed to serve the employment land and the school site; and along the northern edge of the railway line, including the copse through which PRoW 5 currently passes.
- 6.99 It would also be necessary to set aside a dedicated area with restricted access as a reserve for Slow Worms in addition to the POS, the precise location and area of which would be determined prior to the submission of the first reserved matters applications. All of the above would be managed by a Management Company specifically set up to look after the green areas of the site, amongst other things.

Ecology (off site)

- 6.100 As highlighted above both Essex Wildlife Trust and Natural England have expressed concerns with regard to the impacts that an increase in visitors is already having upon Weeleyhall Wood and have costed work to improve rides and install boardwalks at around £55,000. Clearly the proposal would likely add to these pressures and therefore it is considered appropriate to seek a proportionate contribution, especially as the use of Weeleyhall Wood would in part mitigate the use of the international wildlife sites by future residents.

Highways and Transport

- 6.101 ECC Highways state that they have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and do not wish to raise an objection subject to the imposition of reasonable planning conditions and obligations. It is considered that the majority of the required works can be covered by planning condition, with the exception of the provision of a financial contribution towards the proposed improvements at

the A133/B1033/ services and Frating roundabouts, which would need to be covered by a planning obligation.

- 6.102 It is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means, in accordance with requirements e.-g. of Policy SAMU5 requiring the principal point of vehicular access into the site off Thorpe Road; with capacity and/or safety enhancements to the local highway network and to public transport, cycle and pedestrian infrastructure, where necessary.

Public Rights of Way

- 6.103 Requirement h. of draft Policy SAMU5 is for the provision of a footbridge bridge over the railway line, as a replacement for the existing level crossing. Once constructed this would be transferred to Network Rail with a commuted sum (currently undetermined) for future maintenance. As part of this, PRoW 5 would be diverted away from its existing alignment over the level crossing via footbridge on completion.
- 6.104 The above obligations are summarised here and overall, it is considered that they satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind:
- **Affordable Housing** – 30%, specific tenure and mix to be agreed at the reserved matter/s stage/s;
 - **Education** - 2.1ha of land to accommodate a 2-form entry primary school and commensurate nursery; Early Years & Childcare: £220,668.80 towards a 56 place nursery; Primary Education: £1,069,656; towards the new primary school; Secondary Education: £1,083,320 plus £196,224 for School Transport;
 - **Healthcare** - Financial contribution of £97,152 towards relocation costs for Thorpe Surgery (including its branch surgery Kirby Cross);
 - **Public Open Space** - Public Open Space, equipped play areas and Ecology Land (for Slow Worms) - To be transferred to management company and laid out before transfer;
 - **Ecology (off site)** - Financial contributions towards off-site ecological mitigation - to improve access within Weeleyhall Wood SSSI;
 - **Highways and Transport** – The provision of a financial contribution towards the proposed improvements at the A133/B1033/ services and Frating roundabouts as identified in the Tending Local Plan Highways and Transportation Modelling work.
 - **Public Rights of Way (PRoW)** – Footbridge to be constructed over the railway line and transferred to Network Rail on completion with a commuted sum for future maintenance, PRoW 5 to be diverted away from existing level crossing via footbridge on completion.

Planning Balance/Conclusion

- 6.105 This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off Thorpe Road; and the Local Highway Authority has no objection to the proposed arrangements. All other matters (Appearance; Landscaping; Layout; and Scale) are

reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.

- 6.106 NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para. 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.107 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site is specifically allocated through Policy SAMU5 for a mix of residential development, community facilities and public open space in the emerging Local Plan. This can be afforded some weight in the decision making process due to it being at the Publication Draft stage, and is a material consideration in the determination of this planning application.
- 6.108 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 6.109 In addition, whilst outline in form, Officers are content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing within the District.

Background Papers

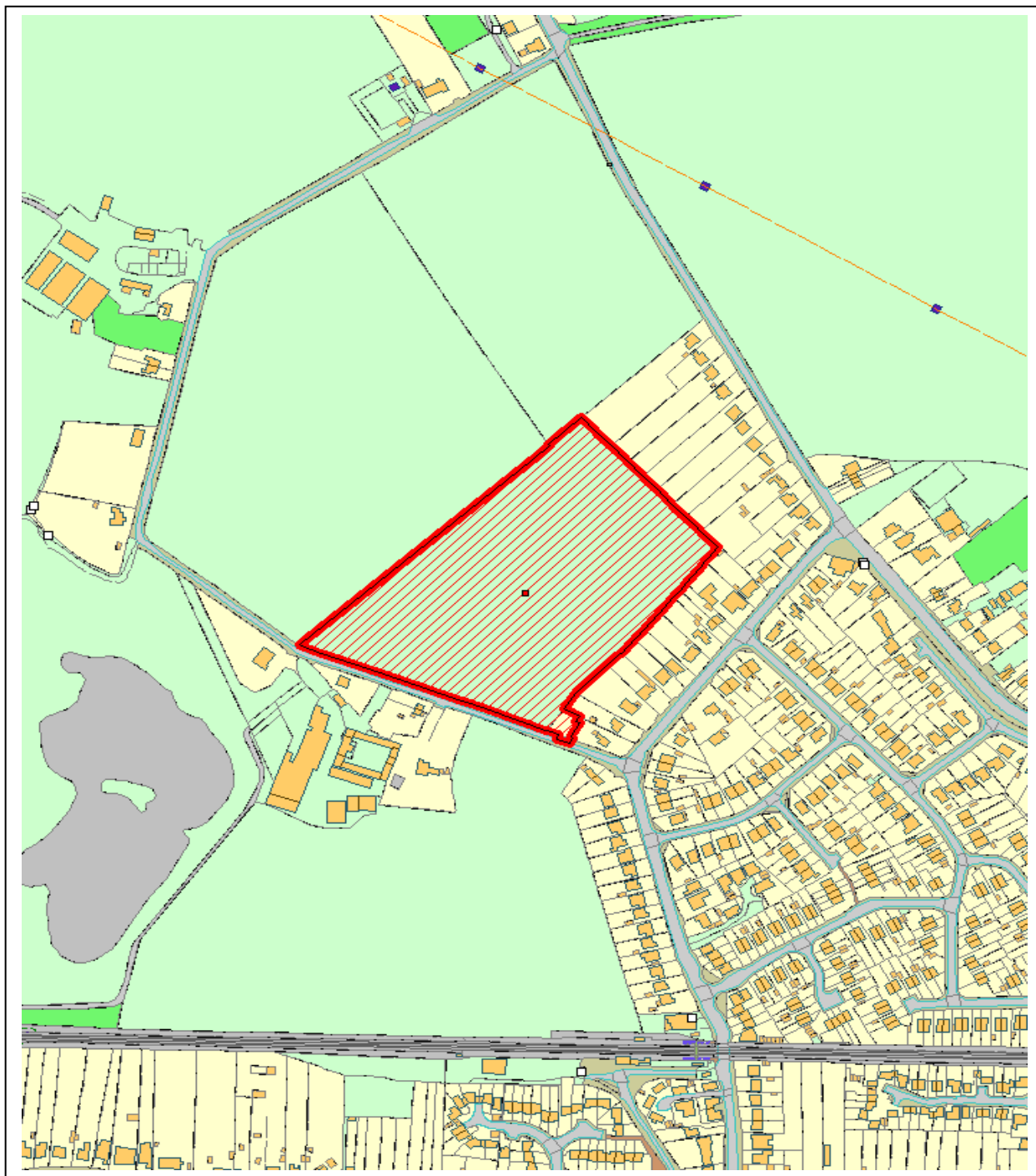
None.

PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION – 18/00367/FUL - LAND NORTH OF COCKAYNES LANE, ALRESFORD, CO7 8BT.



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Application:	18/00367/FUL	Town / Parish: Alresford
Applicant:	Taylor Wimpey UK Ltd	
Address:	Land North of Cockaynes Lane, Alresford, CO7 8BT	
Development:	Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.	

1 Executive Summary

- 1.1 This is an application for Full Planning permission, following the grant of 15/00120/FUL on appeal for up to 60 dwellings on land to the north of Cockaynes Lane. The proposal is for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.
- 1.2 The site lies outside of the settlement development boundary for Weeley within the adopted Local Plan, but in the emerging Local Plan it is specifically included within the defined settlement boundary of Alresford. The emerging plan has now reached a relatively advanced stage of the plan-making process, and the Council relies on this to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. The site also benefits from the grant of an extant planning permission for up to 60 houses on appeal and this should carry considerable weight in the decision making process.
- 1.3 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 1.4 Officers are content that subject to the imposition of reasonable planning conditions and S106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the village and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.
- 1.5 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

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

- a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:

1. Affordable Housing – 11no units to be transferred to a Registered Provider;
 2. Education – Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
 3. Healthcare – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
 4. Public Open Space and equipped play areas - To be transferred to Council and laid out before transfer, with a financial contribution towards future maintenance.
- 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 implementation.
2. Development to be carried out in accordance with the approved plans.
3. External finishing materials on the dwellings to be in accordance with the Colour of Materials Layout Plan.
4. Hard surfaces to be in accordance with Surface Materials Layout Plan.
5. Boundary treatments to be installed in accordance with Boundary Treatment Layout Plan.
6. Construction of the access in accordance with approved plans;
7. Provision of visibility splays;
8. No unbound material to be used within 6m of the highway;
9. No discharge of surface water onto the highway;
10. Parking and turning facilities to be provided prior to occupation of dwellings, spaces and garages to meet ECC standards;
11. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.
12. Construction Method Statement to submitted and be adhered to throughout the construction period, to provide for:
 - i. Safe access to/from the site
 - ii. The parking of vehicles of site operatives and visitors
 - iii. Loading and unloading of plant and materials
 - iv. Storage of plant and materials used in constructing the development
 - v. Wheel and underbody washing facilities
 - vi. The erection and maintenance of security hoarding
 - vii. Measures to control the emission of dust and dirt during construction
 - viii. A scheme for recycling/disposing of waste resulting from construction
 - ix. Delivery and construction working hours
 - x. Site lighting
 - xi. Scheme to minimise the risk of offsite flooding caused by surface water run-off

and groundwater during construction works and prevent pollution.

