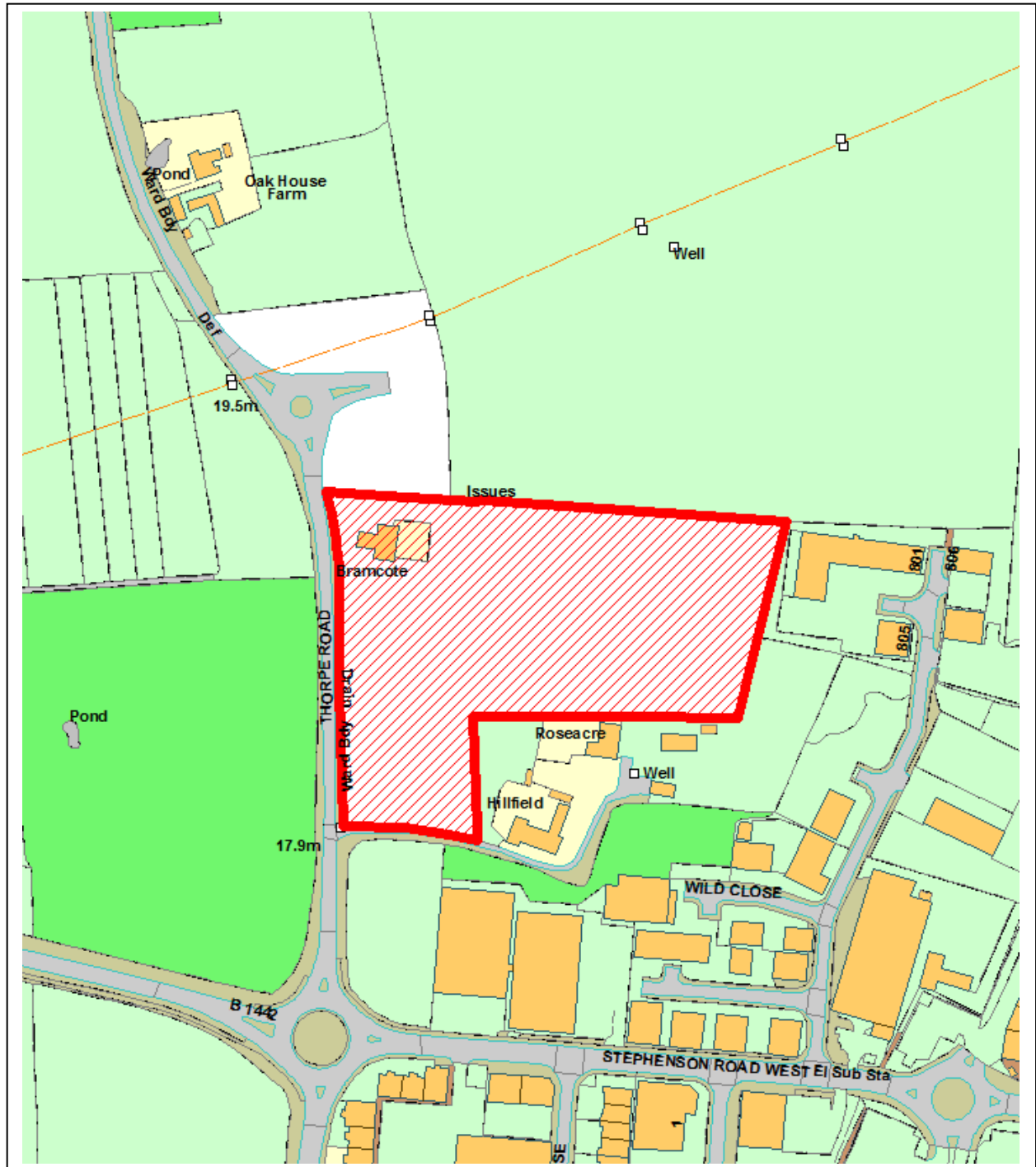


PLANNING COMMITTEE

13 JUNE 2017

REPORT OF THE HEAD OF PLANNING

**A.2 PLANNING APPLICATION - 16/02107/FUL – BRAMCOTE, THORPE ROAD, CLACTON-ON-SEA, CO16 9SA**



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<b>Application:</b>	16/02107/FUL	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Mr West - Bramwood Property Development Ltd	
<b>Address:</b>	Bramcote Thorpe Road Clacton On Sea CO16 9SA	
<b>Development:</b>	Demolition of existing dwelling and erection of 47 no. bungalows and 2 no. houses with garages, access and public open space.	

