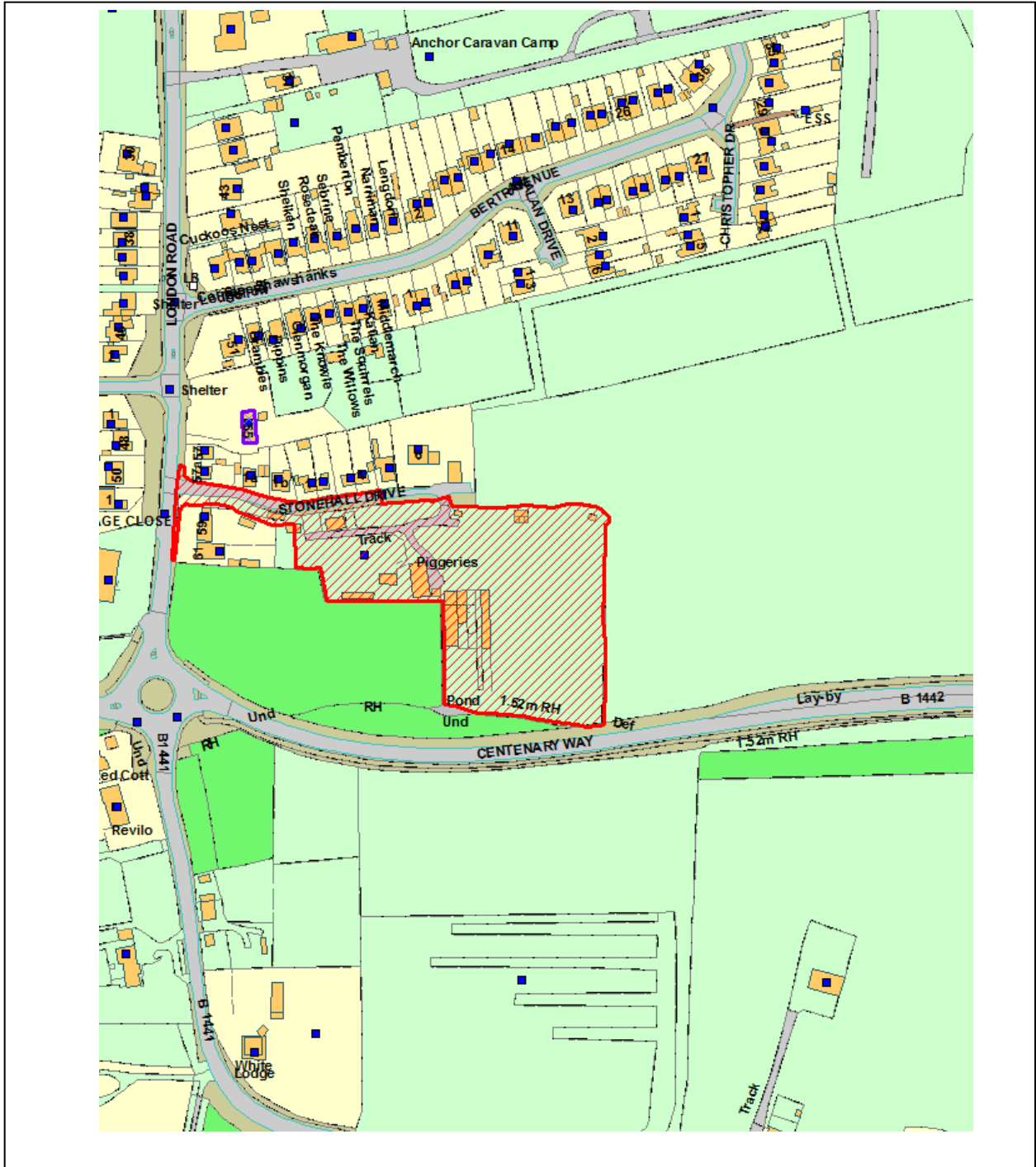


PLANNING COMMITTEE

11<sup>th</sup> December 2018

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 17/00790/FUL - LAND TO REAR OF 59 & 61 LONDON ROAD, LITTLE CLACTON, CO16 9RB**



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<b>Application:</b>	17/00790/FUL	<b>Town / Parish:</b> Little Clacton Parish Council
<b>Applicant:</b>	Mr K Kandiah	
<b>Address:</b>	Land to rear of 59 & 61 London Road Little Clacton	
<b>Development:</b>	Proposed development for 30 no. detached bungalows including associated roads and access.	

