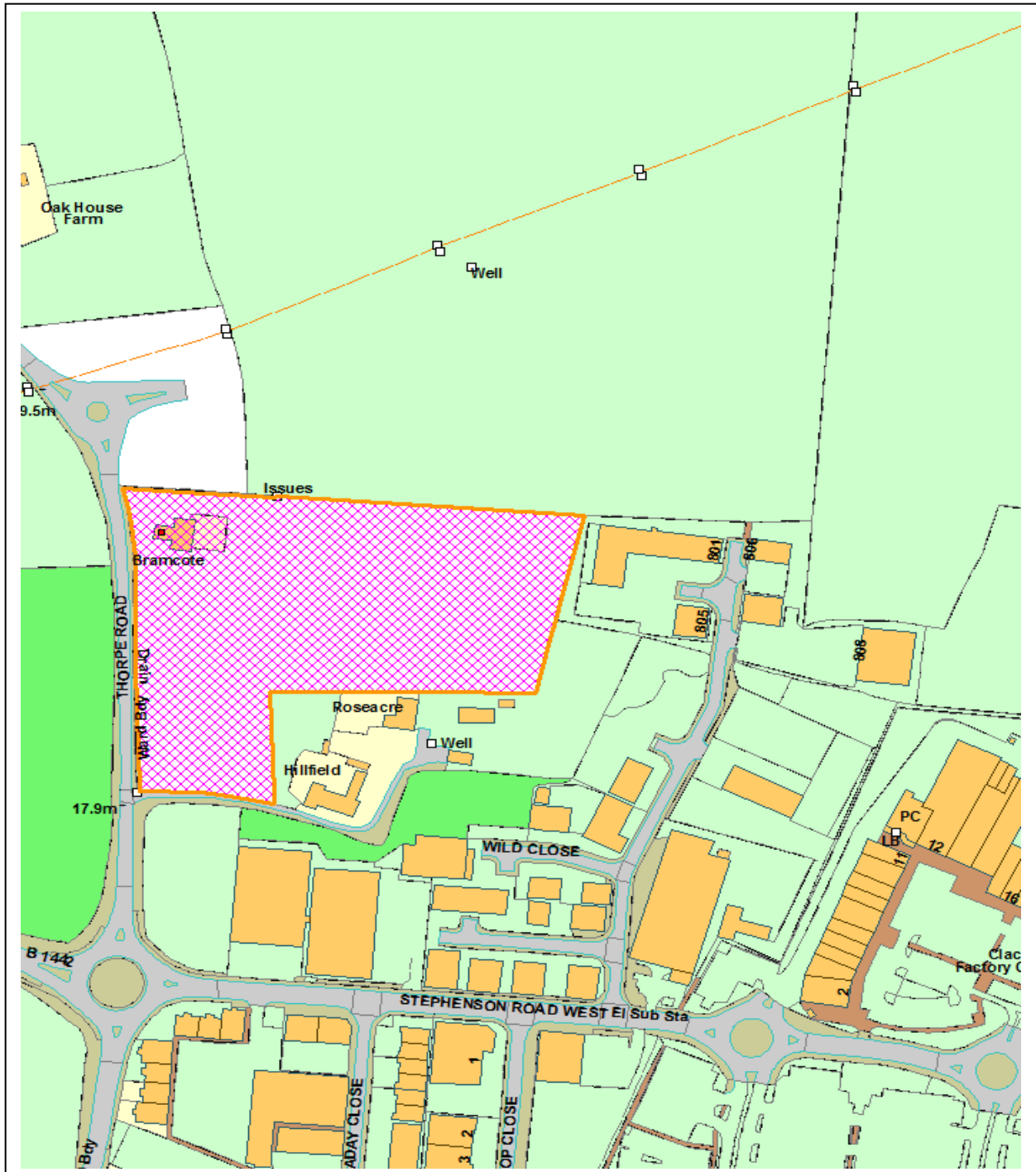


PLANNING COMMITTEE

8 AUGUST 2017

REPORT OF THE HEAD OF PLANNING

A.8 PLANNING APPLICATION - 16/02107/FUL - BRAMCOTE, THORPE ROAD, CLACTON-ON-SEA, CO16 9SA



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Application:	16/02107/FUL	Town / Parish: Clacton Non Parished
Applicant:	Mr West - Bramwood Property Development Ltd	
Address:	Bramcote Thorpe Road Clacton On Sea CO16 9SA	
Development:	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 was deferred from Planning Committee on 13th June to enable the applicant to undertake an up to date habitat assessment and to consider the provision of footpaths within the development. Updates to the original report are provided in bold font.**
- 1.2 **The habitat assessment was carried out on 22nd June 2017 and found the site to still be of low ecological value with no requirement for species specific surveys. The applicant has declined to amend the layout to provide additional footpaths within the site as this would result in a loss of units and there is no objection from the Highway Authority to the current level of footpath provision.**
- 1.3 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.
- 1.4 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.
- 1.5 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.
- 1.6 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

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).
- (i) 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. Erection of bird and bat nest boxes and hedgehog friendly fencing and homes as detailed within Ecological Scoping Survey**
 - 11. Four conditions as required by ECC Suds**
- 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 Developments

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 Publication Draft (June 2017)

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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. 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 Team **Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:**

Condition 1 No works 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 the Greenfield 1 in 1 for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Infiltration testing in line with BRE 365 should be carried out.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.

- 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 final outfall location for the site should be established, if it is found that the site will discharge to a sewer network then confirmation of connectivity from the water company should be provided.
- Modelling must be carried out to demonstrate the safety of the proposed development from off-site flooding.
- It must be demonstrated that discharge from the site does not increase the risk of flooding offsite.

The scheme shall subsequently be implemented prior to occupation.

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.

Condition 3

No works shall take place until 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.

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.

Anglian Water Services Ltd	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	<p>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.</p> <p>Satisfied with the submitted noise assessment and have no comments to make.</p>
TDC Tree & Landscape Officer (Original plans)	<p>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.</p> <p>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.</p>
ECC Highways Dept	<p>No objection subject to 11 conditions:</p> <ol style="list-style-type: none"> 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	<p>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.</p> <p>The application forms have been amended to confirm that drainage will be to mains sewer therefore overcoming the Environment Agency's holding objection.</p>
