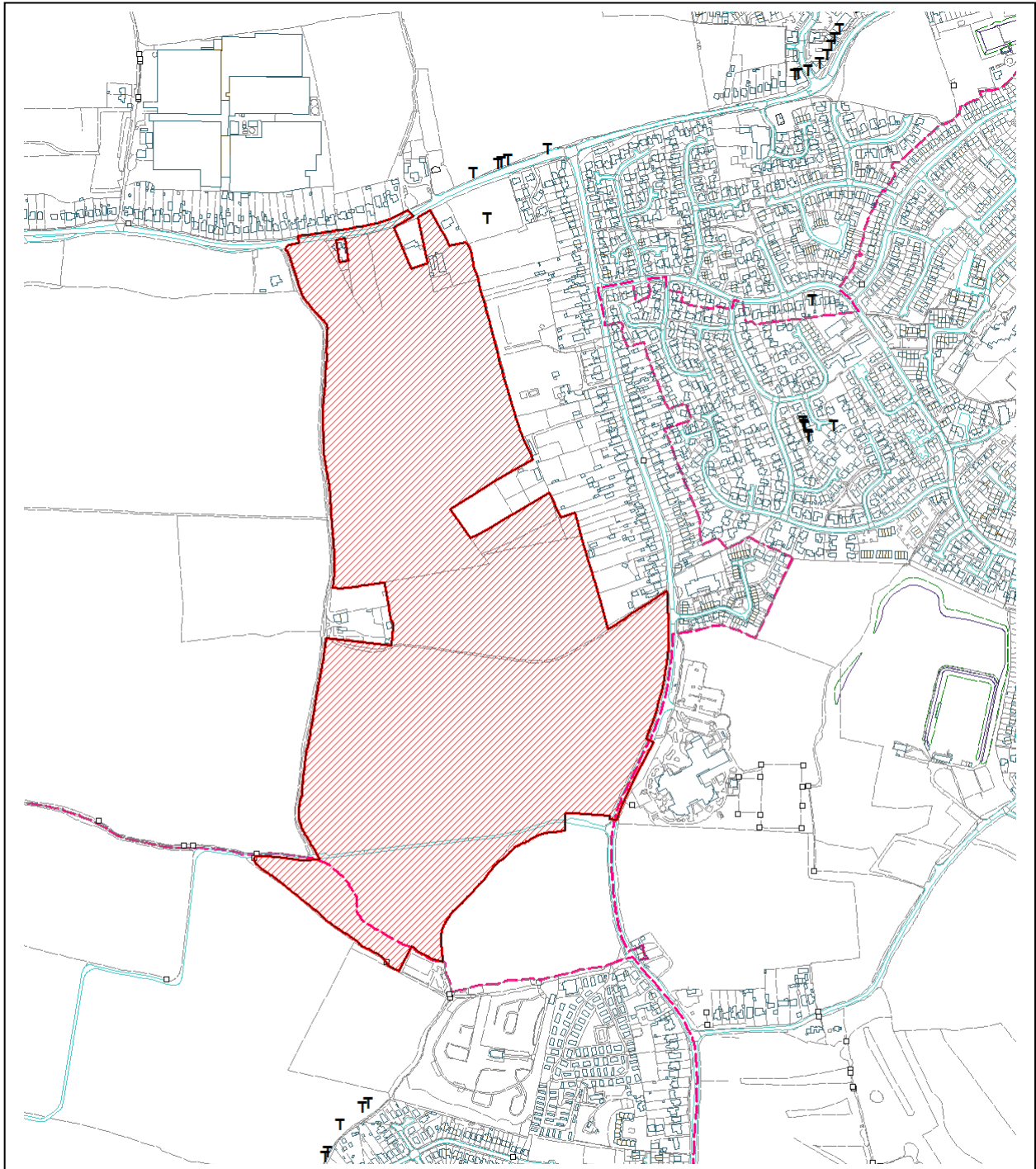


# PLANNING COMMITTEE

1st August 2023

## REPORT FROM THE DIRECTOR FOR PLANNING

### **A.4 PLANNING APPLICATION – 17/01229/OUT – LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD CLACTON ON SEA CO16 8BJ**



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**Application:** 17/01229/OUT

**Town / Parish:** Clacton Non Parished

**Applicant:** Persimmon Homes Essex and Messers M & I Low, K Francis and

**Address:** Land adjacent and to The rear of 755 and 757 St Johns Road Clacton On Sea Essex CO16 8BJ

**Development:** Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or a class F.2 community centre; a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

## **Background**

Approximately 14 months ago at a Planning Committee dated 7<sup>th</sup> June 2022 Members of that Planning Committee resolved to grant planning permission for the development referred to above. This resolution was subject to a 6-month time limit (from the 7 June 2022 resolution) to allow the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990, and dealing with the matters set out under paragraph 1.10 below.

