



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 primary healthcare provision on behalf of North East Essex Clinical Commissioning Group (North East Essex CCG).

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 one main GP practices including one branch surgery operating within the vicinity of the application site. This GP practice and branch surgery does not have capacity for the additional growth resulting from this development.

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

3.0 Review of Planning Application

3.1 Although reference is made to a likely healthcare contribution being made within a Section 106 Agreement, the planning application does not appear to include a Health Impact Assessment (HIA) or propose any mitigation of 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 156 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 <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
Green Elms Health Centre (including its branch Surgery)	9,586.19	497	7,247.92	-160.34
<b>Total</b>	<b>9,586.19</b>	<b>497</b>	<b>7,247.92</b>	<b>-160.34</b>

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 120m<sup>2</sup> per 1750 patients (this is an optimal list size for a

single GP). 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 The intention of NHS NEE CCG is to promote Primary Care at Scale in a local primary care strategy which relates to having Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View.

5.2 The development would give rise to a need for improvements to capacity, in line with emerging North East Essex CCG Estates Strategy, by way of refurbishment, reconfiguration, extension, or potential relocation at one of the above mentioned surgeries or through other solutions that address capacity and increased demand via digital solutions or health and wellbeing initiatives. For this a proportion of the cost would need to be met by the developer.

5.3 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 (104 dwellings) <sup>5</sup>

Additional floorspace required to meet growth (m<sup>2</sup>)<sup>6</sup>

**MUST BE TO TWO DECIMAL PLACES**

Spare Capacity (NIA)<sup>7</sup>

Capital required to create additional floor space (£)<sup>8</sup>

Green Elms Health Centre (including its branch Surgery)

Existing Primary Care Premise	Additional Population Growth (104 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup> <small>MUST BE TO TWO DECIMAL PLACES</small>	Spare Capacity (NIA) <sup>7</sup>	Capital required to create additional floor space (£) <sup>8</sup>
Green Elms Health Centre (including its branch Surgery)	156	10.70	-160.34	£24,600
<b>Total</b>	<b>156</b>	<b>10.70</b>	<b>-160.34</b>	<b>£24,600</b>

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 120m<sup>2</sup> per 1750 patients (this is an optimal list size for a single GP). 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 m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q3 2015 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£2,300/m<sup>2</sup>), rounded to nearest £100.

5.4 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 £24,600. Payment should be made before the development commences.

5.5 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.

#### 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.

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.

NHS East Essex CCG  
ECC SuDS Consultee

See documents dated 23rd April 2018.

Essex County Council as the Lead Local Flood Authority (LLFA) has received the above planning application on 28/08/2018. This application has been reviewed for surface water drainage aspects in accordance with our statutory consultee role.

Currently, consultants from McCloy CONSULTING are working on behalf of the Flood Risk Management team to provide comments:

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed surface water drainage strategy for the aforementioned planning application. As the Lead Local Flood Authority (LLFA) ECC provides advice on SuDS schemes for major developments. ECC have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council, and their appointed consultants, looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design

Guide

- The CIRIA SuDS Manual (C753)

- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the amended Flood Risk Assessment and the associated documents which accompanied the planning application, acting on behalf of ECC we would recommend removal of the holding objection based on the following conditions:

**Condition 1**

No works 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 from the site to 8.6l/s for the 1 in 1 year and 1 in 100 year rainfall events.

-Detailed engineering drawings of each component of the drainage scheme.

-A final drainage plan which details exceedance and conveyance routes throughout the site, FFL and ground levels, and location and sizing of any drainage features.

-The scheme should take into account surcharge levels within the receiving watercourse and the effect on attenuation storage. Given that surcharge levels are higher than the base of the attenuation basin, please provide details on how flood water ingress from downstream is prevented.

-The detailed design should feature a non-return valve.

The scheme shall subsequently be implemented prior to occupation.

**Reason**

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

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

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

-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 details are provided on how management company services for the maintenance of shared drainage features shall be funded and managed for the lifetime of the development.

