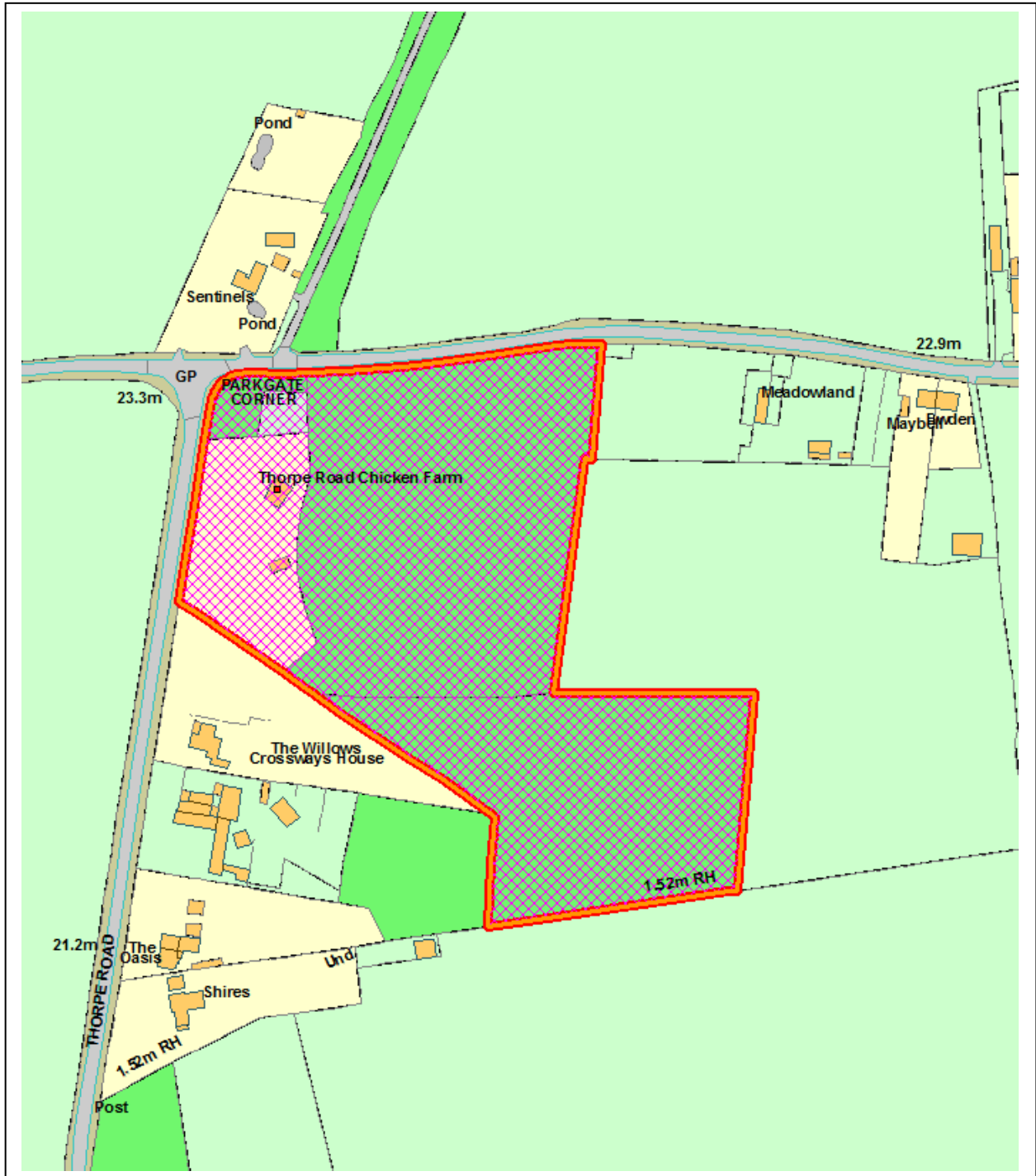


PLANNING COMMITTEE

4TH JANUARY 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 16/00421/FUL – CHICKEN FARM, THORPE ROAD, LITTLE CLACTON, CO16 9RZ



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Application:	16/00421/FUL	Town / Parish: Little Clacton
Applicant:	Mr. M. Rockall – Sole Bay Developments Limited	
Address:	Chicken Farm, Thorpe Road, Little Clacton, CO16 9RZ	
Development:	Construction of a development of 81 predominantly single storey retirement dwellings (following demolition of existing single dwelling).	

