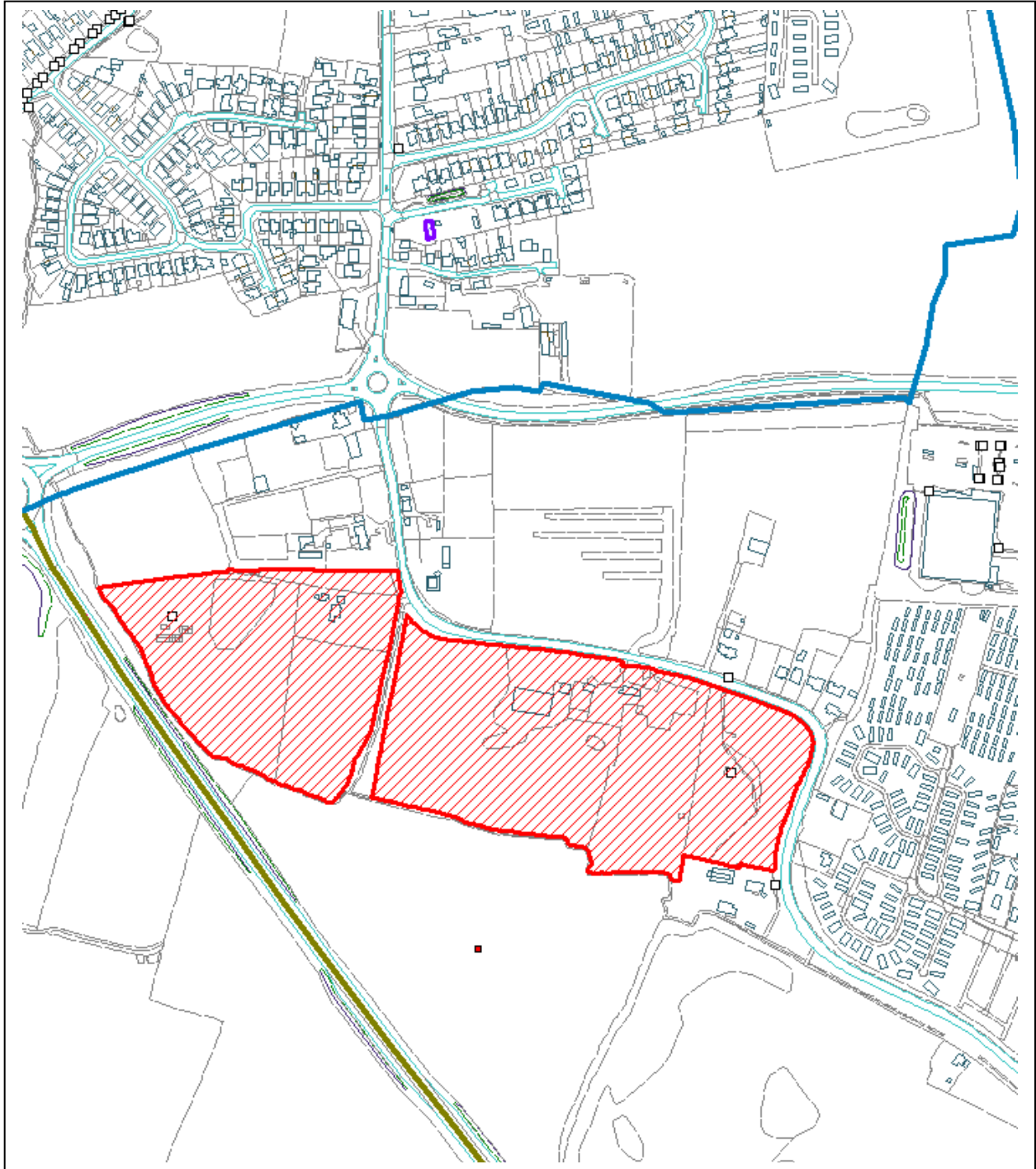


PLANNING COMMITTEE

7th June 2022

REPORT OF THE ASSISTANT DIRECTOR FOR PLANNING

A.2 PLANNING APPLICATION – 16/02039/OUT – LAND OFF LONDON ROAD CLACTON ON SEA ESSEX



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Application: 16/02039/OUT

Town / Parish: Clacton Non Parished

Applicant: Mr T Martin - Land Logic Ltd

Address: Land off London Road Clacton On Sea Essex

Development: Outline planning application for 220 Self-Build and Custom-Build dwellings, including 67 Affordable dwellings, with accesses off London Road.

1. Executive Summary

- 1.1. This application is being referred to Planning Committee at the request of the Acting Director of Planning.
- 1.2. The application site comprises 2no parcels of land, of approximately 10.6 hectares (combined), which are situated immediately to the south and west of the B1441 London Road, on the northern edge of Clacton-on-Sea. The parcels are subdivided by a farm track which provides access to an arable field to the south which is within separate ownership. The A133 lies adjacent to the western boundary of parcel 1.
- 1.3. Overall, the site consists of 2no former horticultural nurseries (including a dwelling at Langford Nursery), a dwelling known as Little Ditches within the north eastern corner of the site; woodland, orchard, grassland and scrub land that has regenerated naturally over time, as well as a redundant builders yard towards the eastern side of the site. The land in question is predominantly green and essentially rural in its nature, with a mix of uses within the area typical of its urban fringe location, but providing an important role in keeping Clacton separate from the village of Little Clacton.
- 1.4. This is an outline planning application, with access and layout to be determined at this stage, all other matters (appearance, scale and landscaping) are reserved for future determination.
- 1.5. The application was originally submitted for 220 Dwellings, including 20 Affordable Homes and 21 Self-Build Plots. This was revised in Spring 2020, and removes the Montana Nurseries site from the northern end of the site, with associated amendments to its access, and changes the description of the proposed development to entirely self-build and custom homes, including 67 affordable homes.
- 1.6. There would be two access points into the development site, one for each parcel, and the layout as identified on the submitted plans show a series of loop roads and cul-de-sacs proposed, with building forms being mainly detached.
- 1.7. Existing trees and vegetation to the perimeter of the parcels would largely be retained, along with a number of trees within the development zones. An ecological buffer adjacent to Picker's Ditch would be maintained, denoted as an 'Enhanced Ecology Zone' on the layout drawing, along with 2no woodland areas.
- 1.8. As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case the application site is located outside of a designated settlement development boundary. The site falls within the area of countryside which separates Clacton from Little Clacton, and is designated as Green Gap. Policy PPL6 states that Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of

settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.

- 1.9. The existing green gap would be greatly diminished by virtue of the introduction of substantial built form into largely open countryside of a fairly undeveloped nature; and the introduction of 220 new homes on the application site would amount to a detrimental effect upon the local landscape, eroding the existing spaciousness found along the southern and western sides of London Road, whilst also bringing the settlements of Clacton and Little Clacton much closer together.
- 1.10. Whilst the evidence submitted demonstrates that there is a potential need for self-build and custom build units, the application is partly speculative, in that the proposed occupiers are unknown. Furthermore, whilst there is no exact definition of small scale, however, it is not considered that 220 dwellings (153 market dwellings) can be considered to be small scale.
- 1.11. The application is in outline form with layout being included as part of this application, therefore the layout of the development would be fixed. This means that potential owners would have less flexibility regarding the size and position of the proposed dwellings.
- 1.12. It is accepted that the proposal could provide for those on the Council's self/custom build housing register, and that the scheme would also enable the construction of 67 Affordable homes for the benefit of those within the District who are in housing need, if permitted. Short-term the application would also facilitate the provision of construction related jobs, and would also benefit local supply chains for building materials, trades etc.
- 1.13. However, when considering the planning balance Officers conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies set out within the NPPF taken as a whole.

Recommendation:

That the Assistant Director for Planning be authorised to REFUSE planning permission for the development for the reasons set out in paragraph 8.2 of the report.

2. Planning Policy

The following Local and National Planning Policies are relevant to this planning application.

National Policy

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance (PPG)

Tendring District Local Plan 2013-2033 and Beyond Section 1 (January 2021)

SP1 Presumption in Favour of Sustainable Development
SP2 Recreational Disturbance Avoidance and Mitigation
SP3 Spatial Strategy for North Essex
SP4 Meeting Housing Needs
SP6 Infrastructure and Connectivity
SP7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (January 2022)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP2	Community Facilities
HP3	Green Infrastructure
HP5	Open Space, Sports and Recreation Facilities
LP1	Housing Supply
LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable Housing
LP7	Self-Build and Custom-Built Homes
PP12	Improving Education and Skills
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL6	Strategic Green Gaps
PPL7	Archaeology
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
CP3	Improving the Telecommunications Network

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas
 Essex County Council Car Parking Standards – Design and Good Practice
 Provision of Recreational Open Space for New Development
 Landscape Character Assessment

3. Relevant Planning History

13/30003/PREAPP - EIA Screening Opinion request - Development comprising of food store, six screen cinema, three A3 units, petrol filling station and landscape enhancements - 11.09.2013

4. Consultations

Anglian Water Services Ltd
 19.05.2020

Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning permission and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, they are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, they would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Environment Agency
01.06.2020

We have reviewed the application as submitted and are raising a holding objection due to lack of information relating to the effects on water quality of the proposal. We have included advice to the applicant regarding how to overcome our objection in our response below.

