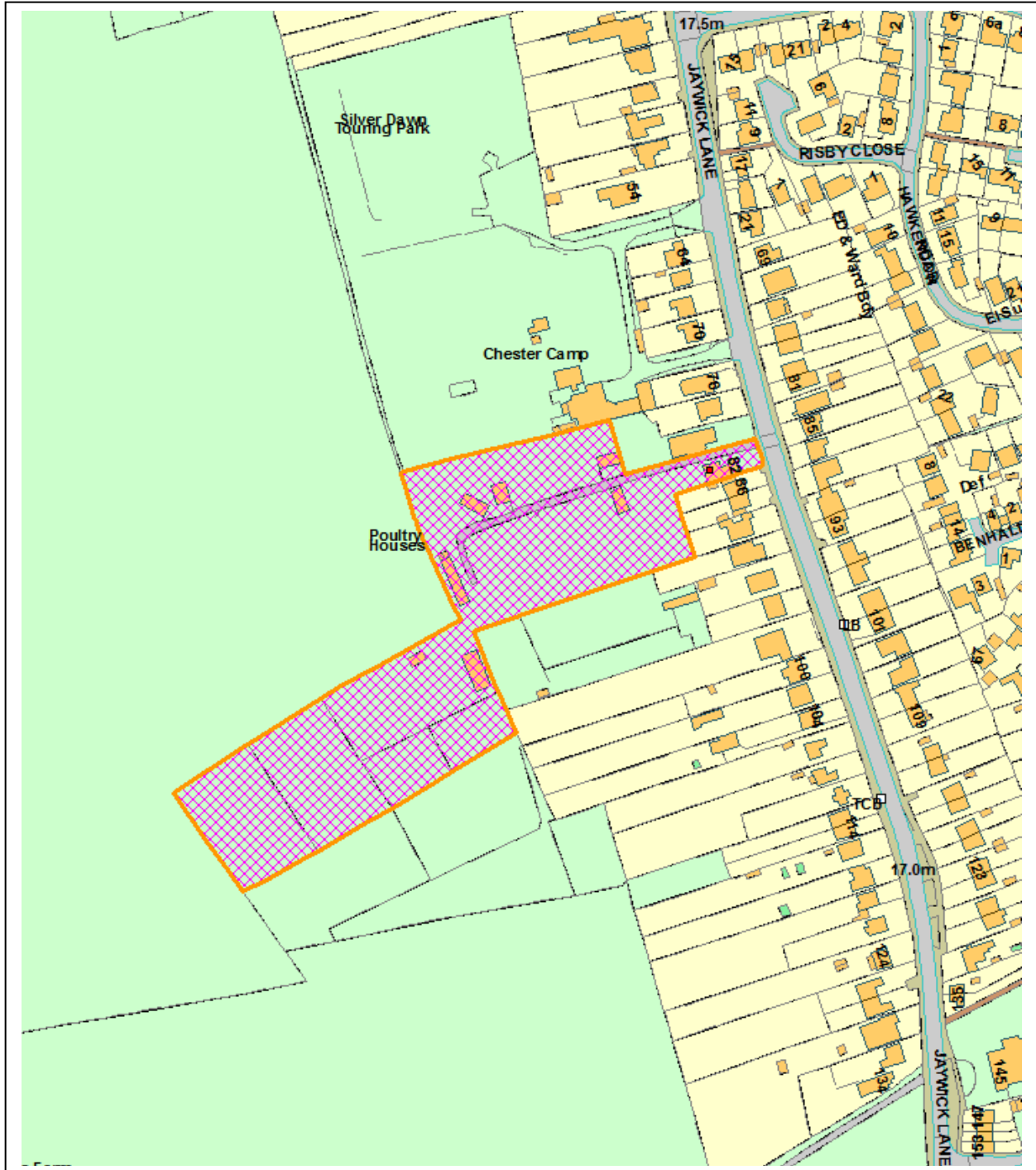


PLANNING COMMITTEE
28 FEBRUARY 2017
REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION - 16/01520/FUL - 82 JAYWICK LANE CLACTON ON SEA CO16 8BB



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Application:	16/01520/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr David Thompson - Willow Park Group	
Address:	82 Jaywick Lane Clacton On Sea CO16 8BB	
Development:	Erection of 21 bungalows and 48 supported living apartments, together with associated access, surface water drainage and other associated development.	

