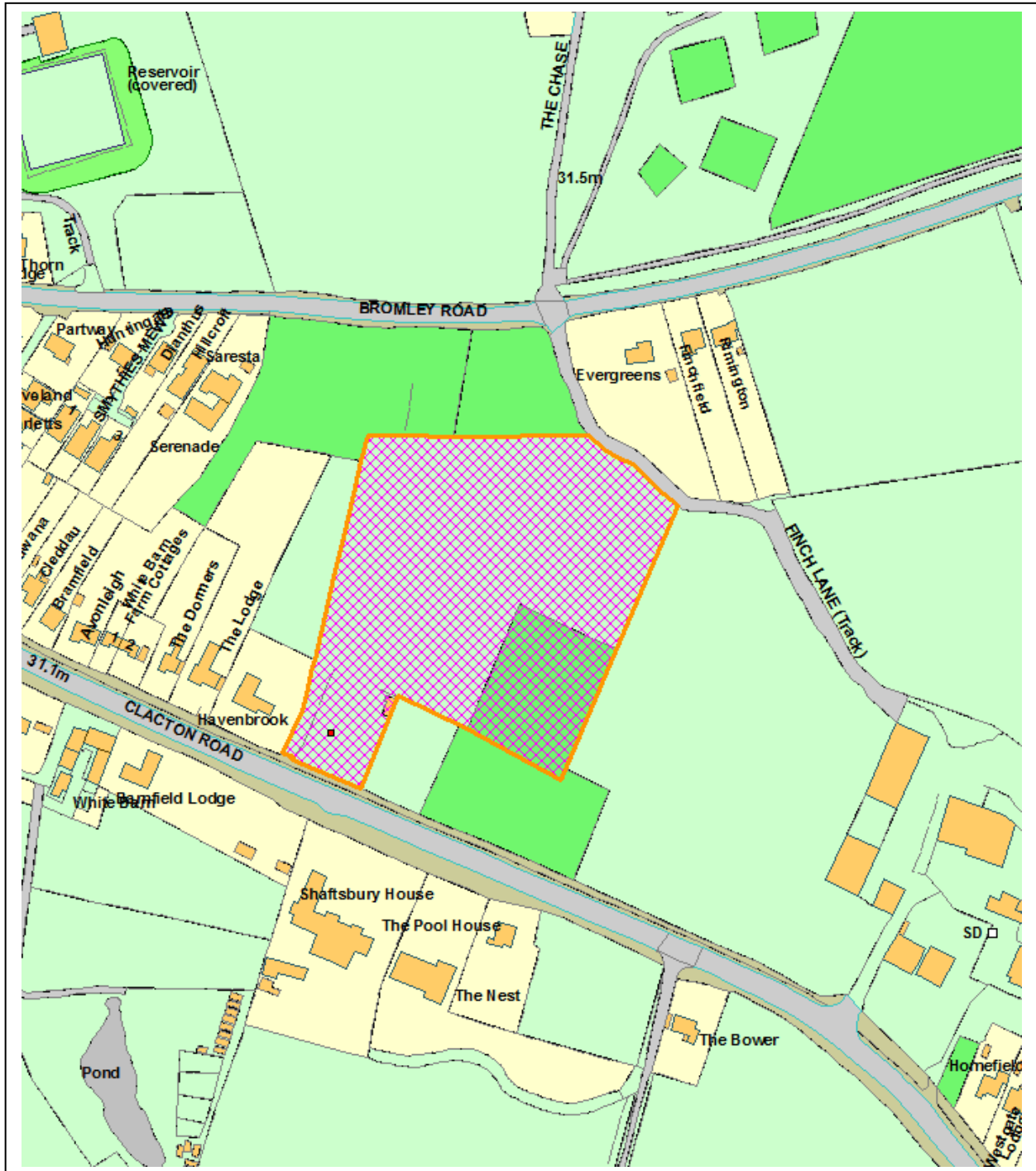


PLANNING COMMITTEE
28 FEBRUARY 2017
REPORT OF THE HEAD OF PLANNING

**A.3 PLANNING APPLICATION – 16/01994/DETAIL – LAND OFF CLACTON ROAD
ELMSTEAD CO7 7DE**



DO NOT SCALE
Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	16/01994/DETAIL	Town / Parish: Elmstead Market
Applicant:	Mr. Oliver Hookway – Go Homes Ltd	
Address:	Land off Clacton Road Elmstead Essex CO7 7DE	
Development:	Residential development of up to 32 dwellings, (incorporating 25% affordable housing) with associated open space and infrastructure.	