However, this agreement has taken significantly longer than anticipated, primarily due to unresolved matters between Essex County Council (ECC) Highways in respect of a Travel Plan Monitoring Fee, areas of dispute between the Developer and ECC Education as well as legal and site value implications in respect of an overage clause. All these matters have now been satisfactorily resolved and this have been confirmed in writing by all the respective signatories to the legal agreement. The latest draft section 106 legal agreement is now ready to be signed by all parties.

Given that it has been over the 6 months since the June 2022 Planning Committee resolution, and following legal advice, it is necessary for the application to revert to Members for consideration, and specifically to seek authority from Members of the Planning Committee to issue the outline consent now that the section 106 legal agreement is ready for engrossment.

To assist the Planning Committee, the original report to the Planning Committee on June 2022 is replicated below, with the relevant updates where necessary.

## **1. Executive Summary**

- 1.1 The application site known as 'Rouses Farm' comprises 42 hectares of predominantly agricultural land on the western side of Clacton on Sea and north of Jaywick. This land is allocated for a major residential and mixed-use development in the Council's adopted Local Plan and outline planning permission is now being sought for up to 950 residential units; a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre; a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 1.2 The site is allocated through Policy SAMU4 for a mix of residential development of use to 950 new homes, community facilities including a new two-form entry primary school and public open space. The proposal the subject of the outline application is aligned with the allocation description. Officers have worked positively with the applicants to resolve all technical planning issues with a view to bringing the application to this (June 2022) Planning Committee with a recommendation of approval.
- 1.3 This is an application for outline planning permission with all matters reserved with the exception of access. Other matters including appearance, landscaping, layout and scale are reserved for approval at a later date and therefore this application seeks only to establish the principle of residential and mixed-use development of this allocated site, and the arrangements for access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane and the Highway Authority, having recently modelled the impacts of this development on the highway network as part of the Local Plan process, Planning Officers can confirm that there remain no objections in principle to the proposed arrangements, subject to conditions requiring the approval of further details and certain off-site highway improvements.
- 1.4 Due to the large scale and potential impacts of the development, planning regulations require the preparation of an Environmental Statement. The applicant's Environmental Statement contains a thorough assessment of the following matters: landscape & visual; ecology and nature conservation; archaeology and cultural heritage; transport & access; air quality; noise & vibration; soils and agriculture; hydrology, flood risk & drainage; ground conditions and contamination; and socio-economics. The Environmental Statement concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development. During the middle stages of 2022 the LPA undertook a full re-consultation of the Environmental Statement which included all relevant statutory consultees offering them an opportunity to provide comments on the full re-evaluation of the original July 2017 Environmental Statement to determine if the original findings are still valid. The re-evaluation report is titled 'Comment on the Evidence Base supporting 17/01229/OUT', it has been widely circulated to statutory consultees and is available on the Council planning pages online. Natural England, Historic England and the Environment Agency are the key consultees for development requiring an Environmental Statement and their comments, as well as other statutory consultation responses and third-party comments have all been taken into account and addressed as appropriate through the assessment of this application. None of the consultees have raised a concern in this regard and Planning Officers remain satisfied that the application can still be recommended for approval for the full reasons and justifications as set out in this report.

- 1.5 This large scale major application is the subject of 5 local objections raising general concerns about the impact of the development in this location. They have all been considered in this report and are addressed accordingly.
- 1.6 Officers are content that subject to the imposition of reasonable planning conditions and s106 planning obligations, the general principle of this level of development on the allocated site is acceptable. It complies with the Policy requirements of Site Allocation SAMU4, is in keeping with both the site's location to the west of Clacton and, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features, there are no policy conflict and the proposal constitute a sustainable form of development. Furthermore, subject to details and mitigation, officers are satisfied that the proposal would not harm the living conditions of existing and future residents, or result in any materially detrimental impacts, whilst significantly boosting housing supply within the district. The Applicant is committed to bringing forward a Reserved Matters Application for Phases 1 & 2 of the Development in the coming months, to allow work to commence on site as soon as possible.
- 1.7 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