1. Executive Summary

- 1.1 This is a full planning application seeking approval for the erection of 21 bungalows (market housing) and 48 supported living apartments (Use Class C2 – Institutional Use), together with associated access, surface water drainage and associated development. As a departure from the Local Plan, this application is before the Committee for a decision.
- 1.2 The application site measures some 1.78 hectares in area and apart from a small section of the access road into the site, lies outside of the defined settlement development boundary for Clacton in the adopted Local Plan. However it does fall within an area of land to the west of Jaywick Lane identified for an urban extension within the Preferred Options Consultation Document July, 2016. The site adjoins existing residential development which fronts Jaywick Lane. Access to the site requires the demolition of 82 Jaywick Lane and formation of a new adoptable road serving the site.
- 1.3 Whilst the position is improving, the Council is still, at the time of writing, unable to demonstrate a 5 year supply of deliverable housing sites and the National Planning Policy Framework (NPPF) therefore imposes a presumption in favour of sustainable development whether a site forms part of the Local Plan or not. It requires that planning permission be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. This site does form part of an allocation for mixed use/urban extension in the emerging Local Plan and therefore some weight can be given in policy terms to development of the site for the proposed uses. When weighing the planning balance, Officers are recommending that the scheme does meet the requirements of the NPPF and can be approved.

Recommendation: Approve Full Planning Permission

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

- a) Within 6 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 required and subject to viability):
 - Public open space 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 in her discretion considers appropriate).

Conditions:

- 1) Standard 3 year time limit;
 - 2) Restriction on use of C2 element for the purpose of supported living apartments only.
 - 3) Highways conditions (as recommended by the Highway Authority);
 - 4) SUDS and drainage (surface water and foul drainage) conditions.
 - 5) Hard and soft landscaping plan/implementation;
 - 6) Ecological mitigation - wildlife/tree protection measures;
 - 7) Construction methods plan;
 - 8) Details of lighting, materials and refuse storage/collection points; and
 - 9) Archaeological investigation and report works;
 - 10) Site lighting strategy, and;
 - 11) Broadband.
 - 12) Noise assessment
- c) That the Head of Planning 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:

NPPF National Planning Policy Framework (2012)

- 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 does not 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 Policy:

- 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. The policy defines Clacton as a town.

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.

COM2: Community Safety

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

COM5: Residential Institutional Uses

Supported outside the control of Residential Institutional Uses Areas subject to being close to or within development boundaries, would not lead to clustering of such uses, would not adversely affect public safety and control over permitted changes of use.

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.

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, including listed parks and gardens.

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 a town 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.

LP10: Care and Assisted Living

C2 uses will be supported in sustainable locations and in particular within 800 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements' (including Clacton).

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 Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Economic Development Strategy 2013

2.7 The overarching objectives of the Economic Development Strategy are to:

- Target growth locations, especially Harwich, Clacton and the West of Tendring;
- Target growth sectors, especially Offshore Energy and Care and Assisted Living;
- Ensure residents have the skills and information to participate;
- Support modernisation, diversification and growth within the business base, and;
- Facilitate population growth where this supports economic objectives.

2.8 The vision in the Economic Strategy emphasises the need to grow the population to support service sector industries and the town centre economies, maximise the potential leisure and tourism offer, particularly along the seafronts, and support growth in educational facilities, potentially linked to the Care and Assisted Living sector.

Status of the Local Plan

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 decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

00/02159/FUL	Replacing existing out-buildings to be used as garage, hay store and cart lodge	Approved	06.02.2001
01/00889/FUL	Resiting of cart lodge and hay store approved under application no. 00/02159/FUL	Approved	25.07.2001
97/00771/FUL	(Land rear of 80/82 Jaywick Lane, Clacton on Sea) Change of use of agricultural land to form part of riding school. Retention of chicken shed, menage and formation of barn	Approved	18.11.1997
99/00735/OUT	Demolition of bungalow and change of use from riding school and stables to form residential development	Refused	29.06.1999
15/30128/PREAPP	Redevelopment of site comprising of: Area A - 20 no. detached 3-bed bungalows Area B - 60 bed two storey care home and 15 no. 2 bedroom assisting living apartments or 60-80 apartments for people with learning disabilities.	Refused	29.09.2015
15/30347/PREAPP	EIA Screening Opinion for approx. 25 dwellings, 60-80 assisted living apartments, landscaping, private amenity space and associated parking.		27.01.2016

4. Consultations

Building Control and Access Officer

Please ensure that satisfactory fire fighting access is provided in accordance with approved Document B.

Anglian Water Services Ltd

Note that the site is served by the Jaywick Water Recycling Centre but note requirement to upgrade capacity should permission be granted. Require foul drainage disposal strategy to be secured by condition. Note surface water strategy/flood risk assessment is considered acceptable.

