



PLANNING COMMITTEE

DATE: Tuesday, 7 June 2022
TIME: 6.00 pm
VENUE: Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor White (Chairman)
Councillor Alexander
Councillor Baker
Councillor Codling
Councillor Fowler

Councillor V Guglielmi
Councillor Harris
Councillor Placey
Councillor Wiggins

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. 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.

This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio-record, and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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DATE OF PUBLICATION: Wednesday, 25 May 2022

AGENDA

1 Vice-Chairman of the Planning Committee

The Leader of the Council (Councillor Stock OBE) has recently appointed Councillor Jeff Bray to serve on the Cabinet as the Planning Portfolio Holder and, as a consequence of that appointment, Councillor Bray has ceased to be both a member of the Planning Committee and its Vice-Chairman.

The Planning Committee is therefore required to fill this vacancy by electing a successor Vice-Chairman for the remainder of the 2022/2023 Municipal Year.

2 Apologies for Absence and Substitutions

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

3 Minutes of the Last Meeting (Pages 1 - 18)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 10 May 2022.

4 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.

5 Questions on Notice pursuant to Council Procedure Rule 38

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.

6 Report of Acting Director (Planning) - A.1 - Planning Application 17/01229/OUT - Land adjacent and to the rear of 755 and 757 St Johns Road, Clacton-on-Sea, CO16 8BJ (Pages 19 - 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 Report of Acting Director (Planning) - A.2 - Planning Application 16/02039/OUT - Land off London Road, Clacton-on-Sea (Pages 63 - 110)

Outline planning application for 220 Self-Build and Custom-Build dwellings, including 67 Affordable dwellings, with accesses off London Road.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 6.00 pm on Tuesday, 5 July 2022.

INFORMATION FOR VISITORS

PUBLIC ATTENDANCE AT PLANNING COMMITTEE MEETINGS

Welcome to this evening's meeting of Tendring District Council's Planning Committee.

This is an open meeting which members of the public can attend to see Councillors debating and transacting the business of the Council. However, please be aware that, unless you have registered to speak under the Public Speaking Scheme, members of the public are not entitled to make any comment or take part in the meeting. You are also asked to behave in a respectful manner at all times during these meetings.

Members of the public do have the right to film or record Committee meetings subject to the provisions set out below:-

Rights of members of the public to film and record meetings

Under The Openness of Local Government Bodies Regulations 2014, which came into effect on 6 August 2014, any person is permitted to film or record any meeting of the Council, a Committee, Sub-Committee or the Cabinet, unless the public have been excluded from the meeting for the consideration of exempt or confidential business.

Members of the public also have the right to report meetings using social media (including blogging or tweeting).

The Council will provide reasonable facilities to facilitate reporting.

Public Behaviour

Any person exercising the rights set out above must not disrupt proceedings. Examples of what will be regarded as disruptive, include, but are not limited to:

- (1) Moving outside the area designated for the public;
- (2) Making excessive noise;
- (3) Intrusive lighting/flash; or
- (4) Asking a Councillor to repeat a statement.

In addition, members of the public or the public gallery should **not** be filmed as this could infringe on an individual's right to privacy, if their prior permission has not been obtained.

Any person considered being disruptive or filming the public will be requested to cease doing so by the Chairman of the meeting and may be asked to leave the meeting. A refusal by the member of the public concerned will lead to the Police being called to intervene.



PLANNING COMMITTEE MEETINGS PUBLIC SPEAKING SCHEME March 2021

This Public Speaking Scheme is made pursuant to Council Procedure Rule 40 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?

Public meeting of the Council's Planning Committee are normally held every 4 weeks at 6.00 pm in the Committee Room at the Town Hall, Station Road, Clacton-on-Sea CO15 1SE.

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

1. 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 to speak is allowed;
2. 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 to speak is allowed;
3. 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 to speak is allowed;
4. 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 to speak is allowed;
5. 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 to speak is allowed;

In accordance, with Council Procedure Rule 36.1, this Public Speaking Scheme takes precedence and no other Member shall be entitled to address or speak to the Planning Committee under Rule 36.1; and

6. 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 may be 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, in their absence, the Vice-Chairman 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 686007) during normal working hours on any weekday after the reports and agenda have been published; or

Email: democraticservices@tendringdc.gov.uk

OR

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

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 paragraphs 2 or 3 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 will debate, move motions and vote

Normally, the Committee will determine the matter, but sometimes the Councillors will decide to defer determination, in order 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 material change in the application which requires representations to be made. The Executive Summary section of the Planning Committee Report should 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,
Town Hall, Station Road, CLACTON-ON-SEA, Essex CO15 1SE
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.

As approved at the meeting of the Full Council held on 16 March 2021

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY, 10TH MAY, 2022 AT 6.00 PM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors White (Chairman) (except item 6), Alexander, Baker, Codling, Fowler (in the Chair for item 6)(except items 9 & 10(part)), V E Guglielmi and Harris (except item 7)
Also Present:	Councillors Bush, P B Honeywood (items 7 – 10 only) and Land
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer) (except items 9 & 10), Gary Guiver (Acting Director (Planning))(except item 8), Graham Nourse (Assistant Director (Planning)), Joanne Fisher (Planning Solicitor), Jacob Jaarsmar, (Planning Team Leader), Susanne Chapman-Ennos (Planning Team Leader), Michael Pingram (Planning Officer), Emma Haward (Leadership Support Officer) and Matthew Cattermole (Communications Assistant)
Also in Attendance:	Matthew Bradley (Essex County Council Highways Department)

1. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed the Committee that Councillor Bray was no longer a member of the Committee and that Councillor V E Guglielmi had replaced him.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillors Placey and Wiggins, with no substitutions.

3. MINUTES OF THE MEETINGS OF THE COMMITTEE HELD ON 30 MARCH AND 12 APRIL 2022

It was moved by Councillor Harris, seconded by Councillor Alexander and **RESOLVED** that the minutes of the meeting of the Committee held on 30 March 2022 be approved as a correct record.

It was then moved by Councillor Alexander, seconded by Councillor Baker and **RESOLVED** and that the minutes of the meeting of the Committee held on 12 April 2022 be approved as a correct record.

4. DECLARATIONS OF INTEREST

Councillor White declared a personal interest in Planning Application **A.1 21/01000/FUL – ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON ON SEA, ESSEX CO16 8BP** due to his being a Ward Member. He considered that he was pre-determined and that therefore, he would withdraw from the meeting at the appropriate juncture and not participate in the Committee's deliberations and decision-making on this application.

Councillor Fowler declared a personal interest in **Planning Application A.4 2/00250/FUL – LAND TO THE SOUTH WEST OF HAMMOND DRIVE RAMSEY CO12 5EJ** due to being a nearby resident. She did not consider herself pre-determined but

would withdraw from the meeting at the appropriate juncture and not participate in the Committee's deliberations and decision-making on this application.

Councillor Harris declared a personal interest in **Planning Application A.2 CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE-LE-SOKEN, CLACTON-ON-SEA CO16 0DY** due to his being a regular customer of the restaurant. He therefore did not participate in the Committee's deliberations and decision making for this application.

Councillors Baker, Codling, Fowler and V E Guglielmi each stated for the public record that in relation to **Planning Application A.1 21/01000/FUL ST JOHNS PLANT CENTRE, EARLS HALL DRIVE CLACTON-ON-SEA CO16 8BP** that they had been absent from both the site visits and the Committee meeting that had taken place on 30 March 2022 at which this application had first been considered. However, they each further stated that, having received advice from the Officers, they had attended that day the Committee's site visit to this application site and had both read the Officer report submitted to the Committee's meeting on 30 March 2022 and the audio-visual recording of that meeting. Councillors Baker, Codling, Fowler and V E Guglielmi would therefore participate in the Committee's deliberations and decision making on this application.

Gary Guiver, Acting Director (Planning) declared a personal interest in **Planning Application A.3 22/00186/FULHH BEMERTON GARDENS, KIRBY CROSS, FRINTON-ON-SEA CO13 0LG** due to his being the applicant for this application and that therefore he would leave the meeting during the Committee's deliberations and decision making on this application.

5. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

6. A.1 PLANNING APPLICATION 21/01000/FUL – ST JOHNS PLANT CENTRE, EARLS HALL DRIVE, CLACTON ON SEA CO16 8BP

Earlier on in the meeting, as recorded under Minute 4 above, Councillor White had declared a Personal Interest in relation to this application and had stated that he was pre-determined. Councillor White accordingly vacated the Chair and withdrew from the meeting at this point in the proceedings.

In the absence of the Chairman, it was moved by Councillor Alexander, seconded by Councillor Baker, and **RESOLVED** that Councillor Fowler occupy the Chair and act as Chairman of the Committee whilst this application was being considered and determined.

Members recalled that this application had been deferred by the Planning Committee at its meeting held on 30th March 2022 in order to allow an Essex County Council Highways Officer to attend and Officers to request the applicant to look at their proposal against policies SP7, SPL3, LP4 and L4 and to submit changes if necessary.

It had previously been confirmed that an Officer from Essex County Council would be present at the meeting and that, following correspondence with the agent/applicant, no changes to the scheme were proposed.

The Committee was reminded that the application site comprised 7.6 hectares of horticultural land and was located approximately 300m to the western edge of Clacton-on-Sea, but was now included within the Parish of St Osyth. It was to the north of St. Johns Road (B1027), with the majority of the site being to the rear of a ribbon of residential development that fronted onto the road (even nos. 690 – 762).

It was reported that, currently, the vehicular access to the site was via Earls Hall Drive, a private road which passed along its western boundary. It was proposed to provide a footpath/cycleway within the current curtilage of 762 St Johns Road adjacent to the existing lane. In addition, the application site also included a chalet bungalow and its garden at 700 St Johns Road which it was proposed to demolish, in order to provide a new, replacement vehicular access to the site, in lieu of the Earls Hall Drive one.

Members were reminded that the site lay within the settlement development boundary for Clacton-on-Sea where there was no objection, in principle, to residential development.

The Committee was further reminded that this application sought full planning permission for the demolition of the nursery glasshouses, buildings and structures and No. 700 St Johns Road and the redevelopment of the site with a predominately residential scheme. The proposed residential scheme comprised of: 180 Residential units comprising 10 no. 2 bed houses; 83 no. 3 bed houses; 24 no. 4 bed houses; 15 no. 5 bed houses; 16 no. 1 bed apartments; 24 no. 2 bed apartments and 8 no. live/work units (mixed commercial totalling 1064 square metres with flats above), with associated roads, open space, drainage, landscaping and other associated infrastructure.

Officers were content that, subject to the imposition of reasonable planning conditions and Section 106 planning obligations, the general principle of this level of development on the site was acceptable. It was in keeping with both the site's location on the edge of Clacton, and met 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.

The recommendation of Officers was therefore to approve planning permission, subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990, a dormouse survey and the imposition of a number of controlling conditions.

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 had been circulated to the Committee prior to the meeting with details of a consultation response received from the NHS.

The Chairman reminded the meeting that there would be no speakers under the Public Speaking Scheme on this application as this had taken place at the meeting held on 30 March 2022.

Matters raised by Members of the Committee:-	Officer's response thereto:-
Had a further survey been carried out as St Johns Road was experiencing high volumes of traffic? Would ECC be prepared to look at another traffic survey during July and August?	The most current survey carried data collected from 2017, this had informed the original application that subsequently had went to appeal. In the interim, it had not appeared appropriate to undertake another survey due to Covid lockdowns the consequent reduction in road use and ECC felt that traffic conditions were acceptable to the highway authority.
Concerns raised regarding the upgrade to the road, linked to the Rouses Lane development, which had not been undertaken.	The Rouses Farm planning application had also been assessed on its own merits and, via a Transport Assessment, ECC had considered the application to be acceptable, subject to conditions. Public transport contributions had been requested to mitigate matters.
Further concerns relating to traffic were raised.	ECC advised that the application was commented upon by them solely as a consultee.. The application had been prepared according to correct standards and represented the relevant data and ECC were content that the development was acceptable subject to conditions.
According to Highways, had trip generation been considered and what were the parking provisions for cars?	The Planning Officer confirmed that there were 2 parking spaces per dwelling with visitor spaces and under the assumption that some would use public transport. A trips database was a collection of surveys across the county to interpret and form an impact from the development.
What type of businesses would the units be open to?	The Planning Officer confirmed that there was potential for small workshops and professional services.
A member of the Committee asked why the data was collected in the North-West of the country.	ECC advised that there were similar trip data for residential developments in the North West at appropriate times. The data was accurate and relevant.
Why was it not important that summer months were not considered?	ECC confirmed that various sources of data had been cross-referenced with trip data and traffic flows. It was also noted that the Traffic Network varied up to 10% in its level of use. Members were asked to be mindful of monitoring peak times and the potential for overall findings to be artificially high.
A member of the Committee referred to ECC's response from 10 December 2021. In January 2020, the Planning Inspectorate had	ECC could not confirm on behalf of the Road Safety Team if the accident causes had been resolved and the investigation concluded. Areas of concern would be a series of accidents at the

referred to an accident where the cause was unknown due to evidence of the development access affecting the area not being provided.	same location, and causation found resulting from the highways layout. Intervention from the highways authority would take place as a result.
A member of the Committee raised concerns relating to the Inspector's interpretation of the 2018 traffic report. Would the site be suitable and safe for the proposed developments on St Johns' Road?	The ECC representative confirmed that from the information provided, the authority were satisfied that no severe impact would be made based on their consultations subject to conditions as proposed in the TDC Officers' recommendation.
A Committee member asked Officers to confirm that 10% of the 180 properties would be affordable housing.	The Planning Officer confirmed that 10% of the proposed dwellings would be affordable. The Planning Officer confirmed that the affordable houses would be submitted as part of a Section 106 agreement.
A member of the Committee referred to the Inspector's findings in relation to a survey completed in the month of April.	The ECC representative reiterated that mitigation against the development would be according to standard practice and accurate data.
Additional concerns relating to traffic were raised. Had a roundabout been considered?	Roundabouts are used as a tool for "equal flow" areas to manage traffic flow. The Rouses Lane application had proposed, as part of their application, traffic light signals and a right turn only lane in order to manage traffic flow.
What would the significant impact have to be in order for ECC to take action?	The ECC representative referred to a paragraph in the NPPF, where if the impact and residual impact would be severe, this would result in action being taken.
The demolition of no.700 was raised by a Committee member, what would the width of the road be to cater for traffic?	The Planning Officer confirmed that the width of the access road was proposed to be 5.5 meters. An additional exit would also be available with bollards for emergency vehicles. Bollards would be controlled by a mechanism available only to the emergency services.
A member of the Committee referred to ecology considerations.	The Planning Officer referred to the ECC Ecology report whereby the application was recommended for approval with an extra condition for a dormouse survey to be completed.

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

- a) The lack of submission and approval of a dormouse survey.
- b) That such legal agreement has not been completed, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.
- c) Transport Assessment insufficient to demonstrate no adverse Highway impact.

- d) Adverse impact on amenities of neighbouring residents adjacent to the proposed access.

7. **A.2 PLANNING APPLICATION 21/02022/FUL – CHINESE COTTAGE RESTAURANT, HIGH STREET, THORPE LE SOKEN, CLACTON ON SEA CO16 0DY**

Councillor White returned to the meeting and re-occupied the Chair. Councillor Harris, had earlier in the meeting, declared a personal interest in **this application** due to his being a regular customer of the restaurant. Councillor Harris withdrew from the meeting at this point in the proceedings whilst the Committee considered this application and reached its decision.

It was reported that this application was before Members at the request of Councillor Land, the Ward Member as he had concerns regarding the development's potential impact on the urban design/street scene, highways impact and/or other traffic issues and impact on neighbours.

The Committee was made aware that the application sought full planning permission for the erection of a single storey dwelling, with an attached car-port to the right hand side. The dwelling's footprint would be a reversed L-shape with a rear-gable projection and a featured over-sail porch roof to the front elevation. Both the main roof and that of the car-port would be gabled-ended. The eaves of the dwelling would be in the region of 2.7m and it would have a ridge of approximately 5.5m. Areas of hardstanding were proposed to the perimeter of the dwelling, along with a grassed back garden with bin-storage to the rear right hand boundary.

Members were made aware that the restaurant had a limited number of seats (covers) and was in a highly sustainable location in the village centre being close to a number of bars. It was accessible on foot and by public transport.

Members were reminded that the application had been listed on a previous agenda (30th March 2022 meeting) but that it had been withdrawn in order to allow time for the agent to provide both an amended site layout and a swept path analysis (SPA). The amended site layout showed the separation distance between the customer-parking and the dwelling had increased from 6.2m to 7.3m; the increase permitted greater manoeuvrability for vehicles entering/exiting the parking spaces. The manoeuvrability of vehicles was exhibited on the SPA.

The Committee was reminded that Thorpe-Le-Soken High Street had the character of a typical village high street with a number of eating establishments, boutique shops and a small supermarket. In terms of the surroundings, the scale of development which had a direct relationship with the street scene comprised a variety of two and 1.5 storey buildings with the odd-example of very low-key 1.5 and single storey buildings. The character of the locale was evidentially of a historic core which was demonstrated by the number of listed buildings and the conservation area designation.

It was noted that the area behind the Chinese Cottage restaurant neither enhanced nor contributed to the character of the conservation area, comprising a fairly large informal (untidy) un-marked out area for vehicles using the restaurant.

It was considered by Officers that the low-key scale of the proposal would preserve the character of the conservation area. Sufficient space had been retained around the

dwelling and to neighbouring properties to not appear cramped or result in any material harm to residential amenities. The proposed dwelling provided ample parking and retained at least seven (marked-out) spaces for the restaurant.

In the absence of any material harm resulting from the development in regards to its individual appearance, its impact on the wider street scene, its impact on the character of the Conservation Area, its impact on neighbours in regards to amenity and the parking provision for both the new dwelling and existing restaurant, the application was recommended by Officers for approval.

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 (JJ) in respect of the application.

An update sheet had been circulated to the Committee prior to the meeting with details of a correction to Paragraph 6.16 as follows:-

"6.16 Whilst it is acknowledged the dwelling would be sited further to the rear of the existing pattern of development along this section of High Street, the approval of application 18/01388/FUL which is immediately adjacent the application site, holds significant weight as a material consideration. The proposed dwelling is single storey only and will have a maximum height of 5.5m (ground level to ridge) and a height of 2.7m from ground level to eaves. There are further notable examples of development similarly set back to the north-west, whilst the overall character of the immediate surrounding area is not particularly well defined."

Ian Coward, the agent acting on behalf of the applicant, spoke in support of the application.

Parish Councillor Martyn Cooper, representing Thorpe Parish Council, spoke against the application.

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

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee raised the Magnolia-Lily Inter-flora tree positioned on site, would the tree be removed?	The Planning Officer referred to 6.92 of the report whereby, this tree and 2 others were proposed to be removed.
Are any of the listed buildings Grade II*?	The Planning Officer confirmed that the Baptist Church was listed as Grade II and Bell Inn was listed as Grade II*.
Concerns were raised relating to the car parking spaces proposed alongside the dwelling. How many spaces would be allocated for the restaurant?	The Planning Officer confirmed that 7 spaces would be allocated for the restaurant. It was accepted by Planning Officers that some customers would be local.

Concerns were raised relating to wildlife, specifically bats.	The Planning Officer advised that the use of the new dwelling had been reviewed.
Overall, was there sufficient parking since a large reduction in car parking spaces had been proposed?	The Planning Officer confirmed that parking was adequate for the proposal according to policies.

The Chairman, at this time, requested approval from Members of the Committee to continue the meeting past the allowed period of 3 hours, as required by **Council Procedure Rule 35.1**. It was moved by Councillor Baker, seconded by Councillor Alexander, and **RESOLVED** that the Committee continue its deliberations.

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - Financial Contribution towards RAMS
 - Financial Contribution towards Open Space
- b) the planning conditions (and reasons) listed below.
- c) That the Assistant Director (Planning) be authorised to refuse planning permission in the event that the legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms would not have been secured through a Section 106 planning obligation.

Conditions and Reasons:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 112, 210, 211, OS 2015-20.2 REV A, OS 2015-20.3 and the recommendations contained within the Arboricultural Impact Assessment, OS 2015-20-Doc1 Rvs A; received 26th November 2021 and OCA-114_002_REV A, OCA-114_110-REV A, OCA-114_REV A and SK01; received 12th April 2022.