**Recommendation:**

That the Assistant Director for Planning be authorised to grant planning permission for the development subject to:-

**a) 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):**

- 20% On-site Affordable Housing
- Provision of land on-site for a new healthcare facility together with a 554,900 financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
- Transfer of new open space, including proposed equipped play areas to the Council or a management company;
- Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
- Financial contributions to create additional secondary school places;
- New neighbourhood centre; and
- Financial contributions towards RAMS and off-site ecological mitigation.
- A £500,000 financial contribution towards public transport provision
- Provision of a Residential Travel Plan (RTP) and RTP monitoring fee

**b) Subject to the conditions stated in section 8.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other**

respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,

- c) The informative notes as may be deemed necessary.

## **2. Planning Policy**

- 2.1 Since the publication of the original May 2018 planning committee report, and indeed the consideration of this development proposal at the May 2018 planning committee, there has been two key changes to both the local and national planning policy landscape:

1 – The NPPF 2012 was in place at the time of the May 2018 committee, that NPPF has been revised in July 2018, updated in February 2019 and again in July 2021. The relevant NPPF at this time is the NPPF 2021.

2 – Section 1 and 2 of the Tendring District Local Plan 2013-2033 and Beyond were adopted in January 2021 and January 2022 respectively and the policies in the local plan are now afforded full weight.

- 2.2 The 'Assessment' section below is comprehensive and detailed but will nevertheless aim to highlight the areas where the changes in the above mentioned policy landscape have affected the planning assessment of this development proposal. As such, unless specifically indicated otherwise, this report can be read in conjunction with the May 2018 committee report and not as a substitute to the May 2018 committee report.
- 2.3 The following Local and National Planning Policies are relevant to this planning application (this remainder of this section below replaces in its entirety the equivalent section in the May 2018 committee report).

NPPF     National Planning Policy Framework July 2021

National Planning Practice Guidance

Adopted Tendring District Local Plan 2013-2033

Section 1 Policies:

- SP1      Presumption in Favour of Sustainable Development
- SP2      Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3      Spatial Strategy for North Essex
- SP4      Meeting housing needs
- SP5      Infrastructure & Connectivity
- SP7      Place Shaping Principles

Section 2 policies:

- SPL1    Managing Growth
- SPL2    Settlement Development Boundaries
- SPL3    Sustainable Design
- HP1    Improving Health and Wellbeing
- HP2    Community Facilities
- HP5    Open Space, Sports & Recreation Facilities
- LP1    Housing Supply
- LP2    Housing Choice
- LP3    Housing Density and Standards
- LP4    Housing Layout
- LP5    Affordable and Council Housing
- PP3    Village and Neighbourhood Centres
- PP12   Improving Education and Skills
- PPL1   Development and Flood Risk
- PPL3   The Rural Landscape
- PPL4   Biodiversity and Geodiversity
- PPL5   Water Conservation, Drainage and Sewerage
- PPL7   Archaeology
- PPL9   Listed Buildings

PPL10 Renewable Energy Generation and Energy Efficiency Measures

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

CP3 Improving the Telecommunications Network

SAMU4 Development at Rouses Farm, Jaywick Lane, Clacton

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

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

- 2.4 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.

In relation to housing supply:

- 2.5 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').
- 2.6 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 of both housing supply and an up to date local plan, the 'tilted balance' at paragraph 11 d) of the Framework is considered not to apply to this application.

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

01/01415/FUL	Workshop for the repair of cars (Renewal of 99/01370/FUL)	Refused	12.10.2001
92/00248/FUL	Change of use of farm yard to a base for three goods vehicles and use of building for repair and maintenance of these goods vehicles	Approved	01.09.1993
99/01370/FUL	Workshop for the repair of cars	Approved	17.08.2000
15/30060/PREAPP	Request for EIA scoping opinion for the construction of up to 800 residential dwellings, primary school, local centre and associated infrastructure.	Response provided	09.04.2015
15/30108/PREAPP	Redevelopment of the site to provide 875 residential dwellings, primary school, local centre and associated infrastructure.	Response provided	24.08.2015
17/01229/OUT	Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.	Current	
19/01660/EIASC	EIA Screening Opinion Request following outline permission 17/01229/OUT.	Current	
15/30108/PREAPP	Redevelopment of the site to provide 875 residential dwellings,	Response provided	24.08.2015



primary school, local centre and associated infrastructure.

