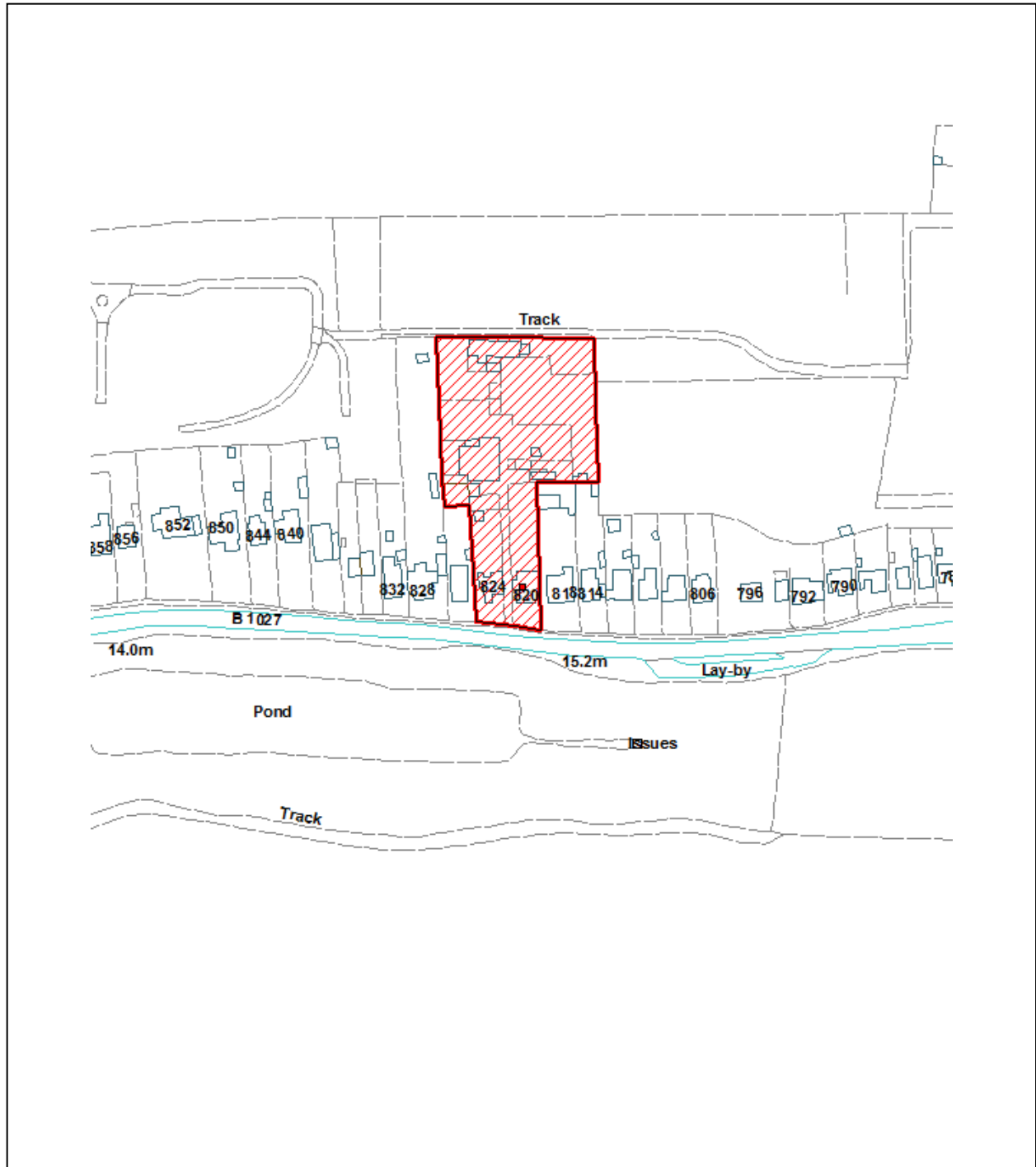


PLANNING COMMITTEE

16th October 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATION - 18/00379/OUT - 820 ST JOHNS ROAD CLACTON ON SEA CO16 8BS



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Application:	18/00379/OUT	Town / Parish: Clacton Non Parished
Applicant:	Leisure Fame Ltd	
Address:	820 St Johns Road Clacton On Sea Essex CO16 8BS	
Development:	Outline application for proposed residential development of 14 dwellings.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of the settlement development boundary of the 2007 adopted plan.
- 1.2 The application site lies outside the settlement development boundary of the adopted local plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea. Full planning permission has also been granted on appeal (14/00929/FUL) for 14 two storey dwellings on a slightly different site area. That permission expired on 8th July 2018 but is still a strong material planning consideration.
- 1.3 The proposal seeks outline planning permission, with access included for consideration, for 14 dwellings accessed from St Johns Road following retention of number 820 St Johns Road and demolition of number 824 St Johns Road.
- 1.4 The proposal is considered to represent sustainable development with no material harm to landscape character, ecology, residential amenity or highway safety. There is still a holding objection to the surface water drainage strategy from ECC SUDs and additional information was sent to them on 19th September and their comments are awaited. The application is therefore recommended for approval subject to ECC SUDs removing their objection, the conditions detailed below and completion of a S106 legal agreement to provide for open space.