13. Submission and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context prior to the commencement of the development.
14. Submission and implementation of 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 prior to the commencement of the development of each phase.
15. Submission and implementation of a foul water strategy prior to commencement of development.
16. A Programme of Archaeological and geoarchaeological evaluation.
17. No piling to be undertaken without prior written agreement.
18. External lighting scheme, to minimise light pollution and impact upon bats.
19. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.
20. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.
21. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.
22. Protected species surveys results and mitigation in respect of dormice and reptiles to be submitted (and implemented if necessary) prior to commencement of development.
23. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species, to include ecological enhancement measures as set out in para. 5.36 of the Ecological Impact Assessment.
24. Pre-construction badger survey and monitoring for signs of new sett digging; Covering any open excavations with wooden boards, or fitting them with appropriate escape ramps; Monitoring of site for any new sett excavation during prolonged remediation, construction or landscaping works.
25. Vegetation clearance to take place outside of the bird nesting period (i.e. outside of March to August inclusive), or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.
26. Adherence to Secured by Design Principles and certification.

2 **Planning Policy**

National Policy

National Planning Policy Framework 2018 (NPPF)

- 2.1 The NPPF 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 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.4 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.
- 2.5 Section 5 of the NPPF relates to delivering a sufficient supply of homes. It requires Councils to boost significantly the supply of housing informed by a local housing need assessment. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements including a 5%, 10% or 20% buffer: to ensure choice and competition in the market for land; where the LPA wishes to demonstrate a five year supply of deliverable sites through an annual position statement to account for any fluctuations in the market during that year; or where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply respectively. (NPPF para. 73). 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.
- 2.6 Paragraph 38 of the NPPF states "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

National Planning Practice Guidance (PPG)

- 2.7 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.
- 2.8 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 213 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 48 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.
- 2.9 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.10 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 2.11 In relation to housing supply, the NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.12 At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

Tendring District Local Plan (2007) – as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards 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.

ER3: Protection of Employment Land: States that the Council will ensure that land in employment use will normally be retained for that purpose.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

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 has 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.

COM1: Access for All: Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

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.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM24: Health Care Provision: Supports developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, towards 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.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as a priority over higher quality land.

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.

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.

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.

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

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 developments affecting an existing public right of way to 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.

TR8: 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 2013-2033 and Beyond Publication Draft (June 2017)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

SP3: Meeting Housing Needs: The local planning authorities will identify sufficient deliverable sites or broad locations for their respective plan period, against the requirement in the table below.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Alresford as a 'Rural Service Centre'.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Alresford extends to include the application site.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites that deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP3: Green Infrastructure: Will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the

'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: 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.

LP4: Housing Layout: 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.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also 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.

PPL1: 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.

PPL3: The Rural 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.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: 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.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: 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.

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

3 Relevant Planning History

15/00120/OUT - Outline application for up to 60 dwellings - Appeal APP/P1560/W/16/3149457 allowed 1 December 2016.

17/01817/FUL - Junction improvements at Cockaynes Lane and repositioning of 2no. residential dwellings – approved 15 December 2017. This permitted the construction of the access into the application site and the associated footway along the northern edge of the lane.

4 Consultations

Building Control and Access Officer

No comments at this stage.

Environmental Protection

No objections raised to the proposal subject to the imposition of conditions covering construction and demolition noise/dust/light.

Principal Tree and Landscape Officer

The main body of the land is currently in agricultural use.

The southern boundary of the application site is marked by an established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn. There are old stumps in the hedgerow that have produced suckering growth. They are Sweet Chestnut and Ash. There are several trees on the boundary that form part of the hedgerow: six of which are afforded protection by means of Tree Preservation Order TPO/14/10 Cockaynes Lane, Alresford.

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 they would be physically protected should consent for development be granted the applicant would normally be required to provide a full Tree Survey and Report to show how works associated with the development of the land will be undertaken to avoid having an adverse impact on the long term health and viability of the trees situated on the land.

In this case the protected trees are situated on part of the site allocated as public open space and are not threatened by the

development proposal. Therefore such a report is not considered necessary in this instance. However should consent be likely to be granted then a condition should be attached to ensure that the trees are protected during the construction phase of the development. This information should be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction

In essence this will mean taking steps to ensure that the site compound and any associated works do not encroach into the Root Protection Areas of the protected trees.

The eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees.

Much of the northern boundary is marked by a strong boundary hedgerow abutting the rear gardens of properties fronting the B0127. The hedgerow contains several Oaks and a pollarded Ash that are mature healthy specimens. As the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order; however it would be desirable if they were to be retained.

The western boundary is planted with young, but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak. These trees are not threatened by the development proposal.

Soft landscaping proposals show both the cutting back and removal of sections of the boundary vegetation and new planting to strengthen in other areas to retain the screening benefit that this vegetation provides. In terms of tree and shrub planting in the main body of the application site the soft landscaping proposals are comprehensive and acceptable.

Waste Management

No comments at this stage.

Anglian Water

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

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures and they request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted.

They therefore recommend that the applicant needs to consult with themselves and the Environment Agency.

**Essex County Council
(ECC) Archaeology**

A Desk-Based Assessment has been submitted with the application which takes into account the information from the HER, cropmark data and the information from the archaeological investigation carried out to the South of Cockaynes Lane. Evaluation of this site led to excavation in two discrete areas close to the Lane, the features uncovered dated to the late Iron Age and Roman period and prehistoric finds were also recovered, other features were postmediaeval in date. It is likely that some of these agricultural landscape features continue into the proposed development area and that further evidence for settlement and activity may be preserved.

**ECC Economic Growth
and Development
(Education)**

Early Years and Childcare

The proposed development is located within the Alresford Ward, and according to Essex County Council's childcare sufficiency data, there are 6 providers showing 2 vacancies across the Ward. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed, therefore a contribution of £131,710 is required to mitigate the development impact on local early years and childcare provision.

Primary Education

The development sits within the priority admissions area of Alresford Primary School, which currently has an official capacity of 143 places. The School is at or close to capacity in most year groups and has agreed to take thirty reception age pupils this September. Essex County Council's '10 year plan' to meet demand for school places, alludes to permanent expansion of the School the following year. Looking at the wider area (Tendring Primary Group 3) forecasts suggest a need for further expansions with 64 additional reception places having to be found by the end of the 10 Year Plan. Based on the demand generated by this proposal, a developer contribution of £385,081 is sought to mitigate its impact on local primary school provision.

Secondary Education

The proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to the Essex County Council's document 'Commissioning School Places in Essex' by the academic year commencing September 2021 it will require 99 additional places. Based on the demand generated by this proposal a developer contribution of £389,995 is sought to mitigate its impact on secondary school provision.

Secondary School Transport

The secondary school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school. The cost is

estimated at £3.65 per pupil for secondary school transport for 195 days per year. It is practice to seek costs for a 5 year period. Based on the demand generated by the proposal a transport contribution of £59,787 is required.

ECC Flood and Water Management

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they stated that they wished to issue a holding objection to the granting of planning permission.

Since then the applicant has submitted a Drainage rebuttal note which responds to the issues raised by both ECC and Anglian Water, along with Drainage flow calculations.

Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner. However, the absence of a further consultation response should not delay the issue of a decision, bearing in mind that in allowing appeal APP/P1560/W/16/3149457, the Inspector imposed a condition requiring full details of surface water drainage works to be submitted to and approved in writing by the local planning authority prior to the commencement of development. This would also be in accordance with Anglian Water's request to impose a condition.

ECC Highways

There are a number of local highway improvements associated with land to the South of Cockaynes lane that shall be completed prior to occupation of the above proposal. This includes amendments to the alignment of Cockaynes Lane, pedestrian/cycle link from the SE corner to Station Road and upgrades to the two closest bus stops. These works are required to make adequate provision within the highway for the additional traffic generated as a result of the proposed development.

They have assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the imposition of conditions covering the following: Construction of the access in accordance with approved plans; provision of visibility splays, No unbound material to be used within 6m of the highway; No discharge of surface water onto the highway; Parking and turning facilities to be provided prior to occupation of dwellings; and Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.

Essex Police

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development, especially as Designing Out Crime is mentioned so prominently on p38 of the DAS. Incorporating Secured by Design into the development is always preferable in order that security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development.

Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request this service.