## 1. Executive Summary

- 1.1 This application is before the planning committee as it represents a departure from the Adopted Tendring District Local Plan 2007.
- 1.2 The application is for the construction of 30 bungalows (19 x 3 bed & 11 x 2 bed) including the upgrade of Stonehall Drive to adoptable highway standards.
- 1.3 The site lies outside the defined settlement development boundary of the saved Local Plan but has been included within the settlement development boundary forms part of an allocated housing site within the Publication Draft Local Plan – June 2017.
- 1.4 Due to a lack of significant objection to the changes to the settlement development boundary and the allocation of the land for housing purposes within the Publication Draft Local Plan, appreciable weight can be attributed to that Draft Policy.
- 1.5 The development is acceptable ‘in principle’ being in accordance with the emerging Local Plan, and a sustainable location adjoining a Rural Service Centre.
- 1.6 Subject to the applicant entering in to a Section 106 agreement to cover the provision of open space contributions and a mechanism to review viability matters at a later stage if development has not commenced, the proposal is considered to be acceptable with no material harm to visual or residential amenity, or highway safety, and the application is therefore recommended for approval.

### **Recommendation: Approve**

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):
  - Public Open Space Contribution;
  - Viability Review Mechanism
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

#### **(i) Conditions:**

1. Standard 3 year time limit for commencement
  2. Accordance with approved plans
  3. Details of construction materials.
  4. Visibility splays on upgrade Stonehall Drive junction with London Road
  5. Parking and turning areas provided prior to occupation
  6. No unbound material in first 6m of access
  7. Vehicular access/Stonehall Drive specification (5.5m width access, 2x2m wide footways, pedestrian crossing facilities and kerb radii measuring 10.5)
  8. Private drive width of 6m
  9. Details of estate road construction
  10. Timings of estate road/carriageway provision
  11. Residential travel packs
  12. Compliance with contamination report
  13. Hard and soft landscaping plan/implementation
  14. Soft landscaping maintenance plan
  15. Construction method statement (including working hours, dust suppression, parking of construction vehicles and timings/access arrangements for Stonehall Drive upgrade).
  16. Details of boundary treatments
  17. Ecological mitigation measures
  18. Ecological enhancement measure
  19. Four conditions as required by ECC Suds
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## **2. Planning Policy**

### **National Policy:**

The National Planning Policy Framework  
National Planning Policy Guidance

### **Local Plan Policy:**

#### **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 and Compatibility of Uses
- QL12 Planning Obligations
- HG1 Housing Provision
- HG3A Mixed Communities
- HG4 Affordable Housing in New Developments
- HG6 Dwelling Size and Type
- HG7 Residential Densities
- HG9 Private Amenity Space

HG14 Side Isolation  
COM1 Access for All  
COM6 Provision of Recreational Open Space for New Residential Development  
EN1 Landscape Character  
EN6 Biodiversity  
EN6A Protected Species  
TR1A Development Affecting Highways  
TR3A Provision for Walking  
TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development  
SP2 Spatial Strategy for North Essex  
SP3 Meeting Housing Needs  
SP6 Place Shaping Principles  
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 & Recreation Facilities  
LP1 Housing Supply  
LP2 Housing Choice  
LP3 Housing Density and Standards  
LP4 Housing Layout  
LP5 Affordable and Council Housing  
PPL1 Development and Flood Risk  
PPL3 The Rural Landscape  
PPL4 Biodiversity and Geodiversity  
PPL5 Water Conservation, Drainage and Sewerage  
CP1 Sustainable Transport and Accessibility  
CP2 Improving the Transport Network

### **Supplementary Planning Guidance:**

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

### **Status of the Local Plan**

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

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

address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

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

In relation to housing supply:

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

### **3. Relevant Planning History**

17/00790/FUL	Proposed development for 30 no. detached bungalows including associated roads and access.	Current
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### **4. Consultations**

ECC SuDS	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:
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#### 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.

#### 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.

#### Condition 3

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

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.