ECC Highways Dept	No objection raised subject to appropriate conditions.
Policy Section	Consider that the proposed scheme meets the requirements for sustainable development in terms of the economic and social dimensions identified in the NPPF. However as the scheme encroaches into what is currently open countryside careful consideration should be given to the environmental effects of the development.
Natural England	No comments.
ECC Schools Service	Advised that no contributions required for this development.
ECC SuDS Consultee	Raise objection in that the Surface Water Drainage Strategy is considered inadequate as it does not provide a suds scheme for the proposed adoptable highway. This matter is discussed in the assessment below.
Tree & Landscape Officer	<p>The main body of the application site is currently being used for the keeping of horses. There are no important trees or other significant vegetation on the application site. None of the trees on the land merit retention or protection by means of a tree preservation order.</p> <p>The application site currently extends into the open countryside to the west of the existing properties in Jaywick Lane and the development has the potential to cause harm to the character of the area. However as the land around the application site is included in the Local Plan Preferred Options document for development the potential harm that may arise from this development will not materialise.</p> <p>In terms of the appearance of the development it is important to note that the Design and Access Statement refers to the need to carry out soft landscaping as part of the development of the land. Whilst the layout of the supported housing element of the development appears to provide space for soft landscaping the residential element appears cramped and provides little opportunity to create a pleasant and attractive area of public realm. In essence the proposed dwellings are too close to the highway creating a corridor effect for users of the highway. Simply in terms of soft landscaping and design of the public realm the housing density should be decreased in order to achieve a satisfactory layout</p> <p>If planning permission is likely to be granted then a condition should be attached to secure details of soft landscaping, including new tree planting.</p>
Essex County Council Archaeology	Requires a programme of trial trenching followed by open area excavation to be secured by condition.
Open Space Consultation	Contribution of £22,530 towards improvement to play area at Rush Green Recreation Ground.

5. Representations

- 5.1 Councillor Whitmore has called the application into Planning Committee raising concern that the development is outside the development boundary, design is out of character with

other buildings in locality, in combination with other developments sewage and surface water cannot cope, existing speeding and traffic congestion would be exacerbated.

5.2 Nine objections have been received from members of the public raising the following concerns:

- Detrimental increase in traffic and highway safety problems
- Adverse impact on nearby holiday park
- Loss of green gap
- Adverse impact on wildlife
- Inadequate local services
- Impact on existing foul drainage system
- Gas and water services inadequate
- Surface water issues
- Out of character with locality
- Increase in noise
- Loss of privacy
- Precedent.

6. Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of development;
- Housing density and Mix;
- Layout;
- Residential Amenity;
- Traffic, access and highway safety;
- Ecology;
- Arboriculture/landscaping;
- Drainage and flood risk, and;
- Other material considerations (including Section 106 obligations).

Site Context

6.2 The site lies immediately to the west of Jaywick Lane with access provided immediately to the north of number 86 Jaywick Lane, which includes demolition of an existing bungalow. The site extends to 1.78 hectares in area. The site is predominantly located outside the Settlement Development Boundary and is set to the rear of a number of existing bungalows fronting Jaywick Lane. The site is in an area primarily used for agriculture and tourism although the site itself is in current use as paddocks and stables.

6.3 As noted the site is accessed directly from Jaywick Lane with a main feeder road serving minor access roads and a private drive. The main road into the site will be built for adoption by Essex County Council.

6.4 Jaywick Lane is characterised by primarily residential development in a mix of styles although mainly bungalows in the locality of the site. A caravan park is located to the north of the site. The landscape beyond the site is open and gently sloping north to south. There is little tree cover in the locality.

Proposal

- 6.5 The application has been submitted as a full planning application. The scheme proposes the erection of 21 bungalows (open market housing) and 48 supported living apartments (C2 – institutional use), together with associated access, surface water drainage and other associated development.

Principle of Development

- 6.6 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.
- 6.7 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.
- 6.8 The application site is located outside but immediately to west of the Development Boundary as defined within the adopted Local Plan. However the site is set within land identified for inclusion within the Preferred Options Consultation Document as an urban extension to Clacton, although due to the relatively early stage of the Local Plan process only limited weight can be given to this.
- 6.9 Because the site is outside of the settlement development boundary and is not allocated for development in the adopted Local Plan, as noted above, only limited weight can be attributed to its inclusion within the Preferred Options document. However, paragraph 47 of the NPPF also requires local planning authorities to boost significantly the supply of housing by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In areas where there has been persistent under delivery of housing, an additional 20% 'buffer' is also required to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.10 For Tendring, the housing requirement is 550 dwellings per annum, as based on the evidence contained within the 'Objectively Assessed Housing Needs Study' (July 2015) and supplementary evidence that was presented to the Local Plan Committee on 21st January 2015. At the time of writing, and despite the publication of the new draft Local Plan, the Council are still only able to identify an approximate 4.5 year supply and thus there still remains considerable (albeit quickly reducing) shortfall. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered 'up to date' if it is not possible to demonstrate a five year supply of deliverable housing sites and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged.