**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 before commencement of works 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 3**

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.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, ECC advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

#### INFORMATIVES:

-Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to [suds@essex.gov.uk](mailto:suds@essex.gov.uk).

-Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

-Changes to existing water courses may require separate consent under the Land

Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

-It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

-The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

-ECC will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Whilst we have no further specific comments to make at this stage, attached is a standing advice note explaining the implications of the Flood and Water Management Act (2010) which could be enclosed as an informative along with your response issued at this time.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

-Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

-Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

-Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

ECC SuDS Consultee  
ECC SuDS Consultee

See document dated 14.12.17  
See documents dated 21st May 2018.

### 3. Planning History

01/01604/FUL	Change part of layout from six residential mobile homes to seven (variation to scheme and condition 2 imposed upon planning permission TEN/2201/88)	Approved	08.11.2001
98/01520/FUL	Extension to existing car park	Approved	22.01.1999

04/01699/FUL	-Siting of 41 static holiday caravans on part of the existing touring area.	Approved	26.10.2004
04/02222/FUL	Variation of Condition No. 2 on planning consent ref. TEN/2200/88 dated 26th August 1989 to provide for an operating season namely 1st March in any one year to 15th January in the following year.	Approved	05.01.2005
07/00434/FUL	Block of 9 new pre-fabricated garages to car park. (Part retrospective)	Approved	29.05.2007
08/00572/FUL	Relocation of outside swimming pool.	Approved	18.06.2008
11/00254/FUL	Proposed upgrade and extension of existing caravan park to allow for the siting of 21 additional static holiday caravans, 40 relocated touring pitches and pitch and putt area together with the siting of 19 additional static holiday caravans within the existing park and overall environmental improvements including significant landscaping at Sacketts Grove Caravan Park.	Approved	07.06.2011
11/00256/OUT	Proposed indoor swimming pool as part of the upgrade and redevelopment at Sacketts Grove Caravan Park.	Approved	16.05.2011
14/30164/PREAPP	Proposed siting of 119 static holiday caravans in lieu of approved development for 40 static holiday caravans and 40 touring caravans.		12.04.2014
14/00568/DISCON	Discharge of condition 02 (Landscaping details) of planning permission 11/00254/FUL.	Approved	27.05.2014
14/00577/DETAIL	Approval of reserved matters of outline approval 11/00256/OUT, in relation to the appearance of the proposed indoor swimming pool.	Approved	02.07.2014
14/01815/FUL	Proposed siting of 135 static holiday caravan on the western element of Sacketts Grove Holiday Park in lieu of an approved development of 40 static holiday caravans and 40 touring caravans, together with landscape planting.	Approved	04.11.2015
15/00391/FUL	Relocation of LPG compound from	Approved	28.05.2015



	east side of residents car park to north end of car park to facilitate improvements to parking and to accommodate bulk tanker deliveries.		
15/01904/FUL	Removal of condition 12 of planning permission 14/01815/FUL, regarding the north bound bus stop improvements, as the condition is considered unreasonable and unnecessary.	Withdrawn	23.03.2016
16/00582/DISCON	Discharge of condition 7 (hard and soft landscaping), 8 (ground levels and hard landscaping), 9 (screen walls and fences) and 11 (car parking) of planning permission 14/01815/FUL.	Approved	07.12.2016
16/00675/FUL	Variation of conditions 13, 14 and 15 of planning application 14/01815/FUL to allow for an extension of time for the details to be submitted to discharge the subject conditions.	Approved	12.04.2017
16/00850/FUL	Proposed extension to existing office accommodation to caravan park.	Approved	26.07.2016
16/00980/DISCON	Discharge of condition 13 (surface water drainage scheme) and 15 (drainage management and maintenance plan) of planning permission 14/01815/FUL.	Approved	07.12.2016
16/01113/FUL	Proposed Calor tank compound (6 No. 4,000 litre tanks).	Approved	27.09.2016
16/30316/PREAPP	Proposed 24 additional static caravans and 91 parking spaces.		09.01.2017
17/02055/FUL	Variation of conditions 1,2,3,4,5,6,9 & 10 of planning application 16/00675/FUL to allow for the residential occupation of caravans permitted on the western part of the site.	Current	