Water Quality and Capacity

Recent 2019 flow data for the Clacton-Holland Haven Water Recycling Centre (WRC) shows that the sewage works is currently over capacity and non-compliant with the existing permit. Anglian Water Services (AWS) will need to apply for a new permit for this site, and upgrades will be required to be undertaken at the existing WRC to mitigate any effects of accepting flows from the development site.

We note that the developer has been in contact with AWS regarding sending foul flows to Clacton WRC. In their response (Planning Applications - Suggested Informative Statements and Conditions Report Planning) AWS have agreed that they will take "...necessary steps to ensure that there is sufficient treatment capacity...". There are however no details, provided with the application, of what these steps will be and there is no evidence of a detailed Foul Drainage Strategy or supporting Water Quality Assessment to assess the impacts of the additional foul flows on the local water environment.

Overcoming our Objection

Clacton WRC discharges, via a long sea outfall, out to sea so there is less risk in terms of environmental sensitivity and associated WFD deteriorations: However, there are numerous bathing water sites within the area so we expect an assessment to be made to ensure there will be no environmental damage from an increase in foul effluent flows coming from the discharge. We expect to see a more detailed strategy presented outlining plans to support the foul waste plans for this site to ensure there will be no adverse impact on the surrounding water environment.

As the WRC is currently non-compliant with its existing permit we object to the current application until AWS have applied for a new permit and more detail is provided regarding plans to upgrade the treatment capacity at the Clacton-Holland Haven WRC.

Essex County Council Highways
03.02.2017

The Highway Authority has assessed the details of this application and in principle has no objections. However, any reserved matters application should show the following details;

- The removal of all redundant access points,
- Upgrading the 4 bus stops in the vicinity as appropriate,
- A 3m wide shared use cycleway/footway along the London Road frontage. This facility can be positioned within the site in order to retain the hedge on the road side,
- Transport Information Marketing Packs for all new residences,
- All parking and turning facilities in accordance with current policy standards,
- The suggested amendments to the roundabout as per Appendix I in the submitted information,
- Vehicle visibility splays for the northern access of 2.4m x 120m to the North and 2.4m x 100m to the South,
- Vehicle visibility splays for the southern access of 2.4m x 120m in both directions,
- The roads being constructed as type D - Access routes
- Internal carriageways with a minimum of 13.6m centreline radius.
- Pedestrian provision required to access existing footway in London Road.
- Suitable pedestrian/cycle provision through the sites to provide permeability.
- A minimum 15m perpendicular/straight roads on approach to junctions.
- Any cul de sac without a turning head being no more than 20m in length

The information that was submitted in association with the application has been fully considered by the Highway Authority together with a site visit. The site is situated on a stretch of London Road that is subject to a 40-MPH speed limit. The Highway Authority should point out that it has noted that the proposed site access for site 2 is unchanged from the original application and those previous comments still stand. However, the comments below relate to the revised site access proposed for site 1 that has moved southwards from its original position shown on drawing no. 1691-PL02 B and is now located on the sweeping bend. The reason for this change is the applicant has since had to remove the 'Montana Nurseries' site in the north-western most part of the site to maintain a 'green gap' with Little Clacton to the north. The result of the removal of the Montana Nurseries site is the revised access position to 'Site 1' as presented.

In addition to the above and following an offer by the applicant to include a scheme to lower the current 40-mph speed to 30-mph this option was discussed with the Policy team who after careful consideration felt that due to rural nature of the road at this location and the lack of consistent development visible to the driver on both sides of the road it did not conform to the County's Speed Management Policy and as such there would be poor compliance with a lower speed limit at this time, even if this development went ahead or was supported with engineering measures.

The applicant has demonstrated that a 70-metre clear visibility splay could be achieved for southbound traffic turning right into site 1 if the vegetation is cut back to the boundary line with the adjacent landowner on the south-east side, based on measured speeds of 37-mph, average 85th percentile speed for north-westbound movements. In accordance with CA 185 Vehicle Speed Measurement (Design Manual for Roads and Bridges) the Highway Authority would want to see a minimum 73-metre clear visibility splay based on the speed survey results and in accordance with DMRB one step below (2 sec & 3.68 m/s reaction time and a deceleration) guidance.

The existing section of hedgerow on the opposite side of the road to the proposed vehicle access is in third party ownership and would be a continuous maintenance liability to retain the desired sight splays; although the Stage 1 Road Safety Audit suggests that the applicant and the Highway Authority enter into an enhanced maintenance agreement to ensure that the level of visibility is maintained through a regular maintenance plan, again at the applicant's expense. However, due to the location and alignment of the road and the signed speed limit this would entail temporary traffic

management every time the vegetation needs to be cut back, including the booking of road space before the work is undertaken. This potentially could lead to a delay in the work taking place and right turning vehicles being left with an impaired visibility splay.

Aside to the above, the cutting back of the vegetation to the boundary and affectively widening the full extents of the highway could have a negative impact of increasing vehicle speeds on the approach to the junction, in particular, powered two-wheeler motorcycles.

This section of London Road is a popular motorcyclist route, particularly in the summer months; the concern is that some of these riders will approach the bend at a higher speed than the recorded 37-mph, average 85th percentile speed for north-westbound movements and any less experienced driver or a driver with slower reactions waiting to turn right could be put themselves and any motorcyclist at an unacceptable degree of hazard.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The proposal would introduce a new vehicular access onto B1441 London Road (secondary distributor) which has deficiencies in geometric layout and visibility, for southbound vehicles wishing to turn right into site 1 from London Road which is not in accordance with current safety standards. The existence of an existing access further south from the proposed site access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but this serves a single dwelling and the intensification of that conflict and interference which this proposal would engender for the site 1 access to serve 67 dwellings would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The proposal is therefore contrary policies DM1 and DM3 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council Highways
05.10.2021

The additional information that was submitted in association with the application has been fully considered by the Highway Authority together with a site visit. Very little has changed since the Highway Authorities comments back in May of this year and the proposals appear to be more or less identical. The Highway Authority should point out that it has noted that the proposed location of the access for site 2 is unchanged from the original application albeit it now

includes a ghosted right turn lane, however, in principle the Highway Authorities previous comments still stand.

The comments below still relate to the revised site access proposed for site 1 that has moved southwards from its original position shown on drawing no. 1691-PL02 H and is still located on the sweeping bend. The site is situated on a stretch of London Road that is subject to a 40-MPH speed limit. It is appreciated that the reason for this change is the applicant has since had to remove the 'Montana Nurseries' site in the north-western most part of the site to maintain a 'green gap' with Little Clacton to the north. The result of the removal of the Montana Nurseries site is the revised access position to 'Site 1' as presented.

As highlighted previously discussions took place with colleagues in Network Assurance and our highways recommendation attached clearly set out the position we reached following consideration of the revised proposals across disciplines within Essex Highways following an offer by the applicant to include a scheme to lower the current 40-mph speed to 30-mph this, however, after careful consideration and due to rural nature of the road at this location and the lack of consistent development visible to the driver on both sides of the road, the proposed speed limit changes are contrary to the Essex Speed Management Strategy. As such there would be poor compliance with a lower speed limit at this time, even if this development went ahead or was supported with engineering measures.

The applicant has demonstrated that a 70-metre clear visibility splay could be achieved for southbound traffic turning right into site 1 if the vegetation is cut back to the boundary line with the adjacent landowner on the south-east side, based on measured speeds of 37-mph, average 85th percentile speed for north-westbound movements. In accordance with CA 185 Vehicle Speed Measurement (Design Manual for Roads and Bridges) the Highway Authority would want to see a minimum 73-metre clear visibility splay based on the speed survey results and in accordance with DMRB one step below (2 sec & 3.68 m/s reaction time and a deceleration) guidance.

The existing section of hedgerow on the opposite side of the road to the proposed vehicle access is in third party ownership and would be a continuous maintenance liability to retain the desired sight splays; although the Stage 1 Road Safety Audit suggests that the applicant and the Highway Authority enter into an enhanced maintenance agreement to ensure that the level of visibility is maintained through a regular maintenance plan, again at the applicant's expense. However, due to the location and alignment of the road and the signed

speed limit this would entail temporary traffic management every time the vegetation needs to be cut back, including the booking of road space before the work is undertaken. This potentially could lead to a delay in the work taking place and right turning vehicles being left with an impaired visibility splay.