Reason - For the avoidance of doubt and in the interests of proper planning.

3 As indicated on drawing no. 002 Rev. A, the existing parking spaces to the rear of the Chinese Cottage Restaurant shall as per the Essex Parking Standards (Parking Standards: Design and Good Practice, Sept 2009) have a minimum 6.1 metres provided behind each parking space to allow for manoeuvring.

Reason: To ensure that vehicles can enter and leave in forward gear in the interest of highway safety.

4 Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5.0 metres.

Reason - To ensure adequate space for parking off the highway is provided in the interest of highway safety.

5 The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason - To ensure appropriate cycle parking is provided in the interest of highway safety and amenity.

6 Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

7 No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan 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 underbody washing facilities.

Reason - To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety.

8 Sample panels of the exterior brickwork demonstrating the colour, texture, face bond and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

9 Before the installation of all external windows/doors, details which confirm that the frames will be timber (indicating the colour and finish), shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and retained for the lifetime of the development in accordance with the approved details.

Reason - The development is publicly visible and therefore sympathetic materials are a visually essential requirement.

10 No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

11 No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

12 Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in Page 146 the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development could result in harm to non-designated heritage assets with archaeological interest.

13 No development shall be commenced until a Renewable Energy Generation Plan (REGP) has first been submitted to and approved in writing by the local planning authority. The REGP shall provide for electric vehicle charging points for the dwelling hereby approved (Type 2, 32 Amp), and set out the measures that will be incorporated into the design, layout and construction, aimed at maximising energy efficiency and the use of renewable energy. Thereafter, the development shall comply with the REGP and any approved measures shall be implemented prior to first occupation.

Reason - In order to ensure that the development contributes towards reducing carbon emissions in addressing climate change, in accordance with Policy PPL10 and SPL3.

8. A.3 PLANNING APPLICATION 22/00186/FULHH – 9 BEMERTON GARDENS, KIRBY CROSS, FRINTON ON SEA CO13 0LG

The Acting Director (Planning), Gary Guiver, had earlier in the meeting, as reported under Minute 4 above declared a personal interest in this application due to his being

the applicant. He therefore withdrew from the meeting during the Committee's deliberations and decision making on this application.

Councillor Harris returned to the meeting.

It was reported that this planning application had been referred to the Planning Committee as the applicant held a politically-sensitive post in the Council.

Members were informed that the application sought planning permission to replace the existing rear conservatory with a single storey, mono-pitched extension clad externally with weatherboard; the cladding of the exterior walls for the parts above a 0.3m high brick plinth; internal alterations and the installation of air source heat pump.

It was reported that the area was heavily urbanised and that its layout was typical of post-war housing whereby a number of properties benefited from wide, open play areas. The dwelling was the left hand of a terrace of four dwellings and was constructed externally in a typical engineered red brick with an interlocking clay-pantile roof. The site was located within the Settlement Boundary of Frinton, Walton and Kirby Cross.

Members were made aware that the scale, design and siting of the proposed development was considered by Officers to respect existing street patterns and was sympathetic to local character. The development proposal did not generate any additional need for parking nor did it diminish the existing level of parking. Overall, it was felt that the new development would protect the amenity of existing residents with regard to loss of light, overbearing and overlooking.

In the absence of any material harm resulting from the development the application was recommend by Officers for approval.

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 had been circulated to the Committee prior to the meeting detailing matters controlled under Building Control Regulations in relation to the proposed air source heat pump as noted below:-

“Planning permission is not required for an Air Source Heat Pump at the front of the property, provided it is not located at first floor level. This is covered in paragraphs 6.14 and 6.15 of the Committee Report.

- *Building over a large shared drain is not desirable, and measures should be taken to guarantee the shared drain's future integrity.”*

No questions were asked nor comments made by members of the Committee.

Following discussion by the Committee, it was moved by Councillor V E Guglielmi, seconded by Councillor Alexander and unanimously **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning

permission for the development, subject to the following planning conditions and reasons:-

Conditions and Reasons:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:- 01B, 02G, 03G, 04B and 05B; received 16th March 2022.

Reason - For the avoidance of doubt and in the interests of proper planning.

Lisa Hastings, the Deputy Chief Executive & Monitoring Officer, left the meeting at this time.

9. **A.4 PLANNING APPLICATION 22/00250/FUL – LAND TO THE SOUTH WEST OF HAMMOND DRIVE, RAMSEY CO12 5EJ**

Councillor Fowler had earlier declared a personal interest in **this application, as reported under Minute 4 above**, due to being a nearby resident.

Councillor Fowler withdrew from the meeting whilst the Committee considered the application and reached its decision.

It was reported that this application had been called in by Councillor Bush on the grounds that, in his opinion, the proposal would create a negative impact on the street scene and adjacent neighbours, that it formed part of a wider piecemeal development of the site without affordable housing contributions, and that it would impact on a part disused footpath connecting Bay View Crescent to Lodge Road.

The Committee was informed that this proposal was for the construction of one dwelling, which would be of a 1.5 storey chalet bungalow design, in place of two dwellings previously approved within planning permission 20/00342/FUL.

Members were made aware that the dwelling, while acknowledged to be of a larger design than either of the existing bungalows previously approved or those dwellings contained within the Hammond Drive development, was not considered by Officers to represent a form of overdevelopment given that the overall footprint was broadly similar to that previously granted permission.

There were no concerns raised by Officers regarding the impact on the neighbouring residential properties and subject to conditions the development was also considered by Officers to be acceptable in regards to Highways and Parking, and its impact on trees.

It was reported that issues relating to the piecemeal development of the wider site and associated lack of affordable housing provision, were not a material consideration in relation to this particular planning application. These issues had previously been addressed and settled within planning permission 20/00342/FUL, when it had been

concluded that the wider development should not be subject to an affordable housing provision. This proposal (for one dwelling where two dwellings had been previously approved) also did not trigger an affordable housing contribution due to the small scale nature of the proposal.

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 Officer (MP) in respect of the application.

Councillor Mike Bush, the local Ward Member, spoke against the application.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee referred to the previous application mentioned in paragraph 1.2. Were the 2 bungalows part of the previous application?	The Planning Officer confirmed that they were part of the original plan and if this application was refused, the former application would stand.
The matter of obscured windows was raised by a member of the Committee.	The Planning Officer confirmed that upon approval, windows for en-suites would be obscured.
If the application were deferred, could negotiations take place to determine ownership of the footpath?	The Planning Officer advised that it would not be appropriate to assess the footpath as it exceeded 30 meters distance from the site.
What parking provisions were available?	The Planning Officer advised that 2 parking spaces were proposed for the property with additional parking ability to the front of the property.

Following discussion by the Committee, it was moved by Councillor Harris, seconded by Councillor V E Guglielmi and unanimously **RESOLVED** that the Assistant Director (Planning) (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - **Financial Contribution towards RAMS.**
 - **Provision, specification and maintenance of on-site Open Space.**

b) the following planning conditions and reasons:-

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.: 6104_P01 - Location Plan Drawing No.: 6104_P02 Rev A – Existing and Proposed Block Plan Drawing No.: 6104_P03 Rev A – Proposed Ground Floor Plan Drawing No.: 6104_P04 Rev A – Proposed First Floor Plan Drawing No.: 6104_P05 Rev A – Proposed Roof Plan Drawing No.: 6104_P06 Rev C – Proposed Front and Rear Elevations Drawing No.: 6104_P07 Rev B – Proposed Side Elevations.

Reason - For the avoidance of doubt and in the interests of proper planning.

3 No development shall take place until the mature Oak tree on the site, agreed with the Local Planning Authority for inclusion in the scheme of landscaping, and has been protected by the erection of temporary protective fences of a height, size and in positions which shall previously have been agreed, in writing, with the Local Planning Authority. The protective fences shall be retained throughout the duration of building and engineering works in the vicinity of the trees to be protected. Any trees dying or becoming severely damaged as a result of any failure to comply with these requirements shall be replaced with trees of appropriate size and species during the first planting season, or in accordance with such other arrangement as may be agreed in writing with the Local Planning Authority, following the death of, or severe damage to the trees.

Reason - To ensure that no development impacts upon the protected trees.

4 Prior to occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

5 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

6 There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

7 Prior to occupation of the dwelling the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be more than 4.5 metres (equivalent to 5 drop kerbs), shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

8 Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

9 The proposed dwelling shall not be occupied until such time as the vehicle parking area indicated on the approved plans, sealed and if required marked out in parking bays. The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety.

10 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the estate road.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the estate road was not obstructed during the construction period in the interest of highway safety.

11 Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additions or alterations to the dwellings or their roofs, nor shall any buildings, enclosures, swimming or other pool be erected except in accordance with drawings showing the design and siting of such additions and/or building(s) which shall previously have been submitted to and approved, in writing, by the local planning authority.

Reason - It is necessary for the Local Planning Authority to be able to consider and control further development in the interests of visual amenity and residential amenities.

12 No development shall be commenced until a Renewable Energy Generation Plan (REGP) has been first submitted to and approved in writing by the local planning authority. The REGP shall provide for electric vehicle charging point(s) for the dwelling (Type 2, 32 Amp), and set out measures that will be incorporated into the design, layout and construction, aimed at maximising energy efficiency and the use of renewable energy. Thereafter, the development shall comply with the REGP and any approved measures shall be implemented prior to first occupation.

Reason: In order to ensure that the development contributes towards reducing carbon emissions in addressing climate change, in accordance with Policy PPL10 and SPL3.

10. A.5 PLANNING APPLICATION 21/01850/FUL - 24A STATION ROAD, CLACTON-ON-SEA CO15 1SX

Councillor Fowler returned to the meeting.

The Committee was informed that this application had been called in by Councillor P B Honeywood, the Ward Member.

It was reported that the application site was located on the eastern side of Station Road, Clacton-on-Sea, close to the junction with Pallister Road, within the main town centre. The site lay within the Settlement Development Boundary of Clacton-on-Sea as defined within the Tendring District Local Plan 2013-2033. The immediately vicinity was made up of three storey terrace buildings with a variety of commercial/retail uses at ground floor and residential flats at first and second floors.

The Committee was made aware that this development proposal consisted of a change of use from a residential flat to a six bed House of Multiple Occupation in order to provide accommodation for students (as described by the applicant) attending Tiffany Theatre College, which had relocated to Clacton and with which the applicant had strong links to.

The site was located in a highly sustainable, built up area of Clacton-on-Sea and within easy walking distance to a number of services and the college. The site was within walking distance of Clacton railway station which provided links to Colchester, London and beyond.

The Committee was made aware that the proposal was fully compliant with Policy LP11 and that there had been no objections from ECC Highways, TDC Housing (subject to the grant of an HMO licence) or TDC Environment Protection.

For those summarised reasons, the application was therefore recommended by Officers for approval subject to conditions.

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 (JJ) in respect of the application.

Melissa Wenn, the applicant, spoke in support of the application.

Councillor P B Honeywood, the local Ward Member, spoke against the application.

Councillor Fowler left the meeting at this point in the proceedings.

Matters raised by Members of the Committee:-	Officer's response thereto:-
A member of the Committee asked for clarification in relation to the Council's view on the application and whether conditions could be imposed.	The Planning Officer confirmed that conditions imposed were required to pass NPPF tests. It would not be suitable to impose conditions where the application is

	considered acceptable.
It was raised by a member of the Committee regarding the importance of considering the application as a HMO. Was this application suitable in aspects such as location?	The Planning Officer confirmed that the application was suitable.

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

- *The site was in an unsuitable location for a HMO because within a 100m radius of the site, and if all forms of HMO's and bedsits were taken into account the proposal would exceed the 10% upper limit as outlined in Local Plan Policy LP11 (a) and will therefore be in conflict with this policy.*

The meeting was declared closed at 22:55pm.

Chairman

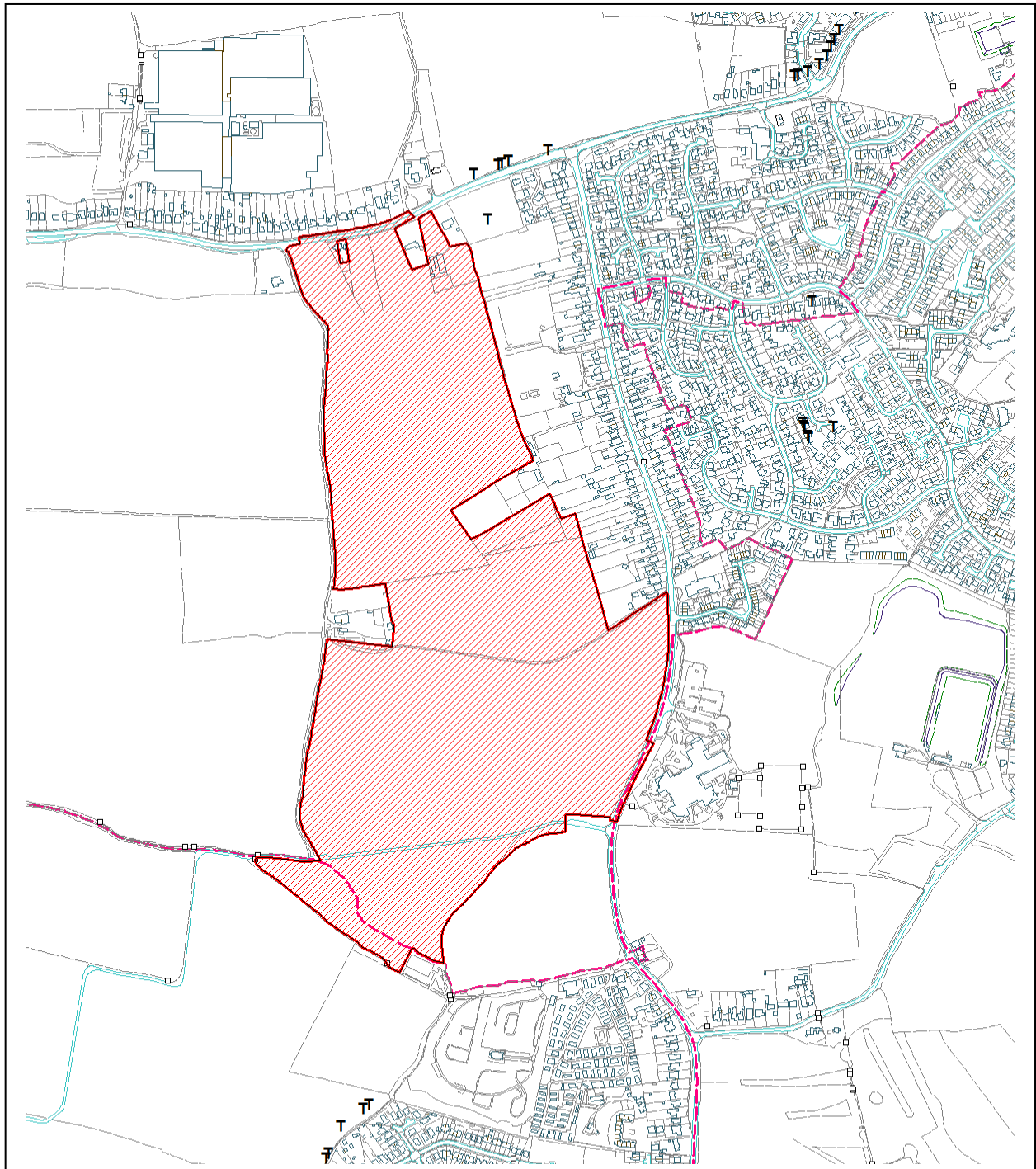
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PLANNING COMMITTEE

7th June 2022

REPORT FROM THE DIRECTOR FOR PLANNING – WHERE INDICATED THIS REPORT SHOULD BE READ IN CONJUNCTION WITH THE PLANNING COMMITTEE REPORT DATED 30TH MAY 2018 AND ATTACHED TO THIS REPORT

A.1 PLANNING APPLICATION – 17/01229/OUT – LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD CLACTON ON SEA ESSEX CO16 8BJ



DO NOT SCALE

Application: 17/01229/OUT

Town / Parish: Clacton Non Parished

Applicant: Persimmon Homes Essex and Messers M & I Low, K Francis and

Address: Land adjacent and to The rear of 755 and 757 St Johns Road Clacton On Sea Essex 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.

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 adopted 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 is allocated through Policy SAMU4 for a mix of residential development of use to 950 new homes, community facilities including a new two-form entry primary school and public open space. The proposal the subject of the outline application is aligned with the allocation description. Officers have worked positively with the applicants to resolve all technical planning issues with a view to bringing the application to this (June 2022) 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 this allocated 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.
- 1.4 Resolution to grant permission for the proposed development was given at Planning Committee in May 2018, subject to within 6 months of the May 2018 resolution that a S106 agreement had been signed. However, this agreement has taken significantly longer than anticipated, primarily due to the complexity of resolving a number of legal matters with the various landowners.
- 1.5 In addition to the above, the Outline Permission requires the use of third party land to provide Off-Site Bird Mitigation (covered in the main body of the report and by a Planning Condition),

which also required agreement with landowners and a licence before the S106 Agreement could be agreed.

- 1.6 That S106 Agreement is now ready for signature. However, given that it has been over the 6 months since the original Planning Committee and following legal advice, it is necessary for the application to revert to Members for consideration – the remainder of this report below will only target the areas where there has been a shift in the policy landscape since May 2018 given adoption of the Tendring Local Plan and resolution which warrant the re-assessment of the relevant material planning consideration where indicated.
- 1.7 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. 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. The LPA undertook a full re-consultation which included all relevant statutory consultees offering them an opportunity to provide comments on the full re-evaluation of the original July 2017 Environmental Statement to determine if the original findings are still valid. The re-evaluation report is titled 'Comment on the Evidence Base supporting 17/01229/OUT', it has been widely circulated to statutory consultees and is available on the Council planning pages online. Natural England, Historic England and the Environment Agency are the key consultees for development requiring an Environmental Statement and their comments, as well as other statutory consultation responses and third party comments have all been taken into account and addressed as appropriate through the assessment of this application. None of the consultees have raised a concern in this regard and Planning Officers are satisfied that the application can still be recommended for approval for the full reasons and justifications as set out in this report.
- 1.8 This large scale major application is the subject of 5 local objections raising general concerns about the impact of the development in this location. The have all been considered in this report and are addressed accordingly.
- 1.9 Officers are content that subject to the imposition of reasonable planning conditions and s106 planning obligations, the general principle of this level of development on the allocated site is acceptable. It complies with the Policy requirements of Site Allocation SAMU4, is in keeping with both the site's location to the west of Clacton and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features, there are no policy conflict and the proposal constitute a sustainable form of development. Furthermore, subject to details and mitigation, officers are satisfied that the proposal would not harm the living conditions of existing and future residents, or result in any materially detrimental impacts, whilst significantly boosting housing supply within the district. The Applicant is committed to bringing forward a Reserved Matters Application for Phases 1 & 2 of the Development in the coming months, to allow work to commence on site early in 2023.
- 1.10 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 Assistant Director for Planning be authorised to grant planning permission for the development subject to:-

- a) **Within 1 (one) month 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):**
- 20% On-site Affordable Housing
 - Provision of land on-site for a new healthcare facility together with a 554,900 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 RAMS and off-site ecological mitigation.
 - A £500,000 financial contribution towards public transport provision
- b) Subject to the conditions stated in section 8.2
- c) That the Assistant Director for Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

Since the publication of the May 2018 planning committee report, and indeed the consideration of this development proposal at the May 2018 planning committee, there has been two key changes to both the local and national planning policy landscape:

1 – The NPPF 2012 was in place at the time of the May 2018 committee, that NPPF has been revised in July 2018, updated in February 2019 and again in July 2021. The relevant NPPF at this time is the NPPF 2021.

2 – Section 1 and 2 of the Tendring District Local Plan 2013-2033 and Beyond were adopted in January 2021 and January 2022 respectively and the policies in the local plan are now afforded full weight.

The 'Assessment' section below is comprehensive and detailed but will nevertheless aim to highlight the areas where the changes in the above mentioned policy landscape have affected the planning assessment of this development proposal. As such, unless specifically indicated otherwise, this report can be read in conjunction with the May 2018 committee report and not as a substitute to the May 2018 committee report.