19/30155/PREAPP	Reserved matters for circa 480 homes within phases 1 and 2 together with details of spine road and landscaping.	Current
18/01779/FUL (St Johns Plant Centre Earls Hall Drive Clacton On Sea Essex CO16 – on opposite side of St Johns Road opposite the development proposal the subject of this report)	Demolition of nursery buildings and dwellinghouse. Erection 195 residential units (comprising 6 two bed houses, 87 three bed houses, 33 four bed houses, 25 five bed houses, 12 one bedroom apartments and 24 two bedroom apartments), and 8 live work units (mixed commercial units measuring 1064 square metres in total with flats above). Associated roads, open space, drainage, landscaping, and other infrastructure.	Refused Dismissed at Appeal 19.02.2020
21/01000/FUL (St Johns Plant Centre Earls Hall Drive Clacton On Sea Essex CO16 – on opposite side of St Johns Road opposite the development proposal the subject of this report)	Proposed demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totalling 1064 square metres with flats above); and roads, open space, drainage, landscaping and other associated infrastructure.	Refused on 18 May 2022 for the following reasons (summarised):  1. Submitted Transport Assessment insufficient to demonstrate that the proposal would not have a severe impact on highway safety or the local road network, contrary to the above mentioned Policy and the relevant paragraph of the NPPF 2021.  2. Proposed access would have an adverse impact on the amenities of the occupiers of the existing properties directly to the east and west of the proposed access by reason of the significant increase in vehicular

movements in close proximity to the side elevations and rear gardens of those properties, as well as the associated noise, vibration and light pollution.

3. In the absence of a Dormouse Survey, means an informed decision on the wellbeing of protected species in this location cannot be made. The application is therefore contrary to the above mentioned Policy and relevant paragraph of the NPPF 2021 as set out above.

4. Lack of section 106 legal agreement to secure RAMS and other necessary obligations.

- 3.1 In respect of the St Johns Plant Centre site and refusal ref 21/01000/FUL mentioned directly above, an appeal was lodged against this refusal and on the 22<sup>nd</sup> March 2023 the appeal was allowed (under appeal ref APP/P1560/W/22/3308647). During the appeal hearing the Council confirmed that new traffic data addressed previous concerns in respect of the impact of the proposal on highway safety and the local road network. Moreover, the Council also confirmed (in the build-up to, and during the hearing) that a survey submitted with the appeal addresses its concern in relation to dormice, whilst other matters to do with securing necessary obligations are addressed by the submitted Unilateral Undertaking (UU). The only remaining matter was therefore the impact of the proposal on the living conditions of two properties either side of the main access into the site. On this the Inspector concluded that the effects of the proposed development on the living conditions of occupants of 698 and 702 St Johns Road in relation to noise, vibration and light, would be acceptable. The appeal was subsequently allowed subject to conditions and a UU.

#### **4. Consultations**

- 4.1 As outlined above, the Applicant prepared a report reviewing the Application Evidence Base, including the Environmental Statement, which was published on the Council's website in January 2022, and distributed to various Statutory Consultees to seek their comments on the Evidence Base and Environmental Statement, the following statutory consultees responded to the consultation as follows:

TDC Trees  
and  
Landscapin  
g

No further comments at this time (officer comment: TDC Trees and Landscaping raise no objection previously subject to conditions.

TDC Env  
Health

**Contaminated Land:** With reference to the submitted Environmental Assessment, dated July 2017 (section 14), I can confirm we are satisfied with the findings of the report. Section 14.5.1, confirms actions are still required to confirm the extent of contamination on the site, with areas of the north western corner being identified in the first instance. A further intrusive investigation will be required, once the final, proposed layout has been confirmed; it is necessary to understand the location of the garden / private amenity spaces, to enable the assessment to reflect the site as a whole. As such we are requesting the following be conditioned on any subsequent approval, and relevant documentation be submitted at any further planning phase–

**No development shall take place until the ground conditions on the site have been subject to a detailed investigation to establish their suitability for the proposed end use. A historical investigation, sampling and analysis of current soils, site assessment and action plan to remedy any contamination must be agreed by the local planning authority in writing and carried out prior to the commencement of any other works in relation to any development on the site. The local planning authority is to be consulted at all key stages in this investigation process.**

*REASON: To ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.*

**Noise:** The submitted Environmental Assessment, dated July 2017 (section 11), identifies, via relevant noise surveys, that the end users of the site will not be adversely impacted by the noise environment; as such we are satisfied with its findings and would like any actions outlined in the relevant mitigation sections of the aforementioned document are followed and adhered to.