ECC Schools Service	<p>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</p>

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:

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 original habitat assessment was undertaken in September 2015 which was prior to the site being largely cleared of vegetation. Members deferred the application to allow an up-to-date assessment to be undertaken given the time that has passed and the change in vegetation on site potentially making it more suitable for reptiles. The second habitat assessment was carried out on 22nd June 2017 and found the site to still be of low ecological value with negligible potential to support roosting bats within the existing building or remaining trees. The site was not found to provide suitable reptile habitat as it comprises mainly of tall ruderals. No further surveys are required. Recommendations to enhance the sites biodiversity include erection of bird and bat boxes, and hedgehog friendly fencing and homes as detailed within the submitted report. The recommended condition has been amended to reflect this updated advice.**
- 6.12 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.
- 6.13 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.
- 6.14 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

- 6.15 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.
- 6.16 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.

- 6.17 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

- 6.18 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.
- 6.19 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.
- 6.20 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.
- 6.21 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

- 6.22 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.
- 6.23 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.
- 6.24 **The applicant has declined to amend the layout to provide additional footpaths within the site as requested by Members in deferring the application for amendment. The applicant states this would result in a loss of units and there is no objection from the Highway Authority to the current level of footpath provision. Footpaths are provided both sides of the proposed adopted road (around 80 metres into the site) and along the site frontage to Thorpe Road.**

Surface water

- 6.25 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.

- 6.26 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.
- 6.27 **Amended information has been provided to overcome the objection from Essex County Council Suds and there is now an adequate surface water drainage strategy subject to the four requested conditions from ECC Suds.**
- 6.28 **The application forms have been amended to confirm connection to the main sewer and this overcomes the Environment Agency's holding objection.**
- 6.29 Anglian Water also confirm the **original** surface water drainage strategy is unacceptable and request a condition to require approval of this. **This matter has now been resolved to the satisfaction of ECC Suds as Lead Local Flood Authority.** Anglian Water also request a condition for a foul water strategy, **however this is not necessary as connection to mains sewer has been confirmed** and Anglian Water have already confirmed sufficient capacity.

Legal agreement

- 6.30 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.
- 6.31 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.
- 6.32 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.
- 6.33 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.

- 6.34 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.
- 6.35 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

- 6.36 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.
- 6.37 Subject to completion of the S106 legal agreement the application is recommended for approval.

Background Papers

None