The following Local and National Planning Policies are relevant to this planning application (this remainder of this section below replaces in its entirety the equivalent section in the May 2018 committee report).

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Tendring District Local Plan 2013-2033

Section 1 Policies:

SP1 Presumption in Favour of Sustainable Development

SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3 Spatial Strategy for North Essex

SP4 Meeting housing needs

SP5 Infrastructure & Connectivity

SP7 Place Shaping Principles

Section 2 policies:

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP3 Village and Neighbourhood Centres

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL9 Listed Buildings

PPL10 Renewable Energy Generation and Energy Efficiency Measures

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

CP3 Improving the Telecommunications Network

SAMU4 Development at Rouses Farm, Jaywick Lane, Clacton

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

Status of the Local Plan

2.1 Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

2.2 The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires 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 (what is often termed the 'tilted balance').

2.3 The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result of both housing supply and an up to date local plan, the 'tilted balance' at paragraph 11 d) of the Framework is considered not to apply to this application.

3. **Relevant Planning History**

01/01415/FUL	Workshop for the repair of cars (Renewal of 99/01370/FUL)	Refused	12.10.2001
92/00248/FUL	Change of use of farm yard to a base for three goods vehicles and use of building for repair and maintenance of these goods vehicles	Approved	01.09.1993
99/01370/FUL	Workshop for the repair of cars	Approved	17.08.2000
15/30060/PREAPP	Request for EIA scoping opinion for the construction of up to 800 residential dwellings, primary school, local centre and associated infrastructure.	Response provided	09.04.2015
15/30108/PREAPP	Redevelopment of the site to provide 875 residential dwellings, primary school, local centre and associated infrastructure.	Response provided	24.08.2015
17/01229/OUT	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.	Current	
19/01660/EIASCR	EIA Screening Opinion Request following outline permission 17/01229/OUT.	Current	
15/30108/PREAPP	Redevelopment of the site to provide 875 residential dwellings, primary school, local centre and associated infrastructure.	Response provided	24.08.2015
19/30155/PREAPP	Reserved matters for circa 480 homes within phases 1 and 2 together with details of spine road and landscaping.	Current	

18/01779/FUL
(St Johns Plant
Centre Earls Hall
Drive Clacton On
Sea Essex CO16 –
on opposite side of
St Johns Road
opposite the
development
proposal the subject
of this report)

Demolition of nursery buildings and dwellinghouse. Erection 195 residential units (comprising 6 two bed houses, 87 three bed houses, 33 four bed houses, 25 five bed houses, 12 one bedroom apartments and 24 two bedroom apartments), and 8 live work units (mixed commercial units measuring 1064 square metres in total with flats above). Associated roads, open space, drainage, landscaping, and other infrastructure.

Refused
Dismissed at Appeal
19.02.2020

21/01000/FUL
(St Johns Plant
Centre Earls Hall
Drive Clacton On
Sea Essex CO16 –
on opposite side of
St Johns Road
opposite the
development
proposal the subject
of this report)

Proposed demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1064 square metres with flats above); and roads, open space, drainage, landscaping and other associated infrastructure.

Refused on 18 May 2022
for the following reasons
(summarised):

1. Submitted Transport Assessment insufficient to demonstrate that the proposal would not have a severe impact on highway safety or the local road network, contrary to the above mentioned Policy and the relevant paragraph of the NPPF 2021.

2. Proposed access would have an adverse impact on the amenities of the occupiers of the existing properties directly to the east and west of the proposed access by reason of the significant increase in vehicular movements in close proximity to the side elevations and rear gardens of those properties, as well as the associated noise, vibration and light pollution.

3. In the absence of a Dormouse Survey, means an informed decision on the wellbeing of protected species in this location cannot be made. The application is therefore contrary to the above mentioned Policy and

relevant paragraph of the NPPF 2021 as set out above.

4.Lack of section 106 legal agreement to secure RAMS and other necessary obligations.

4. **Consultations**

As outlined above, the Applicant prepared a report reviewing the Application Evidence Base, including the Environmental Statement, which was published on the Council's website in January 2022, and distributed to various Statutory Consultees to seek their comments on the Evidence Base and Environmental Statement, the following statutory consultees responded to the consultation as follows:

TDC Trees and Landscaping No further comments at this time (officer comment: TDC Trees and Landscaping raise no objection previously subject to conditions.

TDC Env Health **Contaminated Land:** With reference to the submitted Environmental Assessment, dated July 2017 (section 14), I can confirm we are satisfied with the findings of the report. Section 14.5.1, confirms actions are still required to confirm the extent of contamination on the site, with areas of the north western corner being identified in the first instance. A further intrusive investigation will be required, once the final, proposed layout has been confirmed; it is necessary to understand the location of the garden / private amenity spaces, to enable the assessment to reflect the site as a whole. As such we are requesting the following be conditioned on any subsequent approval, and relevant documentation be submitted at any further planning phase–

No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the local planning authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The local planning authority is to be consulted at all key stages in this investigation process.

REASON: To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Noise: The submitted Environmental Assessment, dated July 2017 (section 11), identifies, via relevant noise surveys, that the end users of the site will not be adversely impacted by the noise environment; as such we are satisfied with its findings and would like any actions outlined in the relevant mitigation sections of the aforementioned document are followed and adhered to.

REASON: to protect the amenity of nearby existing residential dwellings, and future residents

Air Quality: The submitted Environmental Assessment dated July 2017 (section 10), confirms by way of relevant modelling that the proposed development would not have an adverse impact on the air quality within the localised area, and as such we are satisfied with the processes followed and the findings. However, should this application be approved and progress to a further planning phase, we would like to ensure that should the development in principal be approved, all steps are taken to minimise emissions from the site during the construction phase, and any mitigation techniques, as outlined in section 10.8.4 are followed and adhered to throughout the development.

REASON: to protect the public health and amenity of nearby existing and future residents

Construction Method Statement: With reference to the submitted CMS, dated 26th July 2017, I can advise we are satisfied with its contents, but would like to request that the working hours, reflect that of our published working hours for construction sites; providing this section can be amended to reflect this, we have no further comments to make in relation to this document –

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

REASON: to protect the amenity of nearby residential dwellings

Officer comment: *The above requirements will be secured by condition.*

ECC
Heritage

The proposed site has maintained its agricultural nature at least since 1777, as documented in the attached Built Heritage Assessment. It does not contain any designated or not designated heritage assets within its boundaries, however, it is in close proximity to at least two Grade II listed building, Bluehouse Farmhouse and Duchess Farmhouse and it is historically part of Rouses Farm since the 19th Century. The adjoining land on the East side of Rouses Lane was also part of Duchess Farmhouse in the 19th Century.

As stated in the Built Heritage Assessment, there would be less than substantial harm to the significance of Duchess Farmhouse due to the loss of the open fields which originally constituted part of the farmland. It is noted that the farmhouse has now lost its original use and the rural character of the surrounding area has been already compromised by the construction of mid-20th century dwellings, however, the proposed scheme would still alter the immediate setting of the listed building. With regards to the National Planning Policy Framework (2021), the level of harm to Duchess Farmhouse as a designated heritage asset is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202.

It is not clear whether Rouses Farm, which is a 19th century settlement, has the potential to be considered a non-designated asset in which case, given the proposal would have a detrimental impact upon its significance, the local

planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset as per Paragraph 203 of the NPPF. It is recommended that the applicant submits additional information regarding the significance of this potential heritage asset, including any contribution made by its 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, a requirement set out in Paragraph 194 of the NPPF.

Should the outline application be approved, I recommend that:

- Section R9 of the Masterplan, along the Site northern boundary fronting St John's Road, which is in close proximity to Duchess Farmhouse, should be retained as open space in order to reduce the impact of the new development on the setting of the designated heritage asset. Should the proposal of a built environment be approved, only low density detached or semi-detached housing shall be introduced and the development should be set back from the northern boundary by a sufficient distance;
- Should Rouses Farm be assessed to be a non-designated asset, similar considerations should be extended to the development along the East boundary;
- At reserved matters stage, the scheme design shall introduce elements from the vernacular architecture as proposed in the Built Heritage Assessment, with reference to the Essex Design Code (2007), in terms of storey heights, building depths, building materials, density, architectural style, and detailing such window forms, porches, dormers etc;

Officer Comment: *The issues raised by ECC Heritage have been addressed in the 'Assessment' section below (under the 'Heritage' heading)*

ECC
Archaeology

ECC Archaeology maintain their original comments from 2017 and stated: In accordance with Paragraph 194 (NPPF 2021) a field evaluation is required in order to describe the significance of the heritage assets which will be affected by the above application. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation. This should be carried out prior to determination of the application. However if the authority is minded to give permission it is recommended that the following condition is attached to any consent to ensure a full detailed record of this significant site is made in advance of destruction.

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.
2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.
3. A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.
4. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork,

as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

5. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Officer comment: *In the May 2018 Committee Report the LPA concluded that 'this information (required by ECC Archaeology) would normally be required in advance of a planning decision, but given that this is an outline application with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.'*

In light of this position as outlined in 2018 by the LPA including the fact that there has been no significant shift in local or national policy, as well as ECC's willingness to accept a planning condition(s) if the LPA is minded to recommend approval, it is considered to be unreasonable to insist on further field evaluations prior to the determination of the application, especially at this very advanced stage.

Natural
England

Natural England has no further comments to make on this application. The proposed amendments to the original application are unlikely to have a significant different impacts on the natural environment than the original proposal.

NE has not assessed this application for impacts on protected species. Natural England has published standing advice which you can use to assess impacts on protected species or you may wish to consult your own ecology service for advice.

ECC Place
Services
Ecology

No response

Officer comment/updated position: *The Applicants have continued to undertake ecological surveys throughout the past few years to ensure the baseline position on ecology is understood. The latest Impact Assessment is dated January 2022 and confirms that the site is dominated by arable fields of limited ecological value; with native hedgerows qualifying as Habitats of Principal Importance. In terms of species on site, in summary it is considered that GCNs and roosting bats are considered absent from the site; the wintering bird surveys identified an assemblage of species considered to be of at least local importance, and in the case of the corn bunting assemblage, up to County value; The breeding bird surveys identified a species assemblage of District value utilising the site; and a small population of common lizard and slow worm was identified during reptile surveys.*

With regards biodiversity, the 'approved' ES identifies a series of on-site mitigation measures. These will be fully detailed as part of a condition as recommended below, but in summary these will include bat boxes, grassland strips (on site) for breeding birds, bird boxes, habitat creation for reptiles and other notable species. The proposed development will provide a total of 13ha of greenspace (amounting to 31% of the site) including 10.7ha of Suitable Alternative Natural Greenspace (SANGS) therefore there is suitable

opportunities to provide for net gain throughout the site, to be determined through the Reserved Matters scheme (landscaping reserved matter) and conditions. As soon as a 'fixed' layout is agreed (to be agreed as part of Reserved Matters) the Applicant, through their agents will be starting discussions with ECC Place Services on the onsite ecology enhancement to secure that net gain.

In terms of off-site mitigation, this will include:

- *A minimum of 20 'skylark plots' within cereal crops – i.e. undrilled areas, which should be at least 16sqm and aim to provide nest sites and foraging areas. These will also benefit corn bunting and yellow wagtail.*
- *Provide overwinter stubble (cultivated and sprayed as later as possible) to provide a seed resource;*
- *8m x 500m conservation headland, located adjacent to an existing hedgerow.*
- *the existing field margin south of the main farm track should be managed as rough grassland and cut on a three-year rotation.*
- *Winter feeding station with an area of rotational set-aside – an area of at least 0.4ha spread with seed mix twice per week from 1 December until 30 April.*

Essex
Wildlife
Trust

No response

NHS
England

1.0 Introduction

- 1.1 Thank you for consulting North East Essex Clinical Commissioning Group on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the health and social care system provision on behalf of Suffolk and North East Essex Integrated Care System.

2.0 Existing Healthcare Position Proximate to the Planning Application Site

- 2.1 The proposed development is likely to have an impact on the services of 3 practices including 2 of these being branch surgeries operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development.
- 2.2 In addition to a primary healthcare response, the proposed development is likely to have an impact on other health and social care system providers that have been consulted as part of this healthcare impact assessment. This incorporates responses from:
- East Suffolk & North East Essex Foundation Trust
 - Essex Partnership University Foundation Trust (Mental Health)
 - East of England Ambulance Service NHS Trust
- 2.3 The proposed development will be likely to 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. As the commissioner of primary care services, North

East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

- 3.1 North East Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development
- 3.2 A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

4.0 Assessment of Development Impact on Existing Healthcare Provision

- 4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 2,090 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

Table 1: Summary position for primary healthcare services within 2km catchment (or closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
Clacton Community Practice (including branches Nayland Road & Kennedy Way)	20,880	1,724.83	25,154	293
Total	20,880	1,724.83	25,154	293

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
 2. Current Net Internal Area occupied by the Practice
 3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 4. Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

5.0 Healthcare Needs Arising From the Proposed Development

- 5.1 At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure

that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

- 5.2 Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

5.3 **Health & Wellbeing Statement**

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

- 5.4 The development would give rise to a need for improvements to capacity, in line with emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Clacton Community Practice or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

- 5.5 Table 2 provides the Capital Cost Calculation of additional primary healthcare services arising from the development proposal.

Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal

Existing Primary Care Premise	Additional Population Growth (950 dwellings) ⁵	Additional floorspace required to meet growth (m ²) ⁶ <small>MUST BE TO TWO DECIMAL PLACES</small>	Spare Capacity (NIA) ⁷	Capital required to create additional floor space (£) ⁸
Clacton Community Practice (including branches Nayland Drive & Kennedy Way)	2,090	143.31	293	£554,900.00
Total	2,090	143.31	293	£554,900.00

Notes:

5. Calculated using the Tendring District average household size of 2.2 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).
 6. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
 7. Existing capacity within premises as shown in Table 1
 8. Based on standard m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q1 2020 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£3,872/m²), rounded to nearest £100.
- 5.6 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be **£554,900.00**. Payment should be made before the development commences.
- 5.7 North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation in order to enhance primary care services within this area of high deprivation.
- 6.0 Conclusions**
- 6.1 In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.
- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development West of Clacton. It is recognised that under the current guidance all primary care premise that are contracted under the same provider, in this case Clacton Community Practices. This contracted provider recently relocated two of its sites into a refurbished existing NHS Premise known as Kennedy Way Medical Centre increasing the capacity for the population of East Clacton. However, this site is 3 miles away from the proposed development with no direct public transport route (40 minute journey) from the proposed development and therefore would not be able to support the new population.
- 6.3 Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.
- 6.4 The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.
- 6.5 North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.
- 6.6 North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Officer Comment: *As part of this outlined proposal (and if approved) the*

development will provide for 'Health Centre Land' (to be secured in the section 106 agreement) – this is land which is defined as 'an area of land no less than One Thousand Five Hundred (1,500.00) square metres located within Phase 2A'. The obligations in this respect are that Developers are to provide the site in a 'Serviced Condition' (i.e. the provision of roads, sewers and other required services to the boundary of the Health Centre Land).

The draft S106 provides that the Developers cannot commence development of Phase 2 until they have offered to transfer the Health Centre Land in a serviced condition to the NHS; the NHS will have 3 calendar months to accept the land. Should they not respond or refuse to accept the transfer, then the Developers are obligated to pay an agreed Health Contribution instead, which will be used towards the provision and/or improvement of healthcare facilities at Nayland Drive Branch and/or Clacton Road Branch (including its main Old Road Medical Practice); Surgery Branch, Church Square (including its main St James Surgery). In other words, the NHS can either choose to have a serviced site or the financial contribution towards existing facilities.

Should the ultimate position be a financial contribution towards existing facilities then the site marked for the 'Health Centre Land' would be able to be used for alternative purposes (where relevant subject to planning permission and bearing in mind that the site earmarked for the 'Health Centre Land' lies within the Neighbourhood Centre).

ECC
Highways

This Authority has reviewed the updated highway and transportation impact of the proposal, the baseline information represented in the 2017 Environmental statement remains appropriate when comparing the predicted 2022 flows with the surveyed 2021 flows and it is considered that the original assessment was robust and no further reassessment in this regard is required: with the agreed mitigation measures remaining relevant. Considering these factors:

The Highway Authority has nothing further to add to our previous comments dated 11 and 30 May 2018 for this application.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Env Agency

No further comments

ECC Suds

With reference to the Environment Statement report, we understand that the high level flood and drainage elements are discussed to understand the overall site hydrology. We do not ask any further information as part of EIA/ES to cover

drainage however always recommend (developers) to engage LLFA in pre-application discussions when developing a surface water drainage proposal or seeking discharge of condition.

ECC Suds would recommend to look at ECC SuDS Design Guide at <https://www.essexdesignguide.co.uk/suds>

If (the developer) would like to request a meeting with us then please apply for it at <https://flood.essex.gov.uk/new-development-advice/apply-for-suds-advice/>

External
Viability
consultant
(response
dated 28
April 2022)

In relation to an updated viability appraisal which has been submitted in relation to the subject site in a letter dated 2 December 2021 prepared by Pioneer, in addition to an email dated 11 April 2022 that provides additional supporting evidence. In summary, the Applicant's appraisal seeks to demonstrate that the proposed scheme cannot support more than c. 20% Affordable Housing. I have reviewed the submitted information and I set out my comments under the headings below.

Market Housing Revenue The proposed scheme market housing generates revenue of c. £199.46m equating to a blended capital value per sq/ft of £298. In support of this revenue, the Applicant has submitted a schedule outlining sale prices of units from their scheme at 'Flint Grange' which is located c. 2.4 miles to the north-east of the subject site in which sales revenue equates to c. £298 per sq/ft. We have reviewed this information and we do not consider that the proposed scheme sales revenue is unreasonable.

Affordable Housing Revenue

The affordable housing units generate revenue of c. £21.97m equating to a blended capital value per sq/ft of c. £130. In support of this revenue, the Applicant has provided the following statement:

"The attached email that you send [sic] me, relating to Oakwood Park, provides details of a details of [sic] an affordable housing exercise for the site in Clacton-on-Sea. The highest offer received equated to 43.48% of OMV. This has been applied to the £298.34psft open market sales figure, resulting in an affordable revenue of £21,937,304 (£129.72 psft). In Pioneer's experience, Tendring is usually a relatively difficult location in which to secure healthy offers from Registered Providers, with typically the same 2 or 3 submitting offers each time".

Whilst this statement refers to an offer received for a different site in 2020, we highlight that the Applicant's original letter dated 2 December 2021 states:

With regards to affordable housing revenues, Persimmon have an affordable housing contract in place at Thorpe Road. Following an extensive tender process they identified an RP able to pay 52.83% of open market value, and this percentage has been applied to the modelling for Rouses Farm".

We queried the discrepancy between the two statements and the Applicant has advised:

"On the HA revenue, we had attached the results of the marketing exercise we did with the Council for the affordable on our Flint Grange scheme and this supports the c. 44% we are reporting. We have also recently tendered other schemes in Tendring and these are showing very little appetite (with only one or two RP's [sic] interested) and their level of interest around this 44% of OMV

level”.

On the basis of this statement we have adopted the Applicant’s affordable housing revenue at 44% of market value.

Construction Costs

The Applicant has increased the previously adopted construction costs that were agreed in March 2019 and indexed them by 4.48% to Q1 2022 in accordance with the BCIS Tender Price Index (‘TPI’). We highlight that the TPI is now showing that costs have increased from March 2019 to Q2 2022 by 7.16%. Consequently, we have increased costs by 7.16% generating a total cost of c. £134.75m including abnormals.

Additional Costs

The Applicant has provided the following statement to support additional costs totalling c. £2.50m:

“EV Charging – EV charging points are required to serve every property in order to comply with the Council’s latest emerging policy. This is coupled with the imminent changes to Part S that will require such EV points to be fast charging. I understand that Persimmon’s contractor has advised that the cost of supplying and fitting such will be £819.14 per socket. Therefore, for 950 sockets this will amount to the projected £778,183.