## 1. **Executive Summary**

- 1.1 This application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of the settlement development boundary in the 2007 adopted plan. The application proposes 49 dwellings on a site which lies outside, but abutting to the northern and southern boundaries, the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary of the emerging plan and is allocated for residential development. To the immediate north outline planning permission has been granted at Oakwood Park under 12/01262/OUT (approved November 2015) for up to 250 dwellings and B1c employment units. On the opposite side of the road lies a proposed employment allocation within the emerging plan and beyond Oakwood Park to the north east lies a large proposed mixed use allocation within the emerging plan.
- 1.2 To the south east, set at least 80 metres back from the highway, lie two existing dwellings at Roseacre and Hillfield with employment units beyond. The existing dwelling, Bramcote, on the application site is demolished as part of the redevelopment.
- 1.3 The application proposes two houses at the site access with 47 bungalows and three areas of public open space within the site. The proposal is considered acceptable in terms of detailed design, parking provision and highway safety. The application has been amended to improve the relationship to the neighbour at Roseacre and is now considered to result in no material harm to residential amenity. At the time of writing the report there is an objection sp1 from Essex County Council's Suds Team on the grounds of an inadequate surface water drainage strategy and an update will be provided at the meeting.
- 1.4 A section 106 legal agreement is required to provide £93,116 for education, three gifted affordable dwellings, a shared use cycleway/footway on the eastern side of Thorpe Road, and provision and maintenance of the on-site public open space. Approval is recommended subject to completion of the S106.

### **Recommendation: Approval subject to no objection from Essex County Council Suds**

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - Education contribution of £93,116.
  - Three gifted dwellings for affordable housing.
  - Provision of shared use cycleway/footway on eastern side of Thorpe Road

between the existing facilities located at the two roundabouts to the north and south.

- On site public open space provision to LAP standard and maintenance.

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

**Conditions:**

1. Standard 3 year time limit for commencement
  2. Accordance with approved plans
  3. Details of construction materials
  4. Highways conditions (as recommended by the Highway Authority)
  5. Hard and soft landscaping plan/implementation
  6. Details of public open space equipment
  7. Construction method statement
  8. Details of boundary treatments
  9. Tree protection as detailed in tree report
  10. Timing of clearance to protect nesting birds and erection of nest boxes to compensate for loss of potential nesting sites
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## **2. Planning Policy**

### National Planning Policy Framework (NPPF)

- 2.1 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

- 2.2 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 2.3 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

#### Local Plan

##### Tendring District Local Plan (2007)

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts
QL12	Planning Obligations
HG1	Housing Provision
HG3A	Mixed Communities
HG4	Affordable Housing in New Development
HG6	Dwellings Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Developments
COM26	Contributions to Education Provision
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN6	Biodiversity
EN6A	Protected Species
EN13	Sustainable Drainage Systems
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR5	Provision for Cycling
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP2	Meeting Housing Needs
SP4	Infrastructure and Connectivity
SP5	Place Shaping Principles
SP6	Spatial Strategy for North Essex
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP4	Open Space, Sports and Recreation Facilities
LP1	Housing Supply

- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network

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

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

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

15/30308/PREAPP	Pre application for outline planning permission for up to 48 three bedroom bungalows with single access/egress onto Thorpe Road.	13.04.2016
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### **4. Consultations**

ECC SuDS Consultee Anglian Water Services Ltd	Object: Inadequate surface water drainage strategy.  Anglian Water has assets within or close to the site and request informatives to this effect. Available capacity for foul drainage. Surface water strategy submitted is unacceptable. Request conditions for foul water strategy and surface water management strategy.
TDC Housing	Clacton is the area of highest demand in the district and just over 50% of all applicants on the housing register would prefer to live in Clacton. Therefore, there is a need for affordable housing to be delivered on sites such as this in the Clacton area. The applicant has expressed on their application that 3 of the properties (all 3 beds) will be delivered as affordable housing on the site and I am happy with this provided they are gifted to the Council.
TDC Open Space	There is currently a deficit of 41.08 hectares of equipped play areas in the Clacton/Holland area. The nearest play area is off Chingford Avenue (1.1km)

and is not accessible from the development on foot so an on site play area is required to LAP standard in accordance with Policy COM6.

TDC  
Environmental  
Health

Due to proximity to existing commercial units require a report from a competent acoustic consultant to consider background noise levels from the commercial site and any necessary mitigation. A full construction method statement will be required to show any noise/dust/light/vibrations/odour from the demolition and construction will be dealt with and hours of operation.