Environment Agency	No objections to the development proposal.
Natural England	Natural England has no comments to make on this application.
Building Control and Access Officer	No comments at this stage.
Tree & Landscape Officer	<p>There are several buildings on the application site some of which in use and others that are in a derelict or semi-derelict condition. The main body of the land contains several small scrubby trees, the most significant of which are a group of Aspen. Otherwise the site is overgrown with rank and ruderal vegetation with encroaching brambles gradually spreading across the site.</p> <p>The most important vegetation is that which is contained in the boundary hedgerows as these strong landscape features act as a good screen.</p> <p>There are no trees on the application site that merit retention or protection by means of a tree preservation order. It would be desirable to retain boundary vegetation for its screening value.</p> <p>In terms of the site layout the proposed density appears to compromise the objective of securing the retention of existing boundary hedgerows or allowing for sufficient space to secure replacement planting. A decrease in the density may make room for more planting to be carried out to both soften and enhance the appearance of the development and to help assimilate, the built form, it into its setting. This is particularly important on the boundary with the open countryside.</p> <p>Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping to enhance the appearance of the development.</p>
Anglian Water Services Ltd	The foul drainage from this development is in the catchment of Clacton Holland Water Recycling Centre that will have available capacity for these flows. Request a condition securing a drainage strategy.
ECC Highways Dept	This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

- The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway and shall provide, but not be limited to, the following aspects;

- Carriageways measuring no less than 5.5m in width.

- 2x2m Footways on both sides of the access road.

- Appropriate pedestrian crossing facilities where the new road joins the existing highway.

- Kerb radii measuring 10.5m.

- Prior to the first occupation of the development, the proposed private drive shall be constructed to a width of 6 metres.

- Prior to 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.

- The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

- Any single garages should have a minimum internal measurement of 7m x 3m

- Any double garages should have a minimum internal measurement of 7m x 6m

- Any tandem garages should have minimum internal measurements of 12m x 3m  
All garages shall be retained for the purposes of vehicle parking in perpetuity.

- Prior to occupation of the proposed development, 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.

Essex Wildlife Trust	No comments.
ECC Schools Service	Please be advised this is below the threshold for requesting education contributions.
Waste Management	No comments.
Environmental Protection	Environmental protection are satisfied that the contaminated land report submitted addresses any concerns on the site and will require a condition so that the recommendations made are implemented during the construction phase of any properties approved.

Please condition the following: Construction and demolition noise/dust/light:

Site Clearance, Demolition & Construction In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Pollution and Environmental Control ask that the following is conditioned

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Pollution and Environmental Control.

#### Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) 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 Friday. 0800-1300 on Saturdays with no working of any kind permitted on Sundays or any Public/Bank Holidays.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and



details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

#### Emission Control

1) A scheme of measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the L.P.A. Such agreed works shall be implemented in the approved form prior to the commencement of any development of the site and shall be maintained in the approved form until the development is completed and ready to be signed off as complete for the permitted purpose

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

#### Lighting Control

1) Any lighting of the site under development shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Professionals.

Housing Dept.

Housing Department are looking for 30% affordable housing on this scheme. Specific tenure and mix to be agreed.

Open Spaces

There is a deficiency of equipped play areas in Little Clacton and as such a contribution towards the London Road Play Area is justified and relevant to the development.

## **5. Representations**

5.1 Little Clacton Parish Council provides the following comments;

Regarding this proposed development of 30 detached bungalows with roads and access. Whilst the Motel site adjacent has permission for 40 dwellings this would produce a hard landscape on entering the Village. It would create a cluster development of cramped proportions. This proposal is outside the Proposed Development Plan, an area within the Green Gap contrary to policy EN 2 and causing hard landscaping on Centenary Way our Border with Clacton on Sea. We have sufficient land supply for the next 5 years so

developments which are not sustainable or suitable can now be refused without fear of costs through appeals. Little Clacton Parish Council strongly recommend refusal.

5.2 10 letters of objection have been received outlining the following concerns;

- Significant disruption to the residents of Stonehall Drive.
- Devalue nearby properties and greatly increase traffic congestion.
- Not in keeping with the character of the area and therefore the development would destroy the character and charm of Stonehall Drive.
- Semi-rural character of the lane will be destroyed.
- Upgrade of road could be considered an enhancement but in reality it would have a detrimental impact upon the standard of life currently enjoyed by existing residents.
- Extra strain on local infrastructure.
- Loss of privacy for existing residents.
- Invasive and disruptive increase of foot and car traffic.
- Overdevelopment of the site.