#### 4. Relevant Policies / Government Guidance

The National Planning Policy Framework 2018

Tendring District Local Plan 2007

- Policy QL1: Spatial Strategy
- Policy QL2: Promoting Transport Choice

- Policy QL3: Minimising and Managing Flood Risk
- Policy QL9: Design of New Development
- Policy QL10: Designing New Development to Meet Functional Needs
- Policy QL11: Environmental Impacts and Compatibility of Uses
- Policy QL12: Planning Obligations
- Policy HG1: Housing Provision
- Policy HG3a: Mixed Communities
- Policy HG4: Affordable Housing in New Developments
- Policy HG6: Dwelling Size and Type
- Policy HG7: Residential Densities
- Policy HG9: Private Amenity Space
- Policy HG13: Backland Residential Development
- Policy COM1: Access for All
- Policy COM6: Provision of Recreational Open Space for New Residential Developments
- Policy COM24: Health Care Provision
- Policy COM26: Contributions to Education Provision
- Policy COM29: Utilities
- Policy COM30: Electricity Supply
- Policy COM31a: Sewerage and Sewage Disposal
- Policy EN1: Landscape Character
- Policy EN4: Protection of the Best and Most Versatile Agricultural Land
- Policy EN6: Biodiversity
- Policy EN6a: Habitat Creation
- Policy TR1a: Development Affecting Highways
- Policy TR1: Transport Assessment
- Policy TR2: Travel Plans
- Policy TR5: Provision for Cycling
- Policy TR6: Provision for Public Transport Use
- Policy TR7: Vehicle Parking at New Development

Tendring District Local Plan: 2013-2033 and Beyond, Publication Draft June 2017

- Policy SP1: Managing Growth
- Policy SP2: Settlement Development Boundaries
- Policy SP3: Sustainable Design
- Policy HP2: Community Facilities
- Policy HP3: Green Infrastructure
- Policy HP5: Open Space, Sports and Recreation Facilities
- Policy LP1: Housing Supply
- Policy LP2: Housing Choice
- Policy LP3: Housing Density and Standards
- Policy LP4: Housing Layout
- Policy LP5: Affordable and Council Housing
- Policy LP8: Backland Residential Development
- Policy PP12: Improving Education and Skills
- Policy PPL1: Development and Flood Risk
- Policy PPL3: The Rural Landscape
- Policy PPL4: Biodiversity and Geodiversity
- Policy PPL5: Water Conservation, Drainage and Sewerage
- Policy PPL7: Archaeology
- Policy PPL9: Listed Buildings
- Policy CP1: Sustainable Transport and Accessibility
- Policy CP3: Improving the Telecommunications 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.

## **5. Officer Appraisal**

### **Assessment of Proposal**

The site comprises part of the Sacketts Grove Holiday Park which consists of a mixed residential (park home) and holiday caravan park situated in the Jaywick area of Clacton Sea. Planning Permission currently exists on the application site for the placing of 116 additional static holiday caravans. This part of the Sacketts Grove site lies outside the settlement development boundary in both the adopted Local Plan and the Publication Draft Local Plan 2017. However the existing caravan park to the east of the application site boundary, falls within the defined safeguarded caravan parks designation (ER18) under the adopted Local Plan.

The current proposal seeks to vary conditions 1,2,3,4,5,6,9 and 10 of Planning Permission 16/00675/FUL to permit a variation to the layout and to allow the use of the static caravans for permanent residential occupation. This will result in a total of 206 residential park homes and 149 static holiday homes on Sacketts Grove.

The application site itself consists of an open paddocked field, is relatively open and flat in nature, with a ditch running along the northern boundary. Agricultural land exists to the north, west and south of the application site.