NHS England

The proposed development is likely to have an impact on the services

of Coach Road Branch Surgery (part of the Colne Medical Centre) operating within the vicinity of the application site. The GP practice and branch surgery do not have capacity for the additional growth resulting from this development.

The development could generate approximately 176 residents and subsequently increase demand upon existing constrained services. The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Coach Road Branch Surgery (Colne Medical Centre), a proportion of the cost of which would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £27,800. Payment should be made before the development commences.

5 Representations

- 5.1 Alresford Parish Council do not agree with the increase in housing numbers and their preference would have been bungalows to the rear of the properties in Station Road which would be more in keeping with that particular area of the village.
- 5.2 5no letters of objection have been received by the Council from local residents. The letters of objection raise the following concerns:
- Concern that the new application is a 40% increase on the original application and the village has had a huge amount of development passed in a very short space of time.
 - Traffic along Colchester Main Road is already at a terrible level during rush hour and exiting properties along there is getting more difficult.
 - Concern that no consideration has been given for the impact of traffic of both the North and South site together.
 - Request for consideration that the entrance on Station Road remains to lessen the burden of traffic on Cockaynes Lane.
 - The extra 23 houses proposed have considerably smaller gardens and is not in keeping with other properties along the road.
 - Loss of hedges of properties without proper prior notification and consideration of at least a 2' gap between existing hedges and new fencing.
 - This development will add problems to an already overloaded school and medical service.
 - The offer of £25k would not remotely help towards the overload that will be placed on infrastructure.

6 Assessment

Site Context

- 6.1 The application site comprises 3.93 hectares of agricultural land that is situated to the north east side of Cockaynes Lane which has a mature field hedge running along its shared boundary, to the western end of which are 6no trees protected by Tree Preservation Order

No. TPO 14/0010. Cockaynes Lane is currently a single lane road with no pavements, but has wide verges (with drainage ditches either side).

- 6.2 The site is relatively flat semi-improved grassland, but does slope gently from east to west and is quite visually self-contained. It also includes the rear half of 26 Station Road, which is within the ownership and control of the applicant.
- 6.3 The north eastern and south eastern boundaries of the site back on to existing dwellings that front on to the B1027 and Station Road respectively, all of which have deep rear gardens. These existing dwellings comprise a mixture of bungalows, chalet bungalows and two storey houses, with no clearly discernible architectural theme. To the north west of the site is another field hedge, beyond which is open farmland. To the south west of the site and on the opposite side of the lane is a cluster of development comprising residential, equestrian and commercial buildings.
- 6.4 Alresford benefits from a range of existing local services which include a pre-school and primary school, pub, medical centre, convenience shop and post office amongst others. In recognition of these services and other factors, Alresford is designated as a Rural Service Centre in the draft Local Plan.
- 6.5 The application site is also served by several bus services that link to nearby settlements with the village also having a railway station that provides a service from Clacton/Walton to Colchester and beyond to London.

Proposal

- 6.6 As set out at the head of this report, full planning permission is sought for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.
- 6.7 The application is supported by a wide suite of technical drawings and documents, these include:
- Site Location Plan;
 - Development Layout Plan;
 - Highways Layout Plan;
 - Parking Layout Plan;
 - Vehicle Tracking drawings;
 - Refuse Strategy Layout Plan;
 - Affordable Housing Plan;
 - Colour of Materials Layout Plan;
 - Surface Materials Layout Plan;
 - Boundary Treatment Layout Plan;
 - Storey Heights Layout Plan;
 - Garden Areas Layout Plan;
 - Floor Plans and Elevations of all house types and garages;
 - Street Scene drawings;
 - 3D view drawings;
 - Hard and Soft Landscape Plans;
 - Landscape Masterplan;
 - Drainage strategy layout plan;
 - Drainage rebuttal note which responds to the issues raised by Anglian Water and ECC LLFA;
 - Drainage flow calculations;
 - Archaeological Desk-Based Assessment;

- Design and Access Statement;
 - Planning Statement;
 - Exhibition Report;
 - Draft Heads of Terms;
 - Foul & surface water drainage & SUDS report; and
 - Ecological Impact Assessment.
- 6.8 The application proposes one main vehicular access point into the site off Cockaynes Lane, due west (and on the opposite side) of the access permitted pursuant to the grant of 14/01823/OUT which was allowed on appeal on 1 June 2016 (appeal ref: APP/P1560/W/15/3124775) for the land to the south. Part of the existing roadside hedge would need to be removed to make way for this, although this would be well clear from the TPO trees and the applicant's drawings show new hedge planting in lieu of this.
- 6.9 As highlighted above, the proposal also includes the rear half of the plot currently belonging to 26 Station Road, within which it is proposed to erect a 3 bedroom detached house (plot 1) which has been set back further within its plot as a result of revisions to the scheme since it was first submitted. This and two other detached houses on plots 2 and 3 would form the primary built frontage of the site leading to the site access, beyond which would be the retained hedgerow with the principal area of public open space and a surface water attenuation basin located behind.
- 6.10 The primary access road would lead from the new bellmouth junction created on the lane which would then meander through the site, off of which would be a number of spur (secondary) roads and private drives serving the proposed dwellings. The affordable houses (11no) would be located within the eastern corner of the site with each dwelling having at least 2no car parking spaces per plot, some of which would be in the form of garages with internal dimensions of 3m by 7m to meet the Council's adopted standards. An additional 25% parking spaces would be distributed quite evenly across the site for the use of visitors to the development.
- 6.11 The scheme would provide for a range of house types, detached and semi-detached, and would be providing 2, 3 and 4 bedroom units. The average net density would be 26.5 dwellings per hectare (dph) and private rear gardens would generally meet or exceed the standards set out within the Essex Design Guide.
- 6.12 The design of the housing would follow the design cues from the applicant's development to the south of the lane development, and would pay some regard to the Essex vernacular. The submission also provides details of the external finishing materials that would be employed within the scheme; these are to be determined by a number of character areas formed within the development.
- 6.13 The main planning considerations are:
- Principle of Development;
 - Highways, Transport and Access;
 - Design and Layout;
 - Landscape & Visual Impact;
 - Ecology and Nature Conservation;
 - Archaeology;
 - Flood Risk & Drainage;
 - Living Conditions; and
 - Planning Obligations.

Principle of Development

- 6.14 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 significant material consideration in this regard.
- 6.15 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 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 48 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.
- 6.16 As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 6.17 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 6.18 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit adjacent to) the 'settlement development boundary' for Alresford. In the emerging Local Plan it is however included within the settlement development boundary. In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached a relatively advanced stage of the plan-making process and Officers are of the view that the proposal is in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, the allocation of the site for development can carry a reasonable level of weight in the determination of this planning application.
- 6.19 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 73 of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining planning permission in the short-term, in order for them to start delivering new homes from the middle part of the plan period. In addition, the site benefits from an extant outline planning permission (15/00120/OUT allowed on appeal) for the erection of up to 60 dwellings and therefore it is considered that the principle of development on this site is acceptable.

Highways, Transport & Access

- 6.20 Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 6.21 Paragraph 102 of the NPPF requires Councils, when making decisions should ensure:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.22 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site is within walking distance of the convenience store, the primary school and bus stops, as well as the railway station with services to and from Clacton, Colchester and beyond. For a rural location, the site offers a reasonable level of accessibility which is reflected in Alresford categorisation as a Rural Service Centre in the emerging Local Plan.
- 6.23 Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.24 It is acknowledged that some local residents have objected to the proposal with concerns about the development's impact on Cockaynes Lane, general road safety and road capacities in the village. Essex County Council, in its capacity as the Local Highways Authority, has considered the proposal and concluded that it would be acceptable from a highways perspective subject to a number of conditions, the subject of which, as highlighted within the summary of their response are included at the head of this report.
- 6.25 The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The proposed development has been laid out in a manner that adheres to these standards and pays regard to the need to plan for sustainable access for all.
- 6.26 The transport impacts of the development are not considered to be severe and, from this perspective, refusal of planning permission on such grounds would not be justified, particularly bearing in mind the presence of the extent planning permission for up to 60 dwellings. Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

Design and Layout

- 6.27 Paragraph 170 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective

engagement between applicants, communities, local planning authorities and other interests throughout the process.

- 6.28 The proposed quantum of development has increased since the original appeal scheme was submitted, however at an average net density of 26.5 dwellings per hectare (dph) and with private rear gardens meeting or exceeding the standards set out within the Essex Design Guide it would not give rise to an over-development of the site. Furthermore, the Parish Council's views with regard to the scale of the dwellings to the rear of the properties in Station Road are noted, the minimum building to building distance of over 41m between the proposed development and existing dwellings, it is considered that the scheme would not over-dominate its built context.
- 6.29 In addition, with no clearly discernible building form or architectural theme along either the B1027 or Station Road, and with the design of the proposal taking some cues from the Essex Design Guide, Officers consider that the scheme would respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would also assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.30 In totality it is considered that the scale, layout, density, height and massing of buildings and overall elevation design would harmonise with the character and appearance of the surrounding area.