Satisfied with the submitted noise assessment and have no comments to make.

TDC Tree &  
Landscape Officer  
(Original plans)

The main body of the application site has been cleared of all significant vegetation. In order to establish the extent of the constraint that the remaining trees are on the development potential of the land and to show their Root Protection Areas (RPA's) the applicant has provided a Tree Survey and Report that is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The tree report makes provision for retention and physical protection of the trees included in the tree report. In terms of the layout of the site there appears to be little scope for new tree planting and or soft landscaping. It would be desirable to re-consider the element of the design where properties abut Thorpe Road ' soft landscaping along the boundary of the application site adjacent to Thorpe Road would improve the appearance of the development. If planning permission is likely to be granted then details of soft landscaping; including tree, shrub and hedgerow planting should be secured by condition to soften and enhance the appearance of the development and to ensure that it is satisfactorily assimilated into its setting.

ECC Highways  
Dept

No objection subject to 11 conditions:

- 1) Visibility splay of 2.4mx70m at access
- 2) provision of vehicular parking and turning as shown prior to occupation
- 3) no unbound materials within 6m of highway boundary
- 4) Vehicular access to have adoptable carriageways min 5.5m wide, 2x2m footways on both sides of adoptable road, appropriate pedestrian crossing facilities where new road adjoins highway, shared use carriageways min 6m wide, kerb radii measuring 10.5m
- 5) Means to prevent surface water discharge onto highway
- 6) details of wheel cleaning facility within the site for duration of construction period
- 7) Timings of estate road carriageway and footway levels
- 8) Vehicular hardstandings to be 5.5x2.9m retained in perpetuity
- 9) Garage dimensions: single 3x7m, double 6x7m, tandem 3x12m
- 10) Provision of residential travel packs
- 11) Provision of a shared use cycleway/footway min 3m wide on eastern side of Thorpe Road between the existing facilities located on the two roundabouts north and south of the development.

Environment  
Agency

Holding objection on foul drainage grounds as not confirmed. First presumption should be connection to public sewer. The applicant can overcome our objection by confirming that the development will be connected to the main sewer.

ECC Schools  
Service

Development of this size will generate the need for up to 2.3 early years and childcare (EY&C) places, 7.6 primary school and 5.1 secondary school places. According to childcare sufficiency data there is sufficient capacity to accommodate children from this development.

Primary: Priority admissions area for Burrsville Infant Academy and Great Clacton CE Junior School which offer 420 places in total and will both be full. Overall deficit in this Clacton forecast area (group 2) is 213 places for 2020. Additional primary school places are therefore necessary costing £93,116.

Secondary: Priority admissions area for Clacton County High which is full and forecasts deficit of 314 places by 2020 increasing to 476 when looking at wider area. Restrictions on the pooling of contributions mean it is impractical to request contributions where pupil generation is less than 6. Also not seeking school transport contributions.

## 5. **Representations**

3 letters of objection have been received summarised as follows: (with response in brackets where not addressed in the report)

- Contrary to local plan does not respect local context, design or scale of surrounding development which is typically large dwellings on large plots.
- Insufficient information regarding the public open spaces (the most central of the three open spaces (between plots 5 and 49) will be a Local Area of Play with equipment to be agreed by the Council, the other two open spaces are likely to contain only soft landscaping as informal areas of public open space full details will be secured by condition).
- Development is cramped with insufficient soft landscaping and small gardens.
- Loss of privacy and quiet and safe environment.
- Inadequate surface water drainage strategy.
- Is access road to south serving Hillfield and Roseacre to be used for the proposed development? (this road lies outside of the application site so does not form part of the development. The Construction Method Statement will agree details such as construction access and parking areas).
- Contrary to PPS1 and PPS3 as detrimental to quality, character and amenity value of the area (PPS1 and PPS3 have been superseded by the NPPF. The concerns raised have been addressed within the report).
- Hours of operation should be controlled and construction parking unloading etc.
- Widening Thorpe Road would encourage greater speed (Thorpe Road is not proposed for widening as part of the application).
- Bungalows likely to attract older residents less likely to walk to shops (this will be market housing available to any prospective occupants).
- Local schools and surgeries at capacity (A financial contribution towards education is required. The application falls below the threshold for comment by the NHS).
- More competition for local jobs (not a material planning consideration).
- Creeping urbanisation which will result in Great Clacton joining Little Clacton (the site forms part of a draft housing allocation with wider mixed use allocations in the area representing a planned expansion of this part of Clacton. Land to the west of Thorpe Road is designated as Strategic Green Gap to ensure that the settlements remain separate).
- Noise survey dates are incorrect (this has been corrected).