Renewables – To meet the Council’s latest emerging policy for delivering renewables, you have informed me that Persimmon have recently completed an assessment on a scheme that was granted permission at the end of January 2022 with [sic] the Council. This required the provision of 128 no. Clearline PV16-340-G1W solar panels to meet the requirements of the policy for that 50 dwellings scheme. Therefore, in order to meet the requirement for our 950 dwelling development at Rouses Lane a total of 2,432 panels will be required. The cost of supplying and fitting these panels is £726.54 per panel and so the total cost for providing the 2,432 panels is £1,766,945.28”.

We request that the Applicant provides this information from the contractor on letter headed paper. We would also ask that the Council confirm that the measures above are required for this particular scheme.

Profit

With regards to profit the Applicant has stated:

“I can see no real justification to reduce the level of return on the private sales from 20% of GDV to 17.5%. The macroeconomic threats are a clear challenge on a site of this size and associated length of delivery: continued Brexit fallout, further Covid restrictions, geopolitical turmoil, and rises in inflation and interest rates. The original viability submission and agreed appraisal both assumed 20% of GDV on private sales, as does the Tendring Council Viability Study produced by Three Dragons and Troy Planning+ Design (June 2017), produced to assess deliverability of the Local Plan”.

We have considered the Applicant’s statement and for the purpose of this assessment, we have maintained a profit of 17.5% on the basis that the property market is cyclical and due to the duration of the project programme

(i.e. 9 year multi-phased scheme) the Applicant will have the ability to adapt to changing market conditions. Multiple phase developments by their nature are more adept at dealing with market cycles as the developer has the ability to speed up or slow down each phase so that they are only selling at a time of favourable market conditions. By contrast, a single phased scheme comprising fewer units (over a 12 month to 18 month programme) could potentially incur a greater risk as all units would be constructed and marketed during a period of market uncertainty. Furthermore, in terms of risk, housing schemes are generally accepted to be at the lower end of the range, whereas high density flatted schemes are considered to be at the top end of the risk range. We are seeing a range of high density flatted schemes across the south east coming forward with profit at 17.5%, so if anything, the profit on the subject scheme could arguably be lower.

Appraisal Results

In conclusion, the Applicant's updated appraisal concludes that the scheme cannot support more than 20% affordable housing as their appraisal generates a deficit of c. £1.14m.

We have undertaken our own appraisal and on the basis of a profit of 17.5% for the market housing units our appraisal generates a surplus of c. £2.87m and we attach our appraisal as Appendix 1 to this letter.

We have converted this surplus into affordable housing and we attach a copy of this appraisal as Appendix 2. In summary, the scheme can support c. 23.58% affordable housing (224 units).

Officer comment: Following the above comments from the Viability consultant the Developer, via their agent provided additional clarification on the outstanding matters and / or areas where common ground does not exist. Following consideration of the additional information the Viability consultant confirmed, via an email dated 20/05/2022 that given a developer profit of 20% was agreed the first time around, that it would be unreasonable to insist on a lower profit this time around, or indeed a higher level of affordable housing, officers agree with this position. Further clarification on the latest viability position is also included in the 'Assessment' section below.

ECC
Infrastructure
Planning
Officer (IPO)

Can advise that whilst the school would be delivered during the early phase of the development this is considered to be acceptable. However, there is correspondence on file relating to the Masterplan and some concerns regarding the delivery of a sustainable environment surrounding the school site. The IPO is also aware that ECC do not appear to have had sight of a Land Compliance Study and do not have copies of all the plans referred to in the draft s106 attached. Please could these documents be forwarded as they will inform the final drafting of the s106.

Officer comment: These drawings and documents have since been provided to the ECC Infrastructure Planning Officer

IPO would take this opportunity to raise concerns in relation to the legal agreement. Some considerable time has lapsed since there was any correspondence regarding the draft s106. IPO would therefore request that ECC are allowed the opportunity to review the latest draft and revert with their comments at the earliest opportunity.

Officer comment: *The IPO is part of the s106 process and will be given an opportunity to review the latest draft s106.*

Anglian
Water

No response

Essex
Bridleway
Association

No response

5. **Representations**

No further third party comments have been received following the publication of the Application Evidence Base, including the Environmental Statement, which was published on the Council's website in January 2022. There continue to be only five local objections raising general concerns about the impact of the development in this location. These objections have all been considered in this report and the original May 2018 committee report, and where indicated are addressed accordingly.

6. **Assessment**

Site Context

- 6.1 The description of the site context as set out in section 6 of the 30 May 2018 committee report remains relevant and accurate for the purposes of assessing this development proposal.

Proposal

- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 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

applicant's opinion that the information provided with the submission demonstrates that it is possible to deliver a well-connected site.

- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 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.
- 6.10 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.
- 6.11 Below are the key and most important material planning considerations insofar as this development proposal is concerned:

Principle of Development

- 6.12 The site is allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space as set out in Policy SAMU4 of Section 2 of the Local Plan to 2033 and beyond. As stated above, section 2 of the local plan has been adopted in January 2022 and full weight is attributed to its policies. The principle of development therefore remains acceptable, in fact, the acceptability of the principle of development on this allocated site has been reinforced compared to the situation in May 2018 mainly due to the adoption of section 2 of the local plan to 2033.

Environmental Impact

Landscape & Visual Impact

- 6.13 In the context of this allocated site and having regard to the surrounding area, the substance of policies governing landscape and visual impact have not significantly changed since May 2018. Having regard to the Application Evidence Base report, including the updated Environmental Statement, it continues to be the view of the LPA 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

- 6.14 In addition to the survey work undertaken in 2015, 2016 and 2017, the Applicants, through their agents have commissioned an updated Preliminary Ecological appraisal and Phase 2 Surveys through 2021 for submission alongside the Phase 1 and 2 RM application to update the baseline ecology information. These surveys are provided with this report as Appendix 1.
- 6.15 The updated surveys in summary confirms that the baseline remains largely consistent with the July 2017 ES as outlined in the summary table in paragraph 7.7 of the Application Evidence Base report dated January 2022 and Appendix 1 (Ecological Surveys and Impact Assessment dated January 2022) – these findings are not challenged by Natural England who confirmed to no further comments following the latest consultation in January 2022.
- 6.16 With regards mitigation and enhancement, as this is an outline application only, should planning permission be granted then the detailed application (reserved matters stages and various phases) will have to be designed in accordance with the mitigation and enhancement proposed and as set out in the July 2017 Environmental Statement.
- 6.17 In terms of habitats, previously (as part of the 2017 consultation) Natural England identified that this allocation at Rouses Farm has ‘moderate’ potential to be used as an off-site Special Protection Area (SPA) habitat (also known as ‘functionally linked land’ (FLL)) for golden plover and lapwing. Natural England previously noted 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.
- 6.18 Offsite bird mitigation is covered within the Section 106 agreement and should planning permission be granted, a condition is recommended to secure an Ecological Management Plan for each phase and will comprise the following measures located on an adjacent landholding just a few km from the Site:
A minimum of 20 ‘skylark plots’ within cereal crops – i.e. undrilled areas, which should be at least 16m² and aim to provide nest sites and foraging areas.

Provide overwinter stubble (cultivated and sprayed as later as possible) to provide a seed resource;

An 8m x 500m conservation headland (avoid spraying this area with herbicides targeted at broad-leaved weeds), located adjacent to an existing hedgerow.

Permanent set-aside – the existing field margin south of the main farm track should be managed as rough grassland and cut on a three-year rotation.

Winter feeding station with an area of rotational set-aside – an area of at least 0.4ha spread with seed mix twice per week from 1 December until 30 April.

- 6.19 In addition, should outline planning permission be granted then the final reporting and assessment work to accompany the Phases 1 and 2 Reserved Matters submissions, which will include an updated Preliminary Ecological Appraisal and Phase 2 Surveys Report for 2021, and officers are in agreement that no additional or unexpected likely significant ecological effects over and above those defined within the July 2017 Environmental Statement (ES) are anticipated. It is considered that the July 2017 ES properly considered the effects of the proposal development on the local population and there has been no change in the baseline information in this, and therefore with mitigation, to be secured via conditions and in the section 106, there continuous to be no policy conflict in respect of Ecology and Nature Conservation

Heritage

- 6.20 As part of the latest round of consultation ECC heritage position is that the development would result 'less than substantial harm' to the nearby Dutchess Farmhouse. The May 2018 committee report concluded that setting of the Dutchess Farmhouse as a designated heritage asset 'would not be harmed by the proposal'. As mentioned above the site is allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. As part of the procedure to allocate this large 42 hectare site, the potential impact on designated heritage assets would have been a consideration. Notwithstanding this, it is considered that the public benefits of a 950 residential units development, to include 20% affordable dwellings, a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre and a 2.1ha site for a new primary school, would collectively and clearly outweigh the identified 'less than substantial harm' to the designated heritage asset.
- 6.21 ECC Heritage also stated Rouses Farm, which is a 19th century settlement, has the potential to be considered a non-designated asset however TDC does not have a local list of non designated heritage assets. In any event it is considered that the public benefits of a 950 residential units development, to include 20% affordable dwellings, a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre and a 2.1ha site for a new primary school, would collectively and clearly outweigh any harm to Rouses Farm as a settlement with the potential to be a non-designated heritage asset.

Archaeology

- 6.22 ECC Archaeology maintain their original comments from 2017 and stated: In accordance with Paragraph 194 (NPPF 2021) a field evaluation is required in order to describe the significance of the heritage assets which will be affected by the above application. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation. This should be carried out prior to determination of the application. However, ECC Archaeology also stated that if the authority is minded to give permission it is recommended that the following condition is attached to any consent to ensure a full detailed record of this significant site is made in advance of destruction.
- 6.23 In the May 2018 Committee Report the LPA concluded that *'this information (required by ECC Archaeology) would normally be required in advance of a planning decision, but given that this is an outline application with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.'*

6.24 In light of this position as outlined in 2018 by the LPA including the fact that there has been no significant shift in local or national policy, as well as ECC's willingness to accept a planning condition(s) if the LPA is minded to recommend approval, it is considered to be unreasonable to insist on further field evaluations at this time and prior to the determination of the application.

Transport & Access

6.25 The July 2017 ES identified the level of traffic generation generated by the proposed development, as set out at Table 9.3, which were 703 trips in the AM, and 722 trips in the PM. These trips were based on 950 residential dwellings and associated community uses, including the new school and medical centre, and distributed to the highway network on the basis of Census 2011 travel to work data, which remains extant. Accordingly, it is considered that the level of traffic generation generated by the proposed development has been properly considered and understood by the July 2017 ES.

6.26 Traffic surveys were undertaken in 2017 and predicted for 2022, as set out at Table 9.9 of the July 2017 ES. The results of these surveys and subsequent 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. ECC Highways agree with these findings and have stated:

6.27 ECC Highways has reviewed the updated highway and transportation impact of the proposal, the baseline information represented in the 2017 Environmental statement remains appropriate when comparing the predicted 2022 flows with the surveyed 2021 flows and it is considered that the original assessment was robust and no further reassessment in this regard is required with the agreed mitigation measures remaining relevant.

The agreed mitigation measures (to be secured via planning conditions or in the section 106 where necessary) include:

- Provision of new traffic signals junctions at the site access, incorporating pedestrian crossing facilities on St John's Road (full details to be submitted through Condition 9 and to be installed prior to the first residential occupation);
- Provision of high quality pedestrian and cycling links throughout the site and connecting to the surrounding highway network, which will be fully detailed within the Phases 1 & 2 RM submission;
- Site layout designed to accommodate buses (detail can be secured through each subsequent RM application);
- Implementation of a Construction Traffic Management Plan (to be submitted through condition 8 and before development commences);
- Improvements to St John's Road/Jaywick Lane junction (details to be submitted through condition 16 and to be undertaken prior to the occupation of the 250th dwelling);
- Redesign of St John's Road/Cloes Lane junction as a traffic signals junction with pedestrian crossing facilities on all approaches (details to be submitted through condition 14 and to be undertaken prior to the occupation of the 250th dwelling);
- Modifications to St John's Road/Peter Bruff Avenue junction (details to be submitted through condition 15 and to be undertaken prior to the occupation of the 500th dwelling);
- Improvements to St John's Road/A133 roundabout (details to be submitted through condition 16 and to be undertaken prior to the occupation of the 500th dwelling); and
- Implementation of a Travel Plan (to be submitted through condition 20 and before the occupation of any dwelling).

In addition to the above, the Developers have agreed to provide each dwelling with an EV charging point, which will be secured by planning condition; with the travel plan providing full

details of sustainable transport measures to encourage residents to not use their car when appropriate.

Air Quality

6.28 Following the latest round of consultation and having regard to the updated information on air quality provided by the applicant, the Council's Environmental Health Team stated that the proposed development would not have an adverse impact on the air quality within the localised area, and as such they are satisfied with the processes followed and the findings. However, they also stated should this application be approved and progress to a further planning phase, all steps should be taken to minimise emissions from the site during the construction phase, and any mitigation are followed and adhered to throughout the development. As such, necessary planning conditions have been included to secure mitigation.

Noise & Vibration

6.29 Again following the latest round of consultation the Council's Environmental Health Team is satisfied with the findings in the ES and would like any actions outlined in the relevant mitigation sections of the aforementioned document to be followed and adhered to. This will be secured by conditions should outline consent be granted.

6.30 In terms of vibration, likely significant road traffic noise effects are properly addressed and understood in the ES and therefore no additional or unexpected likely significant effects associated with the development as defined and assessed within the July 2017 ES are expected. The Council's Environmental Health Team raised no concerns or have not contradict these findings.

Soils and Agriculture

6.31 The proposal would involve the loss of 39 hectares of best and most versatile agricultural land in Grades 2 and 3a. The site is allocated for housing and other uses as outlined above and the permanent loss of agricultural land cannot be mitigated. Having regard to this and 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, especially now that section 2 of the local plan to 2033 has been adopted and full weight is afforded to key policy SAMU4 that allocates this site for development.

Hydrology, Flood Risk & Drainage

- 6.32 Both the Environment Agency and ECC Suds team continue to raise no objection to this development subject to mitigation which will include (and have been secured by conditions):
- Environmental Construction Management Plan (Pre-Commencement);
 - Surface Water Drainage Scheme (Pre-Commencement);
 - Construction Water Management (Pre-Commencement);
 - Surface Water Maintenance Statement (Pre-Commencement);
 - Foul Water Strategy (Pre-Commencement); and
 - Water, Energy and Resource Efficiency Measures (Pre-Commencement)

Ground Conditions and Contamination

6.33 In respect of the above and following the latest round of consultation the Council's Environmental Health Team continues to raise no objection subject to conditions which will be secured should outline consent be granted. In particular, a condition is recommended which will secure the following aspects:

- An Initial Investigation And Risk Assessment;

- A Detailed Remediation Scheme;
- Implementation Of Approved Remediation Scheme;
- Reporting Of Unexpected Contamination; And
- Long Term Monitoring And Maintenance.

Socio-economics

- 6.34 The latest version of the NPPF continues to state 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.
- 6.35 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 relevant paragraphs in 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.
- 6.36 The final core planning principle as set out within para. 93 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural well-being for all sections of the community.
- 6.37 The proposed development would provide up to 950 dwellings which would result in a number of social and economic benefits to include:
- 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;
 - The provision of new open-market and affordable dwellings
- 6.38 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.

Affordable Housing and Viability

- 6.39 Adopted policy LP5 states the Council will expect 30% of new dwellings to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable housing.
- 6.40 A financial viability report has been submitted and recently updated (to reflect current market conditions) by the Applicant. The viability report continues to support 20% affordable housing on site (which equate to a total of 190 homes (approximately a years' worth of supply). In summary the financial viability report finds that:
- Construction costs have risen by 12.32% since 2019 (as evidenced within the submission with reference to The BCIS Cost Index)
 - New Planning Policy Requirements for EV Charging to each plot, plus 20% Renewable energy generation, will incur costs of c.2.5m across the development

- 6.41 The above is in addition to the other identified costs that were agreed in 2019, such as the road/site works (c. £6m).
- 6.42 Given the trend in cost increases and widely reported forecasts regarding the supply of labour and building materials, the LPA is in agreement that it is reasonable to assume that 12.32% may represent an underestimate.
- 6.43 For the reasons set out above and in the consultation section LPA officers are satisfied that the offer of 20% affordable housing is still appropriate in this instance and in accordance with policy LP5 which allows for viability testing.

Community Facilities/Neighbourhood Centre

- 6.44 A requirement 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 E (shops, food and drink and/or use class F.2 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site.
- 6.45 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. The NHS have concluded that a developer contribution will be required to mitigate the impacts of the proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £554,900. The Developer has agreed to this and it will be secured in the section 106 legal agreement

Education

- 6.46 In accordance with requirement b) of 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. In addition to the above, if approved the outline consent will also secure a reasonable, necessary, fair and directly related (to the development) financial contributions to create additional secondary school places, again in accordance with the allocation.

Public Open Space

- 6.47 The NPPF 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.
- 6.48 The landscape scheme at the Reserved Matters stage would include: An area of POS well in excess of the requirement and will be specifically designed to meet Natural England's 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 children's play area.
- 6.49 This would satisfy the Council's policy requirements and the POS and the section 106 legal agreement (should outline consent be granted) will ensure the transfer of new open space, including proposed equipped play areas to the Council or a management company.

Reserved Matters

- 6.50 For the same reasons as outlined in the May 2018 committee report, it remains the view of LPA officers 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.
- 6.51 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 – this will be a condition.

Living Conditions

- 6.52 For the same reasons as outlined in the May 2018 committee report, it remains the view of LPA officers that the living conditions of existing and future residents would be protected from any materially detrimental impacts, in accordance with the latest relevant policies governing design and residential amenity considerations in planning applications.

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

- 6.53 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 will cover the following:

- A total of 20% On-site Council Housing/Affordable Housing
- Provision of land on-site for a new healthcare facility together with a £554,900 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 RAMS and off-site ecological mitigation.
- A contribution of £500,000 towards public transport provision

7. Conclusion and Planning Balance

- 7.1 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 continues to raise 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.
- 7.2 The latest NPPF 2021 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.3 The site is specifically allocated through recently adopted Policy SAMU4 for a mix of residential development, community facilities and public open space in the Local Plan. This can be afforded full weight in the decision making process due to the recently adopted status of the Local Plan.
- 7.4 The application is accompanied by an Environmental Statement (ES) including a re-evaluation of the ES and 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.
- 7.5 In addition, whilst outline in form, Officers remain 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 allocation as a planned for western extension 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.
- 7.6 Accordingly, it is recommended that outline planning permission is granted subject to the following:

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out below:

- 20% On-site Affordable Housing
- Provision of land on-site for a new healthcare facility together with a 554,900 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 RAMS and off-site ecological mitigation.
- A £500,000 financial contribution towards public transport provision

8.2 Conditions and Reasons

- 1 The first application for the approval of reserved matters for at least the first phase of development shall be made to the Local Planning Authority no later than three years from the date of this permission. All subsequent applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 No development on any phase shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping (including a hard and soft landscaping scheme for that phase), layout and scale, for that phase, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - The application as submitted does not provide sufficient particulars for consideration of these details.

- 4 No development shall commence until a Phasing Plan and Programme for the development has been submitted to and approved in writing by the Local Planning Authority. The document shall identify the physical extent of each proposed phase of development and an indicative timescale for implementation of each phase. The development shall be carried out in accordance with the approved Phasing Plan and Programme.

Reason - To ensure the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning, highway safety and amenity. Given the scale and mixed use nature of the development, the definition of phases will also enable more specific planning conditions to be discharged, as appropriate, on a phase-by-phase basis to assist in the timely delivery of the whole scheme.

- 5 The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos: 160259-X-00-DR-C610 and 160259-00-X-DR-C601, and each phase or phases of the residential development so approved shall be completed in accordance with a hard and soft landscaping scheme, agreed pursuant to condition 3 above.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 6 The reserved matters shall be in general conformity with the following plans and documents unless as otherwise varied by an approved Phasing Plan and Programme pursuant to condition 4:

P.1509_08 Sheet No. 07 Rev. F - Phasing Parameter Plan
P.1509_08 Sheet No. 06 Rev. C - Density Parameter Plan
P.1509_08 Sheet No. 04 Rev. B - Land Use Parameter Plan
P.1509_08 Sheet No. 03 Rev. E - Access and Movement Parameter Plan
P.1509_08 Sheet No. 02 Rev. C - Open Space Parameter Plan
P.1509_08 Sheet No. 01 Rev. B - Building Height Parameter Plan
P.1509_07 Rev. G - Masterplan
P.1509_13 E - Design and Access Statement

Reason - To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity.