1. Executive Summary

- 1.1 This is a reserved matters application seeking approval of detailed plans for 32 dwellings on land north of Clacton road, on the eastern edge of Elmstead Market. This follows on from the approval, on 2nd February 2016, of outline planning permission 15/00675/OUT on appeal. The application had been refused by resolution of the Planning Committee on 28th July 2015 but it was requested that, in the event of the appeal being allowed by the Planning Inspectorate, that any reserved matters application be referred back to the Committee for a decision.
- 1.2 The Planning Inspector granted planning permission subject to a legal agreement and 19 planning conditions. The legal agreement was a ‘unilateral undertaking’ which would provide for education contributions, open space and affordable housing. Elmstead Market Parish Council has requested the provision of a multi-use games area (MUGA) but this would go beyond the scope of the legal agreement and the Council cannot compel the developer to make such provision. The proposal has not attracted any objections from individual members of the public.
- 1.3 The design and layout of the development is considered by Officers to be acceptable, it follows secured-by-design principles and would provide a good quality of residential environment. The properties generally meet and exceed the Council’s standards for quality, garden sizes and parking. Accordingly, the application is recommended for approval.

Recommendation: Approval

Conditions:

- 1) Accordance with approved plans.

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 7 of the NPPF relates to design. Paragraph 56 states that government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 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:

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.

HG3a: Mixed Communities

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

HG6: Dwellings Size and Type

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

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

Requires a minimum distance between detached properties.

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, or a financial contribution from smaller developments.

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.

COM31a: Sewerage and Sewage Disposal

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

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.

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.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

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 Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SPL3: Sustainable Design

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

HP4: Open Space, Sports and Recreation Facilities

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

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 and Standards

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.

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.

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.

CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

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

91/01285/FUL	General purpose agricultural building.	Approved	04.02.1992
14/30411/PREAPP	Proposal for 20 no. dwellings and public open space.	Refused	19.12.2014
15/00675/OUT	Residential development of up to 32 dwellings (incorporating 25% affordable housing) with associated open space and infrastructure.	Allowed on appeal	05.08.2015
16/01994/DETAIL	Residential development of up to 32 dwellings (incorporating 25% affordable housing) with associated open space and infrastructure.	Current	

4. Consultations

TDC Principal Tree & Landscape Officer

The main body of the application site is set to rough grass. There are no trees or other significant vegetation in the main body of the land.

The north eastern corner of the application site abuts Finch Lane which is a Public Right of Way albeit virtually unpassable at the present time.

Several of the trees either side of Finch lane are the subjects of Tendring District Council Tree Preservation Order TPO/11/39 Finch Lane. The information contained in the further documents provided by the applicants adequately demonstrates that the protected trees will not be harmed by the development of the land.

In terms of soft landscaping the information provided on the James Blake Associates drawing entitled Detailed Soft Landscape Proposals is sufficient to show that a good level of new planting will be carried out.

TDC Building Control

No comments at this time.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 215 metres to the east and west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres and shall be retained at that width within the site.
- The internal road will be provided with 2x 2m footways and 10.5m kerbed radii where the road joins Clacton Road.
- Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction / in perpetuity.
- The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

- Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 2.4 metres by 33 metres as measured from and along the nearside edge of the carriageway. Such visibility splays shall be provided before the road is first used by vehicular traffic and retained free of any obstruction in perpetuity.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Any single garages should have a minimum internal measurement of 7m x 3m
- Any double garages should have a minimum internal measurement of 7m x 6m
- Any tandem garages should have minimum internal measurements of 12m x 3m
- All garages shall be retained for the purposes of vehicle parking in perpetuity
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- No works in connection with the proposed development shall commence until such time as a right turn lane has been provided on Clacton Road entirely at the Developers expense.