1. Executive Summary

- 1.1 This is a full planning application seeking approval for 81 predominantly single storey retirement dwellings on land at the corner of Thorpe Road and Holland Road within the parish of Little Clacton but close to the Clacton on Sea urban area, located just 500 metres north of the Oakwood Business Park. The 4 hectare site forms part of the larger area allocated in the emerging Local Plan for mixed-use development to the north of Oakwood Business Park, Clacton Factory Outlet and Gorse Lane Industrial Estate which extends to Holland Road to the north and the railway line to the east. Land immediately south of the application site has already obtained outline planning permission for up to 250 dwellings.
- 1.2 The application was submitted in March 2016 but determination has been delayed whilst the applicants have sought to resolve the initial objections of the Highway Authority. These objections have now been withdrawn and the application is now before the Committee with a recommendation of approval subject to conditions. The applicants have also made revisions to the design and layout of the development in response to the Highway Authority's recommendations.
- 1.3 The proposal has attracted only a small amount of objection. Two local residents have raised concerns about highway safety, lack of local employment opportunities, impact on school and health provision and loss of agricultural land. There are also objections from the adjoining landowners/developers who are concerned that the proposal is premature, will not be compatible with the surrounding comprehensive development planned for the area and will not address its fair share of infrastructure impacts and planning policy requirements. Little Clacton Parish however has raised no objections subject to appropriate highways works and the 81 dwellings being attributed to Little Clacton's housing allocation in the Local Plan.
- 1.4 As the scheme is being proposed as a predominantly retirement scheme, the Education Authority is not requesting any contributions towards school places but the NHS has requested a contribution. The scheme's use for retirement accommodation only will need to be secured through appropriate planning conditions/restrictions otherwise the impacts of the development in transport, health and education terms could be different to what has been tested. The applicants have submitted a statement that suggests that the scheme will not be able to afford to provide the full 30% requirement for affordable housing and if the Committee is minded to approve the application, this will be independently tested before any s106 agreement is concluded.

- 1.5 Because the site forms part of an area allocated for residential and mixed use in the emerging Local Plan, Officers have approached the application with a view to positively addressing, as far as possible, technical issues and other matters raised by consultees and residents. Ecological and landscape impacts have been carefully considered and Officers are satisfied that with the right measures in terms of mitigation and landscaping, the development can be achieved with limited adverse impacts. The design and layout of the development is considered acceptable.

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):
- On-site Council Housing/Affordable Housing (if viable);
 - Health contribution; and
 - Completion and transfer of public open space and maintenance contribution.
- 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.
 2. Compliance with approved plans.
 3. Highways requirements.
 4. Construction methods statement.
 5. Detailed landscaping scheme.
 6. Ecological mitigation/enhancement plan.
 7. Restriction to retirement accommodation.
 8. Foul water strategy.
 9. Archeologic trial trenching and assessment.
 10. Ecological mitigation/enhancement plan.
 11. Surface water drainage scheme for construction and occupation phases.
 12. SuDS maintenance/monitoring plan.
 13. Details of lighting, materials and refuse storage/collection points.
 14. Broadband connection.
 15. Local employment arrangements.
- 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 Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

Local Plan

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district’s towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

HG14: Side Isolation

Seeks to ensure new properties to retain appropriate space between the dwelling and the side boundaries of the lot in the interest of avoiding a cramped appearance and safeguarding the amenities and aspect of adjoining residents.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM19: Contaminated Land

Requires remedial measures to put in place if land to be developed is potentially affected by contamination.

COM21: Light Pollution

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

COM23: General Pollution

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

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

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

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity

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

SP5: Place Shaping Principles

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

SPL1: Managing Growth

Identifies Clacton as 'strategic urban settlement' and Little Clacton as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing

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

HP4: Open Space, Sports and Recreation Facilities

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

LP1: Housing Supply

Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site falls within one of the areas proposed for residential and mixed use development.

LP2: Housing Choice

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

LP3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing

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

PP12: Improving Education and Skills

Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity

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

PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology

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

CP1: Sustainable Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

00/00014/FUL	Removal of agricultural occupancy condition No. 3 of planning consent TEN/91/1476		20.01.2000
01/00327/FUL	Removal of agricultural occupancy condition on application No. TEN/91/1476	Approved	14.05.2001
91/01476/FUL	Dwelling for agricultural use	Approved	13.07.1993
95/00327/FUL	(Thorpe Road Chicken Farm, Thorpe Road, Little Clacton) Proposed storage building	Approved	21.04.1995
96/00508/FUL	(Thorpe Road Chicken Farm, Thorpe Road, Lt Clacton) Proposed building to be used as a field study room	Approved	19.06.1996
98/01163/FUL	Removal of agricultural occupancy condition (Condition 3 of TEN/91/1476)	Refused	06.10.1998
14/30402/PRE APP	Proposed development of site for up to 90 residential units.		12.12.2014

4. Consultations

TDC Health Environmental The recommendations of the contaminated land survey should be followed and the results submitted in writing to this authority. A full construction method statement should also be submitted in writing agreed by this authority prior to any commencement of any demolition works. In addition to guidance on working hours, plant specification and emission controls, the document should consider the following:

- 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 06:30 or leave after 19:30 (except in the case of emergency). Working hours to be restricted between 07:00 and 19:00 Monday to Saturday (finishing at 13:00 on Saturday) 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.
- 7) 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.
- 8) 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.
- 9) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

TDC Building Control

A fire appliance must be able to get to within 45m of all parts of dwellings. If this results in the appliance having to reverse more than 20m then full tuning provisions will be required.

TDC
Principal Tree &
Landscape Officer

The main body of the application site contains a single dwelling and is otherwise overgrown with brambles, scrubby growth and relatively young trees. The application site appears to comprise two distinct areas: the land forming the residential curtilage of the dwelling and a wider area of agricultural land. There are several mature trees and hedgerows situated on the boundary of the application site and some smaller trees in the garden area. Most of the large trees in the main body of the land have been recently coppiced or felled. Many are showing signs of vigorous regrowth mainly Goat Willow.