- 7 The development hereby permitted comprises:
a) No more than 950 dwellings
b) A single continuous site of not less than 2.1 hectares for a new Primary School

c) A neighbourhood centre comprising a local health facility with an net internal area of no less than 1500 square metres and no more than 700 square metres gross floor area for uses falling with Classes E(a) (Display or retail sale of goods, other than hot food), E(b) (Sale of food and drink for consumption (mostly) on the premises), E(d) (Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink), E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner), E(f))Creche, day nursery or day centre (not including a residential use)

Reason - To ensure compliance with the description of development hereby approved.

- 8 No development of any phase shall take place before an Environmental Construction Management Plan for the construction of the development of such a phase hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works on that phase shall be carried out in accordance with the approved Environmental Construction Management Plan for that phase.

Details submitted in respect of each of the Environmental Construction Management Plan(s), incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development on the relevant phase. The method statement(s) shall also include details of a construction traffic management plan, a soil management plan, the loading and unloading of plant and materials, hours of construction, dust suppression strategy, means of recycling materials, the provision of parking facilities for contractors during all stages of the development on that phase (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and means of safeguarding the public right of way during construction of that phase.

Reason - To ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

- 9 Prior to the first residential occupation or operation of the school (whichever comes first) within Phases 1, 1A or 2 as shown on Phasing Parameter Plan Drawing No. P.1509_08 Sheet No. 07 Rev. F, the signalised junction onto St Johns Road as shown in principle on Drawing No. 160259-00-X-DR-C601, including pedestrian and cycle infrastructure, shall be provided in accordance with detail to be submitted to and agreed in writing with the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 10 Prior to the first residential occupation or occupation of the Neighbourhood Centre (whichever comes first) within Phases 2A, 3 or 4 as shown on Phasing Parameter Plan Drawing No. P.1509_08 Sheet No. 07 Rev. F, the signalised junction onto Jaywick Lane as shown in principle on Drawing No. 160259-00-X-DR-C610, shall be provided in accordance with details to be submitted to and agreed in with the Local Planning Authority. The details submitted shall incorporate a toucan crossing facility together with a 3 metre wide section of cycleway to the east of Jaywick Lane to allow the existing Toucan Crossing to be removed.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 11 Prior to the first occupation of Phase 3 or 4 (whichever comes first) as shown on Drawing No. P.1509_08 Sheet No. 07 Rev. F a link road through the application site connecting St

Johns Road to Jaywick Lane shall be provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The details submitted shall provide for a road with a carriageway width of 6.75 metres with 1 x 2 metre footway and 1 x 3.5 metres shared footway/cycleway and show appropriately positioned bus stops equipped with current infrastructure.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 12 Prior to the first residential occupation or occupation of the Neighbourhood Centre (whichever comes first) within Phases of Phases 2A, 3 or 4 as shown on Phasing Parameter Plan Drawing No. P.1509_08 Sheet No. 07 Rev. F, a 3 metre wide cycleway/footway across the Jaywick Lane frontage, including surfacing/reconstruction of the existing footway shall be provided in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 13 Prior to the first occupation of the 250th dwelling hereby permitted St Johns Road/Jaywick Lane junction improvements to include the provision of a standard roundabout (increasing the inscribed circle diameter to 22 metres), increasing the entry width of both St John's Road approaches to the roundabout and the provision of a 'through lane' on St Johns Road shall be provided in accordance with detail submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 14 Prior to the first occupation of the 250th dwelling hereby permitted St Johns Road/Cloes Lane junction improvements to include either the installation of a signal controlled junction or an alternative junction arrangement as shown on drawing no. 160259-X-00-DR-C-604 REV A and Fig. 6.7 of the Submitted Transport Assessment shall be provided in accordance with detail submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 15 Prior to the first occupation of the 500th dwelling hereby permitted St Johns Road/Peter Bruff Avenue junction improvements to include but not be restricted to increasing the entry width of both St John's Road approaches to the roundabout as shown on drawing no. 160259-X-00-DR-C-608 REV A and Fig. 6.10 of the submitted Transport Assessment (such junction improvements are to be limited to the extent of adoptable highway) shall be provided in accordance with detail submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 16 Prior to the first occupation of the 500th dwelling hereby permitted either:

a) St Johns/A133 improvements for the St John's/A133 Roundabout to include but not be restricted to increasing the flare length and entry width of both the St John's Road west approach and the London Road south approach to the roundabout as shown in principle on the planning application drawings, in particular as shown on drawing no. 160259-X-00-DR-C-609 REV A and Fig. 6.12 of the submitted Transport Assessment (which show the maximum extent of such increased flare length and entry width) (such junction improvements are to be limited to the extent of adoptable highway) shall be provided in accordance with detail submitted to and agreed in writing by the Local Planning Authority; or

b) an alternative scheme for the delivery of such highway works shall be submitted to and agreed in writing by the Local Planning Authority

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 17 Prior to the occupation of the first residential dwelling hereby permitted improvements to the two bus stops on St Johns Road nearest to the St Johns Road site access shall be provided in accordance with details submitted to and agreed in writing by the Local Planning Authority. Such details shall include timetable information, bus stop signage and raised kerbs and hardstanding.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency and to promote the use of sustainable transport.

- 18 Prior to the occupation of the first residential dwelling hereby permitted appropriate pedestrian access from the site to the bus stop(s) on St Johns Road referred in Condition No. 17 (using either the site or existing adoptable highway) shall be provided in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency and to promote the use of sustainable transport.

- 19 Prior to the occupation of the phase 1A Primary School or the phase 2A Neighbourhood Centre, if the Link Road has not been completed pursuant to Condition No. 11 and is open for use by the public, an alternative footpath/cycleway to allow access between the northern and eastern parts of the sites and the school and neighbourhood centre shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority which shall remain in place until the Link Road has been completed pursuant to Condition No. 11 .

Reason - To allow for connectivity through site to encourage the use of sustainable forms of transport.

- 20 Prior to first residential occupation of the each phase of the development hereby permitted, a Residential Travel Plan for that phase shall be submitted to and approved by the Local Planning Authority for approval in consultation with Essex County Council. This shall include, but not limited to, details of the monitoring of the implementation of the travel plan details of a Residential Travel Information Pack to be provided to new households on that phase aimed at promoting the benefits of sustainable transport in support of the objective to secure a modal shift from the private car and increase the use of sustainable modes of travel. Such approved Travel Plan shall then be actively implemented for a minimum period from first occupation of that phase of the development until 1 year after final residential occupation on that phase.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 21 Upon first occupation of each dwelling hereby permitted, each household will be provided with a Residential Travel Information Pack, the details of which will have been agreed pursuant to condition 20.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 22 No 22. No works shall take place within a Phase of development hereby permitted (other than site investigations, the provision of the spine road, formation of service trenches or provision of services or agreed landscaping or formation of agreed surface water attenuation features) until a detailed Surface Water Drainage Scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The detailed surface water drainage scheme for each phase shall include but not be limited to:
- a) Provision of a detailed surface water drainage scheme for that phase of development and details of how this integrates and complies with the surface water drainage system for the development site as a whole;
 - b) Provide details of the discharge rates from that phase and demonstrate how this ensures that development as a whole will achieve discharge rates to the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
 - c) Detail any surface water storage within the Phase and demonstrate how it integrates with the development as a whole to provide sufficient surface water storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
 - d) Final modelling and calculations for all areas of the drainage system to serve that phase, having regard to totality of development permitted;
 - e) Detail how the phase will contribute to the achievement of the appropriate level of treatment for all runoff leaving the site as a whole, in line with the CIRIA SuDS Manual C753;
 - f) Detailed engineering drawings of each component of the drainage scheme within that Phase or to serve that Phase;
 - g) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features relevant to that phase;
 - h) An implementation plan providing a timetable for the implementation of the detailed surface water drainage scheme for that phase.

The scheme shall subsequently be implemented on the relevant phase in accordance with the agreed details.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 23 No works within a Phase of development shall take place (other than site investigations) until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works within that Phase together with measures to prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason - To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 24 There shall be no residential occupation within a Phase of development until a Maintenance Plan for the Surface Water Drainage detailing the management and maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies for that phase has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part on the relevant phase be maintainable by a maintenance company, details of long term funding arrangements for that phase should be provided for approval.

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

- 25 No development on a phase shall commence until a Foul Water Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Foul Water Strategy for each phase shall include a timetable for implementation and a phasing strategy having regard to the phasing of the development as a whole. Development of the relevant phase shall be undertaken in accordance with the Foul Water Strategy for that phase and thereafter managed and maintained in accordance with the approved details.

Reason - To prevent environmental and amenity problems arising from flooding.

- 26 A. No development or preliminary ground-works within any defined phase of the development shall commence until a Programme of Archaeological Trial Trenching for that phase has been secured and undertaken in accordance with a Written Scheme of Investigation for that Phase, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial phase of archaeological work for a phase, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development within that Phase, shall be submitted to the Local Planning Authority.

B. No development within a Phase or preliminary groundwork within a Phase can commence on those areas of the Phase containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy for that Phase, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork for the Phase, a post-excavation assessment for that Phase shall be submitted to the Local Planning Authority (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason - The proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

- 27 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D of this condition for that phase have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with C.

E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 28 No development shall take place within a Phase until precise details of the provision, siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives within that Phase have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.

Reason - To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.

- 29 No phase of development shall commence until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.

Reason - To ensure a satisfactory development in relation to external appearance.

- 30 Prior to commencement of any phase of development, details of all refuse/recycling storage and collection points required to serve that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

Reason - To ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

- 31 Within each phase of development, all planting, seeding or turfing shown on the landscaping details required to be submitted and approved under Condition No. 3 above shall be carried out on that phase during the first planting and seeding season (October - March inclusive) following the first occupation of that phase of development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority.

Reason - In order to ensure the earliest practicable implementation of new planting required to mitigate the impact of development, in the interests of local and residential amenity.

- 32 The implementation of the development shall take place at all times in accordance with the Tree Survey/Protection Plan Drawing Ref: TPP Rev. A (dated 27.04.17) submitted with the Outline application. No development within a phase shall commence until details of tree protection measures for that phase, including during the construction phase, have been submitted to and approved in writing by the Local Planning Authority and such measures as approved shall be implemented fully in accordance with such requirements.

Reason - In order to ensure the protection of trees, in the interests of local and residential amenity.

- 33 Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed to that dwelling.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

- 34 Prior to commencement of development of a Phase, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy for that Phase such strategy is to include details of how the applicant/ developer shall use their reasonable endeavours to advertise jobs locally and encourage the recruitment of employees and other staff from the locality of the application site, for the construction of that phase of the development. The approved Local Recruitment Strategy shall be adhered to for that phase therein after.

Reason - To promote and encourage the recruitment of employees and other staff in the locality of the application site.

- 35 Prior to commencement of a phase of development (excluding site investigation, levelling and ground works and remediation) a scheme for the provision and implementation of water efficiency measures, during the construction and occupational phases of the development in that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development on that phase. The development of the relevant phase shall be constructed and the measures provided and made available for use on that phase in accordance with such timetables as may be agreed by the Local Planning Authority for that phase.

Reason - To enhance the sustainability of the development through better use of water, energy and materials.

- 36 Other than for external lighting within the curtilage of a dwellinghouse or lighting within the public highway, details of external lighting for each phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These external lighting details for each phase shall consider how the use of such lighting will avoid, or minimise harm caused by light pollution and the development of that phase shall be carried out in accordance with the approved details.

Reason - To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

- 37 No development within a phase (excluding site investigation and remediation) shall commence until details of existing and proposed levels within that Phase of the site, finished floor levels and identifying all areas of cut or fill within that Phase, have been submitted to and approved in writing by the Local Planning Authority. The development of the relevant shall be carried out in accordance with the approved details for that phase.

Reason - To protect the impact on neighbours and in the interest of visual amenity.

- 38 No development shall commence within a phase of the development until a Landscape Management Plan for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan(s) shall include design objectives, management responsibilities and maintenance schedules for the landscaped elements of the development on that phase. The development of the relevant phase shall be implemented and thereafter maintained in line with the details and timescales in the approved plan for that phase.

Reason - To ensure proper planning, management and maintenance of the approved landscaping; landscaped areas; sustainable urban drainage features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area.

- 39 No development shall commence within a phase of the development until an Ecological Management Plan for that phase has been submitted to, and approved in writing by the Local Planning Authority. The Ecological Management Plan will reflect the mitigation strategy as contained within the Phase 2 Ecological Surveys and Assessment at Appendix 7 of the submitted Environmental Statement and the Natural England Consultation Response dated 5th June 2018. The development of that phase shall be implemented in line with the measures contained within the approved Ecological Management Plan for that phase.

Reason - In order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on site during both construction and occupation phases of development to minimise the impact on birds and wildlife and to promote biodiversity.

40. Prior to above ground works in any phase identified within the phasing plan, a scheme for the provision of electric vehicle charging facilities for the dwellings, neighbourhood centre, and school hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the dwelling.

Reason - To enhance the sustainability of the development through better use of energy and materials.

41. No phase of the development identified within the Phasing plan shall be occupied until a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason - To enhance the sustainability of the development through better use of energy and materials.

8.3 Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

Highway Informatives

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: SMO1 - Essex Highways, , 653, The Crescent, Colchester Business Park, Colchester CO49YQ
2. The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
3. Commuted Sums - Any signal equipment/structures/non-standard materials/trees/public rights of way through the site proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

Anglian Water Informatives

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.
3. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.
4. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains,

sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

Building Regulations

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

9. **Additional Considerations**

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

- 10.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

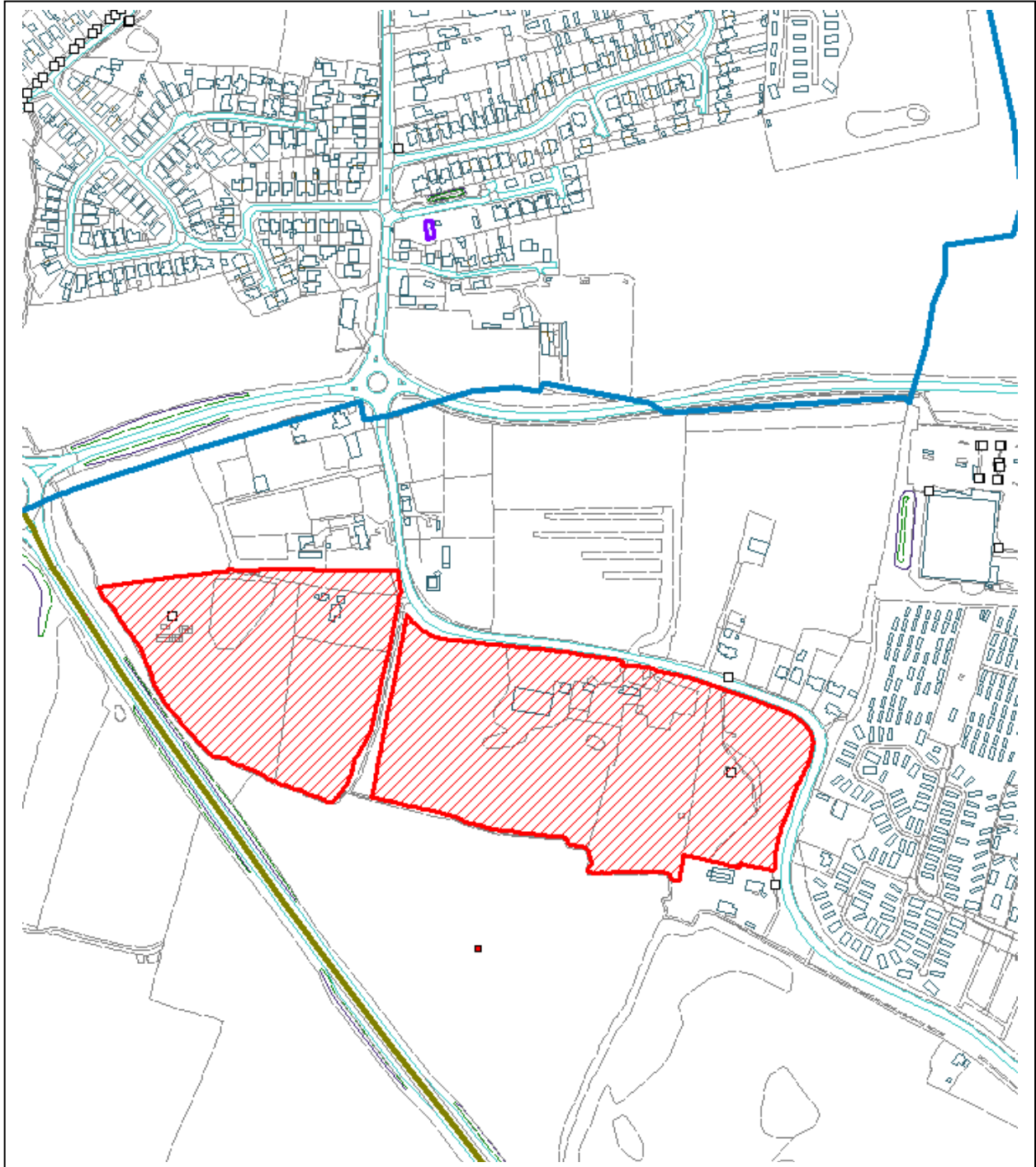
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PLANNING COMMITTEE

7th June 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 16/02039/OUT – LAND OFF LONDON ROAD CLACTON ON SEA ESSEX



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Application: 16/02039/OUT

Town / Parish: Clacton Non Parished

Applicant: Mr T Martin - Land Logic Ltd

Address: Land off London Road Clacton On Sea Essex

Development: Outline planning application for 220 Self-Build and Custom-Build dwellings, including 67 Affordable dwellings, with accesses off London Road.

1. Executive Summary

- 1.1. This application is being referred to Planning Committee at the request of the Acting Director of Planning.
- 1.2. The application site comprises 2no parcels of land, of approximately 10.6 hectares (combined), which are situated immediately to the south and west of the B1441 London Road, on the northern edge of Clacton-on-Sea. The parcels are subdivided by a farm track which provides access to an arable field to the south which is within separate ownership. The A133 lies adjacent to the western boundary of parcel 1.
- 1.3. Overall, the site consists of 2no former horticultural nurseries (including a dwelling at Langford Nursery), a dwelling known as Little Ditches within the north eastern corner of the site; woodland, orchard, grassland and scrub land that has regenerated naturally over time, as well as a redundant builders yard towards the eastern side of the site. The land in question is predominantly green and essentially rural in its nature, with a mix of uses within the area typical of its urban fringe location, but providing an important role in keeping Clacton separate from the village of Little Clacton.
- 1.4. This is an outline planning application, with access and layout to be determined at this stage, all other matters (appearance, scale and landscaping) are reserved for future determination.
- 1.5. The application was originally submitted for 220 Dwellings, including 20 Affordable Homes and 21 Self-Build Plots. This was revised in Spring 2020, and removes the Montana Nurseries site from the northern end of the site, with associated amendments to its access, and changes the description of the proposed development to entirely self-build and custom homes, including 67 affordable homes.
- 1.6. There would be two access points into the development site, one for each parcel, and the layout as identified on the submitted plans show a series of loop roads and cul-de-sacs proposed, with building forms being mainly detached.
- 1.7. Existing trees and vegetation to the perimeter of the parcels would largely be retained, along with a number of trees within the development zones. An ecological buffer adjacent to Picker's Ditch would be maintained, denoted as an 'Enhanced Ecology Zone' on the layout drawing, along with 2no woodland areas.
- 1.8. As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated settlement development boundary. The site falls within the area of countryside which separates Clacton from Little Clacton, and is designated as Green Gap. Policy PPL6 states that Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of

settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.