Natural England

Natural England has no comments to make on this application.

Essex County Council Flood Authority

Letter dated 22 December 2016

In the absence of an updated surface water drainage strategy, we object to this application and recommend refusal of planning permission until a satisfactory one has been submitted.

Letter dated 15 February 2017 following receipt of amended drainage strategy.

No objection subject to conditions.

N.B. The appeal decision granted outline planning permission subject to a condition that the details of surface water drainage arrangements were to be agreed prior to commencement of development. It is not necessary to repeat this condition on a Reserved Matters approval.

ECC Schools

Financial contributions of £62,685 for early years and childcare provision, £183,270 for primary school provision, £185,610 for secondary school provision and £42,180 for school transport are requested to mitigate the impact of the development on education provision.

5. Representations

- 5.1 Elmstead Parish Council has requested that the developers provide a multi-use games area (MUGA) with financial assistance towards the first 10 years of maintenance. It also observes that as the developer is proposing 1 gifted affordable housing unit instead of 8 discounted units in line with the affordable housing policy, the development should be able to make provision for a much needed village amenity. Due to the limitations of the s106 legal agreement that was accepted by the Inspector when the appeal was allowed, the Council is unable to compel the developer to provide such a facility and the reasons are explained in more detail later in this report.
- 5.2 There are no comments from individual members of the public or any other third parties.

6. Assessment

The Site

- 6.1 The application site comprises just under 2 hectares of predominantly undeveloped shrubland located at the eastern end of the village of Elmstead Market, north of Clacton Road adjoining the property 'Havenbrook'. The site is flat and is very well contained within the landscape, barely visible from most medium-long distance public view-points, mainly due to the strong line of trees and hedges along Clacton Road, the overgrown land to the north off Bromley Road and the vegetation formed around the boundaries of the site itself. The southern part of the site close to Clacton Road, contains a number of structures including an apparently derelict timber-framed stable block and shed.
- 6.2 The site is irregular in shape and whilst it adjoins the built up area at one point, the majority of the site is physically separate from other built property. Approximately 90 metres of the site fronts the highway at Clacton Road to the south but the remaining 160 metres of the southern boundary is set back some 90 metres from the highway. The western boundary is almost entirely formed by the substantial residential property Havenbrook and associated open land to the rear which extends some 300 metres. No other residential properties abut the site directly.
- 6.3 The northern boundary excludes undeveloped land immediately fronting Bromley Road and, as a consequence, is set back some 100 metres from the highway, screened by the vegetation along its own borders as well as the substantial vegetation within the adjoining land. The north eastern tip of the site runs close to a property which is run as Catkins Cattery in Bromley Road but is separated from that property by Finch Lane and associated trees and vegetation.
- 6.4 The eastern boundary of the site is more open with sparse trees and hedging which adjoins an undeveloped field which extends some 260 metres to substantial agricultural cow sheds and Whiting's vehicle salvage and hire business at Bottles Hall which form a prominent hub of agricultural and commercial development out on the fringes of the village.

The Proposal

- 6.5 The proposal is the development of 32 two-storey houses and an area of public open space arranged around a new access road taken from Clacton Road. The proposed housing mix is as follows:
- 11 x 5-bed houses
 - 6 x 4-bed houses
 - 14 x 3-bed houses
 - 1 x 3 bed affordable house (gifted)

- 6.6 The scheme provides for a mix of dwelling sizes and types in line with the Council's adopted and emerging planning policies.