- 6.11 '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.
- 6.12 Due to the lack of a five-year supply of housing sites and the subsequent engagement of the presumption in favour of sustainable development, the Council would not be justified in refusing planning permission purely on the basis of the application site being outside of the settlement development boundaries as defined in the adopted Local Plan. The application must therefore be judged on its merits against the NPPF, although some limited weight can also be given to the emerging Local Plan which clearly identifies this site as a sustainable location for new development.
- 6.13 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".
- 6.14 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. Clacton is categorised in the emerging Policy SPL1 as a strategic urban settlement in recognition of its size and the wide range of infrastructure and available facilities. The principle of developing in this location is therefore considered acceptable.

Housing Density and Mix

- 6.15 One of the key issues in determining this planning application is whether the site can reasonably accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy LP3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal is approximately 38 dwellings per hectare, which is considered an acceptable density taking into account that the majority of dwellings will take the form of a single apartment block.
- 6.16 The proposed mix of dwellings includes 17 x 3 bed bungalows, 4 x 2 bed bungalows and a two storey block for supported living comprising 48 x 2 bed apartments.

Layout, Scale and Design

- 6.17 In support of the overarching aims and objectives of the NPPF the policies in both the adopted and emerging Local Plans set out the Council's commitment to sustainable development and good quality design. This planning application is submitted as a full application with all design details submitted.
- 6.18 As previously noted the site is accessed by an adoptable road with a new junction formed with Jaywick Lane which partially utilises an existing access track but also requires demolition of 82 Jaywick Lane. The new access road serves two minor access roads and a private drive. Initially the road serves the proposed bungalow development and terminates in the car parking area serving the supported living accommodation. Each bungalow is provided with parking and garage space. The supported living apartments are two storey in height and served by 75 car parking spaces with additional visitor parking space provided. Landscaped gardens are provided to the southern part of the site to serve

the supported living apartments. Swales to assist with sustainable surface water drainage are also provided in this location.

- 6.19 In terms of design the proposed bungalows are of traditional design incorporating red and buff facing brick, concrete interlocking tiles with white upvc fenestration. The supported living apartments are built as a single two storey block utilising similar materials. The material pallet is used in a manner which breaks up the extensive front and rear elevations. A central entrance point is proposed. Boundary details and landscape detail will be secured by condition.
- 6.20 The NPPF requires new development to have good connections with the existing built environment. In this regard the development is well served by existing footpaths leading along Jaywick Lane with local services only a short distance away. The site is served by regular bus services. The site is considered to be in a very sustainable location.

Residential Amenity

- 6.21 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 in the emerging Local Plan supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.22 The proposed layout does result in the new road access passing between nos 80 and 86 Jaywick Lane although the actual highway is set at least 3.5 metres from the boundaries with those properties. It may be considered appropriate to provide acoustic boundary fencing in these locations.
- 6.23 It is not considered that the proposed scheme would adversely affect neighbouring dwellings however there will be some impact to neighbours during the construction period, particularly due to noise arising from the construction site, but conditions would be applied to the development to minimise impacts if the Committee is mindful to approve the application.

Traffic, Access and Highway Safety

- 6.24 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.
- 6.25 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

- 6.26 In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Transport Statement in support of the application. This document considers the proposed access point into the site from Jaywick Lane as well as highway safety and capacity in the wider area.
- 6.27 As noted a new access point will be provided from Jaywick Lane providing the main site access. The Highway Authority have stated that the proposal is acceptable subject to necessary conditions.
- 6.28 Officers note the concerns raised by local residents in terms of additional traffic movements but the Highway Authority is satisfied that there is existing highway capacity to serve the proposed scheme.
- 6.29 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Impact on Heritage Assets

- 6.30 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible. Policy PPL7 of the draft Local Plan requires archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains.
- 6.31 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.32 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the County Council Historic and Built Environment Manager has requested that if members are minded to approve the application then a condition is applied requiring a programme of trial trenching followed by open area excavation.
- 6.33 Based on the above assessment it is considered that the development of this site can be achieved without harm to the identified heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Ecology

- 6.34 Policies within Chapter 6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.