In order to assess the health and condition of the trees on the land and to consider the implications of the development proposal on them the applicant has provided a tree survey and report that has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

The tree report shows the extent of the constraint that the trees are on the development of the land, identifies those trees and hedgerows that would need to be removed in order to facilitate the development and shows the steps that will need to be taken to protect any retained trees.

The trees and hedgerows with the greatest visual amenity value and with the added benefit of providing screening are those situated on, or close to, the site boundary. The best trees on the land are marked for retention,

these being T6, 10, 11 and 12 as well as 2 large trees in the retained section of G8 both Oak. Although some of the boundary hedgerow will be removed; large sections are shown as retained.

The tree report identifies the removal of several trees and sections of hedgerows as listed on P36 of the tree report Tree Surgery Recommendations. The majority of vegetation identified for removal is either of little visual amenity value or has low aesthetic worth. The best trees identified for removal are T5 Oak and part of G8.

The Oak identified as T5 is situated in the main body of the land and its amenity value could be relatively easily replicated by new planting. The group of trees in G8 have good screening value and form an attractive feature in an urban fringe setting. However on balance it is considered that the amenity value and the contribution made by T5 and G8, to the character and appearance of the area is not so great that they merit retention by means of a tree preservation order. The two best trees in G8 are marked for retention.

In terms of the impact of the development proposal on the wider landscape it would be desirable to retain a larger section of G8 and to reduce the number of dwellings. This would mean that boundary screening could be retained to such an extent that it would be of sufficient width to adequately screen the development when viewed from the highway. This would also help to create a dense screen and increase the separation between the developed part of the land and adjacent highway.

In terms of the open space provision it would appear that the two areas of open space form part of the Sustainable Urban Drainage Scheme for the development. Although they may become attractive features within the development they offer only limited recreational opportunities for future residents of the development. A decrease in the housing density would facilitate alterations to the layout to increase the amount of land set out as public open space. The open space will need to provide benefit to future residents of the estate and the wider community.

It may be possible to link the creation of additional open space with the retention of a greater part of G8. At the present time it is considered that the provision of land to become public open space is inadequate.

Should planning permission be likely to be granted then details of soft landscaping should be secured to enhance the appearance of the development and to provide screening where required.

Taking into account the juxtaposition of the application site with the adjacent countryside it will be essential to secure a comprehensive soft landscaping scheme.

TDC Housing

There is a high demand for housing in the Clacton area and there are currently 148 households on the housing register seeking a 2 bedroom property and 63 seeking a 3 bedroom property. There is a very high demand for bungalows as they are in short supply in the existing affordable rented stock.

The department's preference is for affordable housing to be delivered on site. The emerging Local Plan states in Policy LP5 that 30% of the housing

on a site of this size should be set aside for affordable housing. This would equate to 24 properties. The Council would prefer that another registered provider is sought in the first instance to take on the affordable housing. In the event that a registered provider cannot be found, the Council would be willing to look at other delivery options e.g. gifted properties or a financial contribution.

TDC Open Space and Play

There is currently a deficit of 2.22 hectares of equipped play in Little Clacton. However, there is adequate formal open space in the area to cope with some future development. There is one play area in the village which is located along London Road. This play area is designated a Local Equipped Area for Play, but is limited in size. However, this application is closer to Footh Farm Play Area, Chingford Avenue, Clacton on Sea. To cope with any additional usage it would be necessary to increase the play provision at this site before that in London Road.

Due to the lack of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. However, Little Clacton and Clacton on Sea are well provided for in terms of open space and we do not consider a contribution towards formal open space necessary or relevant to this application.

ECC Highways

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

- Submission and approval of a construction management plan;
- Junction dimensions;
- Residential Travel Information Packs; and
- Revisions to the planning application drawings to show:
 - 6 metre radius kerbs on the main 5.5 metre road and 4 metre radius kerbs on the 6 metre road
 - A size 3 turning head at the end of the 5.5 metre road (as currently submitted it is measuring larger than a size 3) and for the private road serving plots 18 and 19
 - If the swales are not gently sloped, a clearance of 0.5 metres from the back edge of footway to a swale
 - 2.4 x 25 metre visibility splays at all junctions and clear of hedges and trees
 - Visibility splays clear of any parking spaces
 - 2 x 20 metre visibility splays at all junctions between a private road and adoptable road
 - 6 metres in front of all parking spaces
 - Swept paths for the largest vehicle likely to need to access the pumping station
 - The parking spaces for plots 79 and 33 re-planned so they are not positioned on the radii
 - Tabled approaches for the two junctions of the 6 metre road (please see attached detail)
 - All trees and hedges set back from proposed highway (generally 0.5 metres for hedges and 1 metre for trees, depending on the type of tree)
 - A 0.5 metres no build zone on both sides of the 6 metre road (please see attached detail)
 - 1.5 x 1.5 metre pedestrian visibility splays at all vehicle accesses and clear of trees
 - 13.6 metres centre line bend radius kerbs on the 6 metre road

- and appropriate forward visibility (25 metres)
- The footways tapered to join the shared surface (please see attached detail)
- The footpath to the neighbouring development to the south a minimum 3.5 metre wide footpath/cycleway and connected to proposed highway
- A minimum 3.5 metre wide footpath/cycleway to the potential development land to the east

ECC Schools

As a development of 100% retirement accommodation, we will not be seeking any education contributions. If this changes, we will need to be re-consulted on this application.