5.3 1 letter of objection has been received from the owners of the adjacent allocated housing site to the south-west of the application site. This objection outlines the following points;

- The proposed development is not in accordance the local plan as it falls within a green gap which contravenes saved policy EN2. As such approval of this scheme would set a precedent for further erosion of green belt land.
- Number of units is disproportionate in relation to the character and nature of the village envelope.
- Upgrading of Stonehall Drive would in effect create five access points onto London Road within a short distance. A viable alternative access point exists which would enable the development of the existing motel site and part of the application site with a smaller development that would be more in keeping with the character of the village. The alternative access point would also reduce need to upgrade Stonehall Drive thereby decreasing the impact upon existing residents.
- Discussions with the applicants have been held to promote a joint development utilising the motel site access but to no avail.
- The extant permission for the motel complex could be implemented at short notice.
- There is only one protected tree just off centre of the site and not numerous protected trees.
- There exists an opportunity to develop a smaller area of the application site in conjunction with the motel site resulting in a more sympathetic development in keeping with the character of the village.

## **6. Assessment**

The main planning considerations are:

- Site Context
- Development Proposal
- Principle of Development
- Design/Layout
- Landscape Impact/Tree Considerations
- Residential Amenity
- Highway Safety
- Ecology
- Flooding/Drainage
- Legal Obligations

Site Context

- 6.1 The application site comprises of an area of 1.4 hectares and is situated towards the southern edge of Little Clacton, to the east of London Road, and consists of undeveloped land and areas containing redundant barns and piggeries. The land is relatively flat and was originally in agricultural use. Some of the land has been mowed whilst other areas have become overgrown. The site also contains areas of hard standing and concrete.
- 6.2 The site has access from either the site owner's houses at 59 and 61 London Road or from Stonehall Drive that is also within their ownership. Stonehall Drive is a private, unmade road, with a right of access over it for the existing properties. Stonehall Drive currently serves 9. no properties and the field beyond. The properties are two storeys with the exception of no. 6 which is a bungalow. No.'s 59 and 61 London Road to the west are also bungalows.
- 6.3 The site also lies to the north of Centenary Way with open countryside beyond the site to the east. The site wraps around another area of undeveloped land that occupies the corner of London Road and Centenary Way. This land has an extant planning consent for development as a motel and conference centre.
- 6.4 The application site lies outside, but abutting to the western boundary, the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary and is allocated for residential development in the emerging plan.

#### Development Proposal

- 6.5 This planning application seeks permission to erect 30 no. bungalows on the site along with the upgrade of Stonehall Drive to adoptable standards. The development contains a mixture of two and three bedroom bungalows (11x2 bed and 19x3 bed) served via an access from the upgraded Stonehall Drive and a private cul-de-sac spur road.
- 6.6 To the south-eastern corner of the site an attenuation pond is proposed to facilitate a sustainable urban drainage scheme.

#### Principle of Development

- 6.7 Whilst the site is located outside the settlement development boundary (SDB) of the saved Tendring District Local Plan (2007) and within a Local Green Gap, it has been included within the settlement development boundary (and outside of the Local Green Gap) within the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), and it forms part of a specific housing allocation outlined within emerging local plan.
- 6.8 With more work required to demonstrate the soundness of the emerging local plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 6.9 In this instance the allocation of this site for residential development in the publication draft of the emerging Local Plan attracted 3 objections from local councillors and the parish council. The objection comments raised are summarised below;
- Development of this corner of the village would represent over-development and it impinges on the on Green Gap;
  - Creates a hard edge to the village and would causes significant highway problems; and
  - The housing gain from this development is considered insignificant in the grand scheme of the local plan.

- 6.10 In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached a relatively advanced stage of the plan-making process; the objections to the site allocated are noted, although Officers are of the view that the proposal is in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, the allocation of the site for residential development can carry a reasonable level of weight in the determination of this planning application.
- 6.11 Little Clacton is categorised, along with six other villages, as a 'Rural Service Centre' in recognition of its size and range of services and facilities. This is the third most sustainable category of settlement following 'Strategic Urban Settlements' and 'Smaller Urban Settlements' which are the primary focus for development. The approach to growth in Rural Service Centres is to specifically allocate land for development to help achieve a fair and proportionate distribution of growth across the district. The allocated sites in these centres aim to make a meaningful contribution toward addressing local housing needs, supporting the village economy and assisting with the overall housing growth proposed for the District.
- 6.12 This proposal for 30 dwellings is of scale suggested for sites in Rural Service Centres and as such would not be considered a disproportionate level of growth for this location. In conclusion, a residential development in this location has the potential to perform well, in principle, against the presumption in favour of sustainable development given its location adjoining a Rural Service Centre, its inclusion in the emerging Local Plan for housing and its proportionate scale to the existing settlement pattern and size.