Recommendation: Approval

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
 - Financial contribution towards public open space.
- b) Removal of the holding objection from ECC SUDs as Lead Local Flood Authority.
- c) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

1. Reserved matters standard conditions
 2. Accordance with approved plans in relation to access
 3. Construction of the vehicular access
 4. Vehicular visibility splays
 5. No unbound materials within 6 metres of the highway boundary
 6. Closure of existing redundant access
 7. Footway width
 8. Construction Method Statement
 9. Residential Travel Information Packs
 10. Bus stop improvements to bus stop opposite 812 St Johns Road
 11. Improvements to St Johns Road footpath at site frontage
 12. Contaminated Land condition
 13. Recommendations of Preliminary Ecological Assessment
 14. (as required by ECC SUDs)
- d) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission a) in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation; and b) in the event that additional information has not been provided to overcome the holding objection from ECC SUDs.

2. Planning Policy

National Planning Policy Framework (NPPF)

Local Plan

Tendring District Local Plan (2007)

QL1: Spatial Strategy

QL2: Promoting Transport Choice

QL3: Minimising and Managing Flood Risk

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

QL12: Planning Obligations

HG1: Housing Provision

HG3a: Mixed Communities

HG6: Dwellings Size and Type

HG9: Private Amenity Space

COM6: Provision of Recreational Open Space for New Residential Developments

COM31a: Sewerage and Sewage Disposal

EN1: Landscape Character

EN6: Biodiversity

EN6a: Protected Species

EN13: Sustainable Drainage Systems

TR1a: Development Affecting Highways

TR7: Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP4 Infrastructure and Connectivity

SP5 Place Shaping Principles

SP6 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

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

In relation to housing supply:

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

3. Relevant Planning History

14/00929/FUL	Demolition of existing bungalow and other buildings and the creation of 14 no. three and four bedroom houses, plus associated roads, drives, car parking and garages.	Refused	18.11.2014
		Allowed at appeal	08.07.2015

4. Consultations

ECC Highways 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 by the ECC.

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

- 1 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with St Johns Road shall be provided with 10m radius kerbs returned to an access road carriageway width of 6.0m. straight for at least the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs and connecting o the existing footway network. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
- 2 Prior to the proposed access being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.
- 3 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.
- 4 Prior to first occupation of the proposed development r ecycling/bin/refuse collection points shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.
- 5 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- 6 No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary / throughout.
- 7 The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and

permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

- 8 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- 9 All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.
- 10 All footways should be provided at no less than 2.0m in width.
- 11 Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars for each dwelling in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.
- 12 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.
- 13 Single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.
- 14 Double garages or cart lodges shall have minimum internal dimensions of 7m. x 5.5m and shall be provided with vehicular doors a minimum width of 2.3m each.
- 15 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.
- 16 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.
- 17 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials

- iii. storage of plant and materials used in constructing the development
 - iv. wheel and under body washing facilities
- 18 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.
- 19 Prior to the first occupation of any of the proposed dwellings the bus stop almost opposite number 812 St Johns Road shall be improved by the provision of a new shelter to current standards, level entry kerbing, dropped kerbing, new post and flag, timetables, a passenger waiting area (hard standing) any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.
- 20 Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage to St Johns Road shall be extended to a minimum of 2.0m in width or to the extent of the highway and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

TDC Building Control

No comments at this stage.

TDC Waste Management

No comments at this stage.

TDC Environmental Protection

Due to previous use of the site i.e. waste disposal and historic landfill site. Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. Therefore standard contaminated land condition is to be applied.

In order to minimise potential nuisance to nearby existing residents caused by construction works, Pollution and Environmental Control ask for a construction method statement.

ECC SuDS

Having reviewed the Flood Risk Assessment & Surface Water Drainage Strategy and the associated documents which accompanied the planning application, we cannot recommend withdrawal of the holding objection as recommended on 15th May 2018 for the following reasons:

- Modelling and/or calculations are still outstanding which should demonstrate that the outfall pond has sufficient capacity to accommodate the additional surface water flows from the development, without resulting in an increased flood risk.