## 6. **Assessment**

The main planning considerations are:

- Principle of development;
- design and visual impact;
- Impact on residential amenity;
- Highway safety;
- Surface water, and;
- Legal agreement.

#### Site location

- 6.1 The application site lies outside, but abutting to the northern and southern boundaries, the settlement development boundary of the 2007 adopted plan. The site lies wholly within the settlement development boundary and is allocated for residential development in the emerging plan. To the immediate north outline planning permission has been granted at Oakwood Park under 12/01262/OUT for up to 250 dwellings and B1c employment units. On the opposite side of the road lies a proposed employment allocation within the emerging plan, and beyond Oakwood Park to the north east lies a large proposed mixed use allocation within the emerging plan.
- 6.2 To the south east lie two existing dwellings at Roseacre and Hillfield with employment units beyond. The existing dwelling, Bramcote, on the application site is demolished as part of the redevelopment.
- 6.3 The site is generally flat and cleared of any significant vegetation with existing hedgerow and trees to the site boundaries and close boarded fencing to the boundary with the two neighbouring dwellings.

#### Principle of development

- 6.4 The application is referred to Planning Committee as it is contrary to the Development Plan proposing housing outside of any defined settlement development boundary in the 2007 saved plan. However, the site forms a housing allocation and lies within the settlement development boundary of the emerging local plan. It is also located adjacent to land benefiting from outline planning permission for residential and employment development at Oakwood Park and wider mixed use and employment allocations in the immediate vicinity in the emerging plan. These draft allocations indicate that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 6.5 The Council can now identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's 'presumption in favour of sustainable development'.
- 6.6 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

#### Economic

- 6.7 The proposal meets the economic dimension in providing employment through construction of the properties and through future residents supporting local businesses.

#### Social



- 6.8 The site is located on the edge of the town of Clacton-on-Sea which is the most sustainable settlement type in the District providing a wide range of employment opportunities, public transport links, services and facilities. The site is therefore considered to be socially sustainable.

#### Environmental

- 6.9 The site is not subject to any landscape designations or in close proximity to any heritage assets. The trees on the site have been subject to an arboricultural assessment with the majority of trees retained as part of the proposals. Additional landscaping has been added to the development with hedgerow to the Thorpe Road boundary and northern boundary to the Oakwood Park site. Three separate areas of public open space are proposed with soft landscaping. Originally every property had a detached garage and amendments were made to significantly reduce this to allow for a more spacious layout with more soft landscaping particularly to the Thorpe Road frontage. The proposed dwellings are typically located close to the roads with little space available for soft landscaping to the frontage, but given the edge of town centre location and the need to promote an efficient use of land this is considered acceptable.
- 6.10 A habitat assessment has been carried out which found the site to be of low ecological value. Standard advice is recommended in terms of timing of clearance to protect nesting birds and erection of nest boxes to compensate for loss of potential nesting sites. Four trees were found to have bat roosting potential but no bats were recorded using these trees.
- 6.11 The residential redevelopment of this land will be viewed in the wider context of existing employment uses to the south and east, and at a later date the Oakwood Park development to the north. It is not considered that the proposed development would result in any material harm to the character of the surrounding area subject to the recommended conditions relating to tree protection and soft landscaping provision.
- 6.12 A contamination assessment confirms no remedial action is required. At the request of the Council a noise assessment has also been submitted due to the close proximity to the neighbouring employment uses and Environmental Health are satisfied and raise no objection.
- 6.13 The proposal is therefore considered to represent sustainable development and the principle for residential development is accepted subject to the detailed considerations below.

#### Design and visual impact

- 6.14 The application proposes two houses either side of the access drive with the remaining 47 dwellings being bungalows. Eight units have two bedrooms and 41 have three bedrooms. Amendments have been made to reduce the number of detached garages to create a more spacious development, and to reduce the number and close proximity of proposed bungalows along the boundary with the neighbour at Roseacre. The density is around 21.6 dph and each dwelling is provided with at least the minimum private amenity space required by saved Policy HG9 with most properties exceeding this level.
- 6.15 There are a variety of different dwelling designs across the development, which although relatively plain incorporate visual interest through the use of bay windows and porches. All the bungalows and the majority of the detached garages have hipped roofs creating some uniformity across the development and subject to a condition requiring approval of external materials the detailed design is considered acceptable.