*REASON: to protect the amenity of nearby existing residential dwellings, and future residents*

**Air Quality:** The submitted Environmental Assessment dated July 2017 (section 10), confirms by way of relevant modelling that the proposed development would not have an adverse impact on the air quality within the localised area, and as such we are satisfied with the processes followed and the findings. However, should this application

be approved and progress to a further planning phase, we would like to ensure that should the development in principal be approved, all steps are taken to minimise emissions from the site during the construction phase, and any mitigation techniques, as outlined in section 10.8.4 are followed and adhered to throughout the development.

*REASON: to protect the public health and amenity of nearby existing and future residents*

**Construction Method Statement:** With reference to the submitted CMS, dated 26<sup>th</sup> July 2017, I can advise we are satisfied with its contents, but would like to request that the working hours, reflect that of our published working hours for construction sites; providing this section can be amended to reflect this, we have no further comments to make in relation to this document –

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.

*REASON: to protect the amenity of nearby residential dwellings*

Officer comment: *The above requirements will be secured by condition.*

ECC  
Heritage

The proposed site has maintained its agricultural nature at least since 1777, as documented in the attached Built Heritage Assessment. It does not contain any designated or not designated heritage assets within its boundaries, however, it is in close proximity to at least two Grade II listed building, Bluehouse Farmhouse and Duchess Farmhouse and it is historically part of Rouses Farm since the 19th Century. The adjoining land on the East side of Rouses Lane was also part of Duchess Farmhouse in the 19th Century.

As stated in the Built Heritage Assessment, there would be less than substantial harm to the significance of Duchess Farmhouse due to the loss of the open fields which originally constituted part of the farmland. It is noted that the farmhouse has now lost its original use and the rural character of the surrounding area has been already compromised by the construction of mid-20th century dwellings, however, the proposed scheme would still alter the immediate setting of the listed building. With regards to the National Planning Policy Framework (2021), the level of harm to Duchess Farmhouse as a designated heritage asset is considered to be 'less than substantial'. As such the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use as per Paragraph 202.

It is not clear whether Rouses Farm, which is a 19th century settlement, has the potential to be considered a non-designated asset in which case, given the proposal would have a detrimental impact upon its significance, the local planning authority should take a balanced judgement, having regard for the scale of harm identified and the significance of the heritage asset as per Paragraph 203 of the NPPF. It is recommended that the applicant submits additional information regarding the significance of this potential heritage asset, including any contribution made by its setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance, a requirement set out in Paragraph 194 of the NPPF.

Should the outline application be approved, I recommend that:

- Section R9 of the Masterplan, along the Site northern boundary fronting St John's Road, which is in close proximity to Duchess Farmhouse, should be retained as open space in order to reduce the impact of the new development on the setting of the designated heritage asset. Should the proposal of a built environment be approved, only low density detached or semi-detached housing shall be introduced and the development should be set back from the northern boundary by a sufficient distance;
- Should Rouses Farm be assessed to be a non-designated asset, similar considerations should be extended to the development along the East boundary;
- At reserved matters stage, the scheme design shall introduce elements from the vernacular architecture as proposed in the Built Heritage Assessment, with reference to the Essex Design Code (2007), in terms of storey heights, building depths, building materials, density, architectural style, and detailing such window forms, porches, dormers etc;

Officer Comment: *The issues raised by ECC Heritage have been addressed in the 'Assessment' section below (under the 'Heritage' heading)*

ECC  
Archaeology

ECC Archaeology maintain their original comments from 2017 and stated: In accordance with Paragraph 194 (NPPF 2021) a field evaluation is required in order to describe the significance of the heritage assets which will be affected by the above application. This evaluation would enable due consideration to be given to the archaeological implications and would lead to proposals for preservation in situ and/or the need for further investigation. This should be carried out prior to determination of the application. However if the authority is minded to give permission it is recommended that the following condition is attached to any consent to ensure a full detailed record of this significant site is made in advance of destruction.