Architectural Drawings

- 2015-489-001 Location Plan
- 2015-489-002 Proposed Site Layout

- 2016-489-010 Type A1 – Floor Plans
- 2016-489-011 Type A1 – Elevations
- 2016-489-012 Type A2 – Floor Plans
- 2016-489-013 Type A2 – Elevations
- 2016-489-014 Type B1 – Floor Plans
- 2016-489-015 Type B1 – Elevations
- 2016-489-016 Type C1 – Floor Plans
- 2016-489-017 Type C1 – Elevations
- 2016-489-018 Type C2 – Floor Plans
- 2016-489-019 Type C2 – Elevations
- 2016-489-020 Type C3 – Floor Plans
- 2016-489-021 Type C3 – Elevations
- 2016-489-022 HA Unit – Plans
- 2016-489-023 HA Unit – Elevations

- 2016-489-024 Garage Type A
- 2016-489-025 Garage Type B
- 2016-489-026 Garage Type C
- 2016-489-027 Garage Type D

- 2015-489-030 Proposed Street Scenes
- 2015-489-003 Materials Key Plan

- JBA16/231-01 Details of Landscaping
- JBA16/231-02 Details of Landscaping

Matters under consideration

- 6.7 The principle of development has already been established through the grant of outline planning permission by the Planning Inspectorate on 17th February 2016.
- 6.8 The report to Planning Committee on 28th July 2015 had considered the following matters:
- The principle of residential development;
 - Highways, transport and accessibility;
 - Flood risk and drainage;
 - Infrastructure Impact;
 - Landscape, visual impact and trees;
 - Open space;
 - Ecology;
 - Impact upon neighbours;
 - Council Housing/Affordable Housing; and,
 - Indicative design and layout.

6.9 Whilst the Committee resolved to refuse the application with concerns over sustainability, the number of dwellings proposed and the physical relationship of the site to the established settlement, the subsequent appeal was allowed. The Planning Inspector concluded that the development would not cause harm to the character and appearance of the area and the detailed design to be submitted as a reserved matter would be able to accord with Development Plan policies and national guidance on good design. With the lack of a five year supply of housing land, the Inspector considered that the adverse effects of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.10 The reserved matters under consideration as part of this detailed application are:

- Layout;
- Landscape;
- Scale, and;
- Appearance.

Access was approved as part of the outline planning permission and is directly from Clacton Road.

Layout

6.11 The proposed layout of the scheme involves 32 dwellings accessed via a new access drive from Clacton Road. The access road forms a 'P' shaped loop with 23 of the dwellings backing onto the undeveloped land to the north, east and south. The other 9 dwellings are in the central part of the site in their own perimeter block either fronting other dwellings to the east or fronting the proposed open space to the west.

6.12 Plots 1, to 3 are closest to the entry to the site and are west facing. Plots 4 to 9 are north facing onto the loop road. Plots 10 to 16 at the eastern end of the site are west facing onto the back straight of the loop road with the larger plots 25 to 29 directly opposite. Plots 17 to 23 run along the northern edge of the site, are south facing with plots 22 and 23 overlooking the 0.2 ha public open space provided as part of the development. Finally plots 24 and 30 to 32 are west facing, accessed via private drives and overlook the open space with a direct frontage onto the open space.

6.13 A pumping station is to be installed in the north eastern corner of the site with easement for access and maintenance. An electricity sub-station is to be provided to the rear of plot 1 at the very southern end of the site. The loop road is to be constructed to adoptable standards with a traditional carriageway and footway arrangement. It also provides for a raised table on the return of the loop as a traffic calming feature.

6.14 Policy HG9 in the adopted Local Plan sets minimum private amenity standards for new dwellings which require a minimum of 100 square metres for any house of 3 or more bedrooms, 75 square metres for any 2 bed house and 50 square metres for any 1 bed house. All of the plots on this development achieve these minimum requirements.

6.15 For dwelling sizes, neither the adopted Local Plan nor the emerging plan contains specific standards as these are to be required at a national level through the building regulations.

However, the properties proposed have gross internal floor areas (GIA) all in excess of the minimum requirements that were being promoted by the Council, in line with the London Design Guide, in the earlier iteration of the draft Local Plan. The affordable housing unit has a GIA of 93.4 sqm, the 3-bed houses have a 113.6 sqm GIA, the 4-bed houses measure 149.6sqm with the larger 5-bed properties at 194.6 sqm.