Landscape & Visual Impact

- 6.31 NPPF para. 170 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.32 As highlighted above, the main body of the land is agricultural in nature. The Tree and Landscape Officer has stated that 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 they would be physically protected, the applicant would normally be required to provide a full Tree Survey and Report to show how works associated with the development of the land would be undertaken to avoid having an adverse impact on the long term health and viability of the trees situated on the land.
- 6.33 In this case the protected trees are situated on part of the site allocated as public open space and are not threatened by the development proposal. Therefore such a report is not considered necessary in this instance. However, they advise that should permission be granted then a condition should be attached to ensure that the trees are protected during the construction phase of the development.
- 6.34 The south western boundary of the application site is marked by an established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn and there are old Sweet Chestnut and Ash stumps in the hedgerow that have produced suckering growth. There are several trees on the boundary that form part of the hedgerow: 6no of which are afforded protection by means of a TPO, but would be unaffected by the proposal, provided that adequate measures are put in place to ensure that the site compound and any associated works do not encroach into the Root Protection Areas of the protected trees.

- 6.35 The south eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees; and much of the northern boundary is demarcated by a strong boundary hedgerow abutting the rear gardens of properties fronting the B1027. This hedgerow contains several Oaks and a pollarded Ash that are mature healthy specimens, but as the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order. It would however be desirable if they were to be retained. The western boundary is planted with young, but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak which are not threatened by the development proposal.
- 6.36 As soft landscaping proposals show both the cutting back and removal of sections of the boundary vegetation and new planting to strengthen in other areas to retain the screening benefit that this vegetation provides, the soft landscaping proposals are comprehensive and acceptable.
- 6.37 Because the application site comprises relatively flat land with established landscape features to its boundaries; and as it lies on the western edge of Alresford, with existing development situated along the northern eastern and south eastern boundaries, the locality is therefore already partly residential in character. Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential use, and would inevitably result in a permanent significant effect upon the landscape, but views of this would be localised, particularly bearing in mind the development to the south of the lane. In addition, whilst for a greater number of dwellings, the principle of residential development on this site has already been deemed acceptable.
- 6.38 Therefore, in conclusion on this matter, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to mitigation measures which could be secured through the imposition of appropriate conditions.

Ecology and Nature Conservation

- 6.39 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.40 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.41 An Ecological Impact Assessment (EclA) was submitted with the application, and to inform this, a range of surveys and investigations have been undertaken, including those for habitats, dormice and reptiles. The EclA highlights that the site is dominated by poor semi-improved grassland bounded by hedgerows and trees along the southern, northern and western boundaries; and that the scheme seeks to retain hedgerows and trees wherever practicable, with new hedgerow planting proposed along the eastern boundary and the creation of an attenuation basin within the area of Public Open Space (POS).

- 6.42 The EclA states that potential impacts to dormice and reptiles have been considered with precautionary measures to avoid, minimise or mitigate significant adverse effects set out, alongside those for nesting birds and badgers. Impacts to the nearby Colne Estuary Ramsar/SPA/SSSI and Essex Estuaries SAC have also been considered alongside a review of the Habitat Regulations Assessment (HRA) of Tendring District emerging Local Plan, with appropriate measures proposed to limit adverse effects. Opportunities for enhancement have been included within the scheme to create habitats of ecological importance within public open space and structural landscaping, including new tree planting and grassland.
- 6.43 In respect of bats the EclA states that the boundaries of the site provide potential linear features along which bats could travel and the open grassland provides potential foraging opportunities for bats. The adjacent habitats to the south-west of the site are likely to provide good potential foraging opportunities for bats given the mosaic of habitats and associated invertebrate prey. With regard to an assessment of the likely effects upon bats, the EclA states that new artificial lighting of retained habitat during the construction and operational phases and removal of trees and scrub may lead to adverse disturbance impacts to bats and other nocturnal wildlife, with a reduction of use in these areas. As such, based on the anticipated use of the site by bats, adverse effects significant at the Local level are predicted.
- 6.44 By way of mitigation, the EclA recommends that any new lighting scheme for the site will need to be sensitively designed to minimise illumination of the retained trees, hedgerow and boundary habitats. In addition, new landscaping provided within open space would contribute towards foraging opportunities for local bat populations.
- 6.45 No badger setts have been recorded within/adjacent to the site, however given that badger are known to occur in the local area, coupled with the availability of suitable habitat within/adjacent to the site, it is considered in the EclA that badgers could potentially make use of habitats at the site to forage and dig setts. Therefore, it advises that during the construction phase, badgers are at risk of falling into open excavations or entering open ended pipework (above 150mm diameter), risking an offence under the Protection of Badgers Act 1992. As mitigation, it is stated that measures would be implemented which could be secured via a planning condition.
- 6.46 Dormice are yet to be confirmed as present or likely absent at the site, however, as a precaution, the EclA advises that should this species be identified, consideration of potential effects have been made in respect to the species legislative protection. In the event that dormice were to be confirmed as present, site specific mitigation would be required. Broad mitigation measures are recommended: Enhancement of the retained on-site hedgerows to ensure no net loss of suitable foraging, breeding and hibernating habitat; Management would be implemented to avoid impacts to dormice making use of new habitats; Creation of new habitat suitable for dormice may also be sought to enhance on-site opportunities, including dense tree and/or shrub (including hazel) planting, which a range of native species planted to provide food resources throughout the year.
- 6.47 It goes on to state that the availability of nesting locations is often a limiting factor for dormouse populations. Therefore, dormouse nest boxes would be erected throughout dense boundary hedgerows at the site to increase availability. Field survey work is ongoing at the site, with full methods and results to date provided in the EclA appendices, the dormouse survey is anticipated to be complete by Autumn 2018 and therefore it would be necessary to prevent development, including site clearance and ground works from commencing until the results are received and any mitigation (if necessary) implemented.
- 6.48 The EclA states that no reptiles have been identified at the site to date, however, as a precaution, and given the nearby presence of reptile species and areas of suitable habitat

present at the site, it is taken that an on-site population is present until likely absence has been confirmed. Field survey work is ongoing at the site, with full methods and results to date provided in the EclA and is anticipated to be completed by this summer.

- 6.49 In the event that reptiles are confirmed as present on-site the resulting mitigation measures would be informed by the species present and estimated population class size. Broad mitigation measures have been provided: A suitable receptor area would be provided through the creation of new habitat or, ideally, retention of existing habitat, on-site opportunities for this are well positioned within the area of the proposed POS, including the attenuation basin, much of which is anticipated to remain dry throughout the year. Once a suitable receptor area has become established a phased clearance would be undertaken to displace reptiles from areas of suitable habitat to be lost (i.e. field margin or scrub) and encourage them or translocate into the receptor area.
- 6.50 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the imposition of appropriate conditions.

Archaeology

- 6.51 Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF para. 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Furthermore, para. 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.52 In its glossary, the NPPF highlights that "*There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point.*"
- 6.53 As highlighted by ECC Archaeology, a Desk-Based Assessment has been submitted with the application which takes into account the information from the Historic Environment Record (HER), cropmark data and the information from the archaeological investigation carried out to the south of Cockaynes Lane. Evaluation of this site led to excavation in two discrete areas close to the lane, the features uncovered dated to the late Iron Age and Roman period and prehistoric finds were also recovered, other features were postmediaeval in date. It is therefore likely that some of these agricultural landscape features continue into the proposed development area and that further evidence for settlement and activity may be preserved. It would therefore be appropriate to impose a condition that requires a programme of archaeological evaluation to be carried out; and subject to this, it is considered that the proposal would not give rise to detrimental effects upon Cultural Heritage or Archaeology.

Flood Risk & Drainage

- 6.54 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.55 The site is currently greenfield land and is located within Flood Zone 1, it is therefore at low risk from tidal/fluvial flooding. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.56 Anglian Water state that the foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. However, as it stands the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed.
- 6.57 With regard to surface water, Anglian Water have stated that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H: This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. They state that if these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted.
- 6.58 In relation to this, ECC Flood and Water Management have also objected to the proposal, stating that the Drainage Strategy submitted with this application does not comply with the requirements set out by Essex County Council's Drainage Checklist. Therefore they state that the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. As stated above, Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner. However an appropriate condition can be imposed which requires full details of surface water drainage works to be submitted to and approved in writing by the local planning authority prior to the commencement of development; this would also be in accordance with Anglian Water's request to impose a condition.
- 6.59 From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of drainage matters and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.

Living Conditions

- 6.60 Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.61 With regard to privacy, the Essex Design Guide (EDG) states that "*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*". It goes on to state that "*where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15*

metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”.

- 6.62 The distances between the new dwellings and the rear garden boundaries of dwellings fronting the B1027 and Station Road are in some instances below 15m, however due to the deep rear gardens of those properties the building to building distances would be far in excess of the EDG standard ranging from a minimum of 41.01m to 108.29m. The proposals would ensure that the living conditions of existing residents would be protected from overlooking, a loss of outlook and daylight/sunlight.
- 6.63 Furthermore, the submission indicates how landscaping would be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that the detailed layout has been designed in a manner which achieves an appropriate relationship with the existing dwellings whilst being sympathetic to the character of the surrounding area and the wider landscape. All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

Planning Obligations

- 6.64 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to any previously cited within this report) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.65 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 56 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.66 Section 8 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.67 Planning permission 15/00120/FUL, was allowed on appeal by APP/P1560/W/16/3149457 pursuant to a S106 agreement which included the following Heads of Terms: Affordable Housing – 3no units to be gifted to the Council; Education Contribution – Early Years and Childcare, Primary school, and Secondary school transport contributions; Healthcare – towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and Open Space – the transfer of land to the Council and payment of contributions towards maintenance and play equipment. Bearing in mind that these relate to an extant permission, it is considered that it would be unreasonable to request additional planning obligations, with the exception of an increase in contributions/provisions to reflect the uplift in unit numbers from up to 60no to 84no.