1. 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.

2. 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.

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

4. 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.

5. 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.

Officer comment: *In the May 2018 Committee Report the LPA concluded that 'this information (required by ECC Archaeology) would normally be required in advance of a planning decision, but given that this is an outline application with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.'*

*In light of this position as outlined in 2018 by the LPA including the fact that there has been no significant shift in local or national policy, as well as ECC's willingness to accept a planning condition(s) if the LPA is minded to recommend approval, it is considered to be unreasonable to insist on further field evaluations prior to the determination of the application, especially at this very advanced stage.*

Natural  
England

Natural England has no further comments to make on this application. The proposed amendments to the original application are unlikely to have a significant different impacts on the natural environment than the original proposal.

NE has not assessed this application for impacts on protected species. Natural England has published standing advice which you can use to assess impacts on protected species or you may wish to consult your own ecology service for advice.

ECC Place  
Services  
Ecology

No response

Officer comment/updated position: *The Applicants have continued to undertake ecological surveys throughout the past few years to ensure the baseline position on ecology is understood. The latest Impact Assessment is dated January 2022 and confirms that the site is dominated by arable fields of limited ecological value; with native hedgerows qualifying as Habitats of Principal Importance. In terms of species on site, in summary it is considered that GCNs and roosting bats are considered absent from the site; the wintering bird surveys identified an assemblage of species considered to be of at least local importance, and in the case of the corn bunting assemblage, up to County value; The breeding bird surveys identified a species assemblage of District value utilising the site; and a small population of common lizard and slow worm was identified during reptile surveys.*

*With regards biodiversity, the 'approved' ES identifies a series of on-site mitigation measures. These will be fully detailed as part of a condition as recommended below, but in summary these will include bat boxes, grassland strips (on site) for breeding birds, bird boxes, habitat creation for reptiles and other notable species. The proposed development will provide a total of 13ha of greenspace (amounting to 31% of the site) including 10.7ha of Suitable Alternative Natural Greenspace (SANGS) therefore there is suitable opportunities to provide for net gain throughout the site, to be determined through the Reserved Matters scheme (landscaping reserved matter) and conditions. As soon as a 'fixed' layout is agreed (to be agreed as part of Reserved Matters) the Applicant, through their agents will be starting discussions with ECC Place Services on the onsite ecology enhancement to secure that net gain.*

*In terms of other mitigation, this will include:*

- Provide overwinter stubble (cultivated and sprayed as later as possible) to provide a seed resource;*
- 8m x 500m conservation headland, located adjacent to an existing hedgerow.*
- the existing field margin south of the main farm track should be managed as rough grassland and cut on a three-year rotation.*
- Winter feeding station with an area of rotational set-aside – an area of at least 0.4ha spread with seed mix twice per week from 1 December until 30 April.*

Essex  
Wildlife  
Trust

No response

NHS  
England

Response included below

## **1.0 Introduction**

- 1.1 Thank you for consulting North East Essex Clinical Commissioning Group on the above planning application.
- 1.2 I refer to the above planning application and advise that, further to a review of the applicants' submission the following comments are with regard to the health and social care system provision on behalf of Suffolk and North East Essex Integrated Care System.

## **2.0 Existing Healthcare Position Proximate to the Planning Application Site**

- 2.1 The proposed development is likely to have an impact on the services of 3 practices including 2 of these being branch surgeries 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.
- 2.2 In addition to a primary healthcare response, the proposed development is likely to have an impact on other health and social care system providers that have been consulted as part of this healthcare impact assessment. This incorporates responses from:
  - East Suffolk & North East Essex Foundation Trust
  - Essex Partnership University Foundation Trust (Mental Health)
  - East of England Ambulance Service NHS Trust
- 2.3 The proposed development will be likely to 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.

### **3.0 Review of Planning Application**

- 3.1 North East Essex CCG acknowledges that the planning application includes a Planning Statement which suggests that a capital contribution may be required to mitigate against the healthcare impacts arising from the proposed development.
- 3.2 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.

### **4.0 Assessment of Development Impact on Existing Healthcare Provision**

- 4.1 The existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development. The development could generate approximately 2,090 residents and subsequently increase demand upon existing constrained services.
- 4.2 The primary healthcare services directly impacted by the proposed development and the current capacity position are shown in Table 1.