#### Design/Layout

- 6.13 The general character of Little Clacton is that of detached and semi-detached properties on reasonably well-sized plots fronting the highway. The southern part of the village is more diverse with the estate of bungalows off Leys Drive being a clear break from the traditional linear form of the settlement.
- 6.14 The proposed layout for the site shows 30 units comprising 19 x 3 bed bungalows and 11 x 2 bed bungalows. The development would involve upgrading Stonehall Drive with some properties fronting the newly upgraded road and the others accessed via a new road off Stonehall Drive and a further private drive extending southwards. 10 of the properties would be accessed via the private drives at the end of the new access road with properties arranged in a cul-de-sac formation and backing onto the southern and western boundaries of the site.
- 6.15 In general terms, the layout is successful in achieving the established urban-design and secured-by-design principle of positioning properties front to front and back to back. With significant vegetation along the eastern and southern edge of the site, the development would be relatively well contained within the landscape and not particularly visible from views from the east or south. Given the site's containment within the landscape, the general density of property in the village and the more diverse settlement form in the southern part of Little Clacton, the general approach to the layout of the development and the types of properties would appear acceptable.
- 6.16 It must also be noted that due provision in the layout has been made for a possible link in the future for vehicle or pedestrians to the remainder of the allocated housing site located to the south-west of the site. This site is in separate ownership and has an extant permission for a motel complex with access onto London Road. Notwithstanding this point the proposed bungalows on the application site boundary will not unduly restrict the future development of the other site given normal policy requirements for garden sizes, density and highway standards are met.

- 6.17 Amendments have been made to reduce the number of units from 32 to 30 to create a more spacious development and to incorporate an attenuation area within the south-eastern boundary of the site. The density is around 20.6 dph and each dwelling is provided with at least the minimum private amenity space required by saved Policy HG9 with most properties exceeding this level.
- 6.18 There are a variety of different bungalows designs across the development, which although relatively plain incorporate visual interest through the use of differing facing materials, bay windows and open faced porches. The majority of the bungalows have hipped roofs creating some uniformity across the development and subject to a condition requiring approval of external materials the detailed design is considered acceptable.

#### Landscaping/Trees

- 6.19 The main body of the land contains several small scrubby trees, the most significant of which are a group of Aspen. Otherwise the site is overgrown with rank and ruderal vegetation with encroaching brambles gradually spreading across the site. The most important vegetation is that which is contained in the boundary hedgerows as these strong landscape features act as a good screen.
- 6.20 The Council's Trees and Landscaping Officer has confirmed that there are no trees on the application site that merit retention or protection by means of a tree preservation order, but does state that the density of the development should be decreased to make room for more planting to enhance and soften the appearance of the development. Partly in response to these comments and to accommodate the attenuation basin the density has been reduced and additional planting can be secured to the southern and eastern boundaries of the site around the green space accommodating the drainage feature.

#### Residential Amenities

- 6.21 The proposed dwellings are all bungalows of 5.0-6.5 metres high with hipped roofs so there will be no harm in terms of loss of light or privacy to existing properties on Stonehall Drive or those fronting London Road to the west. Furthermore, the degree of separation to the existing dwellings to the west (38 metres) and those fronting Stonehall Drive to the north (19 metres) is sufficient to avoid any loss of outlook.
- 6.22 A condition will be imposed requiring a construction method statement to control hours of construction, location of storage and parking areas and access arrangements for existing residents during the upgrade of Stonehall Drive, in the interests of residential amenity.

#### Highway Safety

- 6.23 The upgrades proposed to Stonehall Drive will improve the access into and out of the Drive as well as providing footpaths linking to the main road footpaths. The roads have been designed in accordance with Essex County Councils Highway Standards and it is intended that the roads will be offered for adoption by the Highway Authority.
- 6.24 Essex County Council Highways have reviewed the plans and have no objections but have requested a range of conditions in order to secure safe access and satisfactory standard of parking.
- 6.25 Although the development would be traffic generating, and this is a concern that has been raised by local residents, the Highway Authority has not objected in respect of the impact of development on the surrounding highway network from the perspective of road safety or congestion.

- 6.26 Each property is provided with a garage with minimum internal dimensions of at least 7 metres x 3 metres and a minimum of one additional parking space of 5.5 metres x 2.9 metres. Several of the properties have parking provision in excess of 2 no. spaces and there is provision for visitor's parking at key points throughout the development.
- 6.27 Site access, parking provision and the impact of development on the surrounding highway network are all considered acceptable.