Affordable Housing

- 6.68 Para. 62 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.69 Adopted Policy HG4 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, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.
- 6.70 As explained above, the extant planning permission requires that 3no affordable houses be gifted to the Council, this was an alternative to providing 25% of dwellings to be constructed and transferred to a Registered Provider at a time when Housing Association involvement was 'stalling' the commencement of some sites and gifting was the only way to get development moving. The applicant had been given advice from the Council's housing section and submitted the application soon after, but had been caught out by circumstances that resulted in a shift back to the adopted policy of providing affordable housing on-site at 30%.
- 6.71 Officers have worked with the applicant, who has agreed to provide 30% affordable housing on the uplift of 24 units which would equate to 8no dwellings. Combined with the 'gifted' 3no units, the scheme would give rise to a total of 11 affordable houses. This is a slightly unusual situation, and it is extremely unlikely that this combination of circumstances would occur at any other site within the District, this approach must therefore be considered to be a 'one-off' to reflect the very special circumstances surrounding the site and the time the application was submitted.

Education

- 6.72 NPPF paragraph 94 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.73 Policy COM26 of the adopted Local Plan and Policy PP12 of the draft Local Plan require the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions.
- 6.74 Early Years and Childcare - The proposed development is located within the Alresford Ward, and according to Essex County Council's childcare sufficiency data, there are 6 providers showing 2 vacancies across the Ward. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed, therefore a contribution of £131,710 is required to mitigate the development impact on local early years and childcare provision.
- 6.75 Primary Education - The development sits within the priority admissions area of Alresford Primary School, which currently has an official capacity of 143 places. The School is at or close to capacity in most year groups and has agreed to take thirty reception age pupils this

September. Essex County Council's '10 year plan' to meet demand for school places, alludes to permanent expansion of the School the following year. Looking at the wider area (Tending Primary Group 3) forecasts suggest a need for further expansions with 64 additional reception places having to be found by the end of the 10 Year Plan. Based on the demand generated by this proposal, a developer contribution of £385,081 is sought to mitigate its impact on local primary school provision.

- 6.76 Secondary Education - The proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to the Essex County Council's document 'Commissioning School Places in Essex' by the academic year commencing September 2021 it will require 99 additional places. Based on the demand generated by this proposal a developer contribution of £389,995 is sought to mitigate its impact on secondary school provision.
- 6.77 Secondary School Transport - The secondary school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school. The cost is estimated at £3.65 per pupil for secondary school transport for 195 days per year. It is practice to seek costs for a 5 year period. Based on the demand generated by the proposal a transport contribution of £59,787 is required.

Healthcare

- 6.78 NPPF paragraphs 91 and 92, amongst other things, state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 6.79 Policy COM24 of the adopted Local Plan and Policy HP1 of the draft Local Plan support developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking; and require financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.
- 6.80 The proposed development is likely to have an impact on the services of the Coach Road Branch Surgery (part of the Colne Medical Centre) operating within the vicinity of the application site. The GP practice and branch surgery do not have capacity for the additional growth resulting from this development which could generate approximately 176 residents and subsequently increase demand upon existing constrained services. The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Coach Road Branch Surgery (Colne Medical Centre), a proportion of the cost of which would need to be met by the developer.
- 6.81 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £27,800.

Public Open Space

- 6.82 NPPF paras. 91 and 92, amongst other things, state that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Policy COM6 of the adopted Local Plan and Policy HP5 of the draft Local Plan require residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

- 6.83 The site area is 3.93 Ha, 10% of which would equate to 3,930 square metres (sq.m.). The submitted Development Layout plan identifies a net area of 5,294 sq.m., excluding the surface water attenuation area of 1,969 sq.m. thereby exceeding the policy requirements, this is in addition to with financial contributions being made to the Council towards future maintenance and play equipment.
- 6.84 The above obligations are summarised here and overall, it is considered that they satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind:
- 1) **Affordable Housing** – 11no units to be transferred to a Registered Provider;
 - 2) **Education** - Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
 - 3) **Healthcare** – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
 - 4) **Public Open Space and equipped play areas** - To be transferred to Council and laid out before transfer; with a financial contribution towards future maintenance.

Planning Balance/Conclusion

- 6.85 This is an application for Full Planning permission, following the grant of 15/00120/FUL on appeal for up to 60 dwellings on land to the north of Cockaynes Lane.
- 6.86 NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para. 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.87 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site benefits from an extant planning permission and therefore the principle of residential development on this site is acceptable.
- 6.88 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 6.89 In addition, Officers are content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing, including affordable housing within the District.

Background Papers

None.

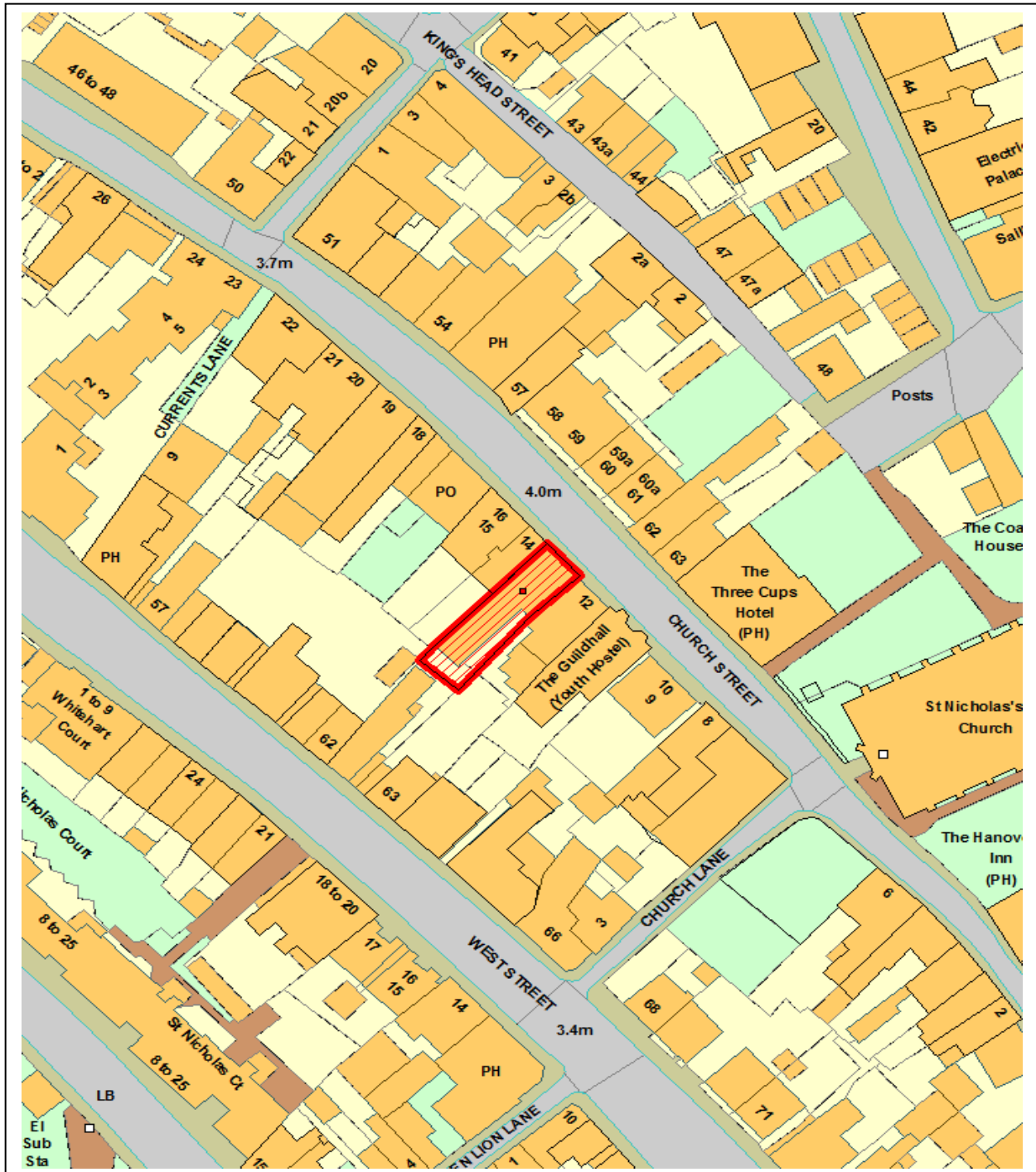
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PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 18/00827/FUL - 13 CHURCH STREET, HARWICH, CO12 3DS.



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Application:	18/00827/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr Elonge	
Address:	13 Church Street, Harwich, CO12 3DS	
Development:	Proposed change of use from C3 (Dwellinghouse) to C4 (House In Multiple Occupation).	