- 1.9. The existing green gap would be greatly diminished by virtue of the introduction of substantial built form into largely open countryside of a fairly undeveloped nature; and the introduction of 220 new homes on the application site would amount to a detrimental effect upon the local landscape, eroding the existing spaciousness found along the southern and western sides of London Road, whilst also bringing the settlements of Clacton and Little Clacton much closer together.
- 1.10. Whilst the evidence submitted demonstrates that there is a potential need for self-build and custom build units, the application is partly speculative, in that the proposed occupiers are unknown. Furthermore, whilst there is no exact definition of small scale, however, it is not considered that 220 dwellings (153 market dwellings) can be considered to be small scale.
- 1.11. The application is in outline form with layout being included as part of this application, therefore the layout of the development would be fixed. This means that potential owners would have less flexibility regarding the size and position of the proposed dwellings.
- 1.12. It is accepted that the proposal could provide for those on the Council's self/custom build housing register, and that the scheme would also enable the construction of 67 Affordable homes for the benefit of those within the District who are in housing need, if permitted. Short-term the application would also facilitate the provision of construction related jobs, and would also benefit local supply chains for building materials, trades etc.
- 1.13. However, when considering the planning balance Officers conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies set out within the NPPF taken as a whole.

Recommendation:

That the Assistant Director for Planning be authorised to REFUSE planning permission for the development for the reasons set out in paragraph 8.2 of the report.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

National Policy

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance (PPG)

Tendring District Local Plan 2013-2033 and Beyond Section 1 (January 2021)

- | | |
|-----|---|
| SP1 | Presumption in Favour of Sustainable Development |
| SP2 | Recreational Disturbance Avoidance and Mitigation |
| SP3 | Spatial Strategy for North Essex |
| SP4 | Meeting Housing Needs |
| SP6 | Infrastructure and Connectivity |
| SP7 | Place Shaping Principles |

Tendring District Local Plan 2013-2033 and Beyond Section 2 (January 2022)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable Housing
LP7	Self-Build and Custom-Built Homes
PP12	Improving Education and Skills
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps
PPL7	Archaeology
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
CP3	Improving the Telecommunications Network

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas
Essex County Council Car Parking Standards – Design and Good Practice
Provision of Recreational Open Space for New Development
Landscape Character Assessment

3. Relevant Planning History

13/30003/PREAPP - EIA Screening Opinion request - Development comprising of food store, six screen cinema, three A3 units, petrol filling station and landscape enhancements - 11.09.2013

4. Consultations

Anglian Water Services Ltd
19.05.2020

Wastewater Treatment

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 the 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.

Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, they are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, they would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Environment Agency
01.06.2020

We have reviewed the application as submitted and are raising a holding objection due to lack of information relating to the effects on water quality of the proposal. We have included advice to the applicant regarding how to overcome our objection in our response below.

Water Quality and Capacity

Recent 2019 flow data for the Clacton-Holland Haven Water Recycling Centre (WRC) shows that the sewage works is currently over capacity and non-compliant with the existing permit. Anglian Water Services (AWS) will need to apply for a new permit for this site, and upgrades will be required to be undertaken at the existing WRC to mitigate any effects of accepting flows from the development site.

We note that the developer has been in contact with AWS regarding sending foul flows to Clacton WRC. In their response (Planning Applications - Suggested Informative Statements and Conditions Report Planning) AWS have agreed that they will take "...necessary steps to ensure that there is sufficient treatment capacity...". There are however no details, provided with the application, of what these steps will be and there is no evidence of a detailed Foul Drainage Strategy or supporting Water Quality Assessment to assess the impacts of the additional foul flows on the local water environment.

Overcoming our Objection

Clacton WRC discharges, via a long sea outfall, out to sea so there is less risk in terms of environmental sensitivity and associated WFD deteriorations: However, there are numerous bathing water sites within the area so we expect an assessment to be made to ensure there will be no environmental damage from an increase in foul effluent flows coming from the discharge. We expect to see a more detailed strategy presented outlining plans to support the foul waste plans for this site to ensure there will be no adverse impact on the surrounding water environment.

As the WRC is currently non-compliant with its existing permit we object to the current application until AWS have applied for a new permit and more detail is provided regarding plans to upgrade the treatment capacity at the Clacton-Holland Haven WRC.

Essex County Council Highways
03.02.2017

The Highway Authority has assessed the details of this application and in principle has no objections. However, any reserved matters application should show the following details;

- The removal of all redundant access points,
- Upgrading the 4 bus stops in the vicinity as appropriate,
- A 3m wide shared use cycleway/footway along the London Road frontage. This facility can be positioned within the site in order to retain the hedge on the road side,
- Transport Information Marketing Packs for all new residences,
- All parking and turning facilities in accordance with current policy standards,
- The suggested amendments to the roundabout as per Appendix I in the submitted information,
- Vehicle visibility splays for the northern access of 2.4m x 120m to the North and 2.4m x 100m to the South,
- Vehicle visibility splays for the southern access of 2.4m x 120m in both directions,
- The roads being constructed as type D - Access routes
- Internal carriageways with a minimum of 13.6m centreline radius.
- Pedestrian provision required to access existing footway in London Road.
- Suitable pedestrian/cycle provision through the sites to provide permeability.
- A minimum 15m perpendicular/straight roads on approach to junctions.
- Any cul de sac without a turning head being no more than 20m in length

The information that was submitted in association with the application has been fully considered by the Highway Authority together with a site visit. The site is situated on a stretch of London Road that is subject to a 40-MPH speed limit. The Highway Authority should point out that it has noted that the proposed site access for site 2 is unchanged from the original application and those previous comments still stand. However, the comments below relate to the revised site access proposed for site 1 that has moved southwards from its original position shown on drawing no. 1691-PL02 B and is now located on the sweeping bend. The reason for this change is the applicant has since had to remove the 'Montana Nurseries' site in the north-western most part of the site to maintain a 'green gap' with Little Clacton to the north. The result of the removal of the Montana Nurseries site is the revised access position to 'Site 1' as presented.

In addition to the above and following an offer by the applicant to include a scheme to lower the current 40-mph speed to 30-mph this option was discussed with the Policy team who after careful consideration felt that due to rural nature of the road at this location and the lack of consistent development visible to the driver on both sides of the road it did not conform to the County's Speed Management Policy and as such there would be poor compliance with a lower speed limit at this time, even if this development went ahead or was supported with engineering measures.

The applicant has demonstrated that a 70-metre clear visibility splay could be achieved for southbound traffic turning right into site 1 if the vegetation is cut back to the boundary line with the adjacent landowner on the south-east side, based on measured speeds of 37-mph, average 85th percentile speed for north-westbound movements. In accordance with CA 185 Vehicle Speed Measurement (Design Manual for Roads and Bridges) the Highway Authority would want to see a minimum 73-metre clear visibility splay based on the speed survey results and in accordance with DMRB one step below (2 sec & 3.68 m/s reaction time and a deceleration) guidance.

The existing section of hedgerow on the opposite side of the road to the proposed vehicle access is in third party ownership and would be a continuous maintenance liability to retain the desired sight splays; although the Stage 1 Road Safety Audit suggests that the applicant and the Highway Authority enter into an enhanced maintenance agreement to ensure that the level of visibility is maintained through a regular maintenance plan, again at the applicant's expense. However, due to the location and alignment of the road and the signed speed limit this would entail temporary traffic

management every time the vegetation needs to be cut back, including the booking of road space before the work is undertaken. This potentially could lead to a delay in the work taking place and right turning vehicles being left with an impaired visibility splay.

Aside to the above, the cutting back of the vegetation to the boundary and affectively widening the full extents of the highway could have a negative impact of increasing vehicle speeds on the approach to the junction, in particular, powered two-wheeler motorcycles.

This section of London Road is a popular motorcyclist route, particularly in the summer months; the concern is that some of these riders will approach the bend at a higher speed than the recorded 37-mph, average 85th percentile speed for north-westbound movements and any less experienced driver or a driver with slower reactions waiting to turn right could be put themselves and any motorcyclist at an unacceptable degree of hazard.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The proposal would introduce a new vehicular access onto B1441 London Road (secondary distributor) which has deficiencies in geometric layout and visibility, for southbound vehicles wishing to turn right into site 1 from London Road which is not in accordance with current safety standards. The existence of an existing access further south from the proposed site access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but this serves a single dwelling and the intensification of that conflict and interference which this proposal would engender for the site 1 access to serve 67 dwellings would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The proposal is therefore contrary policies DM1 and DM3 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council Highways
05.10.2021

The additional information that was submitted in association with the application has been fully considered by the Highway Authority together with a site visit. Very little has changed since the Highway Authorities comments back in May of this year and the proposals appear to be more or less identical. The Highway Authority should point out that it has noted that the proposed location of the access for site 2 is unchanged from the original application albeit it now

includes a ghosted right turn lane, however, in principle the Highway Authorities previous comments still stand.

The comments below still relate to the revised site access proposed for site 1 that has moved southwards from its original position shown on drawing no. 1691-PL02 H and is still located on the sweeping bend. The site is situated on a stretch of London Road that is subject to a 40-MPH speed limit. It is appreciated that the reason for this change is the applicant has since had to remove the 'Montana Nurseries' site in the north-western most part of the site to maintain a 'green gap' with Little Clacton to the north. The result of the removal of the Montana Nurseries site is the revised access position to 'Site 1' as presented.

As highlighted previously discussions took place with colleagues in Network Assurance and our highways recommendation attached clearly set out the position we reached following consideration of the revised proposals across disciplines within Essex Highways following an offer by the applicant to include a scheme to lower the current 40-mph speed to 30-mph this, however, after careful consideration and due to rural nature of the road at this location and the lack of consistent development visible to the driver on both sides of the road, the proposed speed limit changes are contrary to the Essex Speed Management Strategy. As such there would be poor compliance with a lower speed limit at this time, even if this development went ahead or was supported with engineering measures.

The applicant has demonstrated that a 70-metre clear visibility splay could be achieved for southbound traffic turning right into site 1 if the vegetation is cut back to the boundary line with the adjacent landowner on the south-east side, based on measured speeds of 37-mph, average 85th percentile speed for north-westbound movements. In accordance with CA 185 Vehicle Speed Measurement (Design Manual for Roads and Bridges) the Highway Authority would want to see a minimum 73-metre clear visibility splay based on the speed survey results and in accordance with DMRB one step below (2 sec & 3.68 m/s reaction time and a deceleration) guidance.

The existing section of hedgerow on the opposite side of the road to the proposed vehicle access is in third party ownership and would be a continuous maintenance liability to retain the desired sight splays; although the Stage 1 Road Safety Audit suggests that the applicant and the Highway Authority enter into an enhanced maintenance agreement to ensure that the level of visibility is maintained through a regular maintenance plan, again at the applicant's expense. However, due to the location and alignment of the road and the signed

speed limit this would entail temporary traffic management every time the vegetation needs to be cut back, including the booking of road space before the work is undertaken. This potentially could lead to a delay in the work taking place and right turning vehicles being left with an impaired visibility splay.

This section of London Road is a popular motorcyclist route, particularly in the summer months; the concern is that some of these riders will approach the bend at a higher speed than the recorded 37-mph, average 85th percentile speed for north-westbound movements and any less experienced driver or a driver with slower reactions waiting to turn right could put themselves and any motorcyclist at an unacceptable degree of hazard.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The proposal would introduce a new vehicular access onto B1441 London Road (secondary distributor) which has deficiencies in geometric layout and visibility, for southbound vehicles wishing to turn right into site 1 from London Road which is not in accordance with current safety standards. The existence of an existing access further south from the proposed site access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but this serves a single dwelling and the intensification of that conflict and interference which this proposal would engender for the site 1 access to serve 67 dwellings would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The proposal is therefore contrary policies DM1 and DM3 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council Highways
11.03.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The site is situated on the B1441 Frinton Road that is subject to a 40-MPH speed limit. The Highway Authority notes that the proposed location for site access 2 is unchanged from the original application and those previous comments still stand. It is also noted that the proposed location for site access 1 has moved southwards from its original position shown on drawing no. 1691-PL02 B. The reason for this change is the applicant has since had to remove the 'Montana Nurseries' site in the north-western most part of the site to maintain a 'green gap' with Little Clacton to the north. The result of the removal of the Montana Nurseries site

is the revised access position to 'Site 1' as presented. The proposal would introduce two new accesses onto the B1441 London Road and the new proposal will see both junctions provided with a dedicated right turn lane on the B1441. The applicant has demonstrated that with the provision of the dedicated right turn lane for revised site 1 access a forward visibility splay of 82.5-metres has been demonstrated to be achievable from within a right-turn lane into Site 1, This (82.5-metres) is the same forward visibility splay that was achievable from the original position of the Site 1 access, which ECC found to be acceptable. Considering these factors from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the conditions to cover the following:

A Construction Management Plan including the following:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, including photographic evidence.
- vehicle routing.

No occupation of the development shall take place until the following have been provided or completed:

- The removal of all redundant access points, incorporating the reinstatement to full height of the highway verge / footway/ kerbing.
- Upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification.
- A minimum 2-metre-wide footway along the London Road frontage.
- two new informal pedestrian crossings with kerbed central refuges, two splitter islands adjacent to the right-turn lanes and associated tactile paving,
- For site 1 (northern access) a minimum vehicle visibility splay of 2.4m x 90m in both directions, as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
- For site 2 (southern access) a minimum vehicle visibility splay of 2.4m x 120m in both directions as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
- Pedestrian provision required to access existing footway in London Road with associated tactile paving.

- Suitable pedestrian/cycle provision through the sites to provide permeability.
- The suggested amendments to the Centenary Way/ London Road roundabout as per Appendix I in the submitted information.

Residential Travel Plan – including an annual monitoring fee.

Informatives:

1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

3: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority, which shall thereafter be maintained in good repair.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Place Services Ecology
28.05.2020

Holding objection due to insufficient ecological information on designated sites, European Protected Species (bats, Hazel Dormouse and Great crested newt)

We have reviewed the Ecological Assessment (ADC Environmental, November 2016) and the Ecological Technical Update (ACD Environmental, February 2020) supplied by the applicant, relating to the likely impacts of

development on Protected & Priority habitats and species, identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

The Ecological Technical Update (ACD Environmental, February 2020) states that the baseline habitats onsite have not changed since the original survey conducted in 2016, however the condition of the building identified as B12 has deteriorated and the structure is now considered to have 'Low' potential for roosting bats. The Ecological Technical Update (ACD Environmental, February 2020) therefore states that this "requires a single bat emergence survey". Additionally, the Ecological Technical Update (ACD Environmental, February 2020) states that, due to the number of trees onsite, no detailed tree potential roost feature assessments have been undertaken. Although bat roosts in trees can be transitory, an understanding of the potential for the presence of bat roosts within the trees should be established, to understand the likely impact of the development on bats.

We note that the Ecological Technical Update (ACD Environmental, February 2020) also identifies that "updated eDNA surveys should be undertaken on the 3 ponds onsite, immediately prior to clearance". This does not provide the LPA with certainty of the impacts of the development on Great crested newts (GCN) prior to determination. These ponds should be re-assessed for their suitability to support GCN, if they seem suitable then updated surveys should be completed to inform the appropriate mitigation and to ensure the LPA has certainty of the likely impacts of the development on these European Protected Species.

The 2016 surveys concluded that the site supports the Hazel Dormouse, slow worm and common lizard. The Ecological Technical Update (ACD Environmental, February 2020) concludes that the habitat onsite that would support these species has not changed since 2016, we support the conclusion that further surveys for these species are not necessary at this stage. The Ecological Assessment (ADC Environmental, November 2016) included detailed mitigation, compensation and enhancement measure for hazel dormice, however the report also states that "with the proposed mitigation and compensation, the residual effects on dormice are likely to be non-significant negative." The Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. (Based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council

[2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence for Hazel Dormouse is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted. If the work can proceed under a non-licensed method statement containing appropriate mitigation measures, then the LPA will need to secure this under a condition of any consent. Clarification is therefore sought on the method needed to secure this mitigation to avoid any offence.

Holding objection due to insufficient ecological information on European Protected Species (bats and Hazel dormice).

ECC Place Services Ecology
20.08.2020

Have reviewed the Ecological Assessment (ACD Environmental, November 2016) and the Ecological Technical Update (ACD Environmental, February 2020) and the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, identification of proportionate mitigation and are still not satisfied that there is sufficient ecological information available for determination of this application.

We support the additional further information included in the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) relating to the results of eDNA surveys for Great Crested Newts (GCN) and the emergence survey in relation to roosting bats in building B12.

However, the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) identifies several trees onsite that are proposed to be removed that have 'moderate' or 'high' bat roost potential- TG3069 and TG3053. The report recommends that "aerial inspection by a bat licensed tree climbing ecologist. Depending upon the results, further aerial inspections and/or emergence/re-entry surveys (between May and August) may be required." These surveys need to be undertaken prior to determination, to assess the likelihood of bats being present and affected by the proposed, and to inform if a European Protected Species (EPS) licence will be required for the development to proceed. Unless the applicant can provide the LPA with certainty of likely impacts on bats, the trees will need to be retained within the development.

We support the conclusion of the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) that an EPS licence will be required for Hazel Dormice, given the results of the 2016 surveys and the

increase in scrub onsite will provide greater onsite habitat for Hazel Dormice. We also note that the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) identifies that a Reptile Mitigation and Translocation strategy will also be required.

The 2016 surveys concluded that the site supports the Hazel Dormouse. The Ecological Technical Update (ACD Environmental, February 2020) concludes that the habitat onsite that would support these species has not changed since 2016, we support the conclusion that further surveys for these species are not necessary at this stage.

The Ecological Assessment (ACD Environmental, November 2016) included detailed mitigation, compensation and enhancement measure for hazel dormice, however the report also states that "with the proposed mitigation and compensation, the residual effects on dormice are likely to be non-significant negative." The Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) poses that, although the majority of the woodland and scrub onsite is to be removed, enhancement of the retained woodland onsite will be sufficient to mitigate the effects of the development on Hazel Dormice. However, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. (Based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). As the LPA needs certainty of likely impacts and that appropriate mitigation can be secured by the EPS Mitigation Licence, we recommend that the applicant provides clarification that this is sufficient to support an application for this development.

ECC Place Services Ecology
18.11.2020

No objection subject to securing biodiversity mitigation and enhancement measures

We have reviewed the recently submitted Ecology Consultation Response and Technical Update (ACD Environmental, October 2020) in addition to the Ecological Assessment (ACD Environmental, November 2016) and the Ecological Technical Update (ACD Environmental, February 2020) and the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020). These relate to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are now satisfied that there is sufficient ecological

information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Assessment (ACD Environmental, November 2016) and the Ecology Consultation Response and Technical Updates (ACD Environmental, February 2020, July 2020 and October 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We support the conclusion of the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) that an EPS mitigation licence will be required for Hazel Dormice, given the results of the 2016 surveys and the increase in scrub onsite will provide greater onsite habitat for Hazel Dormice. We recommend that a copy of this licence is secured by a condition of any consent for supply to the LPA prior to commencement.

We welcome that the Ecology Consultation Response and Technical Update (ACD Environmental, October 2020) has demonstrated that the trees onsite have now been sufficiently scoped for their suitability to support roosting bats and details appropriate mitigation measures. We also note that the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) identifies that a Reptile Mitigation and Translocation strategy will also be required. We therefore recommend that this should also be secured as a condition of any consent.

We note that Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 3.4km from the Colne Estuary SPA and Ramsar site. Therefore this site lies within the Zone of Influence (ZOI) for the Essex Coast RAMS and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. We also note that Tendring DC will secure the Essex Coast RAMS contribution of £137.71 per dwelling under a legal agreement for payment on commencement, with numbers confirmed at Reserved Matters stage.

In line with Natural England's revised interim advice to the LPA (August 2018) sufficient natural greenspace will need to be available to new residents for daily recreational needs (Annex 1) and a proportionate financial contribution should also be sought from the

developer towards visitor management measures at the Habitats sites to avoid adverse impacts on site integrity in combination with other plans and projects. The submitted Green Infrastructure Plan (ACD Environmental, July 2020) details that green infrastructure and areas for recreation will be provided onsite, with links to offsite footpaths and recreational opportunities within Brook Country Park.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

**CONCURRENT WITH RESERVED MATTERS ACTION
REQUIRED IN ACCORDANCE WITH ECOLOGICAL
APPRAISAL RECOMMENDATIONS**

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (ACD Environmental, November 2016) and the Ecology Consultation Response and Technical Updates (ACD Environmental, February 2020, July 2020 and October 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC

Act 2006 (Priority habitats & species).