TDC Open Space

There is currently a deficit of –17.68 hectares of equipped play/open space in Clacton-on-Sea. Any additional development in Clacton will increase demand on play facilities further. It is felt that any further development in this area will impact on the current facilities. If future development was to take place it would be necessary to increase play provision in the vicinity. Due to the significant

lack of play facilities in the area if it felt that a contribution towards play is justified and relevant to the planning application.

Anglian Water Services Ltd	<p>No assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.</p> <p>The foul drainage from this development is in the catchment of Jaywick New Water Recycling Centre that will have available capacity for these flows.</p> <p>The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.</p> <p>From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.</p>
Essex Police	<p>Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order that security and lighting considerations for the benefit of the intended residents and those neighbouring the development are met prior to a planning application. Essex Police is able to support the applicant to achieve appropriate consideration of the requirements and would invite the applicant to contact Essex Police us.</p>

5. Representations

5.1 One letter of objection has been received summarised as follows:

- Concerned road could be extended further rearwards which would result in an unacceptable backland development.
- Road survey was carried out but not in summer months when road is much busier.
- St Johns Plant Centre access causes congestion.
- Land was a landfill previously so likely to be contaminated.
- Should not be higher than the existing barn as most properties fronting the road are bungalows.
- Harm to amenity in terms of road noise and pollution.
- Request a boundary wall along 826 St Johns Road for security and noise reduction.
- Must ensure enough parking to ensure access is clear in an emergency.

6. Assessment

The main planning considerations are: Principle of development, highway safety, design and visual impact, impact on residential amenity, surface water, legal agreement and contamination.

Site location

6.1 The application site lies outside the settlement development boundary of the adopted local plan. The emerging local plan includes all the dwellings on the northern side of St Johns Road within the settlement development boundary of Clacton-on-Sea, plus the application site and neighbouring St Johns Plant Centre which both lie to the rear of existing dwellings fronting St Johns Road.

- 6.2 The application site gains access from St Johns Road by demolishing existing dwelling number 824. The site extends northwards and then increases in width to accommodate land associated with number 824 which has a mixture of residential and storage uses with a number of barns and large sheds. To the north-west lies a holiday park, and to immediate eastern boundary lies the rear gardens of number 818 and 814 St Johns Road and a large mature garden. The application site plus additional land to the rear are subject to pending applications 17/00825/OUT and 18/00952/FUL. 17/00825/OUT received a Planning Committee resolution to approve 84 dwellings subject to completion of a S106 legal agreement, however the applicant has stated that proposal is no longer viable. 18/00952/FUL has therefore been submitted for an alternative use of the rear of this site (excluding that subject to this application for 14 dwellings) for 62 holiday lodges in connection with the neighbouring holiday park.

Principle of development

- 6.3 The application site lies outside of any defined settlement development boundary in the 2007 adopted plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 6.4 The Council can identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's 'presumption in favour of sustainable development'.
- 6.5 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

Economic

- 6.6 The proposal meets the economic dimension in providing employment through construction of the properties and through future residents supporting local businesses.

Social

- 6.7 The site is located on the edge of the town of Clacton-on-Sea which is the most sustainable settlement type in the District providing a wide range of employment opportunities, public transport links, services and facilities. There is an existing lit footway connecting the site to Clacton and Jaywick and bus stops are only a short walk away. The site is therefore considered to be socially sustainable.

Environmental

- 6.8 The site is not subject to any landscape designations or in close proximity to any heritage assets. The site also does not contain any trees or significant vegetation.
- 6.9 Under previous applications on this land (18/00952/OUT) ECC Archaeology have confirmed that the potential for survival of archaeological remains is considered to be low due to historic quarrying activity and therefore do not recommend archaeological investigation.
- 6.10 A Preliminary Ecological Assessment has been undertaken which confirms that the wider site mainly comprises of overgrown wasteland with frequent piles of waste soil, rubble and general debris. One juvenile common lizard was recorded on the wider site and

recommendations include timing and method of site clearance in order to protect any lizards present on site and to allow them to migrate towards the large gardens to the south. With the exception of nesting birds, the site is unlikely to support any other protected species and no further surveys are recommended. Due to the bird nesting season conflicting with the active reptile season it is recommended that immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest. Conditions are recommended to ensure these species protection measures are undertaken.