Conclusions on layout

- 6.16 Officers consider that the proposed layout is acceptable for this location, that the development is well related to the proposed open space and would not have any adverse effects on neighbouring properties. The layout seeks to follow well established 'secured-by-design' principles and would be well contained within the rural landscape at the village edge. The proposed open space meets with the Council's requirements in terms of size and is well located to provide an attractive entrance into the development. There are no objections from any party to the proposed layout.

Landscape

- 6.17 The applicants have submitted a landscaping proposal for the development. This shows the provision of trees and hedges for individual properties as well as trees and planting associated with the open space and the site boundaries. The landscaping proposal is required as a condition of the original outline planning permission and the Council's Principal Tree and Landscape Officer has considered the proposal in detail and is satisfied that it represents an acceptable approach.

Scale

- 6.18 The proposed height of properties throughout the site, at two-storeys, is acceptable for the area with very few neighbouring properties affected by the development. When the original outline planning application was considered by the Planning Committee, some Members were concerned about the prospect of two-and-a-half storey or town house style development being out of character with the rural feel of the village. The applicant has deliberately omitted any such properties from the scheme, having thought about the Committee's comments. All of the properties are therefore two-storey and Officers are satisfied that this scale is appropriate for the site. There have been no objections to the scale of the proposal.

Appearance

- 6.19 Eight of the properties (plots 1, 8, 9, 16, 17, 22, 31 and 32) are to be design Type A1 which is a grand traditional-looking property with decorative porch, mock sash windows and a hipped roof with five bedrooms (two of which have en-suite bath/shower facilities). The materials will be cream brick with a grey slate roof. The Type A2 properties, of which there will be three (plots 2, 15 and 23) are similar to Type A1 but with more windows on the side elevations and the use of white render.
- 6.20 Six of the properties (plots 3, 10, 24, 25, 29 and 30) are to be design Type B1, a four-bed detached house again with decorative porch feature, grand dimensions and a hipped roof. This design will utilise a combination of cream brick, light grey board and grey slate.

- 6.21 Plots 4, 6, 11, 13, 26 and 28 will be design Type C1 which is a three-bed detached house with a front gable and straight pitched roof utilising cream brick and grey slate. Plots 5, 12 and 20 is of similar design C2 but incorporates a hipped element to the roof and utilises different materials i.e. red brick, white render and charcoal grey roof tiles. Design Type C3 is for plots 7, 14, 19, 21 and 27 and offers a slight variation on Type C1 and will use cream brick and grey slate.
- 6.22 The single affordable housing unit is a 3-bed detached house at plot 18 at the northern part of the site and includes a pyramidal pitched roof, a bay window and a porch feature. The materials will be red brick and charcoal grey roof tiles.
- 6.23 The design of the properties themselves are considered by Officers to be of an acceptable quality and appearance and given the lack of context with the site being somewhat contained within itself, there are no issues with being sympathetic with local character. It is noted that the Council has received no objections from any party about the proposed appearance of the properties.