As noted the proposed scheme proposes to change the use of the currently approved static caravan holiday accommodation to provide a total of 104 park homes with full residential status. Although objection is not raised to the appearance or layout of the site – there are clear similarities in terms of appearance to the previously approved scheme, objection is however raised to the principle of permanent residential use beyond the settlement development boundary and therefore the application is considered contrary to both the adopted and draft publication Local Plans.

The adopted and emerging Local Plan seek to direct the majority of new development, including residential use, to sites within settlement development boundaries. In this case the application site lies outside the development boundary and is therefore contrary to adopted policy QL1 which seeks to locate new development within development boundaries and restrict development outside the boundary to only allow development consistent with countryside policy. This policy is considered to accord with paragraph 213 of the NPPF which allows existing policy to be given weight according to their degree of consistency with the NPPF.

The NPPF under paragraph 48 allows some weight to be given to emerging policy contained within the Tendring Publication Draft Local Plan 2017. Policy SPL2 notes that settlement development boundaries are defined to encourage sustainable patterns of growth and within boundaries there will be a general presumption in favour of development. Again the proposed scheme, notwithstanding the existing permission on the land for holiday use accommodation, is considered contrary to policy.

As noted above the Council consider that they currently have a five year housing land supply and the need to consider sites for this purpose outside settlement development boundaries should be resisted.

#### Other Material Considerations (including Section 106 Obligations)

It is also considered that the nature of the proposed development as permanent residential accommodation also generates the need for infrastructure contributions including affordable housing. Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

#### Affordable Housing/Affordable Housing

Adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 30% (as contained within emerging Policy LP5) is more realistic. The thresholds under adopted Policy HG4 will therefore be applied but the percentage will be between 10% and 30% as detailed under emerging Policy LP5.

#### Open Space and Play

Policy COM6 in the adopted Local Plan requires that where residential development is below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities. The Council's Open Space Team has commented on the application and has requested an off-site contribution for improvements to the play area at the Rush Green Recreation Ground. This should be secured through a section 106 agreement.

#### Healthcare

NHS England have prepared a Healthcare Impact Assessment (HIA) for the proposed development which concludes that the development would give rise to a need for improvements to capacity for the Green Elms Health Centre. The NHS has requested a developer sum of £24,600 to be secured by s106 agreement.

In conclusion because the site lies outside of the settlement development boundaries and is not allocated for permanent residential development in either the adopted or emerging Local Plan, it is contrary to adopted planning policy. Now that the Council have a five year housing land supply, policies contained within the adopted Local Plan are not considered out of date and the plan led system should be given full weight. Weight can also be applied to the emerging Publication Draft. In addition the applicant has failed to complete the necessary s106 agreement for the provision of necessary infrastructure.

The application is therefore considered contrary to the adopted Local Plan and the Publication Draft.

## **6. Recommendation**

Refusal - Full

## **7. Reasons for Refusal**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2018) is material planning consideration in the determination of planning applications and paragraph 15 states that the planning system should be genuinely 'plan-led'. Paragraph 103 in the NPPF requires the planning system to actively manage patterns of growth and states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The Council's adopted and emerging Local Plans seek to achieve this aim by defining 'settlement development boundaries' and by directing the majority of new development towards locations within those boundaries.

The development plan for this area is the Tendring District Local Plan 2007 (the 'adopted Local Plan') which is 'saved' beyond its intended timescale of 2011 under a direction from the Secretary of State. The application site lies outside of the settlement development boundary as depicted on the Local Plan's proposals maps. Policy QL1 in the adopted Local Plan states that development will be concentrated within the settlement development boundaries and that outside of the defined boundary and other specific land allocations in the plan, only development which is consistent with countryside policies will be permitted. Whilst the adopted Local Plan was only intended to cover the period to 2011, the NPPF in paragraph 213 allows Councils to give weight to existing policies according to their degree of consistency with the NPPF.