NHS England

This development is likely to have an impact on the services of two GP practices in the locality (Cusader Surgery and Great Clacton Medical Practice). These GP practices do not have capacity for the additional growth as a result of this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.

The development would give rise to a need for improvements to capacity by way of extension, refurbishment or reconfiguration at the Crusader surgery, a proportion of the cost of which would need to be met by the developer. A developer contribution of £21,760 is required to mitigate the 'impacts of this proposal. NHS England requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

Anglian Water

Assets affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater treatment: The foul drainage from this development is in the catchment of Clacton Holland Haven Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We request a condition requiring compliance with the agreed drainage strategy.

Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority. We request a condition requiring a drainage strategy covering the issues to be agreed.

Condition: "No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority."

Reason: "To prevent environmental and amenity problems arising from flooding."

Natural England

Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which Holland Haven Marshes SSSI has been notified. In respect of protected species, we have not assessed this application and associated documents and the Council should apply Natural England's standing advice.

Essex County Council
Flood Authority

Having reviewed the Flood Risk Assessment we do not object to the granting of planning permission subject to conditions relating to the following:

- a detailed surface water drainage scheme;
- a scheme for minimising offsite flooding during construction works;
- a maintenance plan for the surface water drainage scheme; and
- keeping an on-going log of maintenance.

Essex County Council
Archaeology

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of potential archaeological interest. A Desk-Based Assessment has been submitted with the application which concludes that the archaeological potential of the site is low, however due to the relatively undisturbed nature of the site any impact on surviving archaeological remains would be high.

The proposed development lies within an area with historically limited archaeological investigation, however stripping in advance of a pipeline immediately south of the site revealed evidence for medieval activity and possible occupation, as well as possible prehistoric activity. Some of the pipeline route was not stripped to an adequate level to expose the archaeological horizon therefore there may have been further evidence for archaeological activity within close proximity to the proposed site. The site lies to the west of Cooks Green historic settlement and was probably part of the wider medieval landscape.

There is potential for further archaeological remains relating to the medieval settlement of the area to survive within the proposed development site. Therefore planning conditions should be imposed on approval of planning permission to secure the following, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits; and
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

5. Representations

- 5.1 The Council has received very few comments in response to this planning application with just two objections from a local resident and two objections on behalf of adjoining landowners.
- 5.2 Little Clacton Parish Council has written to say it has no objections to the approval of this scheme, except that the road should have major highway works to ensure safe access and egress as this is an already busy road and we are yet to see increased traffic flow as a result of the adjoining approved site. The Parish Council also asks that if this application is approved, the 81 properties count towards Little Clacton's quota in the new Local Plan.
- 5.3 The two objection from the local residents, both of Holland Road, raise the following concerns:
- The junction of Holland Road and Thorpe Road is considered an accident black spot by both the Policy and Essex County Council as there have been a number of serious accidents including a fatality and numerous minor incidents;
 - There is lack of GP and hospital facilities in the area to cater for the pensioners that will occupy the development;
 - Lack of jobs and industry in the area;
 - If families with young children move into the area, there will be a shortage of school places and teaching staff; and
 - The loss of agricultural land will have significant environmental and ecological impacts on the area.
- 5.4 An objection has been submitted on behalf of Kevin Britton, the owner of land south of the application site which is the subject of outline planning permission for up to 250 dwellings. The objection seeks to highlight deficiencies in the applicant's proposals and supporting studies which include:
- failure to take into consideration the traffic generation that would arise from the 250 dwellings approved on the land to the south on the new junction that has been built on Thorpe Road;
 - failure to provide safe and suitable access by foot, cycle and public transport – requiring a footpath and cycle link along the entire length of Thorpe Road and the procurement of a public bus service to serve the site prior to occupation of the development;
 - failure to meet Anglian Water and Essex County Council requirements for drainage; and
 - failure to address the Council's pre-application concerns about the lack of a suitable strategic landscaped buffer along Holland Road.
- 5.5 Mr. Britton's objection is supported by a review of the applicant's Transport Assessment undertaken by transport planning specialists 'Vectos'.
- 5.6 The other objection is from Scott Property Group which has an interest in land immediately to the east. The concerns raised are summarised as follows:

- The proposals indicate potential road and footpath links into adjoining land but these are not deliverable because no agreements are in place and no consultations have been undertaken to provide such links;
- Without the delivery of the adjoining Oakwood Park development, the scheme would be isolated and disconnected from the main settlement;
- For the scheme to come forward at this time, it should provide footpaths/cycle links along Thorpe Road otherwise it will encourage unsustainable forms of travel for occupiers – something that could be avoided if the site were delivered as part of a larger scheme;
- There is no justification for a scheme of predominantly bungalows when there is a need for a mix of dwelling size, type and tenure as set out in the Council’s housing assessments;
- The development being described as being for ‘retirement’ is misleading and there is no indication as to how the properties would be limited to people of a specific age group – the scheme includes 2 larger four-bedroom executive houses and 54 three-bedroom bungalows and is therefore a normal residential development that should be subjected to normal s106 obligations to address its fair share of impacts upon infrastructure;
- The applicant admits that the site is a complex shape and this adds to the argument that the scheme should be delivered as part of a wider comprehensive scheme;
- The open space provision is very limited within the development and does not meet the Council’s adopted standards;
- The removal of a mature woodland proper to the application being submitted should not have taken place and considering should be given to the planting of a replacement woodland as part of the wider comprehensive development;
- The design and access statement does not refer to all of the latest policy and guidance;
- The provision of 10% affordable housing conflicts with emerging Local Plan Policy for up to 25% unless a financial contribution towards the delivery of the remaining requirement off-site is provided;
- There is concern about the proposed right turn off Thorpe Road which will need to be assessed by Essex County Council Highways; and
- Distances to bus stops are incorrectly stated in the Transport Assessment.