### Ecology

- 6.28 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.29 In this respect a Preliminary Ecological Appraisal and Bat Scoping Survey has been submitted and contains the following findings;
- A total of nine buildings were inspected as part of the Bat Scoping Survey. None of the buildings were found to be suitable for roosting bats.
  - Considerations with regards to sensitive lighting design in the final scheme will be required to ensure no impact on foraging bats.
  - The improved grassland and scrub habitat on site are considered suitable for reptiles. Therefore, a survey is required to determine presence. Surveys for reptiles can only be undertaken between April and October under suitable weather conditions.
  - Although no badger setts were confirmed on site, vegetation clearance should be undertaken in a methodical and sensitive manner to avoid any direct harm to Badgers. Should any setts be noted during scrub clearance works, all works should cease and an ecologist contacted immediately.
  - It is recommended that any vegetation clearance work or building demolition work is undertaken outside of the bird nesting season.
- 6.30 The appraisal also contained recommendations for enhancement opportunities within the final development scheme namely; fruit and berry trees to provide a local food source for birds and foraging bats; log piles for invertebrates, holes in fencing for connectivity for foraging hedgehogs and the provision of bat/bird boxes within the development.
- 6.31 The Reptile Survey and Outline Mitigation Report, as requested in the findings of the preliminary ecological appraisal, found a total of 43 artificial cover objects (ACOs) distributed throughout the 0.6 hectares of potentially suitable habitat on site. The ACOs were checked on seven occasions in a 3 week period. A maximum count of one adult Common Lizard was noted on site on a single occasion. No other reptile species was noted on site during the survey.
- 6.32 Consequently, the survey concludes that given the maximum count of Common Lizard, it is anticipated that there is a very low population of Common Lizard present within a localised area of the site. It is considered likely that controlled clearance of the vegetation will suffice in ensuring no direct harm.

- 6.33 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation/enhancement measures outlined in the submitted reports/surveys being secured through the imposition of appropriate conditions.

#### Drainage Considerations

- 6.34 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.35 In this instance the discharge from each plot, or pair of plots, will be controlled with an orifice plate, or similar. This will allow 1 in 30-year storm volumes to pass through the system, with the water volumes attributable to events of severity up to 1 in 100 years (+ climate change) being controlled. This will allow storage within the individual plots and allow some infiltration to take place. Highway surface water within the main part of the site will be drained via trapped gullies in accordance with the Highway Authority's specification and connect to the Anglian Water surface water sewer. The Anglian Water surface water sewer shall be laid beneath the carriageway using oversized pipes to incorporate storage and ensure self-cleansing velocity is achieved on a relatively shallow site with a critical outfall level. For storm events exceeding 1 in 30-year events, permeable paving and an attenuation pond will be provided.
- 6.36 Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.

#### Legal Obligations

- 6.37 The scale of the development attracts affordable housing provision at 30% of a mix and tenure to be agreed and a public open space contribution to go towards enhancements to the London Road Play Area. ECC Schools and the NHS confirm that the proposal falls below the threshold for education and health contributions.
- 6.38 The application is accompanied by a viability report (prepared by MRA) which states that the development would not be financially viable if affordable housing provision was sought due to significant construction costs including the upgrading of Stonehall Drive, removal of existing structures/large quantities of asbestos and additional drainage measures. This report has been independently assessed by the VOA who has confirmed the following;
- 'We conclude that it is not financially viable to provide any on-site affordable housing. However, we have a difference of opinion on Benchmark Land Value (BLV) where I am at £350,000 and MRA is at £490,000. Both these figures are significantly lower than our original figures in light of the publication of the new NPPF in July which outlined that an EUV + (Existing Use Value plus a premium) approach must be used to establish the BLV. However, even by adopting the higher of the 2 BLV figures above, I am of the view that the £65,000 could still be provided should the developer be willing to accept a lower profit of 16.40%. This figure is within the range identified in the NPPF (15-20%) and therefore reasonable'.
- 6.39 In view of the VOA's findings a public open space contribution will be sought in line with the requirements of saved policy COM6 which confirms that on sites of less than 1.5 hectares in size a financial contribution toward off-site provision should be made. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped

play areas in Little Clacton and as such a contribution towards the London Road Play Area is justified and relevant to the development.

#### Conclusion

- 6.40 The proposal for 30 bungalows is considered to represent sustainable development, on the edge of a Rural Service Centre, and in an area benefiting from planning permission for residential development at Oakwood Park to the immediate north and as proposed allocations for residential and employment development within the emerging Local Plan.
- 6.41 Subject to completion of the S106 legal agreement the application is recommended for approval.

#### Background Papers

None