- 6.11 The proposal is for outline planning permission with only access included so the housing layout shown is purely indicative at this stage. However the site is surrounded by built development to the eastern, southern, and western boundaries and forms a logical extension of the existing settlement as shown within the emerging local plan.
- 6.12 Application 14/00929/FUL was refused but allowed at appeal for 14 dwellings on part of the application site and that full planning permission expired on 8th July 2018. The current application covers approximately the same site area but includes the property (retained) and garden of 820 St Johns Road and excludes part of the rear garden of 828 St Johns Road. The appeal permission involved demolition of the existing bungalow at 824 St Johns Road and creation of a long access serving 14 two storey dwellings in a backland location. The principle for backland development in this location has therefore already been accepted.
- 6.13 Saved Policy HG13 and Draft Policy LP8 relate to backland development. This development lies behind the line of existing frontage development on St Johns Road; has no frontage to an existing public highway; and it does constitute piecemeal development in that it does not form part of a large area allocated for development. Although the site does meet the definition of backland development this does not automatically make it unacceptable. HG13(i) requires backland sites to be within a settlement development boundary which this is not within the saved plan, however it is within the settlement development boundary of the emerging local plan. HG13(iii) and LP8(b) relate to provision of a safe and convenient means of access not likely to cause undue disturbance or loss of privacy and these matters are addressed in the report below under Highway Safety and Residential Amenity and considered acceptable. HG13(ii) and LP8(a) loss of existing garden land and HG13(iv) and LP8(c) tandem development are not relevant in this case. The principle for backland development in this location is therefore acceptable as agreed in the appeal permission.
- 6.14 HG13(v) and LP8(d) require that the site is not awkwardly shaped or fragmented, or difficult to develop in isolation/prejudice a more appropriate comprehensive development solution. Although the shape of the site is slightly irregular it represents a comprehensive development of this rear area of land associated with number 824 St Johns Road within the emerging settlement development boundary. The northern section outside the application site is pending consideration for an extension of the neighbouring holiday park. There is therefore no conflict with HG13(v) and LP8(d).
- 6.15 HG13(vi) and LP8(e) require the site to not be on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting and saved HG13(vii) and LP8e require the proposal to not be out of character with the area or set a harmful precedent for other similar forms of development. As stated above the proposal would represent a logical expansion of the existing settlement as included within the emerging settlement boundary. The proposed backland development is therefore considered to comply with saved Policy HG13 and Draft Policy LP8.

- 6.16 The proposal is therefore considered to represent sustainable development and the principle of residential development is therefore accepted subject to the detailed considerations below.

Highway Safety

- 6.17 The application seeks outline planning permission with access included for consideration. Number 824 St Johns Road is to be demolished to create a vehicular access serving the 14 dwellings. Detailed plans confirm an access drive of 6 metres wide with 2 metre wide footpaths to both sides. There is a landscaping strip of maximum 7 metres wide along the boundary with the neighbour at 826 St Johns Road. The internal layout shown is purely indicative at this stage.
- 6.18 Number 820 St Johns Road is retained and retains its existing vehicular access and turning area so does not utilise the new access road.
- 6.19 The Highway Authority has no objection to the proposal subject to 20 conditions as detailed in full above. Conditions relating to 1) construction of the access; 2) vehicular visibility splays; 6) no unbound materials within 6 metres of the highway boundary; 7) closure of existing redundant access; 10) footway width; 17) Construction Method Statement; 18) Residential Travel Information Packs; 19) bus stop improvements; and 20) improvements to St Johns Road footpath at site frontage are considered necessary and are all included as recommended conditions.
- 6.20 Condition 3) relates to turning; 4) bin collection points; 5) individual dwelling accesses; 8) estate road layout; 9) carriageway width; 11) parking and turning; 12) parking; 13) garage dimensions; 14) double garage dimensions; 15) bicycle storage; and 16) internal estate road junctions all of which require formal approval under layout as a reserved matter so do not need to form conditions at this stage.
- 6.21 The proposal for 14 dwellings plus retention of number 820 on this site represents a density of around 22 dwellings per hectare so sufficient space will be available to provide off street parking and turning in accordance with the adopted parking standards.
- 6.22 In relation to highway safety for the appeal approval the Inspector stated "Whilst there would likely be an increase in traffic to and from the site over its current use, no evidence is before me to suggest that it would be harmful to the existing road conditions. Concerns regarding air pollution have not been substantiated."