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMICE

"The following works shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- Purpose and conservation objectives for the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance of the Receptor area(s).
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under

the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

ECC Place Services Historic
Environment (Archaeology)
28.05.2020

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

The planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The Essex Historic Environment Record identifies the proposed site as one of archaeological potential. To the south of the site excavation has uncovered medieval activity, possibly a bridge over a ditch, which suggests that a settlement may be nearby. The historic maps show a road leading from this area through the proposed development site, elements of which still survive as a track and may have associations with medieval settlement or later along the Colchester road. In the wider area settlement activity is indicated from recorded cropmark features identified from aerial photographs including field boundaries, enclosures and ring ditches.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless

otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

ECC Schools Service
12.06.2020

They have assessed the application on the basis of 178 x 2bed houses and 42 x 1 bed flats (exempt). A development of this size can be expected to generate the need for up to 16.02 Early Years and Childcare (EY&C) places; 53.4 primary school, and 35.6 secondary school places.

Early Years and Childcare

ECC has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The proposed development is located within Burresville ward (postcode CO16 9RA) and will create the need for an additional 16.02 childcare places. According to latest available childcare sufficiency data, there is no childcare provision within a 1 mile radius and only 4 early years and childcare providers within 3 miles, showing just 1 unfilled place between them. Across the ward there are an additional 4 childcare providers.

The data shows that there is insufficient provision to meet the additional demand created by this development. It is therefore proposed that a new facility is required within a 3-mile radius to provide a new provision or cover the cost of expansion to an existing setting. Additional places would be provided at an estimated cost of £265,868 index linked to April 2020. This equates to £16,596 per place.

Primary Education

This proposed development is not considered to attract an education contribution in relation to primary education needs as it is below Essex County Council's current threshold for places.

Secondary Education

With regards to secondary education needs, the proposed development is located within the priority admissions area of Clacton County High and there is a strong case that additional school places will be necessary. Based on demand generated by this proposal set out above, a developer contribution of £809,473 index linked to April 2020, is sought to mitigate its impact on local secondary school provision. This equates to

£22,738 per place.

School Transport

Having reviewed the proximity of the site to the nearest secondary school, Essex County Council will be seeking a secondary school transport contribution as there are no current safe walking routes from the proposed development to the nearest secondary school. The cost of providing this is £385,548 Index Linked to April 2020.

In view of the above, ECC request that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Early Years & Childcare and Secondary Education and Secondary School Transport provision. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant.

If the council were minded to turn down the application, they would be grateful if the lack of surplus Early Years & Childcare and Secondary Education and Secondary School Transport provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that they are automatically consulted on any appeal or further application relating to the site.

ECC SUDS Consultee
19.05.2020

Lead Local Flood Authority position - 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 following conditions.

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 22.4 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved

strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

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

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

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

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has

been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

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

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

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

Reason

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

Essex Police

Essex Police would like to see this development incorporate Crime Prevention Through Environmental Design (CPTED) pursuant to the NPPF and the Tendring Local Plan policy PL4, which requires developments are safe, secure places to live, e.g. uniform lighting without dark areas, effective physical security on each dwelling and to comply with Tendring's Consultation document to the formation of Tendring Local Plan to 2033 - Policy PL4 - Housing Layout - 'minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces'.

Natural England
10.09.2020

It has been identified that this development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European

designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS.

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

NHS North East Essex CCG
15.05.2020

The proposed development is likely to have an impact on the services of 2 GP practices, including 1 branch surgery operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this

development.

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. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

The development could generate approximately 484 residents and subsequently increase demand upon existing constrained services, specifically the North Clacton Medical Group - Crusader Surgery (including its branch surgery, North Road).

Consequently, the development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity, in line with their emerging Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of North Clacton Medical Group or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer.

As the development would generate approximately 484 residents, an additional 33.19 sq.m of GP surgery floorspace would be required, based upon based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO).

North East Essex CCG calculates the level of contribution required for additional primary healthcare provision (floorspace) to mitigate impacts arising from the development to be £128,511.68.

TDC Environmental Protection
28.05.2020

Environmental Protection have reviewed the application and recommends that conditions are imposed upon any grant of planning permission in respect of Demolition and Construction; Noise Controls; Emission Controls; Contaminated Land; and Acoustics.

TDC Housing
04.08.2020

As the application is for more than 11 homes, the affordable housing requirement will need to be in accordance with the Council's emerging Local Plan i.e. 30% of the total homes on the development. On this application, this equates to 67 properties (66.6 rounded up).

Clacton-on-Sea is the area of the district with the highest demand for housing. There are currently the following number of households on the housing register seeking accommodation in the town:

1 bed - 415 households*
2 bed - 240 households
3 bed - 161 households
4 bed - 64 households

*of the 415 households seeking 1 bedroom accommodation in Clacton-on-Sea, 201 are aged 60+ and therefore are likely to need ground floor or accessible accommodation.

Given the demand for housing in Clacton-on-Sea, the Council would like to see 67 affordable homes delivered on site.

TDC Public Realm, Open Space & Play
15.06.2020

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

It is noted that the development will include a LEAP and two LAPs. Should the developer wish to transfer these facilities to the Council a commuted sum would be required. This would not include any form of SuDs.

5. Representations

Two letters of representation objecting to the original scheme are summarised below:

- Clacton have been forced to have enough development without more being done outside of the permitted plan;
- There is very little land in Clacton that is not has been developed, this land is a beautiful green area with beautiful landscape and stunning trees including oaks and willows which will be destroyed;
- Loss of wildlife habitat, including in and around Picker's Ditch;
- Concerned about fire access into Brook Country Park being restricted;
- Surface water flooding of Meadow Cottage already occurs during times of heavy rainfall, building on the field to its north would accentuate this;
- The existing sewerage system is inadequate when Highfields Holiday Park is in operation throughout the holiday season, causing foul sewage flooding within Meadow Cottage;

- Increased traffic stemming from the development, accentuated by the operation of the Late Riser Car Boot sale site, will give rise to greater potential conflicts between road users and additional congestion;
- Lack of infrastructure in Clacton to support these new properties, many of the doctors surgeries and dentists are not taking new patients as there are not enough doctors who want to work in the area, and one hospital has closed;
- There are not enough schools in the local area, or places of employment for future residents.

6. **Assessment**

Site Context

- 6.1. The application site comprises 2no parcels of land, of approximately 10.5 hectares (combined), which are situated immediately to the south and west of the B1441 London Road, on the northern edge of Clacton-on-Sea. The parcels, hereafter referred to as parcel 1 (west) and 2 (east), are subdivided by a farm track which provides access to an arable field to the south which is within separate ownership. The A133 lies adjacent to the western boundary of parcel 1.
- 6.2. Overall, the site consists of 2no former horticultural nurseries (including a dwelling at Langford Nursery), a dwelling known as Little Ditches within the north eastern corner of parcel 1, woodland, orchard, grassland and scrub land that has regenerated naturally over time, as well as a redundant builders yard towards the eastern side of parcel 2.
- 6.3. The land in question is predominantly green and essentially rural in its nature, with a mix of uses within the area typical of its urban fringe location, but providing an important role in keeping Clacton separate from the village of Little Clacton. A detached bungalow known as Montana and former nursery buildings are located to the north of parcel 1, and on the opposite side of London Road to the north and east are a number of other properties, the Late Riser Car Boot sale site, and Highfields Holiday Park. To the south east of parcel 2 is a cattery and dwelling, Meadow Cottage, beyond which is the Brook Country Park which sits to the north of the Brook Retail Park.

Proposal

- 6.4. This is an outline planning application, with access and layout to be determined at this stage, all other matters (appearance, scale and landscaping) are reserved for future determination.
- 6.5. When the application was originally submitted, it sought outline planning permission for 220 Dwellings, including 20 Affordable Homes and 21 Self-Build Plots. This was revised in Spring 2020, following the outcome of the appeal for up to 175 dwellings on land South of Centenary Way/North of London Road Clacton on Sea (Appeal Ref: APP/P1560/W/16/3164169) which was dismissed in September 2018.
- 6.6. The revised scheme removes the Montana Nurseries site from the northern end of parcel 1, with associated amendments to its access, and changes the description of the proposed development to: *“Outline planning application for 220 Self-Build and Custom-Build dwellings, including 67 Affordable dwellings, with accesses off London Road”*, thereby removing the original predominantly ‘open market’ developer-led element of the proposal.
- 6.7. As signified by the revised submitted Residential/Dwelling Units - Supplementary information template, the dwelling mix would now comprise the following:

Self Build & Custom Build	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	Total
Houses		45	70	16	131
Flats	22				22
					153
Social, Affordable or Intermediate Rent					
Houses		16	15	2	33
Flats	14				14
					47
Affordable Home Ownership					
Houses		9	5		14
Flats	6				6
					20
Grand Total	42	70	90	18	220

6.8. Overall there would be a net gain of 219 units as the dwelling at Langford Nursery would be demolished to make way for the proposal.

6.9. There would be two access points into the development site, one for each parcel, and the layout as identified on the submitted Site Proposal plan shows a series of loop roads and cul-de-sacs proposed, with building forms being mainly detached. As layout is to be determined at this stage, the applicant has submitted a garden area schedule identifying the size of the private amenity space for each dwelling which range from 75 sq.m. to 383 sq.m.

6.10. Existing trees and vegetation to the perimeter of the parcels would largely be retained, along with a number of trees within the development zones. An ecological buffer adjacent to Picker's Ditch would be maintained, denoted as an 'Enhanced Ecology Zone' on the layout drawing, along with 2no woodland areas.

6.11. The dwelling at Little Ditches is located within the north eastern corner of parcel 1 and is proposed to be retained with the access road running adjacent to its northern boundary. The existing access to this dwelling is proposed to be closed and a new access will be created from the proposed new access road.

6.12. Pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the project, the subject of this planning application falls within Schedule 2 as set out therein: 10. Infrastructure projects; (b) Urban development projects - (ii) the development includes more than 150 dwellings. Consequently, it falls to the local planning authority to consider whether it is likely to have significant effects on the environment. Officers have carried out a Screening Opinion (SO), this concludes that significant effects on the environment are not likely and therefore an Environmental Impact Assessment is not required for this development.

6.13. The main planning considerations are:

- Principle of Development;
- Self-build and Custom Housing;
- Green Gap and Landscape Impact;
- Ecology and Nature Conservation;
- Access, Highways and Transportation;

- Site Layout and Living Conditions;
- Surface Water and Drainage;
- Ground Conditions and Contamination;
- Archaeology and Cultural Heritage;
- Planning Obligations; and
- Planning Balance and Conclusion.

Principle of Development

- 6.14. Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.
- 6.15. The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires 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 (what is often termed the 'tilted balance').
- 6.16. The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.
- 6.17. The site lies outside of the Settlement Development Boundary and therefore there is a principle objection to the residential development of this site. However, the proposal is for self-build and custom homes which Policy LP7 of the Tendring District Local Plan provides an exception.

Self-build and Custom Housing

- 6.18. The NPPF defines self-building and custom housing as 'housing built by an individual, a group of individuals, or persons working with them or for them, to be occupied by that individual'. It also states that 'such housing can be either market or affordable housing'. A legal definition is also provided within the Self-building and Custom Housebuilding Act 2016 which states that 'self-build and custom building means the building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person'.

- 6.19. The Housing and Planning Act 2016 placed a duty on Councils to grant sufficient suitable development permission of serviced plots of land to meet the demand for self/custom build housing. Since 1 April 2016 English local planning authorities have had to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area. Currently there are 122 people on the Council's register.
- 6.20. Policy LP7 of the Tendring District Local Plan states that 'the Council will consider, on their merits, proposals for small developments of new self-build and custom built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes'.
- 6.21. As the site is located on the edge of Clacton a Strategic Urban Settlement Policy LP7 requires all new self-building and custom built homes must be 'safely accessible on foot within 600 metres of the edge of the settlement development boundary'. In terms of the distance from the settlement development boundary the site meets the criteria set out in Policy LP7.
- 6.22. As part of the submission of the application the applicant has submitted evidence in the form of assessment carried out by Custom Build Homes. The submitted assessment by 'Custom Build Homes' on behalf of the applicant states that there are 7,267 persons who have expressed a desire to custom build within 30 miles of the application site. However, that figure does not tally with the amount of persons listed on the Council's Self-build register (122), and there is not currently a requirement for 153 self-build plots within the District.
- 6.23. Whilst the evidence submitted demonstrates that there is a potential need for self-build and custom build units, the application is partly speculative, in that the proposed occupiers are unknown. Furthermore, whilst there is no exact definition of small scale, however, it is not considered that 220 dwellings (153 market dwellings) can be considered to be small scale. Moreover, taking the Local Plan as a whole, there is clear distinction of small development representing 1-11 dwellings compared to larger sites that exceed 10 or 11 dwellings is made throughout. This would also be in line with the current definition of "major" development being 10 dwellings or above. The background text to policy LP7 also directly refers to Para 55 of the NPPF (updated to Para 80) in its intention to provide sustainable opportunity for small bespoke homes of exceptional quality and not significant large scale housing estates.
- 6.24. The application is in outline form with layout being included as part of this application, therefore the layout of the development would be fixed. This means that potential owners would have less flexibility regarding the size and position of the proposed dwellings.
- 6.25. It is therefore considered that the proposal is contrary to Policy LP7 of the Local plan in that the proposal is not a small scale development and that there is insufficient information to demonstrate that the proposal meets the criteria of self-build and custom build housing as the development is partially speculative and layout is included as part of the application which gives less flexibility to potential owners.

Green Gap and Landscape Impact

- 6.26. Notwithstanding the fact that the site is located outside of any defined settlement development boundaries, it also falls within the area of countryside which separates Clacton from Little Clacton, and is the subject of a specific designation on the proposals map of the Local Plan as a Strategic Green Gap.

- 6.27. Policy PPL6 of the Local Plan states that ‘the Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements’.
- 6.28. NPPF para. 174 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. 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.
- 6.29. Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character and appearance.
- 6.30. The application site is well populated with trees with a wide age range, and benefits from established boundary hedgerows on several of its boundaries. The proposed site layout shows that, in the main, the position of dwellings would be such that they would be set back from the boundaries, but that the implementation of the proposal would necessitate the removal of many young and early mature trees, as well as an over-mature orchard and a line of deteriorating conifers. Nonetheless it is acknowledged that the site layout indicates that the development of the land would be physically possible, alongside the retention and protection of the majority of trees on the land with the greatest visual amenity value.
- 6.31. The revised Arboricultural Impact Assessment (AIA) relates primarily to the exclusion of the Montana Nurseries site to the north and a revised layout of the development to accommodate a new vehicular access to the highway. The implementation of this would give rise to the further removal of some established trees, although replacement planting could mitigate against this longer term. The submitted Landscape and Visual Impact Assessment (LVIA) does however concede a moderate significance of visual effect for London Road residents at the residual stage.
- 6.32. In terms of wider landscape impact, the application site is situated in the Clacton and the Sokens Clay Plateau Landscape Character Area (LCA), as defined in the Tendring District Council Landscape Character Assessment. The Clacton and the Sokens Clay Plateau is typified by undulating agricultural plateau that is drained by the Holland Brook Valley System to the south east of the district, the overall strategy for which is to conserve the low density settlement pattern in rural areas, by maintaining the distinctive identity of individual settlement and enhancing the character of the urban fringe. Special attention is drawn to the sensitivity of the plateau edges to built development as they often form a skyline or setting for low lying areas.
- 6.33. In terms of the impact of the proposed development on the landscape character of the area, the LVIA states that there is no visual link across the site from points to the north, and that it would therefore not diminish the physical and/or visual separation of the settlements or compromise the integrity or function of the green gap.
- 6.34. However, whilst it is accepted that the boundary vegetation would provide a reasonable level of screening and reduce the visual impact of the development, it nonetheless fails to consider the fact that the existing green gap would be greatly diminished by virtue of the introduction of substantial built form into what currently comprises largely open

countryside of a fairly undeveloped nature. The closest development of any scale to the application site comprises the Highfields Holiday Park, however within the District that is a typical form of land use where tourism and related developments are commonplace in urban fringe locations. It is important to note that the settlement boundary for Clacton actually runs along the eastern side of this with Jubilee and Chingford Avenues marking the start of residential development, approximately ½ km away from the application site as the crow flies.

- 6.35. Quite simply the introduction of 220 new homes on the application site would amount to a clear and very real detrimental effect upon the local landscape, thereby eroding the existing spaciousness found along the southern and western sides of London Road, and giving rise to an unnatural incursion into the green gap, whilst also bringing the settlements of Clacton and Little Clacton much closer together. The introduction of a substantial built form into an otherwise largely open and undeveloped area would be harmful to the function of the Local Green Gap and as such would be harmful to the open edge of settlement character and appearance of the area.
- 6.36. Overall the scheme would be contrary to key aims of Policy PPL6 to prevent the coalescence of settlements and to protect their rural settings by keeping the green gap open and essentially free of development. The proposal is also contrary to advice at NPPF paragraphs 130 and 174 that require developments to ensure that proposals for development are sympathetic to local character, including landscape setting, whilst having regard to the intrinsic character and beauty of the countryside.

Ecology and Nature Conservation

Protected Species

- 6.37. One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 174 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.
- 6.38. The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, 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.
- 6.39. 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 and other water bodies and features such as green roofs and walls.

- 6.40. The Council's Ecologist has reviewed the Ecological Assessment, the Ecological Technical Update, and the three Ecology Consultation Response and Technical Updates (ECRTU) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, identification of proportionate mitigation on designated sites, protected species and Priority species & habitats. They are now satisfied that there is sufficient ecological information available for determination of the planning application, stating that the mitigation measures identified in these documents should be secured and implemented in full; in order to conserve and enhance protected and Priority Species.
- 6.41. They support the conclusion of the ECRTU (July 2020) that an EPS mitigation licence would be required for Hazel Dormice, given the results of the 2016 surveys and the increase in scrub onsite will provide greater onsite habitat for Hazel Dormice. They also welcome that the ECRTU (October 2020) has demonstrated that the trees on site have now been sufficiently scoped for their suitability to support roosting bats and details appropriate mitigation measures. In addition that note that the ECRTU (July 2020) identifies that a Reptile Mitigation and Translocation strategy would also be required.
- 6.42. The Ecologist also supports the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.

Habitat Regulations Assessment

- 6.43. The development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped in the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS): it is approximately 3.4km from the Colne Estuary SPA and Ramsar site and Essex Estuaries SAC.
- 6.44. The Council has a duty as a competent authority under the Habitats Regulations, to consider the potential for there to be a significant effect on the sensitive features of these European protected coastal sites. It is anticipated that without mitigation, new residential development such as this one would have a likely significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects. It is considered that the proposal falls within the scope of RAMS as 'relevant development'.
- 6.45. In line with Natural England's revised interim advice to the LPA (August 2018), sufficient natural greenspace would need to be available to new residents for daily recreational needs (Annex 1) and a proportionate financial contribution should also be sought from the developer towards visitor management measures at the Habitats sites, to avoid adverse impacts on site integrity, in combination with other plans and projects. Natural England state that provided their guidance is adhered to, an 'adverse effect on the integrity' (AEOI) of the European sites included within the Essex Coast RAMS from increased recreational disturbance can be ruled out, subject to appropriate mitigation.
- 6.46. One recommended way of trying to avoid increasing recreational pressures on the coastal European sites, is to encourage dog owners to exercise their dogs near their homes; and to provide safe and attractive links to areas of Public Open Space and play equipment for children, so as to minimise the need to drive to the protected sites.
- 6.47. The applicant has provided a Green Infrastructure Plan (Drawing No. LAN20403 08), this shows that in addition to a Local Equipped Area of Play (LEAP) and two Local Areas of Play (LAPS) that woodland areas and a woodland walk would be provided. The woodland walk area measures 654 sq.m. with a path measuring 63m in length, the woodland areas measure a total 17,857 sq.m. This drawing also shows existing connection to off-site

green spaces such as Little Clacton Village Hall and Harold Lilley Playing Fields and potential connections to Brook Country Park (which do not form part of the application site), although Brook Country Park is only approx. ½ a mile walk using the existing footway connections. The provision of the proposed green spaces and their long-term maintenance and management could be secured by condition or legal agreement.