6. Assessment

The Site

- 6.1 The application site comprises an irregular-shaped 4 hectare parcel of land east of Thorpe Road and south of Holland Road which is within the parish of Little Clacton but north of the urban area of Clacton on Sea. The site contains an existing chalet bungalow, buildings associated with the former use as a chicken farm and overgrown derelict land. The site lies to the north of a large residential dwelling ‘The Willows’ which has planning permission for 5 dwellings to be built within its grounds, and Crossways Garden Centre. Land further south has outline planning permission for up to 250 dwellings. This site, along with land to the south and to the east is allocated in the emerging Local Plan for major residential and mixed-use development.

6.2 The Proposal

- 6.3 This full planning application seeks detailed approval for a scheme of 81 dwellings for retirement purposes comprising:
- 21 x 2-bed bungalows in semi-detached or terrace form (Dwelling Type A) served by allotted parking spaces;
 - 4 x 2-bed semi-detached bungalows (Dwelling Type B) with garages;
 - 26 x 3-bed semi detached bungalows (Dwelling Type C) with garages;
 - 28 x 3-bed detached bungalows (Dwelling Type D) with garages; and
 - 2 x 34-bed detached 1.5-storey houses (Dwelling Type E) with garages.
- 6.4 The scheme is laid out in a traditional block plan arrangement with properties generally positioned front-to-front and back-to-back in line with established secure-by-design principles. Access to the scheme is proposed via a new junction onto Thorpe Road with some properties directly fronting the main access road and some served by secondary shared-surface access roads. The two houses proposed for the site are located either side of the site's entrance onto Thorpe Road.
- 6.5 Properties would back onto Holland Road with planting and tree protection along Holland Road to retain its sense of urban fringe/semi-rural character. The layout makes provision for two areas of incidental open space containing water features and planting (one in the northern part of the site and one in the southern part), a landscaped buffer along the Thorpe Road frontage, a pedestrian footpath link that can connect with the housing development proposed for land to the south and a potential adoptable link that could provide access or connection to land to the east, which is also zoned for development in the emerging Local Plan.
- 6.6 The proposed bungalows are all of relatively basic design, each with front bay windows and rear conservatories. The internal floor areas (excluding the conservatories) are 60 sqm for Dwelling Type A, 74 sqm for Dwelling Type B, 87 sqm for Dwelling Type C, 98 sqm for Dwelling Type D. The proposed houses to be located at the gateway of the site are of more elaborate design with bay windows, dormer windows and conservatories and have an internal floor area of 150 sqm.

Architectural Drawings

- 5075 PA01A Site Location Plan
- 5075 PA02A Existing Site Plan
- 5075 PA03E Proposed Site Plan
- 5075 PA04A Existing Wider Context Plan
- 5075 PA05B Proposed Wider Context Plan
- 5075 PA06B Proposed Dwelling Type A
- 5075 PA07B Proposed Dwelling Type B
- 5075 PA08B Proposed Dwelling Type C
- 5075 PA09B Proposed Dwelling Type D
- 5075 PA10B Proposed Dwelling Type E
- 5057 PA11B Proposed Street Scenes
- 5057 PA12B Proposed Site Roof Plan
- 5057 PA13A Proposed Garage Plans & Elevations
- DCCP 3135 TSP Tree Survey Plan
- DFCP 3135 TPP Tree Protection Plan

- DFCC_1157_L01 Soft Landscape Masterplan

Reports and Technical Information

- Design and Access Statement
- Arboricultural Impact Assessment
- Tree Protection Plan
- Archaeological Assessment
- Phase 1 Habitat Survey
- Great Crested Newt, Badger and Dormouse Assessment
- Reptile Survey
- Ecological Enhancement Plan
- Flood Risk Assessment
- Soak Test Infiltration Report
- Transport Assessment

Main Planning Considerations

6.7 The main planning considerations are:

- Principle of development;
- Comprehensive approach to development;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Archaeology;
- Infrastructure provision;
- Open space;
- Council Housing/Affordable Housing;
- Design and Layout; and
- Overall planning balance.