This section of London Road is a popular motorcyclist route, particularly in the summer months; the concern is that some of these riders will approach the bend at a higher speed than the recorded 37-mph, average 85th percentile speed for north-westbound movements and any less experienced driver or a driver with slower reactions waiting to turn right could put themselves and any motorcyclist at an unacceptable degree of hazard.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

The proposal would introduce a new vehicular access onto B1441 London Road (secondary distributor) which has deficiencies in geometric layout and visibility, for southbound vehicles wishing to turn right into site 1 from London Road which is not in accordance with current safety standards. The existence of an existing access further south from the proposed site access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but this serves a single dwelling and the intensification of that conflict and interference which this proposal would engender for the site 1 access to serve 67 dwellings would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The proposal is therefore contrary policies DM1 and DM3 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Essex County Council Highways
11.03.2022

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The site is situated on the B1441 Frinton Road that is subject to a 40-MPH speed limit. The Highway Authority notes that the proposed location for site access 2 is unchanged from the original application and those previous comments still stand. It is also noted that the proposed location for site access 1 has moved southwards from its original position shown on drawing no. 1691-PL02 B. The reason for this change is the applicant has since had to remove the 'Montana Nurseries' site in the north-western most part of the site to maintain a 'green gap' with Little Clacton to the north. The result of the removal of the Montana Nurseries site

is the revised access position to 'Site 1' as presented. The proposal would introduce two new accesses onto the B1441 London Road and the new proposal will see both junctions provided with a dedicated right turn lane on the B1441. The applicant has demonstrated that with the provision of the dedicated right turn lane for revised site 1 access a forward visibility splay of 82.5-metres has been demonstrated to be achievable from within a right-turn lane into Site 1, This (82.5-metres) is the same forward visibility splay that was achievable from the original position of the Site 1 access, which ECC found to be acceptable. Considering these factors from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the conditions to cover the following:

A Construction Management Plan including the following:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel and underbody washing facilities
- prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, including photographic evidence.
- vehicle routing.

No occupation of the development shall take place until the following have been provided or completed:

- The removal of all redundant access points, incorporating the reinstatement to full height of the highway verge / footway/ kerbing.
- Upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification.
- A minimum 2-metre-wide footway along the London Road frontage.
- two new informal pedestrian crossings with kerbed central refuges, two splitter islands adjacent to the right-turn lanes and associated tactile paving,
- For site 1 (northern access) a minimum vehicle visibility splay of 2.4m x 90m in both directions, as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
- For site 2 (southern access) a minimum vehicle visibility splay of 2.4m x 120m in both directions as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
- Pedestrian provision required to access existing footway in London Road with associated tactile paving.

- Suitable pedestrian/cycle provision through the sites to provide permeability.
- The suggested amendments to the Centenary Way/ London Road roundabout as per Appendix I in the submitted information.

Residential Travel Plan – including an annual monitoring fee.

Informatives:

1: All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

3: Prior to occupation, the development shall be served by a system of operational street lighting of design approved from the Highway Authority, which shall thereafter be maintained in good repair.

4: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ECC Place Services Ecology
28.05.2020

Holding objection due to insufficient ecological information on designated sites, European Protected Species (bats, Hazel Dormouse and Great crested newt)

We have reviewed the Ecological Assessment (ADC Environmental, November 2016) and the Ecological Technical Update (ACD Environmental, February 2020) supplied by the applicant, relating to the likely impacts of

development on Protected & Priority habitats and species, identification of proportionate mitigation.

We are not satisfied that there is sufficient ecological information available for determination of this application.

The Ecological Technical Update (ACD Environmental, February 2020) states that the baseline habitats onsite have not changed since the original survey conducted in 2016, however the condition of the building identified as B12 has deteriorated and the structure is now considered to have 'Low' potential for roosting bats. The Ecological Technical Update (ACD Environmental, February 2020) therefore states that this "requires a single bat emergence survey". Additionally, the Ecological Technical Update (ACD Environmental, February 2020) states that, due to the number of trees onsite, no detailed tree potential roost feature assessments have been undertaken. Although bat roosts in trees can be transitory, an understanding of the potential for the presence of bat roosts within the trees should be established, to understand the likely impact of the development on bats.

We note that the Ecological Technical Update (ACD Environmental, February 2020) also identifies that "updated eDNA surveys should be undertaken on the 3 ponds onsite, immediately prior to clearance". This does not provide the LPA with certainty of the impacts of the development on Great crested newts (GCN) prior to determination. These ponds should be re-assessed for their suitability to support GCN, if they seem suitable then updated surveys should be completed to inform the appropriate mitigation and to ensure the LPA has certainty of the likely impacts of the development on these European Protected Species.

The 2016 surveys concluded that the site supports the Hazel Dormouse, slow worm and common lizard. The Ecological Technical Update (ACD Environmental, February 2020) concludes that the habitat onsite that would support these species has not changed since 2016, we support the conclusion that further surveys for these species are not necessary at this stage. The Ecological Assessment (ADC Environmental, November 2016) included detailed mitigation, compensation and enhancement measure for hazel dormice, however the report also states that "with the proposed mitigation and compensation, the residual effects on dormice are likely to be non-significant negative." The Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. (Based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council

[2006] - APP/R0660/W/15/3131662). Therefore, if a European Protected Species Mitigation Licence for Hazel Dormouse is required for this application, appropriate mitigation measures to support the provision of the licence must also be outlined prior to determination to allow certainty to the LPA that a licence will likely be granted. If the work can proceed under a non-licensed method statement containing appropriate mitigation measures, then the LPA will need to secure this under a condition of any consent. Clarification is therefore sought on the method needed to secure this mitigation to avoid any offence.

Holding objection due to insufficient ecological information on European Protected Species (bats and Hazel dormice).

ECC Place Services Ecology
20.08.2020

Have reviewed the Ecological Assessment (ACD Environmental, November 2016) and the Ecological Technical Update (ACD Environmental, February 2020) and the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, identification of proportionate mitigation and are still not satisfied that there is sufficient ecological information available for determination of this application.

We support the additional further information included in the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) relating to the results of eDNA surveys for Great Crested Newts (GCN) and the emergence survey in relation to roosting bats in building B12.

However, the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) identifies several trees onsite that are proposed to be removed that have 'moderate' or 'high' bat roost potential- TG3069 and TG3053. The report recommends that "aerial inspection by a bat licensed tree climbing ecologist. Depending upon the results, further aerial inspections and/or emergence/re-entry surveys (between May and August) may be required." These surveys need to be undertaken prior to determination, to assess the likelihood of bats being present and affected by the proposed, and to inform if a European Protected Species (EPS) licence will be required for the development to proceed. Unless the applicant can provide the LPA with certainty of likely impacts on bats, the trees will need to be retained within the development.

We support the conclusion of the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) that an EPS licence will be required for Hazel Dormice, given the results of the 2016 surveys and the

increase in scrub onsite will provide greater onsite habitat for Hazel Dormice. We also note that the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) identifies that a Reptile Mitigation and Translocation strategy will also be required.

The 2016 surveys concluded that the site supports the Hazel Dormouse. The Ecological Technical Update (ACD Environmental, February 2020) concludes that the habitat onsite that would support these species has not changed since 2016, we support the conclusion that further surveys for these species are not necessary at this stage.

The Ecological Assessment (ACD Environmental, November 2016) included detailed mitigation, compensation and enhancement measure for hazel dormice, however the report also states that "with the proposed mitigation and compensation, the residual effects on dormice are likely to be non-significant negative." The Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) poses that, although the majority of the woodland and scrub onsite is to be removed, enhancement of the retained woodland onsite will be sufficient to mitigate the effects of the development on Hazel Dormice. However, the Local Planning Authority, as a competent authority, should have regard to the requirements of The Conservation of Habitats and Species Regulations 2017 (as amended) when reaching planning decisions and must not leave this until the licence application stage. (Based on the judgement in the Hack Green Group (Appellant) v Cheshire East Council [2006] - APP/R0660/W/15/3131662). As the LPA needs certainty of likely impacts and that appropriate mitigation can be secured by the EPS Mitigation Licence, we recommend that the applicant provides clarification that this is sufficient to support an application for this development.

ECC Place Services Ecology
18.11.2020

No objection subject to securing biodiversity mitigation and enhancement measures

We have reviewed the recently submitted Ecology Consultation Response and Technical Update (ACD Environmental, October 2020) in addition to the Ecological Assessment (ACD Environmental, November 2016) and the Ecological Technical Update (ACD Environmental, February 2020) and the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020). These relate to the likely impacts of development on designated sites, protected species and Priority species & habitats.

We are now satisfied that there is sufficient ecological

information available for determination.

This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Assessment (ACD Environmental, November 2016) and the Ecology Consultation Response and Technical Updates (ACD Environmental, February 2020, July 2020 and October 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

We support the conclusion of the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) that an EPS mitigation licence will be required for Hazel Dormice, given the results of the 2016 surveys and the increase in scrub onsite will provide greater onsite habitat for Hazel Dormice. We recommend that a copy of this licence is secured by a condition of any consent for supply to the LPA prior to commencement.

We welcome that the Ecology Consultation Response and Technical Update (ACD Environmental, October 2020) has demonstrated that the trees onsite have now been sufficiently scoped for their suitability to support roosting bats and details appropriate mitigation measures. We also note that the Ecology Consultation Response and Technical Update (ACD Environmental, July 2020) identifies that a Reptile Mitigation and Translocation strategy will also be required. We therefore recommend that this should also be secured as a condition of any consent.

We note that Tendring DC have prepared a project level HRA Appropriate Assessment which identifies that the development is approximately 3.4km from the Colne Estuary SPA and Ramsar site. Therefore this site lies within the Zone of Influence (ZOI) for the Essex Coast RAMS and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance, when considered 'in combination' with other plans and projects. We also note that Tendring DC will secure the Essex Coast RAMS contribution of £137.71per dwelling under a legal agreement for payment on commencement, with numbers confirmed at Reserved Matters stage.