**Table 1: Summary position for primary healthcare services within 2km catchment (or close to) the proposed development**

Premises	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>
Clacton Community Practice (including branches Nayland Road & Kennedy Way)	20,880	1,724.83	25,154	293
<b>Total</b>	<b>20,880</b>	<b>1,724.83</b>	<b>25,154</b>	<b>293</b>

**Notes:**

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
  2. Current Net Internal Area occupied by the Practice
  3. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
  4. Based on existing weighted list size
- 4.3 The development would have an impact on primary healthcare provision in the area and 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.

### **5.0 Healthcare Needs Arising From the Proposed Development**

- 5.1 At the earliest stage in the planning process it is recommended that work is undertaken with NHS England and Public Health England to understand the current and future healthcare needs of the development and surrounding areas giving consideration to the current healthcare provision, current oral health status of the area and predicted population growth to ensure

that there is sufficient and appropriate dental services that are accessible to meet the need of the development but also address existing gaps and inequalities.

- 5.2 Encourage oral health preventative advice at every opportunity when planning development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

5.3 **Health & Wellbeing Statement**

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishment or reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, close to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

- 5.4 The development would give rise to a need for improvements to capacity, in line with the emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of Clacton Community Practice or through other solutions that address capacity and increased demand as outlined in 5.3 - Health & Wellbeing Statement. For this a proportion of the cost would need to be met by the developer.

- 5.5 Table 2 provides the Capital Cost Calculation of additional primary healthcare service arising from the development proposal.

**Table 2: Capital Cost calculation of additional primary healthcare services arising from the development proposal**

Existing Primary Care Premise	Additional Population Growth (950 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup> <small>MUST BE TO TWO DECIMAL PLACES</small>	Spare Capacity (NIA) <sup>7</sup>	Capital required to create additional floor space (£) <sup>8</sup>
Clacton Community Practice (including branches Nayland Drive & Kennedy Way)	2,090	143.31	293	£554,900.00
<b>Total</b>	<b>2,090</b>	<b>143.31</b>	<b>293</b>	<b>£554,900.00</b>

**Notes:**

5. Calculated using the Tendring District average household size of 2.2 taken from the 2011 Census: Room bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
6. Based on 120m<sup>2</sup> per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
7. Existing capacity within premises as shown in Table 1
8. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Publ Sector Q1 2020 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£3,872/m<sup>2</sup> rounded to nearest £100).

- 5.6 A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be **£554,900.00**. Payment should be made before the development commences.

- 5.7 North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation in order to enhance primary care services within this area of high deprivation.

## **6.0 Conclusions**

- 6.1 In its capacity as the primary healthcare commissioner, North East Essex CCG has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development.

- 6.2 The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development West of Clacton. It is recognised that under the current guidance all primary care premises that are contracted under the same provider, in this case Clacton Community Practices. This contracted provider recently relocated two of its sites into a refurbished existing NHS Premise known as Kennedy Way Medical Centre increasing the capacity for the population of East Clacton. However, this site is 3 miles away from the proposed development with no direct public transport route (40 minute journey) from the proposed development and therefore would not be able to support the new population.

- 6.3 Assuming the above is considered in conjunction with the current application process, North East Essex CCG would not wish to raise an objection to the proposed development. Otherwise the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

- 6.4 The terms set out above are those that North East Essex CCG deem appropriate having regard to the formulated needs arising from the development.

- 6.5 North East Essex CCG is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

- 6.6 North East Essex CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

*Officer Comment: As part of this outlined proposal (and if approved) the development will provide for 'Health Centre Land' (to be secured in the section 106 agreement) – this is land which is defined as 'an area of land no less than One Thousand Five Hundred (1,500.00) square metres located within Phase 2A'. The obligations in this respect are that Developers are to provide the site in a 'Serviced Condition' (i.e. the provision of roads, sewers and other required services to the boundary of the Health Centre Land).*

*The draft S106 provides that the Developers cannot commence development of Phase 2 until they have offered to transfer the Health Centre Land in a serviced condition to the NHS; the NHS will have 3 calendar months to accept the land. Should they not respond or refuse to accept the transfer, then the Developers are obligated to pay an agreed Health Contribution instead, which will be used towards the provision and/or improvement of healthcare facilities at Nayland Drive Branch and/or Clacton Road Branch (including its main Old Road Medical Practice); Surgery Branch, Church Square (including its main St James Surgery). In other words, the NHS can either choose to have a serviced site or the financial contribution towards existing facilities.*