- 6.48. In addition, if Members were so minded to approve the application, a proportionate financial contribution of £137.71 per dwelling could be secured in line with the Essex Coast RAMS' requirements, to ensure that the proposal would not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development.
- 6.49. Subject to the mitigation being secured there would be certainty that the development would not adversely affect the integrity of European Designated Sites, in accordance with Policy PPL4 of the Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Access, Highways and Transportation

- 6.50. In paragraph 104, the NPPF states that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 6.51. Where concerning the promotion of sustainable transport, the NPPF in para. 105 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. In paragraph 110, the NPPF states that in assessing specific applications for development, it should be ensured that:
- "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."*
- 6.52. Para. 113 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. However, development should only be prevented where the residual cumulative impacts are likely to be severe.
- 6.53. Policy CP1 of the Local Plan seeks to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport and Policy CP2 states that 'proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe'.
- 6.54. As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means.

- 6.55. As highlighted within the applicant's Transport Assessment (TA), there is a Morrison's supermarket on Centenary Way which is a minimum of 600m walk from the access point into site 1 to the north east. The Brook Retail Park, which accommodates a Tesco Superstore, a B&Q, a KFC, a Pizza Hut, and a Carphone Warehouse, is located a minimum of 1km to the south of the site, along London Road's footway.
- 6.56. To the north of the site in Little Clacton there are a small number of amenities, including a pharmacy, a post office/off-license and primary school. Walking to these would however entail crossing the busy Progress Way or Centenary Way at the B1441 and B1442 roundabout junction and therefore would not be deemed as particularly safe for young children. The nearest secondary school that the site falls within the catchment of is the Clacton County High School in the centre of town. Having reviewed the proximity of the site to this, Essex County Council states that they would be seeking a secondary school transport contribution as there are no current safe walking routes from the proposed development to the High School.
- 6.57. In terms of public transport, the nearest bus stops to the site are located on the B1441 London Road on the northern boundary of the site, the TA highlights that the bus stop infrastructure is currently very basic with only a bus stop flag present to signify the location of the stop. There is no formal waiting area, no shelter, and no timetable, route map, or real time information (RTI) at the nearest pair of bus stops.
- 6.58. These bus stops serve routes 97, 76, 135/137, X76, and 100. A further two bus routes can be accessed from stops to the north of the site. Bus routes 2 and 3 pass through Little Clacton; the closest bus stops to the site are on London Road a short distance to the north of the roundabout junction of the B1441/B1442. On the whole these services are fairly regular and bus service 137 provides a direct connection to the train station, although there as there is no evening service it can't be relied upon for commuting from London. However, on the whole it is considered that the site is in a relatively accessible location, with a wide variety of shops community services that are accessible by modes of transportation other than the private car, and therefore it can be deemed as sustainable in this respect.
- 6.59. The TA highlights that based on a worst-case scenario future year assessment, taking into account other committed and pending developments locally, that the vehicular traffic impact of the development would be significant on the B1442 arms of the London Road roundabout junction with Progress Way and Centenary Way. It is therefore proposed that a scheme of road improvement works should be carried out to the junction to improve its capacity, to mitigate the impact of the additional trips generated by this development. These works would comprise the widening of the carriageway to increase the two lane approach to the roundabout from both sides of the B1442.
- 6.60. Essex County Council, in its capacity as the Local Highway Authority, has considered the proposal and concluded that it would be acceptable from a highways perspective subject to the following:
- A Construction Management Plan including the following:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
 - prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, including photographic evidence.
 - vehicle routing.
 - Conditions to ensure the following:

- The removal of all redundant access points, incorporating the reinstatement to full height of the highway verge / footway/ kerbing.
 - Upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification.
 - A minimum 2-metre-wide footway along the London Road frontage.
 - two new informal pedestrian crossings with kerbed central refuges, two splitter islands adjacent to the right-turn lanes and associated tactile paving,
 - For site 1 (northern access) a minimum vehicle visibility splay of 2.4m x 90m in both directions, as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
 - For site 2 (southern access) a minimum vehicle visibility splay of 2.4m x 120m in both directions as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
 - Pedestrian provision required to access existing footway in London Road with associated tactile paving.
 - Suitable pedestrian/cycle provision through the sites to provide permeability.
 - The suggested amendments to the Centenary Way/ London Road roundabout as per Appendix I in the submitted information.
- Residential Travel Plan – including an annual monitoring fee.
- 6.61. 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 (if to be counted towards parking provision) should measure 7 metres by 3 metres.
- 6.62. Site 1 would provide for a total of 144no parking spaces, including appropriately sized garages, this is against a requirement of a minimum 153 spaces (122 + 25%), and therefore constitutes a shortfall of 9 spaces below the adopted standards. However, it is considered that if Officers had been so minded to recommend approval of the application, then it could have been suggested that additional visitor parking be secured through the creation of bays alongside sections of the highway.
- 6.63. Site 2 would provide 273 parking spaces in total, which is far below the minimum standard requirement of 345 spaces (including visitor parking). However, the shortfall is to do with the lack of visitor parking spaces on the site, it is considered that the visitor parking can be provided on-road within the development site or on driveways. If the application were to be recommended for approval this issue could be dealt with by condition or the submission of amended plans.
- 6.64. No cycle parking is shown to be provided within the scheme, the TA states that in accordance with Essex County Council's minimum standards, secure and covered cycle parking spaces would be provided for any dwellings which do not benefit from a garage or other secure area (i.e. a garden shed). Where otherwise applicable, cycle parking would be provided at a ratio of one secure and covered space per dwelling, plus one additional secure space per every eight dwellings for visitors. It is considered that details of cycle parking could be secured by planning condition.

Site Layout and Living Conditions

- 6.65. 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.
- 6.66. Para.117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment, and ensuring safe and healthy living conditions. Para.127 of the NPPF also refers to the need to ensure a high standard of amenity for existing and future users.
- 6.67. The current application is an outline proposal with all matters reserved except for access, as previously discussed above, and Layout.
- 6.68. As highlighted in the Proposal section above, there would be two access points into the development site, one for each parcel, and the layout as identified on the submitted Site Proposal plan shows a series of loop roads and cul-de-sacs proposed, with building forms being mainly detached.
- 6.69. Existing trees and vegetation to the perimeter of the parcels would largely be retained, along with a number of trees within the development zones. An ecological buffer adjacent to Picker's Ditch would be maintained, denoted as an 'Enhanced Ecology Zone' on the layout drawing, along with 2no woodland areas.
- 6.70. The dwelling at Little Ditches is located within the north eastern corner of parcel 1 and is also proposed to be retained with the access road running adjacent to its northern boundary within an existing narrow field. The layout appears logically set out, and in terms of street patterns created it is considered that in isolation, it would give rise to an acceptable internal character, within the confines of the site's boundaries.
- 6.71. As layout is to be determined at this stage, the applicant has submitted a garden area schedule identifying the size of private amenity spaces for each dwelling which for the houses range from 75 sq.m. to 383 sq.m, with communal private amenity space for flats ranging from an average of 25 sq.m. to 65 sq.m. per unit. This provision of garden areas is considered to be acceptable.
- 6.72. It is also considered that the proposal gives rise to a suitable level of amenity for the proposed residents and does not adversely affect the amenity of neighbouring residents.

Surface Water and Drainage

- 6.73. 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. Policy PPL5 are concerned with Water Conservation, Drainage and Sewerage.
- 6.74. Anglian Water raises no objection to the application although 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 additional flows. They are however 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 was sufficient treatment capacity should the Planning Authority grant planning permission.

- 6.75. The applicant has submitted a Foul Drainage Strategy plans; Drainage and Services Report; as well as a Flood Risk Assessment; SUDS Design Statement; SUDS Operations & Maintenance, and Water Quality Management Manuals which have all been reviewed by Essex County Council who are the Lead Local Flood Authority (LLFA). The LLFA initially objected to the scheme as the Drainage Strategy originally submitted did not comply with the requirements set out within ECC's outline Drainage Checklist. Following receipt of revised drainage documentation the holding objection was withdrawn and the LLFA now raise no objection to the granting of planning permission subject to conditions relating to the submission and subsequent approval of a detailed surface water drainage scheme, a maintenance plan, and a scheme to minimise the risk of offsite flooding and prevent pollution during construction.
- 6.76. From this basis, and notwithstanding third party concerns with regard to localised flooding, 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.

Ground Conditions and Contamination

- 6.77. Para.174 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.
- 6.78. The applicant has submitted a Preliminary Investigation Report (PIR) that investigates the likelihood of contaminated land on the site and identifies both the former and existing uses of the site. The majority of the site was in horticultural, agricultural and orchard use historically.
- 6.79. The potential sources of contamination cited within the report include the sewage systems for Little Ditches and Langford Nursery and unbunded fuel tanks and associated underground boiler feed pipes for both. There is also anecdotal evidence of a historic piggery with a well within the western portion of the former property.
- 6.80. A potential very low to moderate risk of contamination has been identified based on the historical site based activities and structures, and therefore an intrusive investigation is considered to be necessary to further quantify the risks identified. This could be secured by planning condition in the event that planning permission were to be granted, to ensure that existing residents neighbouring the site and future occupants of the development were not adversely affected by possible land contamination.

Archaeology and Cultural Heritage

- 6.81. 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. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them."* Policy PPL7 requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

- 6.82. The Essex Historic Environment Record (HER) identifies the proposed site as one of archaeological potential. To the south of the site excavation has uncovered medieval activity, possibly a bridge over a ditch, which suggests that a settlement may be nearby. The historic maps show a road leading from this area through the proposed development site, elements of which still survive as a track and may have associations with medieval settlement or later along the Colchester road. In the wider area settlement activity is indicated from recorded cropmark features identified from aerial photographs including field boundaries, enclosures and ring ditches.
- 6.83. Therefore, a programme of Archaeological evaluation is recommended to be imposed upon any grant of planning permission by ECC.

Planning Obligations

- 6.84. For the avoidance of doubt, the socio-economic impacts that could 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. 55 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.
- 6.85. 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 para. 57 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.
- 6.86. 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.
- 6.87. Policy SP6 of the Local Plan states that development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from new development, including Transport, Education and Health matters.
- 6.88. At the time of writing this report, no S106 agreement had been completed for the proposed development. Whilst this is matter that could be overcome at this stage it needs to be included as a reason for refusal.

Affordable Housing

- 6.89. Para. 63 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. Para. 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

- 6.90. Policy LP5 requires up to 30% of new dwellings on developments of 11 more to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable housing. It also states that to avoid an over-concentration of affordable housing in one location, no single group of affordable housing will exceed ten dwellings and to ensure positive integration between the residents of affordable housing and market housing, there should be no material difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s).
- 6.91. The Council's Housing Officers confirm that Clacton is the area with the highest demand on the housing register within the District with a high level of demand for all sizes of dwellings. As the site is located in the area with the highest demand, there is a need for affordable housing to be provided on site and the Council's preference would be for 30% of the total number of homes to be provided as Affordable Housing on site.
- 6.92. The provision of 67no affordable dwellings would equate to 30% of the total number of dwellings proposed, in compliance with Policy LP5. The Site Proposal Plan identifies where the affordable housing will be located and this also complies with Policy LP5.

Habitat Regulations Assessment

- 6.93. To ensure that the Council discharges its duty as competent authority under the Habitats Regulations, it is necessary to secure mitigation to ensure that the new residential development would not have a significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects.
- 6.94. Para. 182 of the NPPF states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Policy PPL4 of the Local Plan states that an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development within the Zones of Influence, towards mitigation measures identified in RAMS.
- 6.95. In accordance with the Habitat Regulations Assessment (HRA) (appropriate assessment) prepared by the Council and approved by Natural England, a RAMS payment of £137.71 (£30,158.49) would be required.

Education

- 6.96. NPPF paragraph 95 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 and give great weight to the need to create, expand or alter schools. Policy PP12 of the Local Plan states that planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.

- 6.97. Essex County Council, the Local Education Authority (LEA), have been consulted on the proposal. Having assessed the likely demand for places generated by the proposed development and having assessed current capacity in the area, the LEA recommend that financial contributions be sought to create additional places to ensure that there is sufficient space available for Early Years and Childcare within the Burresville ward (16 places); and for Secondary Education at Clacton County High (36 places). Having reviewed the proximity of the site to the nearest secondary school, Essex County Council also seek a secondary school transport contribution as there are no current safe walking routes from the proposed development to Clacton County High.
- 6.98. The following financial contributions (all index linked to April 2020) recommended to go towards both the construction and expansion of existing facilities are therefore sought:
Early Years and Childcare: £265,868;
Secondary Education: £809,473; and
Secondary School transport: £385,548.
- 6.99. From this basis Officers consider that the request for the above contributions would pass the CIL tests, as they would be necessary to make the development acceptable in planning terms; would directly relate to the development; and would fairly and reasonably relate to the development in scale and kind.

Healthcare

- 6.100. NPPF paragraph 93 states that planning decision should amongst other things, take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Policy HP1 of the Local Plan states that amongst other things the Council will seek mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision.
- 6.101. NHS North East Essex CCG has been consulted on the proposed development. Having reviewed the current situation they confirm that there would be insufficient capacity at the North Clacton Medical Group - Crusader Surgery (including its branch surgery, North Road). However they confirm that they would have no objection to the application, subject to a financial contribution to mitigate the impact of the development upon GP practices, namely a contribution of £128,511.68 towards refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of North Clacton Medical Group or through other solutions that address capacity and increased demand.

Highways and Transportation

- 6.102. NPPF paragraph 104, amongst other things requires opportunities to promote public transport use are identified; and paragraph 110 states that decisions should ensure that 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. Policy CP1 of the Local Plan states that proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Policy CP2 of the Local Plan states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.103. ECC Highways have assessed the highway and transportation impacts of the proposal. They 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 could

be covered by planning condition, with the exception of the upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification and a Residential Travel Plan, including an annual monitoring fee.

Public Open Space

- 6.104. Paragraph 98 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Policy HP5 of the Local Plan requires all new residential developments of 11 or more dwellings on sites of 1.5 hectares and above will be expected to provide a minimum 10% of the gross site area as open space laid out to meet the Council's specifications having regard to the Council's Open Spaces Strategy and the requirements of any SPD. No single area of useable open space will be less than 0.15 hectares in size. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.
- 6.105. The Council's Public Realm Officer has advised that there is currently a deficit of 41.08 hectares of play in the Clacton/Holland area and any additional development in Clacton would increase demand on already stretched facilities. They note the provision of POS on site, which would include three play areas and should the developer wish to transfer these facilities to the Council a commuted sum would be required, not including any form of SuDs.
- 6.106. As the level of provision on-site is considered appropriate, no contribution would be requested for off-site provision of POS. The delivery of the Open Space and Play Areas, landscaping/Green Infrastructure & Suitable Accessible Natural Green Space would need to be controlled through a planning obligation, along with suitable arrangements for future ownership and maintenance.

7. Planning Balance and Conclusion

- 7.1. As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2. The site falls within the area of countryside which separates Clacton from Little Clacton, and is designated as a part of the Strategic Green Gap. Policy PPL6 of the Local Plan states that 'the Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements'.
- 7.3. It is accepted that the existing boundary vegetation would provide a degree of screening and reduce the visual impact of the development from the public highway, but that fails to consider the fact that the existing green gap would be greatly diminished by virtue of the introduction of substantial built form into largely open countryside of a fairly undeveloped nature.
- 7.4. The introduction of 220 new homes on the application site would amount to a clear and very real detrimental effect upon the local landscape, eroding the existing spaciousness found along the southern and western sides of London Road, and giving rise to an unnatural incursion into the green gap, whilst also bringing the settlements of Clacton and Little Clacton much closer together.

- 7.5. Policy LP7 of the Tendring District Local Plan states that ‘the Council will consider, on their merits, proposals for small developments of new self-build and custom built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes’. As the site is located on the edge of Clacton a Strategic Urban Settlement Policy LP7 requires all new self-building and custom built homes must be ‘safely accessible on foot within 600 metres of the edge of the settlement development boundary’. In terms of the distance from the settlement development boundary the site meets the criteria set out in Policy LP7.
- 7.6. Whilst the evidence submitted demonstrates that there is a potential need for self-build and custom build units, the application is partly speculative, in that the proposed occupiers are unknown. Furthermore, whilst there is no exact definition of small scale, however, it is not considered that 220 dwellings (153 market dwellings) can be considered to be small scale.
- 7.7. The application is in outline form with layout being included as part of this application, therefore the layout of the development would be fixed. This means that potential owners would have less flexibility regarding the size and position of the proposed dwellings.
- 7.8. It is accepted that the proposal could provide for those on the Council’s self/custom build housing register, and that the scheme would also enable the construction of 67 Affordable homes for the benefit of those within the District who are in housing need, if permitted. Short-term the application would also facilitate the provision of construction related jobs, and would also benefit local supply chains for building materials, trades etc.
- 7.9. However, when considering the planning balance Officers conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies set out within the NPPF taken as a whole.

8. Recommendation

- 8.1. The Planning Committee is recommended to refuse planning permission on the grounds of the erosion of the Green Gap and the impact of the local landscape; that the proposal is not small development and there is insufficient information to demonstrate that the proposal meets the criteria of self-build and custom build housing as the development is partially speculative and layout is included as part of the application which gives less flexibility to potential owners, and the lack of planning obligations in respect of Affordable Housing, Ecology, Education, Healthcare, Highways and Transportation; and Public Open Space.

8.2. Reasons for Refusal

1. The proposed development is located outside of a designated settlement development boundary and as such is on land designated as open countryside and which is defined as a part of the Strategic Green Gap in the Tendring District Local Plan (Section 2) 2022, under Policy PPL6. This policy states that Strategic Green Gaps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements’.

The existing Strategic Green Gap would be greatly diminished by virtue of the introduction of substantial built form into a largely rural area. Consequently, the introduction of 220 new homes on the application site would amount to a clear and very real detrimental effect upon the local landscape, eroding the existing spaciousness found along the southern and western sides of London Road, and giving rise to an unnatural incursion into the Strategic Green Gap, whilst also bringing the settlements of Clacton-on-Sea and Little Clacton much closer together, which would be harmful to the character and appearance of the area.

The proposal is therefore contrary to the above policies and paragraph 174 b) of the National Planning Policy Framework (NPPF) which requires the intrinsic character and beauty of the countryside to be recognised.

2. The NPPF defines self-building and custom housing as 'housing built by an individual, a group of individuals, or persons working with them or for them, to be occupied by that individual'. It also states that 'such housing can be either market or affordable housing'. A legal definition is also provided within the Self-building and Custom Housebuilding Act 2016 which states that 'self-build and custom building means the building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person'.

Policy LP7 of the Tendring District Local Plan states that 'the Council will consider, on their merits, proposals for small developments of new self-build and custom built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes'.

It is therefore considered that the proposal is contrary to the above mentioned policies in that the proposal is not a small development and that there is insufficient information to demonstrate that the proposal meets the criteria of self-build and custom build housing as the development is partially speculative and layout is included as part of the application which gives less flexibility to potential owners.

3. The NPPF states 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 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.

The proposed development would trigger the requirement for the following:

Affordable Housing - 30% delivery of the total amount of dwellings proposed;

Ecology - RAMS payment of £137.71 per dwelling i.e. £30,158.49;

Education - Early Years & Childcare - £265,868 index linked to April 2020;

Secondary Education - £809,473 index linked to April 2020;

School Transport - £385,548 Index Linked to April 2020;

Healthcare - Additional Primary Healthcare provision (floorspace) to mitigate impacts arising from the development - £128,511.68;

Highways - Upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification and a Residential Travel Plan, including an annual monitoring fee.

Public Open Space - Delivery of Public Open Space and Play Areas, with arrangements for future ownership and management.

These requirements would need to be secured through planning obligations pursuant to S106 of the Town and Country Planning Act 1990. At the time of issuing this decision neither a S106 Agreement or Unilateral Undertaking had been completed. As such the proposal is contrary to Local Plan Policies HP1, HP5, LP5, PP12, PPL4, CP1 and CP2, as well as NPPF paragraphs 63, 93, 95, 98, 104 and 182 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1. In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

9.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

9.3. The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

9.4. It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

9.5. In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

9.6. You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

9.7. It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation

to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

9.8. Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9.9. The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

10.1. In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

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