In line with Natural England's revised interim advice to the LPA (August 2018) sufficient natural greenspace will need to be available to new residents for daily recreational needs (Annex 1) and a proportionate financial contribution should also be sought from the

developer towards visitor management measures at the Habitats sites to avoid adverse impacts on site integrity in combination with other plans and projects. The submitted Green Infrastructure Plan (ACD Environmental, July 2020) details that green infrastructure and areas for recreation will be provided onsite, with links to offsite footpaths and recreational opportunities within Brook Country Park.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions:

**CONCURRENT WITH RESERVED MATTERS ACTION
REQUIRED IN ACCORDANCE WITH ECOLOGICAL
APPRAISAL RECOMMENDATIONS**

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (ACD Environmental, November 2016) and the Ecology Consultation Response and Technical Updates (ACD Environmental, February 2020, July 2020 and October 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC

Act 2006 (Priority habitats & species).

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF THE EPS LICENCE FOR HAZEL DORMICE

"The following works shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
- a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

CONCURRENT WITH RESERVED MATTERS PRIOR TO COMMENCEMENT: REPTILE MITIGATION STRATEGY

"No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority.

The Reptile Mitigation Strategy shall include the following.

- Purpose and conservation objectives for the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance of the Receptor area(s).
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter."

Reason: To allow the LPA to discharge its duties under

the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

CONCURRENT WITH RESERVED MATTERS PRIOR TO SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the enhancement measures;
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

CONCURRENT WITH RESERVED MATTERS PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

ECC Place Services Historic
Environment (Archaeology)
28.05.2020

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

The planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The Essex Historic Environment Record identifies the proposed site as one of archaeological potential. To the south of the site excavation has uncovered medieval activity, possibly a bridge over a ditch, which suggests that a settlement may be nearby. The historic maps show a road leading from this area through the proposed development site, elements of which still survive as a track and may have associations with medieval settlement or later along the Colchester road. In the wider area settlement activity is indicated from recorded cropmark features identified from aerial photographs including field boundaries, enclosures and ring ditches.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1 and confirmed by the Local Authority archaeological advisors.

A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the local planning authority.

The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless

otherwise agreed in advance with the Planning Authority). This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

ECC Schools Service
12.06.2020

They have assessed the application on the basis of 178 x 2bed houses and 42 x 1 bed flats (exempt). A development of this size can be expected to generate the need for up to 16.02 Early Years and Childcare (EY&C) places; 53.4 primary school, and 35.6 secondary school places.

Early Years and Childcare

ECC has a statutory duty under the Childcare Act 2006 to ensure that there is sufficient and accessible high-quality early years and childcare provision to meet local demand. This includes provision of childcare places for children aged between 0-5 years as well as wrap around provision for school aged children (5-11 or up to 19 with additional needs).

The proposed development is located within Burresville ward (postcode CO16 9RA) and will create the need for an additional 16.02 childcare places. According to latest available childcare sufficiency data, there is no childcare provision within a 1 mile radius and only 4 early years and childcare providers within 3 miles, showing just 1 unfilled place between them. Across the ward there are an additional 4 childcare providers.

The data shows that there is insufficient provision to meet the additional demand created by this development. It is therefore proposed that a new facility is required within a 3-mile radius to provide a new provision or cover the cost of expansion to an existing setting. Additional places would be provided at an estimated cost of £265,868 index linked to April 2020. This equates to £16,596 per place.

Primary Education

This proposed development is not considered to attract an education contribution in relation to primary education needs as it is below Essex County Council's current threshold for places.

Secondary Education

With regards to secondary education needs, the proposed development is located within the priority admissions area of Clacton County High and there is a strong case that additional school places will be necessary. Based on demand generated by this proposal set out above, a developer contribution of £809,473 index linked to April 2020, is sought to mitigate its impact on local secondary school provision. This equates to

£22,738 per place.

School Transport

Having reviewed the proximity of the site to the nearest secondary school, Essex County Council will be seeking a secondary school transport contribution as there are no current safe walking routes from the proposed development to the nearest secondary school. The cost of providing this is £385,548 Index Linked to April 2020.

In view of the above, ECC request that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Early Years & Childcare and Secondary Education and Secondary School Transport provision. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant.

If the council were minded to turn down the application, they would be grateful if the lack of surplus Early Years & Childcare and Secondary Education and Secondary School Transport provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that they are automatically consulted on any appeal or further application relating to the site.

ECC SUDS Consultee
19.05.2020

Lead Local Flood Authority position - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the following conditions.

Condition 1

No works except demolition shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge rates to 22.4 l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved

strategy.

The scheme shall subsequently be implemented prior to occupation. It should be noted that all outline applications are subject to the most up to date design criteria held by the LLFA.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has

been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

Essex Police

Essex Police would like to see this development incorporate Crime Prevention Through Environmental Design (CPTED) pursuant to the NPPF and the Tendring Local Plan policy PL4, which requires developments are safe, secure places to live, e.g. uniform lighting without dark areas, effective physical security on each dwelling and to comply with Tendring's Consultation document to the formation of Tendring Local Plan to 2033 - Policy PL4 - Housing Layout - 'minimise the opportunities for crime and anti-social behaviour by ensuring good surveillance, clear definition between public and private spaces'.

Natural England
10.09.2020

It has been identified that this development site falls within the 'Zone of Influence' (Zol) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European

designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained

In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS.

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Annex 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure the on-site mitigation measures, including links to footpaths in the surrounding area. The financial contribution should be secured through an appropriate and legally binding agreement, in order to ensure no adverse effect on integrity.

NHS North East Essex CCG
15.05.2020

The proposed development is likely to have an impact on the services of 2 GP practices, including 1 branch surgery operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this

development.

The proposed development will likely have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. As the commissioner of primary care services, North East Essex CCG would therefore expect these impacts to be fully assessed and mitigated.

A Healthcare Impact Assessment (HIA) has been prepared by North East Essex CCG to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

The development could generate approximately 484 residents and subsequently increase demand upon existing constrained services, specifically the North Clacton Medical Group - Crusader Surgery (including its branch surgery, North Road).

Consequently, the development would have an impact on primary healthcare provision in the area and its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The development would give rise to a need for improvements to capacity, in line with their emerging Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of North Clacton Medical Group or through other solutions that address capacity and increased demand. For this a proportion of the cost would need to be met by the developer.

As the development would generate approximately 484 residents, an additional 33.19 sq.m of GP surgery floorspace would be required, based upon based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO).

North East Essex CCG calculates the level of contribution required for additional primary healthcare provision (floorspace) to mitigate impacts arising from the development to be £128,511.68.

TDC Environmental Protection
28.05.2020

Environmental Protection have reviewed the application and recommends that conditions are imposed upon any grant of planning permission in respect of Demolition and Construction; Noise Controls; Emission Controls; Contaminated Land; and Acoustics.

TDC Housing
04.08.2020

As the application is for more than 11 homes, the affordable housing requirement will need to be in accordance with the Council's emerging Local Plan i.e. 30% of the total homes on the development. On this application, this equates to 67 properties (66.6 rounded up).

Clacton-on-Sea is the area of the district with the highest demand for housing. There are currently the following number of households on the housing register seeking accommodation in the town:

1 bed - 415 households*
2 bed - 240 households
3 bed - 161 households
4 bed - 64 households

*of the 415 households seeking 1 bedroom accommodation in Clacton-on-Sea, 201 are aged 60+ and therefore are likely to need ground floor or accessible accommodation.

Given the demand for housing in Clacton-on-Sea, the Council would like to see 67 affordable homes delivered on site.

TDC Public Realm, Open Space & Play
15.06.2020

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area and any additional development in Clacton will increase demand on already stretched facilities.

It is noted that the development will include a LEAP and two LAPs. Should the developer wish to transfer these facilities to the Council a commuted sum would be required. This would not include any form of SuDs.

5. Representations

Two letters of representation objecting to the original scheme are summarised below:

- Clacton have been forced to have enough development without more being done outside of the permitted plan;
- There is very little land in Clacton that is not has been developed, this land is a beautiful green area with beautiful landscape and stunning trees including oaks and willows which will be destroyed;
- Loss of wildlife habitat, including in and around Picker's Ditch;
- Concerned about fire access into Brook Country Park being restricted;
- Surface water flooding of Meadow Cottage already occurs during times of heavy rainfall, building on the field to its north would accentuate this;
- The existing sewerage system is inadequate when Highfields Holiday Park is in operation throughout the holiday season, causing foul sewage flooding within Meadow Cottage;

- Increased traffic stemming from the development, accentuated by the operation of the Late Riser Car Boot sale site, will give rise to greater potential conflicts between road users and additional congestion;
- Lack of infrastructure in Clacton to support these new properties, many of the doctors surgeries and dentists are not taking new patients as there are not enough doctors who want to work in the area, and one hospital has closed;
- There are not enough schools in the local area, or places of employment for future residents.