1 **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Councillor Ivan Henderson.
- 1.2 The application seeks planning permission to convert a 5 bedroom dwelling into a 6 bedroom house of multiple occupation (HMO) (internal alterations to create 1 additional bedroom). The property would be restricted to accommodating 6 adults only. The use of a building by six unrelated individuals sharing basic amenities falls within use class C4 (Houses in Multiple Occupation) and such a change of use from a single dwelling would not normally require planning permission under the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended). However, the Council has adopted a district wide Article 4 Direction which restricts residential dwellings being converted from residential to a house in multiple of occupation without first obtaining planning permission in order to retain control over the conversion of buildings into HMOs. The Article 4 Direction does not mean that HMOs are unacceptable in principle. They fall to be considered on their merits against the relevant planning policies.
- 1.3 The property is 13 Church Street a terraced property within Harwich Town. The property lies in a very mixed commercial and residential area, in the heart of the Town Centre along Church Street in between Church Lane and Currents Lane.
- 1.4 The site lies within the defined Settlement Development Boundary and Conservation Area of Harwich and adjoins the Grade II Listed Building at number 14. The site also lies within Flood Zone 3 (high risk).
- 1.5 The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the council should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Saved Policy HG10 (Flats/Bedsits) of the adopted Tendring District Local Plan (2007) is the most relevant policy to assess the development against. This policy sets out a number of criteria against which the merits of the proposal can be assessed. The equivalent within the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) is Policy LP11.
- 1.6 The site is considered to be located in a highly sustainable location in close proximity to local facilities and public transport links. Having regard to the criteria listed under saved Policy HG10 and emerging Policy LP11 it is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and amenity space. The proposal is therefore in accordance with the development and is recommended for approval.

Recommendation: Approval

Conditions:

1. Time Limit – 3 years commencement
2. Occupation by adults only and no more than 6 residents at any time.
3. Provision of enclosed refuse bins prior to occupation
4. Details of covered and secure bike storage for 6 occupants
5. In accordance with approved plans
6. Obscure glazing to first floor, side facing window provided and retained
7. In accordance with Flood Evacuation Plan

2 Planning Policy

National Planning Policy

National Planning Policy Framework
National Planning Practice Guidance

Tendring District Local Plan 2007

QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
HG1	Housing Provision
HG3	Residential Development Within Defined Settlements
HG9	Private Amenity Space
HG10	Conversion to Flats and Bedsits
EN23	Development Within the Proximity of a Listed Building
EN17	Conservation Areas
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR7	Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PPL1	Development and Flood Risk
LP1	Housing Supply
LP3	Housing Density and Standards
LP11	HMO and Bedsits
PLA8	Listed Buildings
PLA7	Conservation Areas
CP1	Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Houses in Multiple Occupation (HMO) Essex Approved Code of Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF 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.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

3 Relevant Planning History

91/01217/FUL	Restaurant and Sandwich Takeaway Cafeteria.	Approved	11.12.1991
92/00084/FUL	Restaurant and sandwich takeaway cafeteria (resubmission of application No. TEN/91/1217 incorporating details of internal works)	Approved	31.03.1992
92/00085/FUL	Proposed change of use of basement to form restaurant	Approved	31.03.1992
93/00059/FUL	Extend opening hours until 11.00 p.m. (variation to Condition 3 of TEN/92/0084 and TEN/92/0085)	Approved	09.03.1993

01/01066/FUL	Change of use: existing:- restaurant with residential flat above; proposed:- two houses	Approved	22.08.2001
01/02114/FUL	Alteration to front elevation	Approved	15.02.2002
05/02029/FUL	Change of use of restaurant to residential	Approved	13.01.2006

4 Consultations

Licensing Section

This use to be a premises but the licence was surrendered in 2006.

No further comments.

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

Informative1: The Highway Authority observes that this proposal is in a relatively sustainable location however it is also noted that the proposal fails to meet the requirements of the current Parking Standards.

Environmental Protection

Environmental Protection has no adverse comments to make on this application.

Waste Management

Proposed refuse area to be of sufficient size to accommodate bulk bins for both refuse and recycling provisions.

Route from the refuse area to the kerbside via the rear garden entrance/exit to be of level ground with no steps and constructed of hard standing to ensure free movement of the bulk bins.

Building Control and Access Officer

No adverse comments at this time.

Environment Agency

No comments considered necessary given the nature of the application.

5 Representations

- 5.1 Councillor Henderson raises concerns with rights of access to the rear, parking provision, fire escape and refuse store areas.

5.2 Harwich Town Council object on the following grounds:

- Use of rear access is only amenity area for 62a which will be shared by bicycles and wheelie bins
- Overdevelopment
- Inappropriate development
- Will set a precedent for conversion of other large properties
- Lack of parking
- Fire escape via small passage only
- Essex County Council Fire Officer should be consulted

5.3 21 letters of objection (including Harwich Town Residents Association and The Harwich Society) (some from same addressee) have been received. The concerns raised can be summarised as follows:

- Rear passageway not suitable for free movement of bins or refuse collection
- Rear passageway not suitable for free movement of bicycles
- Right of access through narrow passage will result in damage to the property and outside space
- Overdevelopment with potential for up to 12 adults living there
- Occupancy periods could be irregular
- Noise and disturbance from comings and goings at all hours
- Noise and disturbance from excessive number of occupants
- Exacerbate existing parking issues/lack of parking
- Harm to peaceful enjoyment of our home and quality of life
- Security issues
- Covenant over right of way
- Negative impact on the conservation area and historic building
- Negative impact on community events at the Guildhall/tourism
- Worry that the occupants will have drug or alcohol addiction problems or mental health issues
- Strain on drainage system from high level of occupants
- Overlooking and loss of privacy
- Lack of refuse/outdoor/amenity space
- Exacerbate vermin problem
- Loss of business use at ground floor
- Strain on already overstretched doctors and schools
- Will set a precedent for conversion of other large properties
- No fire evacuation/emergency exits

6 Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle/Policy Considerations;
- Impact on Heritage Assets; and
- Flood Risk.

Site Context

- 6.2 The application site is 13 Church Street within Harwich Town. The property lies on the western side of Church Street in a mixed commercial and residential area, within the Town Centre Boundary between Church Lane and Currents Lane.
- 6.3 The site lies within the defined Settlement Development Boundary and Conservation Area of Harwich and adjoins the Grade II Listed Building at number 14. The site also lies within Flood Zone 3.
- 6.4 The premises currently consists of; a basement; a large kitchen/dining room and living room at ground floor level; a second kitchen, bathroom and lounge area plus a store room and lobby area and 2 double bedrooms at first floor level; and 3 double bedrooms at second floor level.
- 6.5 The property is mainly of brick construction with a rendered façade with large glazed windows and 2 entrances at ground floor. To the rear of the site is a large parking court area to the rear of the properties fronting Church Street and West Street. The plans also show an existing rear garden access that leads to a shared underpass/passageway between numbers 63 and 62A West Street.
- 6.6 The application site is located in close proximity to a bus stop on West Street and Harwich Town Railway Station. The site is within easy walking distance of recreational areas and many amenities.

Proposal

- 6.7 This application proposes the change of use of the property into a 6 double bedroom house of multiple occupation. The proposed accommodation is split as follows:
- Basement:
 - Utility/Games room
 - Ground Floor:
 - Kitchen/Dining
 - Lounge Areas
 - First Floor:
 - Bedroom 1 with ensuite and area for fridge freezer
 - Bedroom 2 with area for fridge freezer
 - Bedroom 3 with ensuite and area for fridge freezer
 - Bedroom 4 with ensuite and area for fridge freezer
 - Bathroom
 - Lobby/Landing area
 - Second Floor:
 - Bedroom 5 with ensuite and area for fridge freezer
 - Bedroom 6 with area for fridge freezer
 - Bathroom
- 6.8 Access to the rear garden area for all rooms can be achieved via a gated side passage. Rooms 2 and 3 also have private access.
- 6.9 The rooms would be occupied by a single adult only resulting in maximum of 6 people residing within the building at any one time.
- 6.10 The use of a building by six unrelated individuals sharing basic amenities falls within use class C4 (Houses in Multiple Occupation) and such a change of use from a single dwelling

would not normally require planning permission. However, the Council has adopted a district wide Article 4 Direction which restricts residential dwellings being converted from residential to a house in multiple of occupation without first obtaining planning permission. The Article 4 Direction does not mean that HMOs are unacceptable in principle. They fall to be considered on their merits against the relevant planning policies.