- 6.16 Although existing dwellings in the immediate vicinity are large dwellings on spacious plots this would not represent an efficient use of land for the proposed site in this sustainable location. The Oakwood Park development to the North is likely to be of comparable density to the current proposal and the application site would be viewed in conjunction with that site with the existing residential dwellings to the south set at least 80 metres back from the highway.

Impact on residential amenity

- 6.17 To the north lies the permission for 250 dwellings at Oakwood Park and to the eastern corner lies employment units. The only residential neighbours to the site are Roseacre and Hillfield which lie to the south.
- 6.18 Roseacre lies around 3 metres south of plot 43 with its main garden to the south of plots 48 and 49. There is further garden land and a swimming pool to the south of plots 41 and 42 and the smallest of the three areas of public open space. Hillfield lies to the south of Roseacre with its main garden around 9 metres from the rear boundary of Plot 3.
- 6.19 The proposed dwellings (excluding the two at the site access) are all bungalows of 5.5-5.7 metres high with hipped roofs so there will be no harm in terms of loss of light or privacy. The amended proposal results in a better separation (minimum 13 metres) between Roseacre and proposed dwellings to the north preserving the outlook for the neighbouring occupiers.
- 6.20 A condition will be imposed requiring a construction method statement to control hours of construction, location of storage and parking areas etc in the interests of residential amenity.

Highway safety

- 6.21 Each dwelling is provided with two off street parking spaces plus 19 visitor parking spaces (9 of which are located within individual dwelling plots). This is sufficient to meet the needs of the development. 25 dwellings have garages to incorporate cycle storage and the remaining plots have ample private amenity space to provide storage for cycles.
- 6.22 The Highway Authority has no objection subject to conditions as detailed above which are all considered reasonable and necessary in the interests of highway safety.

Surface water

- 6.23 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.24 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere.
- 6.25 At the time of writing the report there is an objection from Essex County Council Suds on the grounds of an inadequate surface water drainage strategy. The applicant is currently in

negotiation with them to resolve this objection and an update will be provided at the meeting.

- 6.26 The Environment Agency have a holding objection on foul drainage grounds. The applicant has verbally confirmed that the development will be connected to the main sewer and we are awaiting amended application forms to confirm this. This would overcome the Environment Agency's objection.
- 6.27 Anglian Water also confirm the surface water drainage strategy is unacceptable and request a condition to require approval of this. A condition is not currently recommended as negotiations are being undertaken with ECC Suds and their advice will confirm whether further conditions are required. Anglian Water also request a condition for a foul water strategy, however this will not be necessary if connection is to the mains sewer and Anglian Water have already confirmed sufficient capacity.

#### Legal agreement

- 6.28 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.29 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. The advice of Essex County Council, in its role as the local education authority, is that there is sufficient capacity for early years and childcare. However, the existing primary schools at Burrsville Infant Academy and Great Clacton CE Junior School would not be able to accommodate the expected number of additional pupils likely to be generated by this proposal and a contribution of £93,116 is therefore required. Clacton County High does not have capacity to accommodate pupils likely to be generated by this proposal and there is a requirement for 5.1 secondary places. However restrictions on the pooling of contributions mean it is impractical for ECC to request contributions where pupil generation is less than 6 so a secondary contribution is not requested. They are also not seeking school transport contributions.
- 6.30 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Highways have requested provision of a shared use cycleway/footway of minimum 3 metres in width to be provided on eastern side of Thorpe Road between the existing facilities located at the two roundabouts to the north and south.
- 6.31 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The Housing team have confirmed that Clacton is the area of highest demand for affordable housing. The applicant has offered three three-bedroom dwellings on the site to be gifted to the Council for affordable housing and this is satisfactory.
- 6.32 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in the Clacton/Holland area with the nearest play area not accessible on foot from the development. Due to the size of the site at least 10% should be laid out as open space to a LAP standard.

- 6.33 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. Open space is incorporated as part of the development and discussions regarding maintenance are currently ongoing.

#### Conclusion

- 6.34 The proposal for 49 dwellings is considered to represent sustainable development, on the edge of an urban settlement, and in an area benefiting from planning permission for residential development at Oakwood Park to the immediate north and as proposed allocations for residential and employment development within the emerging Local Plan.
- 6.35 Subject to resolution of the surface water drainage objections and completion of the S106 legal agreement the application is recommended for approval.

#### Background Papers

None