6. **Assessment**

Site Context

- 6.1. The application site comprises 2no parcels of land, of approximately 10.5 hectares (combined), which are situated immediately to the south and west of the B1441 London Road, on the northern edge of Clacton-on-Sea. The parcels, hereafter referred to as parcel 1 (west) and 2 (east), are subdivided by a farm track which provides access to an arable field to the south which is within separate ownership. The A133 lies adjacent to the western boundary of parcel 1.
- 6.2. Overall, the site consists of 2no former horticultural nurseries (including a dwelling at Langford Nursery), a dwelling known as Little Ditches within the north eastern corner of parcel 1, woodland, orchard, grassland and scrub land that has regenerated naturally over time, as well as a redundant builders yard towards the eastern side of parcel 2.
- 6.3. The land in question is predominantly green and essentially rural in its nature, with a mix of uses within the area typical of its urban fringe location, but providing an important role in keeping Clacton separate from the village of Little Clacton. A detached bungalow known as Montana and former nursery buildings are located to the north of parcel 1, and on the opposite side of London Road to the north and east are a number of other properties, the Late Riser Car Boot sale site, and Highfields Holiday Park. To the south east of parcel 2 is a cattery and dwelling, Meadow Cottage, beyond which is the Brook Country Park which sits to the north of the Brook Retail Park.

Proposal

- 6.4. This is an outline planning application, with access and layout to be determined at this stage, all other matters (appearance, scale and landscaping) are reserved for future determination.
- 6.5. When the application was originally submitted, it sought outline planning permission for 220 Dwellings, including 20 Affordable Homes and 21 Self-Build Plots. This was revised in Spring 2020, following the outcome of the appeal for up to 175 dwellings on land South of Centenary Way/North of London Road Clacton on Sea (Appeal Ref: APP/P1560/W/16/3164169) which was dismissed in September 2018.
- 6.6. The revised scheme removes the Montana Nurseries site from the northern end of parcel 1, with associated amendments to its access, and changes the description of the proposed development to: *“Outline planning application for 220 Self-Build and Custom-Build dwellings, including 67 Affordable dwellings, with accesses off London Road”*, thereby removing the original predominantly ‘open market’ developer-led element of the proposal.
- 6.7. As signified by the revised submitted Residential/Dwelling Units - Supplementary information template, the dwelling mix would now comprise the following:

Self Build & Custom Build	1 Bedroom	2 Bedroom	3 Bedroom	4+ Bedroom	Total
Houses		45	70	16	131
Flats	22				22
					153
Social, Affordable or Intermediate Rent					
Houses		16	15	2	33
Flats	14				14
					47
Affordable Home Ownership					
Houses		9	5		14
Flats	6				6
					20
Grand Total	42	70	90	18	220

6.8. Overall there would be a net gain of 219 units as the dwelling at Langford Nursery would be demolished to make way for the proposal.

6.9. There would be two access points into the development site, one for each parcel, and the layout as identified on the submitted Site Proposal plan shows a series of loop roads and cul-de-sacs proposed, with building forms being mainly detached. As layout is to be determined at this stage, the applicant has submitted a garden area schedule identifying the size of the private amenity space for each dwelling which range from 75 sq.m. to 383 sq.m.

6.10. Existing trees and vegetation to the perimeter of the parcels would largely be retained, along with a number of trees within the development zones. An ecological buffer adjacent to Picker's Ditch would be maintained, denoted as an 'Enhanced Ecology Zone' on the layout drawing, along with 2no woodland areas.

6.11. The dwelling at Little Ditches is located within the north eastern corner of parcel 1 and is proposed to be retained with the access road running adjacent to its northern boundary. The existing access to this dwelling is proposed to be closed and a new access will be created from the proposed new access road.

6.12. Pursuant to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the project, the subject of this planning application falls within Schedule 2 as set out therein: 10. Infrastructure projects; (b) Urban development projects - (ii) the development includes more than 150 dwellings. Consequently, it falls to the local planning authority to consider whether it is likely to have significant effects on the environment. Officers have carried out a Screening Opinion (SO), this concludes that significant effects on the environment are not likely and therefore an Environmental Impact Assessment is not required for this development.

6.13. The main planning considerations are:

- Principle of Development;
- Self-build and Custom Housing;
- Green Gap and Landscape Impact;
- Ecology and Nature Conservation;
- Access, Highways and Transportation;

- Site Layout and Living Conditions;
- Surface Water and Drainage;
- Ground Conditions and Contamination;
- Archaeology and Cultural Heritage;
- Planning Obligations; and
- Planning Balance and Conclusion.

Principle of Development

- 6.14. Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.
- 6.15. The Framework requires Councils 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 of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').
- 6.16. The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.
- 6.17. The site lies outside of the Settlement Development Boundary and therefore there is a principle objection to the residential development of this site. However, the proposal is for self-build and custom homes which Policy LP7 of the Tendring District Local Plan provides an exception.

Self-build and Custom Housing

- 6.18. The NPPF defines self-building and custom housing as 'housing built by an individual, a group of individuals, or persons working with them or for them, to be occupied by that individual'. It also states that 'such housing can be either market or affordable housing'. A legal definition is also provided within the Self-building and Custom Housebuilding Act 2016 which states that 'self-build and custom building means the building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person'.

- 6.19. The Housing and Planning Act 2016 placed a duty on Councils to grant sufficient suitable development permission of serviced plots of land to meet the demand for self/custom build housing. Since 1 April 2016 English local planning authorities have had to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area. Currently there are 122 people on the Council's register.
- 6.20. Policy LP7 of the Tendring District Local Plan states that 'the Council will consider, on their merits, proposals for small developments of new self-build and custom built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes'.
- 6.21. As the site is located on the edge of Clacton a Strategic Urban Settlement Policy LP7 requires all new self-building and custom built homes must be 'safely accessible on foot within 600 metres of the edge of the settlement development boundary'. In terms of the distance from the settlement development boundary the site meets the criteria set out in Policy LP7.
- 6.22. As part of the submission of the application the applicant has submitted evidence in the form of assessment carried out by Custom Build Homes. The submitted assessment by 'Custom Build Homes' on behalf of the applicant states that there are 7,267 persons who have expressed a desire to custom build within 30 miles of the application site. However, that figure does not tally with the amount of persons listed on the Council's Self-build register (122), and there is not currently a requirement for 153 self-build plots within the District.
- 6.23. Whilst the evidence submitted demonstrates that there is a potential need for self-build and custom build units, the application is partly speculative, in that the proposed occupiers are unknown. Furthermore, whilst there is no exact definition of small scale, however, it is not considered that 220 dwellings (153 market dwellings) can be considered to be small scale. Moreover, taking the Local Plan as a whole, there is clear distinction of small development representing 1-11 dwellings compared to larger sites that exceed 10 or 11 dwellings is made throughout. This would also be in line with the current definition of "major" development being 10 dwellings or above. The background text to policy LP7 also directly refers to Para 55 of the NPPF (updated to Para 80) in its intention to provide sustainable opportunity for small bespoke homes of exceptional quality and not significant large scale housing estates.
- 6.24. The application is in outline form with layout being included as part of this application, therefore the layout of the development would be fixed. This means that potential owners would have less flexibility regarding the size and position of the proposed dwellings.
- 6.25. It is therefore considered that the proposal is contrary to Policy LP7 of the Local plan in that the proposal is not a small scale development and that there is insufficient information to demonstrate that the proposal meets the criteria of self-build and custom build housing as the development is partially speculative and layout is included as part of the application which gives less flexibility to potential owners.

Green Gap and Landscape Impact

- 6.26. Notwithstanding the fact that the site is located outside of any defined settlement development boundaries, it also falls within the area of countryside which separates Clacton from Little Clacton, and is the subject of a specific designation on the proposals map of the Local Plan as a Strategic Green Gap.

- 6.27. Policy PPL6 of the Local Plan states that 'the Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements'.
- 6.28. NPPF para. 174 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.29. Policy PPL3 states that the Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character and appearance.
- 6.30. The application site is well populated with trees with a wide age range, and benefits from established boundary hedgerows on several of its boundaries. The proposed site layout shows that, in the main, the position of dwellings would be such that they would be set back from the boundaries, but that the implementation of the proposal would necessitate the removal of many young and early mature trees, as well as an over-mature orchard and a line of deteriorating conifers. Nonetheless it is acknowledged that the site layout indicates that the development of the land would be physically possible, alongside the retention and protection of the majority of trees on the land with the greatest visual amenity value.
- 6.31. The revised Arboricultural Impact Assessment (AIA) relates primarily to the exclusion of the Montana Nurseries site to the north and a revised layout of the development to accommodate a new vehicular access to the highway. The implementation of this would give rise to the further removal of some established trees, although replacement planting could mitigate against this longer term. The submitted Landscape and Visual Impact Assessment (LVIA) does however concede a moderate significance of visual effect for London Road residents at the residual stage.
- 6.32. In terms of wider landscape impact, the application site is situated in the Clacton and the Sokens Clay Plateau Landscape Character Area (LCA), as defined in the Tendring District Council Landscape Character Assessment. The Clacton and the Sokens Clay Plateau is typified by undulating agricultural plateau that is drained by the Holland Brook Valley System to the south east of the district, the overall strategy for which is to conserve the low density settlement pattern in rural areas, by maintaining the distinctive identity of individual settlement and enhancing the character of the urban fringe. Special attention is drawn to the sensitivity of the plateau edges to built development as they often form a skyline or setting for low lying areas.
- 6.33. In terms of the impact of the proposed development on the landscape character of the area, the LVIA states that there is no visual link across the site from points to the north, and that it would therefore not diminish the physical and/or visual separation of the settlements or compromise the integrity or function of the green gap.
- 6.34. However, whilst it is accepted that the boundary vegetation would provide a reasonable level of screening and reduce the visual impact of the development, it nonetheless fails to consider the fact that the existing green gap would be greatly diminished by virtue of the introduction of substantial built form into what currently comprises largely open

countryside of a fairly undeveloped nature. The closest development of any scale to the application site comprises the Highfields Holiday Park, however within the District that is a typical form of land use where tourism and related developments are commonplace in urban fringe locations. It is important to note that the settlement boundary for Clacton actually runs along the eastern side of this with Jubilee and Chingford Avenues marking the start of residential development, approximately ½ km away from the application site as the crow flies.