Schedule of accommodation

Plot	Size/Type	Gross internal area (sqm)	Garden size (sqm) approx.	Parking	Policy compliant?
Plot 1	5-bed (Type A1)	194.6 sqm	320	4	Yes
Plot 2	5-bed (Type A2)	194.6 sqm	206	6	Yes
Plot 3	4-bed (Type B1)	149.6 sqm	150	3	Yes
Plot 4	3-bed (Type C1)	113.6 sqm	122	3	Yes
Plot 5	3-bed (Type C2)	113.6 sqm	100	3	Yes
Plot 6	3-bed (Type C1)	113.6 sqm	100	3	Yes
Plot 7	3-bed (Type C3)	113.6 sqm	120	3	Yes
Plot 8	5-bed (Type A1)	194.6 sqm	120	3	Yes
Plot 9	5-bed (Type A1)	194.6 sqm	230	6	Yes
Plot 10	4-bed (Type B1)	149.6 sqm	170	3	Yes
Plot 11	3-bed (Type C1)	113.6 sqm	104	3	Yes
Plot 12	3-bed (Type C2)	113.6 sqm	104	3	Yes
Plot 13	3-bed (Type C1)	113.6 sqm	104	3	Yes
Plot 14	3-bed (Type C3)	113.6 sqm	104	3	Yes
Plot 15	5-bed (Type A2)	194.6 sqm	400	6	Yes
Plot 16	5-bed (Type A1)	194.6 sqm	400	6	Yes
Plot 17	5-bed (Type A1)	194.6 sqm	400	4	Yes
Plot 18	3-bed (HA)	93.4 sqm	100	2	Yes
Plot 19	3-bed (Type C3)	113.6 sqm	100	3	Yes
Plot 20	3-bed (Type C2)	113.6 sqm	100	3	Yes
Plot 21	3-bed (Type C3)	113.6 sqm	216	3	Yes
Plot 22	5-bed (Type A1)	194.6 sqm	110	6	Yes
Plot 23	5-bed (Type A2)	194.6 sqm	110	6	Yes
Plot 24	4-bed (Type B1)	149.6 sqm	217	3	Yes
Plot 25	4-bed (Type B1)	149.6 sqm	170	3	Yes
Plot 26	3-bed (Type C1)	113.6 sqm	104	3	Yes

Plot 27	3-bed (Type C3)	113.6 sqm	117	3	Yes
Plot 28	3-bed (Type C1)	113.6 sqm	131	3	Yes
Plot 29	4-bed (Type B1)	149.6 sqm	170	3	Yes
Plot 30	4-bed (Type B1)	149.6 sqm	155	3	Yes
Plot 31	5-bed (Type A1)	194.6 sqm	195	4	Yes
Plot 32	5-bed (Type A1)	194.6 sqm	224	4	Yes

Planning obligations

- 6.24 Outline planning permission was granted by the Planning Inspector subject to planning obligations contained within a 'unilateral undertaking' that was submitted by the applicants as part of the appeal. The obligations within that document, to which the applicant is bound, relate to education contributions, open space and affordable housing. These obligations are summarised below.

Schedule 1 – Early Years & Childcare and the Primary School Contribution

- 6.25 Schedule 1 requires a £40,000 contribution towards early years and childcare provision and a £117,000 contribution towards the creation of primary school places. The money has to be paid to Essex County Council before the development can commence and ECC has 10 years to spend the money otherwise any unspent funds should be returned to the developer.

Schedule 2 – Open Space

- 6.26 Schedule 2 requires the on-site open space to be laid out before 80% of the dwellings are occupied (i.e. no more than 25 dwellings) and transferred to a private management company for future maintenance.
- 6.27 The request from the Parish Council to deliver a multi-use games area (MUGA) within the development are over and above what the unilateral undertaking provides for and the Council could not require the developer to provide such a facility.

Schedule 3 – Affordable Housing

- 6.28 Schedule 3 requires 25% of the dwellings (i.e. 8) to be provided as affordable housing before 75% if the market dwellings (i.e. 18) can be occupied unless the Council indicates a preference to receive one dwelling to be gifted – in which case, this dwelling needs to be transferred to the Council before 50% (i.e. 16) of the total dwellings are occupied. The development has been designed to make provision for the 1 gifted dwellings, as was the housing department's preference when it made comments on the original planning application.
- 6.29 Officers note the Parish Council's suggestion that in providing one 'gifted' unit in preference to the 8 discounted properties, the development should make provision for alternative community benefits in lieu. Again, the unilateral undertaking does not require any wider benefits in lieu and the Council cannot compel the developer to provide any. It should however be noted that in providing one gifted unit instead of 8 discounted units, the

financial cost to the developer will be comparable so the developer will not achieve a significant surplus profit that might have been spent on other community facilities.

Conclusions

- 6.30 The principle of development has already been established through the grant of outline planning permission on appeal and the reserved matters proposal is considered by Officers to be acceptable. The recommendation is therefore approval.

Background Papers

None.