Principle of development

6.8 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

6.9 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some

weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.10 The application site is not allocated for any use in the adopted Local Plan and falls outside of, and some distance from, the settlement development boundary. The proposal is therefore entirely contrary to adopted Local Plan policy. However, in the emerging Local Plan the site is allocated, along with adjoining land, for a major mixed use development proposal which effectively covers all of the land contained by Thorpe Road, Holland Road, the railway line and the industrial area north of Clacton comprising Oakwood Business Park, Clacton Factory Outlet and Gorse Lane Industrial Estate. The settlement development boundary has been extended to include this whole area. The site had also been included in the earlier (and now superseded) 2012 Draft Local Plan, as amended in 2014, for residential development. The principle of development taking place on the land in question has therefore been accepted by the Council for some years, albeit within emerging as opposed to adopted policy.
- 6.11 Land immediately south of the application site is not shown as allocated for any specific use but it is envisaged to form part of the wider development and a large part has already obtained outline planning permission for a development of up to 250 dwellings, for which the roundabout providing access from Thorpe Road has already been constructed. The land within the grounds of the adjoining dwelling has planning permission for 5 dwellings.
- 6.12 Within the text of the emerging Local Plan there are no specific policies relating to the development of this area and exactly how it is envisaged to take place, but representations from the relevant landowners have been invited which may well result in the evolution of the concept and more detailed parameters being put in place as the plan progresses through the next stages. Based on the report to the Local Plan Committee on 12th April 2016, the 'Oakwood Park' development could potentially deliver 1,000 dwellings (over and above the 250 or so already permitted) of which around 750 could realistically be built within the plan period to 2032/33.
- 6.13 Whilst the site only forms part of an emerging Local Plan allocation, the adopted Local Plan falls significantly short in identifying sufficient land to meet the 'objectively assessed' future need for housing which is a key requirement of the NPPF. As a result, the Council is also currently unable to identify a five-year supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF; although this position is improving rapidly as more sites have gained planning consent and it is possible that a robust 5-year supply could be in place in early 2017.
- 6.14 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.15 One of the NPPF's core planning principles is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant*

development in locations which are or can be made sustainable". With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.

- 6.16 In both adopted and emerging plans, Clacton on Sea is categorised as a 'town' or 'strategic urban settlement' in recognition its size and range of services and facilities and as a location where sustainable development on a larger scale can be achieved. In comparison, 'smaller urban settlements', 'rural service centres' and 'smaller rural settlements' are considered to offer lesser sustainable locations for major development. Little Clacton village is defined as a 'rural service centre' and although the site falls within Little Clacton Parish, it is some distance from the built up area of the village.
- 6.17 Officers consider that the principle of this development can be supported based on the shortfall of housing land, the requirements of the NPPF, the site's potentially sustainable location and the provisional support for development, as part of a wider strategic development, as indicated in the current emerging Local Plan.

Comprehensive approach to development

- 6.18 Because this site forms part of a wider allocation in the emerging Local Plan, consideration has needed to be given to whether or not development would be premature and whether or not it would prejudice the deliverability of the wider development in a sustainable and comprehensive manner. The concerns raised by the adjoining landowner/developers (Kevin Britton and Scott Properties) are that the development would be delivered in isolation and would prejudice the comprehensive approach. The key concerns in this regard relate to how the site connects and relates with the potential wider development, how the highways and transportation impacts of the development might affect the wider development, how the development addresses infrastructure impacts in isolation in advance of new infrastructure proposed to be delivered as part of the wider scheme.
- 6.19 Critically, this development is unable to secure a footpath connection along Thorpe Road to the existing footpaths within the urban area due to multiple ownerships and, until the scheme of 250 dwellings on the adjoining land is implemented, cannot secure a footpath connection via that development back into the urban area. Because of this the dwellings would not be safely accessible by foot to local services and facilities – there would therefore, at least until the adjoining development is completed, a reliance on car, cycle or, potentially, public transport. Because the adjoining land is the subject of outline planning permission only, the Council can ensure that the layout of the two developments provide for a connection, although legal access rights might need to be separately agreed by the two developers. This matter, which was initially a key concern of the Highway Authority, is addressed in more detail elsewhere in this report.
- 6.20 In terms of the scheme's impact on infrastructure, it is noted that the wider strategic development will be required to deliver new education and health facilities which will be delivered on the central part of the site being promoted by Scott Properties. Scott Properties are understandably anxious that they are not expected to address the infrastructure burden of the whole of the strategic allocation and are keen to ensure that smaller developments, such as the 81 dwellings proposed on the application site, make

their fair contribution towards addressing health, education and other relevant infrastructure needs. In this instance, no education contribution is required so long as the scheme is restricted, as intended, to retirement use. A contribution has been requested by NHS England which would go towards health provision in the area.

6.21 Officers are mindful that the wider strategic allocation is only a proposal in the emerging Local Plan at this time and it would be difficult to resist this development proposal on the grounds of prematurity unless it genuinely prejudiced or jeopardised the potential for a larger development in the future. If developed in the form proposed and with appropriate restrictions, and following the withdrawal of the Highway Authority's initial objections, Officers are content that the scheme could be considered for approval in advance of the wider proposal.

Highways, transport and accessibility

6.22 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe a suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

6.23 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The site is located within reasonable distance of Clacton and has the potential for good access to the town's range of jobs, shops, services and facilities – particularly when delivered as part of a wider scheme that is expected to deliver new infrastructure and community benefits. However, in isolation the application has attracted concern from both Essex County Council in its capacity as the local highway authority and those developers with an interest in adjoining land and the wider development concept.