- 6.35. Quite simply the introduction of 220 new homes on the application site would amount to a clear and very real detrimental effect upon the local landscape, thereby eroding the existing spaciousness found along the southern and western sides of London Road, and giving rise to an unnatural incursion into the green gap, whilst also bringing the settlements of Clacton and Little Clacton much closer together. The introduction of a substantial built form into an otherwise largely open and undeveloped area would be harmful to the function of the Local Green Gap and as such would be harmful to the open edge of settlement character and appearance of the area.
- 6.36. Overall the scheme would be contrary to key aims of Policy PPL6 to prevent the coalescence of settlements and to protect their rural settings by keeping the green gap open and essentially free of development. The proposal is also contrary to advice at NPPF paragraphs 130 and 174 that require developments to ensure that proposals for development are sympathetic to local character, including landscape setting, whilst having regard to the intrinsic character and beauty of the countryside.

Ecology and Nature Conservation

Protected Species

- 6.37. One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 174 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.38. The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.39. With respect to Green infrastructure, the PPG defines this as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams and other water bodies and features such as green roofs and walls.

- 6.40. The Council's Ecologist has reviewed the Ecological Assessment, the Ecological Technical Update, and the three Ecology Consultation Response and Technical Updates (ECRTU) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species, identification of proportionate mitigation on designated sites, protected species and Priority species & habitats. They are now satisfied that there is sufficient ecological information available for determination of the planning application, stating that the mitigation measures identified in these documents should be secured and implemented in full; in order to conserve and enhance protected and Priority Species.
- 6.41. They support the conclusion of the ECRTU (July 2020) that an EPS mitigation licence would be required for Hazel Dormice, given the results of the 2016 surveys and the increase in scrub onsite will provide greater onsite habitat for Hazel Dormice. They also welcome that the ECRTU (October 2020) has demonstrated that the trees on site have now been sufficiently scoped for their suitability to support roosting bats and details appropriate mitigation measures. In addition that note that the ECRTU (July 2020) identifies that a Reptile Mitigation and Translocation strategy would also be required.
- 6.42. The Ecologist also supports the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170d of the National Planning Policy Framework 2019.

Habitat Regulations Assessment

- 6.43. The development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped in the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS): it is approximately 3.4km from the Colne Estuary SPA and Ramsar site and Essex Estuaries SAC.
- 6.44. The Council has a duty as a competent authority under the Habitats Regulations, to consider the potential for there to be a significant effect on the sensitive features of these European protected coastal sites. It is anticipated that without mitigation, new residential development such as this one would have a likely significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects. It is considered that the proposal falls within the scope of RAMS as 'relevant development'.
- 6.45. In line with Natural England's revised interim advice to the LPA (August 2018), sufficient natural greenspace would need to be available to new residents for daily recreational needs (Annex 1) and a proportionate financial contribution should also be sought from the developer towards visitor management measures at the Habitats sites, to avoid adverse impacts on site integrity, in combination with other plans and projects. Natural England state that provided their guidance is adhered to, an 'adverse effect on the integrity' (AEOI) of the European sites included within the Essex Coast RAMS from increased recreational disturbance can be ruled out, subject to appropriate mitigation.
- 6.46. One recommended way of trying to avoid increasing recreational pressures on the coastal European sites, is to encourage dog owners to exercise their dogs near their homes; and to provide safe and attractive links to areas of Public Open Space and play equipment for children, so as to minimise the need to drive to the protected sites.
- 6.47. The applicant has provided a Green Infrastructure Plan (Drawing No. LAN20403 08), this shows that in addition to a Local Equipped Area of Play (LEAP) and two Local Areas of Play (LAPS) that woodland areas and a woodland walk would be provided. The woodland walk area measures 654 sq.m. with a path measuring 63m in length, the woodland areas measure a total 17,857 sq.m. This drawing also shows existing connection to off-site

green spaces such as Little Clacton Village Hall and Harold Lilley Playing Fields and potential connections to Brook Country Park (which do not form part of the application site), although Brook Country Park is only approx. ½ a mile walk using the existing footway connections. The provision of the proposed green spaces and their long-term maintenance and management could be secured by condition or legal agreement.

- 6.48. In addition, if Members were so minded to approve the application, a proportionate financial contribution of £137.71 per dwelling could be secured in line with the Essex Coast RAMS' requirements, to ensure that the proposal would not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development.
- 6.49. Subject to the mitigation being secured there would be certainty that the development would not adversely affect the integrity of European Designated Sites, in accordance with Policy PPL4 of the Local Plan and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Access, Highways and Transportation

- 6.50. In paragraph 104, the NPPF states that transport issues should be considered from the earliest stages of development proposals, so that: the potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure are realised; opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account; and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 6.51. Where concerning the promotion of sustainable transport, the NPPF in para. 105 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. In paragraph 110, the NPPF states that in assessing specific applications for development, it should be ensured that:
- "a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
b) safe and suitable access to the site can be achieved for all users; and
c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."
- 6.52. Para. 113 of the NPPF stipulates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment, this is to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. However, development should only be prevented where the residual cumulative impacts are likely to be severe.
- 6.53. Policy CP1 of the Local Plan seeks to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport and Policy CP2 states that 'proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe'.
- 6.54. As with any new development, it is inevitable that additional road traffic would be generated, however the key is to provide other options, such that future residents are given the opportunity to travel by more sustainable means.

- 6.55. As highlighted within the applicant's Transport Assessment (TA), there is a Morrison's supermarket on Centenary Way which is a minimum of 600m walk from the access point into site 1 to the north east. The Brook Retail Park, which accommodates a Tesco Superstore, a B&Q, a KFC, a Pizza Hut, and a Carphone Warehouse, is located a minimum of 1km to the south of the site, along London Road's footway.
- 6.56. To the north of the site in Little Clacton there are a small number of amenities, including a pharmacy, a post office/off-license and primary school. Walking to these would however entail crossing the busy Progress Way or Centenary Way at the B1441 and B1442 roundabout junction and therefore would not be deemed as particularly safe for young children. The nearest secondary school that the site falls within the catchment of is the Clacton County High School in the centre of town. Having reviewed the proximity of the site to this, Essex County Council states that they would be seeking a secondary school transport contribution as there are no current safe walking routes from the proposed development to the High School.
- 6.57. In terms of public transport, the nearest bus stops to the site are located on the B1441 London Road on the northern boundary of the site, the TA highlights that the bus stop infrastructure is currently very basic with only a bus stop flag present to signify the location of the stop. There is no formal waiting area, no shelter, and no timetable, route map, or real time information (RTI) at the nearest pair of bus stops.
- 6.58. These bus stops serve routes 97, 76, 135/137, X76, and 100. A further two bus routes can be accessed from stops to the north of the site. Bus routes 2 and 3 pass through Little Clacton; the closest bus stops to the site are on London Road a short distance to the north of the roundabout junction of the B1441/B1442. On the whole these services are fairly regular and bus service 137 provides a direct connection to the train station, although there as there is no evening service it can't be relied upon for commuting from London. However, on the whole it is considered that the site is in a relatively accessible location, with a wide variety of shops community services that are accessible by modes of transportation other than the private car, and therefore it can be deemed as sustainable in this respect.
- 6.59. The TA highlights that based on a worst-case scenario future year assessment, taking into account other committed and pending developments locally, that the vehicular traffic impact of the development would be significant on the B1442 arms of the London Road roundabout junction with Progress Way and Centenary Way. It is therefore proposed that a scheme of road improvement works should be carried out to the junction to improve its capacity, to mitigate the impact of the additional trips generated by this development. These works would comprise the widening of the carriageway to increase the two lane approach to the roundabout from both sides of the B1442.
- 6.60. Essex County Council, in its capacity as the Local Highway Authority, has considered the proposal and concluded that it would be acceptable from a highways perspective subject to the following:
- A Construction Management Plan including the following:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - wheel and underbody washing facilities
 - prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the applicant and the Highway Authority, including photographic evidence.
 - vehicle routing.
 - Conditions to ensure the following:

- The removal of all redundant access points, incorporating the reinstatement to full height of the highway verge / footway/ kerbing.
 - Upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification.
 - A minimum 2-metre-wide footway along the London Road frontage.
 - two new informal pedestrian crossings with kerbed central refuges, two splitter islands adjacent to the right-turn lanes and associated tactile paving,
 - For site 1 (northern access) a minimum vehicle visibility splay of 2.4m x 90m in both directions, as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
 - For site 2 (southern access) a minimum vehicle visibility splay of 2.4m x 120m in both directions as measured from and along the nearside edge of the carriageway, with a dedicated right turn lane to be designed in accordance with DMRB standards.
 - Pedestrian provision required to access existing footway in London Road with associated tactile paving.
 - Suitable pedestrian/cycle provision through the sites to provide permeability.
 - The suggested amendments to the Centenary Way/ London Road roundabout as per Appendix I in the submitted information.
- Residential Travel Plan – including an annual monitoring fee.