Design and visual impact

- 6.23 Appearance and layout are reserved matters so are not for consideration at this stage. The vehicular access which is under consideration incorporates an up to 7 metre wide landscaping strip to the left side with the existing neighbour and retains 820 St Johns Road on the right side of the access drive retaining its independent vehicular access. The indicative layout is unacceptable in a number of respects. It shows two 'C' plots cramped to the retained number 820 and the access drive; a prominent garage sited along the access drive; and deeper plots cramped to the site boundaries. An informative will be added to confirm that the indicative layout is unacceptable and an improved layout will be expected at reserved matters stage.
- 6.24 Scale was originally included for consideration at this stage but the applicant has chosen to remove this as the final scale is not yet known. Although 14/00929/FUL expired three months ago it is still a strong material planning consideration and was extant when this application was submitted in March 2018. In allowing the appeal the Inspector stated "Although bungalows are the dominant property type immediately in front of the appeal site,

two-storey properties lie only a short distance to the east. I therefore do not find the character of the area is dominated by bungalows, and that the introduction of two-storey dwellings at the appeal site would not amount to a significant departure from the area's character and appearance." Bungalows or two storey houses are therefore acceptable in principle subject to detailed design and overlooking considerations.

Impact on residential amenity

- 6.25 There is ample space within the site to create a layout and detailed design that preserves the amenity of neighbouring residents, and provides adequate private amenity space in accordance with saved Policy HG9. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works a construction method statement is recommended by condition.
- 6.26 The access drive provides an up to 7 metre wide landscaping strip for the full length of the neighbouring garden at number 826 St Johns Road. An access road was accepted in this location serving 83 of the 84 dwellings with a committee resolution to approve under 17/00825/OUT. Although there will be potential for noise and disturbance from vehicles and, to a lesser extent, pedestrians using the footpath this is to a much lesser extent for 14 dwellings than the accepted 83 dwellings. It is considered that given the significant background noise level along the busy St Johns Road, and the substantial landscaped buffer strip provided, that the impact upon the residential amenities of occupiers of 826 St Johns Road and the retained property at 820 St Johns Road (in the applicant's ownership) would not be so significant as to justify refusing planning permission on these grounds. The appeal permission (14/00929/FUL) for 14 houses also approved an access drive in this location with around 4 metres landscaped buffer so this proposal represents an improvement in this respect.

Surface water

- 6.27 Paragraph 163 of the National Planning Policy Framework (2018) requires local planning authorities, when determining planning applications, to ensure flood risk is not increased elsewhere. Paragraph 165 states major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 6.28 Although the site is in Flood Zone 1 (low risk), it is a major development and a site-specific Flood Risk Assessment (FRA) is therefore required to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.29 The applicant has submitted a Flood Risk Assessment and surface water drainage strategy which has been considered by Essex County Council as the Local Lead Flood Authority. The County Council has however issued a 'holding objection' as it has not been demonstrated that the outfall pond has sufficient capacity to accommodate the additional surface water flows from the development, without resulting in increased flood risk.
- 6.30 Additional information has been submitted but Officers are yet to receive confirmation that this information addresses ECC's requirements. It is hoped comments will be received before the Planning Committee meeting, but if not it is recommended by Officers that Members resolve to grant planning permission subject to overcoming this holding objection. Whilst this holding objection remains unresolved, the applicant is yet to demonstrate the proposal is in accordance with Paragraphs 163 and 165 of the National Planning Policy

Framework (2018) and if this cannot be resolved the application should be refused on surface water flooding grounds.

Legal agreement

- 6.31 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.32 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide for public open space.
- 6.33 There is currently a deficit of –17.68 hectares of equipped play/open space in Clacton-on-Sea. Any additional development in Clacton will therefore increase demand on play facilities further. Due to the significant lack of play facilities in the area a contribution towards play is justified and in accordance with Saved Policy COM6 and emerging Policy HP4.
- 6.34 The proposal falls below the threshold for all other S106 contributions.

Contamination

- 6.35 Part of the site was previously used as a refuse tip. Under the appeal application 14/00929/FUL for 14 houses investigations were undertaken which recommended a Phase 2 Intrusive Investigation be completed. That recommendation is endorsed. A contaminated land site investigation and any necessary risk assessment will therefore be required to ensure the land is free from significant levels of contamination.

Conclusion

- 6.36 The proposal seeks outline planning permission with access included for 14 dwellings and is considered to represent sustainable development, within the settlement development boundary of the town of Clacton-on-Sea in the emerging Local Plan. The site area and scale of development proposed are highly comparable to that allowed at appeal under 14/00929/FUL which expired three months ago but is still a strong material planning consideration.
- 6.37 Subject to the recommended conditions, removal of the holding objection from ECC SUDs and completion of a S106 agreement, the application is recommended for approval.

Background Papers

None