The application site also lies outside of the settlement development boundary as shown in Tendring District Local Plan 2013-2033 and Beyond – Publication Draft 2017 (the 'emerging Local Plan') which has been extended, as necessary, to meet longer-term objectively assessed housing and other development needs in the district, in line with the requirements of the NPPF. Policy SPL2 in the emerging Local Plan explains that settlement boundaries are defined to encourage sustainable patterns of growth and carefully control urban sprawl and that within the boundaries, there will be a general presumption in favour of new development. Paragraph 48 in the NPPF allows Councils to give weight to emerging plans according to their stage of preparation, the extent of unresolved objections and the degree of consistency with the NPPF.

Paragraph 73 of the NPPF requires Councils to identify and update annually a supply of specific deliverable sites to provide five years worth of housing against their housing requirements with 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. Where a Council is unable to demonstrate a five year supply of deliverable housing sites, or housing delivery has been less than 75% of the housing requirement over the previous three years, paragraph 11 d) of the NPPF requires applications to be approved unless the application of policies in the NPPF that protect assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts would significantly and demonstrably outweigh the benefits. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites and housing delivered over the previous three years has been comfortably above 75% of the requirement therefore there is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds.

This application proposes the use of land for residential 'park homes' instead of caravans for holiday use, as per the extant planning permission 16/00675/FUL. In effect, this is a proposal to create residential dwellings on land outside of the settlement development boundaries which is contrary to Policy QL1 in the Council's adopted Local Plan, Policy SPL2 in the emerging Local Plan and the NPPF which advocates a plan-led system.

The Council has given careful consideration to the applicant's suggestions 1) that the development would impact and appear no different on the locality to the holiday use already permitted and 2) that the park homes would provide a form of accommodation to the specific needs and demands of older and retired residents that are unlikely to be met through the land allocations in the adopted and emerging Local Plans. However, the granting of planning permission for holiday use outside of settlement development boundaries is allowed through specific Local Plan policies to enable existing parks to expand and to support growth in the tourist economy whereas policies for housing are to direct new homes to specifically-allocated sites and other land within settlement development boundaries. Furthermore, the allocation of sites for housing, the definition of the settlement development boundaries and the requirement to demonstrate a five-year supply of housing sites and meet the NPPF's housing delivery tests are all based on objectively assessed housing needs which take into account all market and affordable housing needs across the full range of size, types and tenures and the needs arising from all sections of the community including those wishing to retire. There is consequently no justification for considering an exceptional departure from the relevant housing policies to accommodate this form of development which would run contrary to a genuinely plan-led approach.

2. The National Planning Policy Framework (NPPF) (2018) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations (paragraph 54). 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.

Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 15 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Policy LP5 of the Tendring District Local Plan: 2013-2033 and Beyond – Publication Draft (2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 11 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. This application effectively proposes the creation of 104 residential caravans which, despite being of lower build cost than standard housing, are not considered to meet the definition of affordable in that they will not meet the needs of people who are unable to afford or rent property on the open market. The requirements of Policies HG4 and LP5 are therefore applicable, however a

completed Section 106 legal agreement has not been provided prior to the application determination date and the application is therefore contrary to the above policy.

Policy COM26 of the Tendring District Local Plan states where necessary planning permission will only be granted for residential developments of 12 or more dwellings of 12 or more dwellings if land and/or financial contributions are made to provide the additional school places that will be needed to service the development. Policy PP12 of the Tendring District Local Plan: 2013-2033 and Beyond – Publication Draft (2017) states 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. Unless appropriate secure arrangements are put in place to ensure the properties can be occupied by adults only, financial contributions toward early years and childcare, primary and secondary education provision would be required. A completed Section 106 obligation to secure these contributions or put in place appropriate controls on occupation has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

Policy HP1 of the Tendring District Local Plan: 2013-2033 and Beyond – Publication Draft (2017), states that the Council will seek contributions towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision. NHS England has identified the need for financial contributions toward local health services. A completed Section 106 obligation to secure these contributions has not been provided prior to the application determination date and the application is therefore contrary to the above policy.

## 8. Informatives

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>	YES	NO