6.61. The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (if to be counted towards parking provision) should measure 7 metres by 3 metres.

6.62. Site 1 would provide for a total of 144no parking spaces, including appropriately sized garages, this is against a requirement of a minimum 153 spaces (122 + 25%), and therefore constitutes a shortfall of 9 spaces below the adopted standards. However, it is considered that if Officers had been so minded to recommend approval of the application, then it could have been suggested that additional visitor parking be secured through the creation of bays alongside sections of the highway.

6.63. Site 2 would provide 273 parking spaces in total, which is far below the minimum standard requirement of 345 spaces (including visitor parking). However, the shortfall is to do with the lack of visitor parking spaces on the site, it is considered that the visitor parking can be provided on-road within the development site or on driveways. If the application were to be recommended for approval this issue could be dealt with by condition or the submission of amended plans.

6.64. No cycle parking is shown to be provided within the scheme, the TA states that in accordance with Essex County Council's minimum standards, secure and covered cycle parking spaces would be provided for any dwellings which do not benefit from a garage or other secure area (i.e. a garden shed). Where otherwise applicable, cycle parking would be provided at a ratio of one secure and covered space per dwelling, plus one additional secure space per every eight dwellings for visitors. It is considered that details of cycle parking could be secured by planning condition.

Site Layout and Living Conditions

- 6.65. Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 6.66. Para.117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment, and ensuring safe and healthy living conditions. Para.127 of the NPPF also refers to the need to ensure a high standard of amenity for existing and future users.
- 6.67. The current application is an outline proposal with all matters reserved except for access, as previously discussed above, and Layout.
- 6.68. As highlighted in the Proposal section above, there would be two access points into the development site, one for each parcel, and the layout as identified on the submitted Site Proposal plan shows a series of loop roads and cul-de-sacs proposed, with building forms being mainly detached.
- 6.69. Existing trees and vegetation to the perimeter of the parcels would largely be retained, along with a number of trees within the development zones. An ecological buffer adjacent to Picker's Ditch would be maintained, denoted as an 'Enhanced Ecology Zone' on the layout drawing, along with 2no woodland areas.
- 6.70. The dwelling at Little Ditches is located within the north eastern corner of parcel 1 and is also proposed to be retained with the access road running adjacent to its northern boundary within an existing narrow field. The layout appears logically set out, and in terms of street patterns created it is considered that in isolation, it would give rise to an acceptable internal character, within the confines of the site's boundaries.
- 6.71. As layout is to be determined at this stage, the applicant has submitted a garden area schedule identifying the size of private amenity spaces for each dwelling which for the houses range from 75 sq.m. to 383 sq.m, with communal private amenity space for flats ranging from an average of 25 sq.m. to 65 sq.m. per unit. This provision of garden areas is considered to be acceptable.
- 6.72. It is also considered that the proposal gives rise to a suitable level of amenity for the proposed residents and does not adversely affect the amenity of neighbouring residents.

Surface Water and Drainage

- 6.73. Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided. Policy PPL5 are concerned with Water Conservation, Drainage and Sewerage.
- 6.74. Anglian Water raises no objection to the application although state that the foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre which currently does not have capacity to treat the additional flows. They are however obligated to accept the foul flows from the development with the benefit of

planning permission and would therefore take the necessary steps to ensure that there was sufficient treatment capacity should the Planning Authority grant planning permission.

- 6.75. The applicant has submitted a Foul Drainage Strategy plans; Drainage and Services Report; as well as a Flood Risk Assessment; SUDS Design Statement; SUDS Operations & Maintenance, and Water Quality Management Manuals which have all been reviewed by Essex County Council who are the Lead Local Flood Authority (LLFA). The LLFA initially objected to the scheme as the Drainage Strategy originally submitted did not comply with the requirements set out within ECC's outline Drainage Checklist. Following receipt of revised drainage documentation the holding objection was withdrawn and the LLFA now raise no objection to the granting of planning permission subject to conditions relating to the submission and subsequent approval of a detailed surface water drainage scheme, a maintenance plan, and a scheme to minimise the risk of offsite flooding and prevent pollution during construction.
- 6.76. From this basis, and notwithstanding third party concerns with regard to localised flooding, it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of drainage matters, and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.

Ground Conditions and Contamination

- 6.77. Para.174 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.78. The applicant has submitted a Preliminary Investigation Report (PIR) that investigates the likelihood of contaminated land on the site and identifies both the former and existing uses of the site. The majority of the site was in horticultural, agricultural and orchard use historically.
- 6.79. The potential sources of contamination cited within the report include the sewage systems for Little Ditches and Langford Nursery and unbunded fuel tanks and associated underground boiler feed pipes for both. There is also anecdotal evidence of a historic piggery with a well within the western portion of the former property.
- 6.80. A potential very low to moderate risk of contamination has been identified based on the historical site based activities and structures, and therefore an intrusive investigation is considered to be necessary to further quantify the risks identified. This could be secured by planning condition in the event that planning permission were to be granted, to ensure that existing residents neighbouring the site and future occupants of the development were not adversely affected by possible land contamination.

Archaeology and Cultural Heritage

- 6.81. In its glossary, the NPPF highlights that *"There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point. Heritage assets with archaeological interest are the primary source of evidence about the substance and evolution of places, and of the people and cultures that made them."* Policy PPL7 requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

- 6.82. The Essex Historic Environment Record (HER) identifies the proposed site as one of archaeological potential. To the south of the site excavation has uncovered medieval activity, possibly a bridge over a ditch, which suggests that a settlement may be nearby. The historic maps show a road leading from this area through the proposed development site, elements of which still survive as a track and may have associations with medieval settlement or later along the Colchester road. In the wider area settlement activity is indicated from recorded cropmark features identified from aerial photographs including field boundaries, enclosures and ring ditches.
- 6.83. Therefore, a programme of Archaeological evaluation is recommended to be imposed upon any grant of planning permission by ECC.

Planning Obligations

- 6.84. For the avoidance of doubt, the socio-economic impacts that could be mitigated through planning obligations (in addition to any previously cited within this report) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately para. 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.85. Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and para. 57 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 6.86. Section 8 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.87. Policy SP6 of the Local Plan states that development must be supported by provision of infrastructure, services and facilities that are identified to serve the needs arising from new development, including Transport, Education and Health matters.
- 6.88. At the time of writing this report, no S106 agreement had been completed for the proposed development. Whilst this is matter that could be overcome at this stage it needs to be included as a reason for refusal.

Affordable Housing

- 6.89. Para. 63 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. Para. 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

- 6.90. Policy LP5 requires up to 30% of new dwellings on developments of 11 more to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable housing. It also states that to avoid an over-concentration of affordable housing in one location, no single group of affordable housing will exceed ten dwellings and to ensure positive integration between the residents of affordable housing and market housing, there should be no material difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s).
- 6.91. The Council's Housing Officers confirm that Clacton is the area with the highest demand on the housing register within the District with a high level of demand for all sizes of dwellings. As the site is located in the area with the highest demand, there is a need for affordable housing to be provided on site and the Council's preference would be for 30% of the total number of homes to be provided as Affordable Housing on site.
- 6.92. The provision of 67no affordable dwellings would equate to 30% of the total number of dwellings proposed, in compliance with Policy LP5. The Site Proposal Plan identifies where the affordable housing will be located and this also complies with Policy LP5.

Habitat Regulations Assessment

- 6.93. To ensure that the Council discharges its duty as competent authority under the Habitats Regulations, it is necessary to secure mitigation to ensure that the new residential development would not have a significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects.
- 6.94. Para. 182 of the NPPF states that the presumption in favour of sustainable development does not apply where a project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site. Policy PPL4 of the Local Plan states that an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) has been completed in compliance with the habitats Directive and Habitats Regulations. Contributions will be secured from residential development with the Zones of Influence, towards mitigation measures identified in RAMS.
- 6.95. In accordance with the Habitat Regulations Assessment (HRA) (appropriate assessment) prepared by the Council and approved by Natural England, a RAMS payment of £137.71 (£30,158.49) would be required.

Education

- 6.96. NPPF paragraph 95 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education and give great weight to the need to create, expand or alter schools. Policy PP12 of the Local Plan states that planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.