6.24 As it stands, the site is located 1 kilometre from Clacton Factory Outlet, some 1.5 kilometres from the shops and services in the centre of nearby Little Clacton village, around 850 metres from the nearest bus services, GP Surgery and employment premises at Oakwood Business Park, 1.6 kilometres from Engaines Primary School and 1.6 kilometres from the Morrisons Supermarket on Centenary Way. The delivery of new education and health facilities as part of the wider Oakwood Park development could, in the future, bring such facilities much closer, potentially well within 800 metres.

6.25 For a greenfield site on the outskirts of a large town, this is a reasonable level of accessibility, with the potential to improve considerably in the future. However, the greatest concern expressed by the Highway Authority (initially) and other objectors to the scheme is the lack of connectivity to services and facilities via foot or cycle.

- 6.26 The initial objection from Highways firstly related to a lack of technical information which has since been addressed. Secondly there was the concern about there being no safe or convenient route for pedestrians to walk between the proposal site and the existing built up area of Clacton – however the later application for homes adjacent to Crossways did not attract such an objection.
- 6.27 Ideally, a footway/cycleway would be created along the length of Thorpe Road to allow occupiers of the development safe and direct access to the established built up area to the south. However neither the applicant nor the Highway Authority control sufficient land along that frontage to be able to implement such a solution. The other alternative is to achieve a continuous link through the adjoining approved development which itself proposes a pedestrian link through to Fowler Road. The applicant has shown a ‘footpath link’ through to the edge of the neighbouring land that in theory provides a potential solution, but to achieve the full connection back to the established built up area, the applicant will be reliant on the delivery of the neighbouring scheme, which is beyond their control.
- 6.28 The applicant has suggested that because the neighbouring development is only approved in outline, the Council could compel the applicants for that development to secure a connection with the Chicken Farm site at the indicated connection point when it comes to considering a reserved matters application. Officers have sought legal advice to establish whether this would be a legitimate course of action. The view of the Council’s legal team is that because it is not necessary for the owners of the adjoining site to have a link to facilitate their development, it would not be proportionate to require them to do so at reserved matters stage. Neither would it reasonable to impose a planning condition upon them to achieve such a connection because the key tests for planning conditions, as set out in paragraph 206 of the NPPF.
- 6.29 Even if the Council could compel the adjoining landowner to make the connection, there are no guarantees as to the timing of the approval of reserved matters, let alone the timing of the development and delivery of infrastructure and footpaths. The risk is therefore that 81 dwellings could be constructed with pedestrian and cycle connections not in place for a number of years – leaving the occupiers completely reliant on the private car. However, the Highway Authority has no reconsidered its position and subject to achieving a connection to the developments south and east, has no objection subject to a number of revisions to the site layout. These have been taken on board by the developer who has revised the drawings accordingly.

Landscape, visual impact and trees

- 6.30 The site is flat, reasonably well contained and forms part of a proposed development allocation in the emerging Local Plan. Also, being for predominantly bungalows, the visual and landscape impact of the development is considered to be low. The Council’s Principal Tree and Landscape Officer has considered the proposal and the submitted documentation. He identifies that the majority of vegetation identified for removal is either of little visual amenity value or has low aesthetic worth. Whilst some good trees are identified, there is no proposal to make any Tree Preservation Orders (TPO). Should planning permission be likely to be granted then details of soft landscaping will be secured to enhance the

appearance of the development and to provide screening where required. In this instance, a soft landscape masterplan has been provided which would be tied into planning conditions.

Flood risk and drainage

- 6.31 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.32 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.

Ecology

- 6.33 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PLA4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.34 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. This development would be a considerable distance from any such designated sites and no direct or indirect adverse impacts are expected.
- 6.35 The applicant has prepared and submitted an Extended Phase 1 Habitat Survey and several follow-up species-specific surveys to assess the ecological value of the site and immediate area itself and the potential impact of the development. The main conclusions of the various surveys is summarised as follows:
- 6.36 Invertebrates: The site, particularly in the hedgerows and vegetation, was considered likely to support common and widespread invertebrate species typical of the habitats present. The provision of deadwood piles within shrub planting would benefit a range of saprophytic insect species.