- 6.35 No part of the development site or any land that it abuts has any type of statutory or non-statutory nature conservation designations and Natural England have not raised any adverse comments.
- 6.36 A Preliminary Ecological Appraisal of the site has been undertaken by the applicant which concluded that taking into account the existing use of the site it is unlikely that Bats, Reptiles or other protected species are present at the site. It is recommended that opportunities to encourage wildlife are provided within any future landscape scheme.

Arboriculture/Landscaping

- 6.37 The proposals have been assessed by the Council's Tree and Landscape Officer who has concluded that although the scheme does extend into what is currently open countryside the emerging Local Plan designation should also be taken into account. It is recommended a condition is attached to secure a soft landscaping and tree planting scheme.

Drainage and Flood Risk

- 6.38 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 PLA1 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.
- 6.39 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Concern has been raised that the proposed scheme does not provide for the whole site to fall under a SuDS scheme although the main buildings on the site will be served by soakaways or swales. In particular the proposed highway drainage is shown to discharge to an existing surface water sewer rather than an alternative SuDS scheme. However the Local Highway Authority do not adopt SuDS mechanisms even though the highway authority will adopt the highway. The applicant contends that it is therefore unreasonable for the Essex Flood and Water team to expect a SuDS designed scheme for the highway to be provided when the SuDS scheme would not then be adopted by the Highway Authority. A further comment on this point is awaited from the Essex Flood and Water team at time of preparing this report and a further update will be provided at Committee.
- 6.40 Subject to the above point regarding the use of SuDS for the highway it is considered that the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. A detailed surface water drainage scheme will be secured by condition. The scheme is therefore expected to comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.41 In addition, Anglian Water has commented upon the application, and confirms the foul drainage from the development is in the catchment of the Jaywick Water Recycling Centre which although not currently having capacity AWA will take necessary steps to ensure that capacity is provided. Based on the details contained within the FRA and Drainage Report,

it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Other Material Considerations (including Section 106 Obligations)

Open Space and Play

- 6.42 Policy COM6 in the adopted Local Plan and Policy HP4 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 Council's Open Space Team has commented on the application and has requested that a contribution of £22,530 is sought for the improvement of the Rush Green Recreation Ground. If the Committee is minded to approve this application, Officers will engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

Affordable Housing/Affordable Housing

- 6.43 Normally adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 30% (as contained within emerging Policy LP5) is more realistic. The thresholds under adopted Policy HG4 are therefore normally applied but the percentage will be between 10% and 30% as detailed under emerging Policy LP5.
- 6.48 However in this case the applicant has submitted a detailed viability assessment demonstrating that the supported living apartments element of the development is partly funded by the open market bungalow element of the scheme. The rents for the 48 care units will be paid from Housing Services benefits and are capped at a significantly lower level than market rates. In effect the apartments are being provided at a loss. To provide any additional affordable housing either within the site or elsewhere would result in the scheme being non-viable. In this case taking into account that the new apartments are to be operated by the Willow Park Group charity for the care of children and adults it is not considered appropriate to request an affordable housing contribution in this instance.

Education and Health provision

- 6.49 Both Essex County Council as the Local Education Authority and NHS England have been consulted on the planning application and have indicated that no contribution is required in this instance.
- 6.50 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of open space) or are otherwise not considered to be significant or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.
- 6.51 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal

agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of public play space provision.

Overall Planning Balance

- 6.52 Because the Council's adopted Local Plan is out of date, the emerging plan can only carry a limited degree of weight at this time and a five-year supply of deliverable housing sites cannot currently be identified, 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.
- 6.53 Economic: Whilst the scheme is residential with no commercial premises provided, up to 69 dwellings would generate 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.
- 6.54 Social: The provision of up to 69 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. As noted part of the scheme is to provide supported living accommodation for vulnerable children and adults and will make an important contribution to that sector of the community.
- 6.55 Environmental: The environmental impacts of the proposal have required very careful consideration. As noted the development is located in a prominent locality extending into open countryside to the west of Jaywick Lane. However this must be set against policy contained within the emerging Local Plan which identifies this area as a major urban extension. The scale and extent of the site would not prejudice future development of the urban extension. However it will be essential for a comprehensive landscape scheme to be provided to assist in softening the impact of the development. Impacts on both protected and other wildlife have been fully considered and the presence of certain species in the locality is not considered a barrier to development in this case.
- 6.56 In the overall planning balance, Officers consider that the adverse impacts of the development do not significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

Background Papers

None.