- 6.97. Essex County Council, the Local Education Authority (LEA), have been consulted on the proposal. Having assessed the likely demand for places generated by the proposed development and having assessed current capacity in the area, the LEA recommend that financial contributions be sought to create additional places to ensure that there is sufficient space available for Early Years and Childcare within the Burreville ward (16 places); and for Secondary Education at Clacton County High (36 places). Having reviewed the proximity of the site to the nearest secondary school, Essex County Council also seek a secondary school transport contribution as there are no current safe walking routes from the proposed development to Clacton County High.
- 6.98. The following financial contributions (all index linked to April 2020) recommended to go towards both the construction and expansion of existing facilities are therefore sought:
Early Years and Childcare: £265,868;
Secondary Education: £809,473; and
Secondary School transport: £385,548.
- 6.99. From this basis Officers consider that the request for the above contributions would pass the CIL tests, as they would be necessary to make the development acceptable in planning terms; would directly relate to the development; and would fairly and reasonably relate to the development in scale and kind.

Healthcare

- 6.100. NPPF paragraph 93 states that planning decision should amongst other things, take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community. Policy HP1 of the Local Plan states that amongst other things the Council will seek mitigation towards new or enhanced health facilities from developers where new housing development would result in a shortfall or worsening of health provision.
- 6.101. NHS North East Essex CCG has been consulted on the proposed development. Having reviewed the current situation they confirm that there would be insufficient capacity at the North Clacton Medical Group - Crusader Surgery (including its branch surgery, North Road). However they confirm that they would have no objection to the application, subject to a financial contribution to mitigate the impact of the development upon GP practices, namely a contribution of £128,511.68 towards refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of North Clacton Medical Group or through other solutions that address capacity and increased demand.

Highways and Transportation

- 6.102. NPPF paragraph 104, amongst other things requires opportunities to promote public transport use are identified; and paragraph 110 states that decisions should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. Policy CP1 of the Local Plan states that proposals for new development must be sustainable in terms of transport and accessibility and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Policy CP2 of the Local Plan states that proposals will not be granted planning permission if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.
- 6.103. ECC Highways have assessed the highway and transportation impacts of the proposal. They do not wish to raise an objection subject to the imposition of reasonable planning conditions and obligations. It is considered that the majority of the required works could

be covered by planning condition, with the exception of the upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification and a Residential Travel Plan, including an annual monitoring fee.

Public Open Space

- 6.104. Paragraph 98 of the NPPF states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Policy HP5 of the Local Plan requires all new residential developments of 11 or more dwellings on sites of 1.5 hectares and above will be expected to provide a minimum 10% of the gross site area as open space laid out to meet the Council's specifications having regard to the Council's Open Spaces Strategy and the requirements of any SPD. No single area of useable open space will be less than 0.15 hectares in size. Financial contributions will also be sought through s106 legal agreements (or an appropriate alternative mechanism) towards ongoing maintenance.
- 6.105. The Council's Public Realm Officer has advised that there is currently a deficit of 41.08 hectares of play in the Clacton/Holland area and any additional development in Clacton would increase demand on already stretched facilities. They note the provision of POS on site, which would include three play areas and should the developer wish to transfer these facilities to the Council a commuted sum would be required, not including any form of SuDs.
- 6.106. As the level of provision on-site is considered appropriate, no contribution would be requested for off-site provision of POS. The delivery of the Open Space and Play Areas, landscaping/Green Infrastructure & Suitable Accessible Natural Green Space would need to be controlled through a planning obligation, along with suitable arrangements for future ownership and maintenance.

7. Planning Balance and Conclusion

- 7.1. As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.2. The site falls within the area of countryside which separates Clacton from Little Clacton, and is designated as a part of the Strategic Green Gap. Policy PPL6 of the Local Plan states that 'the Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements'.
- 7.3. It is accepted that the existing boundary vegetation would provide a degree of screening and reduce the visual impact of the development from the public highway, but that fails to consider the fact that the existing green gap would be greatly diminished by virtue of the introduction of substantial built form into largely open countryside of a fairly undeveloped nature.
- 7.4. The introduction of 220 new homes on the application site would amount to a clear and very real detrimental effect upon the local landscape, eroding the existing spaciousness found along the southern and western sides of London Road, and giving rise to an unnatural incursion into the green gap, whilst also bringing the settlements of Clacton and Little Clacton much closer together.

- 7.5. Policy LP7 of the Tendring District Local Plan states that ‘the Council will consider, on their merits, proposals for small developments of new self-build and custom built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes’. As the site is located on the edge of Clacton a Strategic Urban Settlement Policy LP7 requires all new self-building and custom built homes must be ‘safely accessible on foot within 600 metres of the edge of the settlement development boundary’. In terms of the distance from the settlement development boundary the site meets the criteria set out in Policy LP7.
- 7.6. Whilst the evidence submitted demonstrates that there is a potential need for self-build and custom build units, the application is partly speculative, in that the proposed occupiers are unknown. Furthermore, whilst there is no exact definition of small scale, however, it is not considered that 220 dwellings (153 market dwellings) can be considered to be small scale.
- 7.7. The application is in outline form with layout being included as part of this application, therefore the layout of the development would be fixed. This means that potential owners would have less flexibility regarding the size and position of the proposed dwellings.
- 7.8. It is accepted that the proposal could provide for those on the Council’s self/custom build housing register, and that the scheme would also enable the construction of 67 Affordable homes for the benefit of those within the District who are in housing need, if permitted. Short-term the application would also facilitate the provision of construction related jobs, and would also benefit local supply chains for building materials, trades etc.
- 7.9. However, when considering the planning balance Officers conclude that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies set out within the NPPF taken as a whole.

8. Recommendation

8.1. The Planning Committee is recommended to refuse planning permission on the grounds of the erosion of the Green Gap and the impact of the local landscape; that the proposal is not small development and there is insufficient information to demonstrate that the proposal meets the criteria of self-build and custom build housing as the development is partially speculative and layout is included as part of the application which gives less flexibility to potential owners, and the lack of planning obligations in respect of Affordable Housing, Ecology, Education, Healthcare, Highways and Transportation; and Public Open Space.

8.2. Reasons for Refusal

1. The proposed development is located outside of a designated settlement development boundary and as such is on land designated as open countryside and which is defined as a part of the Strategic Green Gap in the Tendring District Local Plan (Section 2) 2022, under Policy PPL6. This policy states that Strategic Green Gaps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements’.

The existing Strategic Green Gap would be greatly diminished by virtue of the introduction of substantial built form into a largely rural area. Consequently, the introduction of 220 new homes on the application site would amount to a clear and very real detrimental effect upon the local landscape, eroding the existing spaciousness found along the southern and western sides of London Road, and giving rise to an unnatural incursion into the Strategic Green Gap, whilst also bringing the settlements of Clacton-on-Sea and Little Clacton much closer together, which would be harmful to the character and appearance of the area.

The proposal is therefore contrary to the above policies and paragraph 174 b) of the National Planning Policy Framework (NPPF) which requires the intrinsic character and beauty of the countryside to be recognised.

2. The NPPF defines self-building and custom housing as 'housing built by an individual, a group of individuals, or persons working with them or for them, to be occupied by that individual'. It also states that 'such housing can be either market or affordable housing'. A legal definition is also provided within the Self-building and Custom Housebuilding Act 2016 which states that 'self-build and custom building means the building or completion by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person'.

Policy LP7 of the Tendring District Local Plan states that 'the Council will consider, on their merits, proposals for small developments of new self-build and custom built homes on land outside of, but within a reasonable proximity to, settlement development boundaries, where they will still support a sustainable pattern of growth in the District and are brought forward by individuals or associates of individuals who will occupy those homes'.

It is therefore considered that the proposal is contrary to the above mentioned policies in that the proposal is not a small development and that there is insufficient information to demonstrate that the proposal meets the criteria of self-build and custom build housing as the development is partially speculative and layout is included as part of the application which gives less flexibility to potential owners.

3. The NPPF states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonable related in scale and kind to the development.

The proposed development would trigger the requirement for the following:

Affordable Housing - 30% delivery of the total amount of dwellings proposed;

Ecology - RAMS payment of £137.71 per dwelling i.e. £30,158.49;

Education - Early Years & Childcare - £265,868 index linked to April 2020;

Secondary Education - £809,473 index linked to April 2020;

School Transport - £385,548 Index Linked to April 2020;

Healthcare - Additional Primary Healthcare provision (floorspace) to mitigate impacts arising from the development - £128,511.68;

Highways - Upgrading of the 4 nearest bus stops in the vicinity of the site, as appropriate, to current Essex County Council specification and a Residential Travel Plan, including an annual monitoring fee.

Public Open Space - Delivery of Public Open Space and Play Areas, with arrangements for future ownership and management.

These requirements would need to be secured through planning obligations pursuant to S106 of the Town and Country Planning Act 1990. At the time of issuing this decision neither a S106 Agreement or Unilateral Undertaking had been completed. As such the proposal is contrary to Local Plan Policies HP1, HP5, LP5, PP12, PPL4, CP1 and CP2, as well as NPPF paragraphs 63, 93, 95, 98, 104 and 182 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

9. Additional Considerations

Public Sector Equality Duty (PSED)

9.1. In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and

C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

9.2. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.

9.3. The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

9.4. It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

9.5. In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

9.6. You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

9.7. It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation

to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

9.8. Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.

9.9. The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

10.1. In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.