Principle of Development/Policy Considerations

- 6.11 The National Planning Policy Framework 2018 (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the council should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It is important to help create mixed and inclusive communities, which offer a choice of housing and lifestyle. It does not accept that different types of housing and tenures make bad neighbours. As such local planning authorities should encourage the development of mixed and balanced communities: they should ensure that new housing developments help to secure a better social mix by avoiding the creation of large areas of housing of similar characteristics.
- 6.12 Given the current shortage of affordable homes in the district, houses in multiple occupation play a key role in providing short term accommodation for sections of society, which the NPPF is supportive of.
- 6.13 The most relevant planning policy to this proposal is saved policy HG10 of the adopted Tendring District Local Plan (2007) concerning the conversion of buildings into flats/bedsits. This is a criteria based policy and below the merits of each criterion is assessed.
- 6.14 (i) – the existing building, if a dwelling, has a gross floor area, as originally constructed of 110 sqm or more.
- 6.15 The accommodation provided totals over 200 sqm in size (still over 110 sqm if discounting the rear portion of the building which appears to be a later addition). Furthermore, the bedrooms are all of a good size ranging from 10.28 sqm to 25.50 sqm which is relatively large for a HMO. As such this criterion is met.
- 6.16 (ii) – it does not involve the sub-division of one or more family dwelling houses within a frontage of entirely single family housing.
- 6.17 Church Street does not contain solely single family dwellings. The road contains a number of existing retail outlets and commercial premises together with the Guildhall. The character of the area is also made up of purpose built flats or conversions. Consequently, the conversion of the property to a HMO would not be out of character in this location.
- 6.18 (iii) – it does not involve the total or partial conversion to bedsitting rooms and an intensity of use likely to harm the character or appearance of the dwelling or the locality or the amenities of adjoining residents or occupiers of the building.
- 6.19 A bedsit is defined as a room used for sleeping where some of the basic facilities for food preparation and hygiene are provided within the room, whereas a bedroom in the HMO sense is a room within a building used for sleeping which does not contain any of the basic facilities. The facilities are provided in a separate room and are shared with other occupiers or provided in separate room exclusively for the occupant.
- 6.20 In this instance, the layout shows that 4 of the 6 bedrooms are provided with their own bathroom facilities and all rooms are provided with areas for food storage. There are 2 further bathrooms serving the 2 further bedrooms. The communal lounge, dining and recreational areas are substantial in size. Therefore, some rooms could be defined as

bedsits and the communal areas provided are of a high standard. In respect of the amenity level of the rooms provided each room is served by at least one window providing a good level of light. In terms of size, the rooms are in excess of the minimum bedroom size of 8.5sqm outlined in the Essex County Council Code of Practice for HMOs (2012).

- 6.21 (iv) – the external appearance as a dwelling house would be maintained and any proposed extension works would not materially harm the character or appearance of the building or locality or the amenity of residents.
- 6.22 Due to no external changes taking place to the building, the impact of the proposals upon the character and appearance of the locality would be minimal. In terms of local resident's amenity, the fact the proposal would not be significantly different to a standard house to house relationship, given that only 6 residents would reside in the building, the impact upon local residents in respect noise/disturbance would be minimal. In this respect, the Council's Environmental Health Department have no objections. A condition will be imposed to ensure that the first floor side facing window is obscure glazed in perpetuity to minimise any overlooking or loss of privacy from this communal hallway area at the top of the stairs.
- 6.23 (v) – highway safety, residential amenity and the character or appearance of the street frontage are not adversely affected by arrangements for off-street parking and vehicular access.
- 6.24 As stated above, no external changes are proposed to the building or its frontage. The existing dwelling has no dedicated off street parking provision.
- 6.25 Essex County Council Highways have raised no objection on the basis that the site is located within a highly sustainable location subject to cycle storage being provided.
- 6.26 Given that occupiers of HMOs tend to have very low levels of car ownership and the fact that the site is in close to local shopping facilities and transport routes no parking provision is considered to be acceptable in this regard. It is felt that the location of the site; so close to the town centre and associated public transport links, offers the opportunity for occupation by householders without cars. This stance is consistent with appeal decisions relating to HMOs where inspectors have allowed car free development in areas close to local facilities. On-street parking is also available. Details of secure bicycle storage will also be sought via condition to promote the use of sustainable forms of transport.
- 6.27 (vi) – there is an appropriate private rear amenity area in accordance with saved policy HG9.
- 6.28 Saved Policy HG9 requires 25 square metres of communal amenity space per flat for the provision of clothes drying facilities, refuse bins and sitting out areas, but does not stipulate a total in respect of HMOs. The rear amenity space in this instance measures approximately 50 sqm in size, is private in nature and provides bin and cycle storage. The property could be occupied as a dwelling currently and the area is very built up in character. The proposal provides ample communal living spaces and is located in close proximity to recreational areas. In this regard the garden size is considered sufficient to serve a 6 bedroom HMO.
- 6.29 (vii) – the layout minimises possible noise disturbance to adjoining residents.
- 6.30 The proposed layout is not significantly different to the existing with the first floor kitchen and lounge areas being converted into bedrooms. The layout therefore restricts the communal/socialising areas to the basement and ground floor minimising noise and disturbance to adjoining rooms at neighbouring properties. The proposal is for 6 adults only as restricted by condition again minimising any impact on neighbouring amenities.

- 6.31 The development is considered to meet the criteria set out in saved policy HG10. The 6 bedrooms and the communal kitchen space provided exceed the minimum standards set out in the Essex County Council HMO guidelines. In this instance, the property currently consists of a 5 bedroom dwelling that could be occupied by a family consisting of parents and their children amounting to 6 occupants or more. The proposal would result in a 6 bedroom HMO with each room occupied by a single person only amounting to 6 in total. The proposal is not a significant change and will not result in a harmful impact on the character of the area or a significantly detrimental impact on residential amenities.

Impact on Heritage Assets

- 6.32 The site is located within Harwich Conservation Area and adjoins the Grade II listed number 14 Church Street. The intended use is not significantly different to how the existing premises could be occupied. The proposal does not involve any external alterations to the building that would impact upon the character or appearance of the conservation area. The use itself is considered acceptable for the reasons set out above and will therefore preserve the character of the conservation area and the setting of the neighbouring listed building.

Flood Risk

- 6.33 The site is located within Flood Zone 3 (high risk). The proposal does not alter the nature of the use or increase the vulnerability classification. The number of occupiers is comparable to the existing use and there are no bedrooms being created within the basement or ground floor levels. Furthermore, the application is accompanied by a Flood Evacuation Plan which will be secured by condition.
- 6.34 The Environment Agency has no objection to the proposal which is therefore considered acceptable on flood risk grounds.

Background Papers

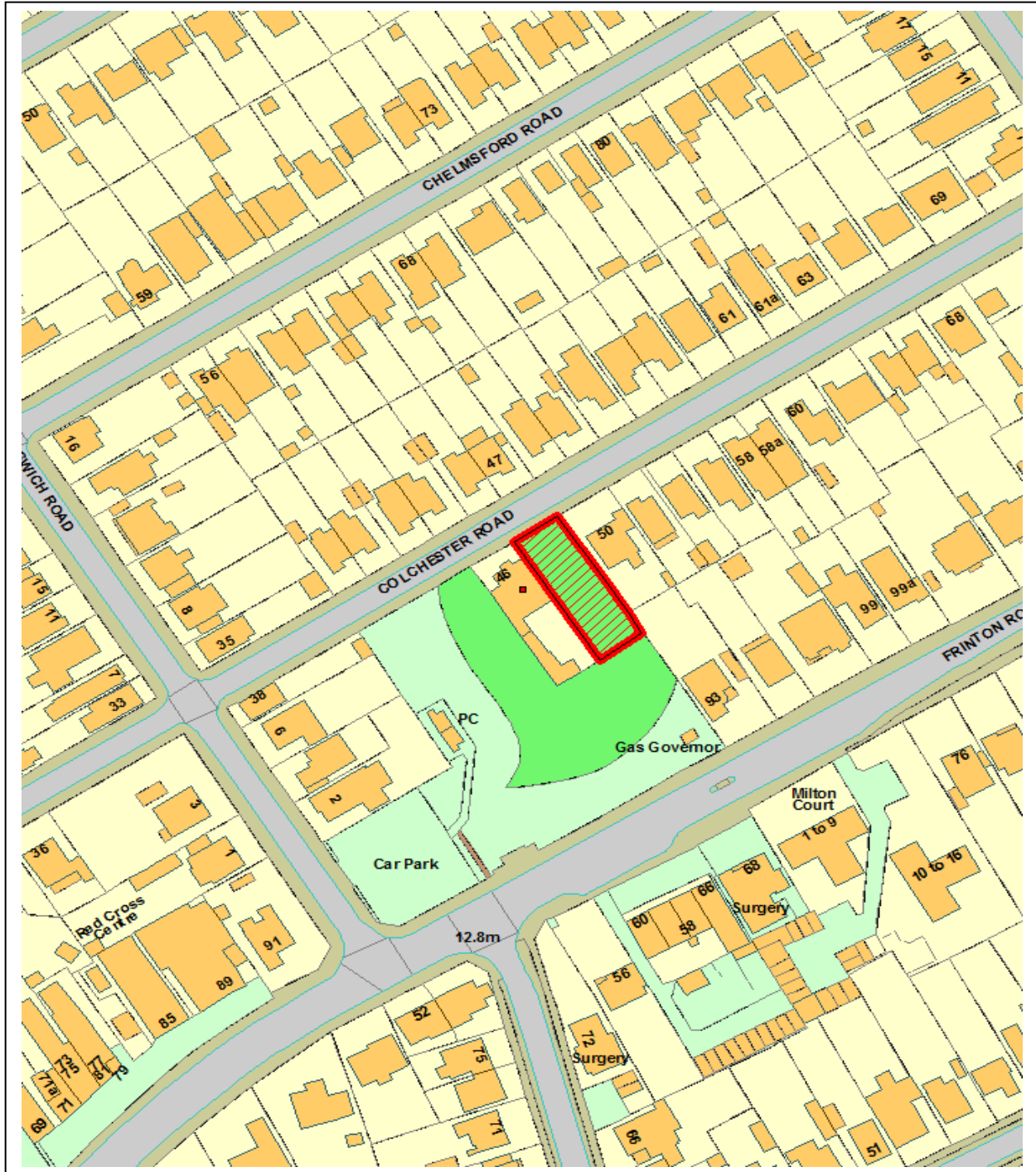
None.

PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION – 18/00734/OUT – 48 COLCHESTER ROAD, HOLLAND ON SEA, CO15 5DG.



DO NOT SCALE

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Application:	18/00734/OUT	Town / Parish: Clacton-on-Sea – Non Parished
Applicant:	Miss Vidmante Minkeviciute	
Address:	48 Colchester Road, Holland On Sea, CO15 5DG	
Development:	Outline application with all matters reserved for the construction of 1 dwelling.	

1 Executive Summary

- 1.1 This application is to be determined by the Planning Committee as the applicant is Tendring District Council and the proposal results in the loss of protected open space.
- 1.2 The application site is located within the defined Settlement Development Boundary for Holland-on-Sea, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 1.3 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to detailed considerations.
- 1.4 Policy COM7 of the Adopted Tendring Local Plan 2007 states development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space, including children’s play areas, informal open space, parks and public gardens. Whilst it is accepted the application site falls within an area of protected open space within both the adopted and emerging local plans, the majority of the protected open space will remain, with a safer means of access approximately 10 metres to the south-west. Further, the site itself is currently overgrown and provides limited opportunities to access the main area of open space, whilst either side of the site are residential dwellings. Therefore, on balance, the small loss of protected open space is not significantly harmful.
- 1.5 The proposed dwelling is visually acceptable, will result in no significant harm to local wildlife, local landscape or neighbouring properties, and represents no highway safety risk.

Recommendation: Approval

Conditions:

1. Reserved Matters standard conditions;
2. Approved plans;
3. Submission of a Construction Method Statement; and
4. Adhere to the recommendations within the Preliminary Ecological Appraisal.

2 Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

COM7 Protection of Existing Recreational Open Space Including Children's Play Areas and Pitch and Non-Pitch Sports Facilities

EN1 Landscape Character

EN6 Biodiversity

HG1 Housing Provision

HG3 Residential Development within Defined Settlements

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

LP1 Housing Supply

LP2 Housing Choice

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

3 Relevant Planning History

N/A

4 Consultations

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to first occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

2. No unbound materials shall be used in the surface treatment of the

proposed vehicular access within 6m of the highway boundary / throughout.

3. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

4. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

5. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

6. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

**Tree and Landscape
Officer**

The application site currently forms part of a public open space that is owned and maintained by Tendring District Council. The site is well populated with mature trees comprising primarily Hawthorn with some Elder.

The site currently fulfils the function of public open space by providing a pleasant green gap in the existing settlement pattern. It is clear that the mown areas on the application site are currently being used route between Colchester Road and the land further to the south west. The development of the land appears to necessitate the removal of all of the trees on the application site and would result in the loss of public open space in Holland on Sea.

Although the trees on the land make a positive contribution to the appearance of the area their amenity value as individual trees or as a group is not so great that they merit formal legal protection by means of a tree preservation order.

Should planning permission be likely to be granted then consideration should be given to the retention of trees in the section of the application site forming part of the rear garden. This would enhance the appearance of the proposed dwelling by softening views of the

development from the remaining part of the public open space.

5 Representations

- 5.1 Holland-on-Sea is non-parished so no comments are required.
- 5.2 No other letters of representation have been received.

6 Assessment

Site Context

- 6.1 The application site is located on the southern side of Colchester Road within Holland-on-Sea. The site measures approximately 0.04 hectares in size and is currently an empty site overgrown with mature vegetation. The surrounding area is characterised by a number of detached and semi-detached residential properties, which are predominantly single storey. To the south-west is an area of public open space with adjoining public conveniences and a car park, all within Tendring District Councils ownership.
- 6.2 The site falls within the Settlement Development Boundary for Holland-on-Sea, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Proposal

- 6.3 This application seeks outline planning permission with all matters reserved for the erection of one detached dwelling.

Principle of Development

- 6.4 The application site is located within the defined Settlement Development Boundary for Holland-on-Sea, as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.5 Policy HG3 of the Adopted Tendring Local Plan 2007 and Policy SPL2 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft states that there is a general presumption in favour of new development within defined development boundaries of towns and villages, subject to detailed consideration against other relevant Local Plan policies. The principle for residential development is therefore acceptable subject to the detailed consideration below.
- 6.6 Policy COM7 of the Adopted Tendring Local Plan 2007 states development proposals will not be permitted that would prejudice the use or involve the loss of recreational open space, including children's play areas, informal open space, parks and public gardens. Whilst it is accepted the application site falls within an area of protected open space within both the adopted and emerging local plans, the majority of the protected open space will remain, with a safer means of access approximately 10 metres to the south-west. Further, the site itself is currently overgrown and provides limited opportunities to access the main area of open space, whilst either side of the site are residential dwellings. Therefore, on balance, the small loss of protected open space is not significantly harmful.

Layout, Design and Appearance

- 6.7 The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate

satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

- 6.8 The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application. However, an indicative layout has been submitted which demonstrates the dwelling will be detached and accessed via Colchester Road to the north.
- 6.9 The existing building line to this section of Colchester Road is particularly strong and linear, with examples of both detached and semi-detached residential dwellings. Against this backdrop and given the character of the development around the site, the indicative siting of the dwelling would help to strengthen this existing pattern of development and would be acceptable.
- 6.10 The surrounding properties to both the north-east and south-west are all single storey bungalows. Whilst the indicative design does not show any elevational drawings, it would be expected that any future detailed application would ensure the dwelling would also be single storey in order to adhere to the areas existing character.
- 6.11 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms but does demonstrate there is approximately 200sqm of private amenity area, thereby adhering to the above measurements.

Impact on Neighbouring Amenities

- 6.12 Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).
- 6.13 Whilst the application is in outline form with all matters reserved, 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.

Highway Safety

- 6.14 Essex County Council Highways have been consulted. They raise no objections subject to conditions relating to the width of the vehicular access, the use of no unbound materials, the submission of a car parking and turning area, any future garage being sited a minimum of 6m from the highway boundary and the submission of a Construction Method Statement.
- 6.15 Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.
- 6.16 Access is a reserved matter so the detail of access and parking will be considered at reserved matters stage. However, the indicative site layout demonstrates sufficient space for two parking spaces meeting the above requirements. A condition requiring submission

of a Construction Method Statement is recommended as this relates to the principle of development.

Tree and Landscaping Impacts

- 6.17 The application site forms part of a public open space, is well populated with mature trees comprising primarily Hawthorn with some Elder, and provides a pleasant green gap in the existing settlement pattern.
- 6.18 The development would appear to necessitate the removal of all of the trees on the application site and would result in the loss of public open space within Holland-on-Sea. However, whilst the trees make a positive contribution to the appearance of the area, their amenity value as individual trees or as a group value are not so great as to merit formal legal protection by means of a Tree Preservation Order.
- 6.19 Landscaping is a reserved matter so will be covered at a later stage. However, it would be expected that within this, consideration be given to the retention of trees that would form part of the rear garden area.

Biodiversity

- 6.20 Due to the nature of the site vegetation and the surrounding area, a Phase 1 Habitat Survey was required to identify potential ecological constraints and opportunities.
- 6.21 The submitted Phase 1 Habitat Survey concludes that no significant ecological constraints were identified that would adversely affect the proposed development of the site which is of low ecological value.
- 6.22 However, without a mitigation strategy the proposed works would be expected to result in a net loss for biodiversity, and therefore it is recommended that a condition be attached to ensure mitigation measures and suggested enhancements incorporated into the layout to enhance the value of the site for local wildlife, resulting in a net gain for biodiversity.
- 6.23 These highlighted measures include the following:
- Inclusion of a soft landscaping scheme including the planting of new trees and hedgerows using native species;
 - warm-white lights with UV filters should be fitted as close to the ground as possible;
 - The installation of one integrated bat box;
 - Any works affecting bird nesting habitat such as management of scrub and trees would ideally need to be conducted outside of the main nesting season, which lasts from March to August. If works are planned during the bird nest season then a precautionary check of all habitats should be conducted by a qualified ecologist immediately prior to starting any work. If any nesting birds are found, an appropriate protection zone from the nest will be required and should be maintained until the young have fledged;
 - The installation of one integrated swift box, one integrated house sparrow terrace and one small bird box on a tree on site;
 - Vegetation on site should be cut and maintained short (maximum height of 10cm) until the start of works, to discourage animals from using these areas;
 - Any excavations on the construction site should be covered during the night to prevent animals from falling in;
 - Lighting of the construction site at night should be minimised as far as practicable, to reduce the risk of possible disruption to nocturnal animals such as bats and badgers; and
 - Construction materials should be stored off the ground on pallets, to prevent providing shelter for animals and subsequent harm when materials are moved.

Conclusion

- 6.24 The principle of residential development in this location is acceptable and subject to conditions there is not considered to be any visual harm, harm to neighbouring amenities, harm to local wildlife or result in highway safety concerns. Therefore the application is recommended for approval.

Background Papers

None.

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