- 6.37 Reptiles: A good population of common lizards were identified on the site. A reptile mitigation strategy should include safe working methods and detail of trapping programme with translocation of reptiles to a suitable off-site receptor site.
- 6.38 Amphibians: No suitable water bodies were present on the site that could support breeding amphibians and no amphibians were observed during the site visit. A precautionary approach to vegetation clearance is suggested as an appropriate course of action and if any Great Crested Newts are found, a further licence and mitigation strategy might be required from Natural England.
- 6.39 Birds: The hedgerows, on-site trees and the building provide potential bird densifying habitat. A number of common birds including blue tits, great tits, woodpigeon, house sparrow and house martin were observed. Avoiding works during the bird breeding season, the provision of species rich vegetation and planting on site and nest boxes are recommended as mitigation and enhancement.
- 6.40 Bats: The hedgerows provide suitable commuting features and hedgerows and areas of grassland habitat provide foraging opportunities. There is no evidence of bats in the old chicken farm shop/office and it was not possible to fully assess the bat roost potential of the house. It is recommended that a full inspection of the house is undertaken before it is demolished. Further letters from the applicants ecologists confirm that the exterior of the bungalow was generally in good structural condition and therefore provided limited access opportunities for bats, but has moderate potential to support roosting bats due to suitable roost features. These included raised areas of lead flashing on the roof providing crevices and damaged fascia board providing an access point under the eaves of the building.
- 6.41 *If bats are found to be roosting within the building a Licence will be required from Natural England before any works with potential to impact roosting bats can be undertaken. These surveys will be undertaken during the bat activity season, May to August/September. There will be no works/impact to the property for at least three to four years at the earliest and as such, there will be no impact to any potential roost which may or may not be present.*
- 6.42 Badgers: No evidence of badger presence on site or within 30m was identified.
- 6.43 Dormouse: There were suitable on-site habitats to potentially support hazel dormouse including hedgerows, dense scrub and suitable food plants including bramble and blackthorn. The more detailed assessment concluded negligible potential for dormouse to be present on site.
- 6.44 Otter, Water Vole and White Clawed Crayfish.: There were no water bodies present on or immediately adjacent the site and therefore these species were considered unlikely to be present.
- 6.45 Officers concur with the findings of the report. The recommended mitigation measures/enhancement measures can be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development.

Archaeology

- 6.46 The applicants have also considered the archaeological value of the site and there is evidence that some archaeological remains of historical significance could potentially be beneath the soil. In line with the recommendation within the applicants' assessment and the general approach advocated by Essex County Council's Archaeologist, a condition will be applied if the Committee is minded to approve, to ensure trial trenching and recording is undertaken prior to any development to ascertain, in more detail, what archaeological remains might be present.

Infrastructure provision

- 6.47 Policies in both the adopted and emerging Local Plans require that new development is supported by the necessary infrastructure which includes education and health provision. Essex County Council as the Local Education Authority has advised that no financial contributions towards education provision shall be requested for this development as it is proposed for retired people with no statutory education needs. NHS England has undertaken a Health Impact Assessment of the development proposal and has identified that the local surgeries will not have the capacity to serve the additional residents that would result from the development. A developer contribution of just under £22,000 is requested to mitigate the capital cost to the NHS for the provision of additional healthcare services. With regard to sewage capacity, Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme of and has made no objections to the proposal subject to conditions to require a foul water strategy being submitted and agreed.

Open space

- 6.48 Policy COM6 in the adopted Local Plan and Policy HP3 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The open space to be provided on the site equates to just under 10% and is proposed to be informal in nature, containing sustainable drainage features. Being a development focussed on the retirement market rather than families, this is considered acceptable – particularly as the wider strategic development will contain considerable areas of recreational open space and play. To secure the open spaces in perpetuity, a s106 legal agreement or appropriate conditions will ensure the transfer of the land to the Council or another suitable body for future maintenance.

Council Housing/Affordable Housing

- 6.49 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available to the Council to acquire at a discounted value for use as Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing

(either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.

- 6.50 The housing department has identified a high level of need for bungalows which reflects the demographic of the Clacton area and the popularity of bungalows amongst older people. The department's preference is for 30% affordable housing to be delivered on site which would equate to 24 dwellings. The material submitted by the applicants show 8 properties to be provided as affordable – a third of the policy requirement; however they have also submitted a viability statement which suggests that there is a limit to what the development can afford.
- 6.51 Paragraph 173 in the NPPF states that pursuing sustainable development requires careful attention to viability and cost in both plan-making and decision-taking. If the Committee is minded to approve this application, Officers will have the viability assessment independently reviewed and will negotiate and agree an appropriate level of Affordable/Council Housing to be secured through a s106 legal agreement.

Design and layout

- 6.52 Officers consider that the design and layout of the scheme is acceptable for this location. The dwellings are generally laid out in a traditional front-to-front and back-to-back arrangement which takes on board secured-by-design principles. The properties themselves are of simple but unattractive design that, in this location, have no immediate context from which to draw inspiration. The net density of the development would be 23 dwellings per hectare which is relatively low. The design meets the Council's parking and garden size standards.

Overall Planning Balance

- 6.53 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified (although this position is improving very rapidly), the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. The site's allocation for development in the emerging Local Plan does also carry some limited weight in favour of its approval.
- 6.54 Economic: Whilst the scheme is residential with no commercial premises provided, 81 dwellings would generate some additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The Council's Economic Strategy recognises the value of retired residents to the local economy.
- 6.55 Social: The provision of up to 81 dwellings, predominantly for retirement, toward meeting projected housing need in an area with an ageing population, is a clear social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. The impacts of health provision will be mitigated through

financial contributions to be secured through a s106 agreement, if the application is approved.

- 6.56 The main disadvantage of development in this location however is that it will be an isolated development of dwellings until such time that the development on adjoining land comes forward for development and provides better connectivity into the established built up area. This matter has been considered carefully and the Highway Authority's original objections have now been withdrawn.
- 6.57 Environmental: The environmental value of the site both in ecological and landscape terms is low and through appropriate mitigation and landscaping measures, adverse impacts will be kept to a minimum.
- 6.58 In the overall planning balance, Officers consider that the adverse impacts do not significantly and demonstrably outweigh the benefits, the site is proposed for development in the emerging Local Plan and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

Background Papers

None.