*Should the ultimate position be a financial contribution towards existing facilities then the site marked for the 'Health Centre Land' would be able to be used for alternative purposes (where relevant subject to planning permission and bearing in mind that the site earmarked for the 'Health Centre Land' lies within the Neighbourhood Centre).*

ECC  
Highways

This Authority has reviewed the updated highway and transportation impact of the proposal, the baseline information represented in the 2017 Environmental statement remains appropriate when comparing the predicted 2022 flows with the surveyed 2021 flows and it is considered that the original assessment was robust and no further reassessment in this regard is required: with the agreed mitigation measures remaining relevant. Considering these factors:

**The Highway Authority has nothing further to add to our previous comments dated 11 and 30 May 2018 for this application.**

**Informative:**

1: 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](mailto:development.management@essexhighways.org)

2: 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.

Env Agency No further comments

ECC Suds With reference to the Environment Statement report, we understand that the high level flood and drainage elements are discussed to understand the overall site hydrology. We do not ask any further information as part of EIA/ES to cover drainage however always recommend (developers) to engage LLFA in pre-application discussions when developing a surface water drainage proposal or seeking discharge of condition.

ECC Suds would recommend to look at ECC SuDS Design Guide at <https://www.essexdesignguide.co.uk/suds>  
If (the developer) would like to request a meeting with us then please apply for it at <https://flood.essex.gov.uk/new-development-advice/apply-for-suds-advice/>

External Viability consultant (response dated 28 April 2022) In relation to an updated viability appraisal which has been submitted in relation to the subject site in a letter dated 2 December 2021 prepared by Pioneer, in addition to an email dated 11 April 2022 that provides additional supporting evidence. In summary, the Applicant's appraisal seeks to demonstrate that the proposed scheme cannot support more than c. 20% Affordable Housing. I have reviewed the submitted information and I set out my comments under the headings below.

**Market Housing Revenue** The proposed scheme market housing generates revenue of c. £199.46m equating to a blended capital value per sq/ft of £298. In support of this revenue, the Applicant has submitted a schedule outlining sale prices of units from their scheme at 'Flint Grange' which is located c. 2.4 miles to the north-east of the subject site in which sales revenue equates to c. £298 per sq/ft. We have reviewed this information and we do not consider that the proposed scheme sales revenue is unreasonable.

#### Affordable Housing Revenue

The affordable housing units generate revenue of c. £21.97m equating to a blended capital value per sq/ft of c. £130. In support of this revenue, the Applicant has provided the following statement:

"The attached email that you send [sic] me, relating to Oakwood Park, provides details of a details of [sic] an affordable housing exercise for the site in Clacton-on-Sea. The highest offer received equated to 43.48% of OMV. This has been applied to the £298.34psft open market sales figure, resulting in an affordable revenue of £21,937,304

(£129.72 psft). In Pioneer's experience, Tendring is usually a relatively difficult location in which to secure healthy offers from Registered Providers, with typically the same 2 or 3 submitting offers each time".

Whilst this statement refers to an offer received for a different site in 2020, we highlight that the Applicant's original letter dated 2 December 2021 states:

With regards to affordable housing revenues, Persimmon have an affordable housing contract in place at Thorpe Road. Following an extensive tender process they identified an RP able to pay 52.83% of open market value, and this percentage has been applied to the modelling for Rouses Farm".

We queried the discrepancy between the two statements and the Applicant has advised:

"On the HA revenue, we had attached the results of the marketing exercise we did with the Council for the affordable on our Flint Grange scheme and this supports the c. 44% we are reporting. We have also recently tendered other schemes in Tendring and these are showing very little appetite (with only one or two RP's [sic] interested) and their level of interest around this 44% of OMV level".

On the basis of this statement we have adopted the Applicant's affordable housing revenue at 44% of market value.

#### Construction Costs

The Applicant has increased the previously adopted construction costs that were agreed in March 2019 and indexed them by 4.48% to Q1 2022 in accordance with the BCIS Tender Price Index ('TPI'). We highlight that the TPI is now showing that costs have increased from March 2019 to Q2 2022 by 7.16%. Consequently, we have increased costs by 7.16% generating a total cost of c. £134.75m including abnormals.

#### Additional Costs

The Applicant has provided the following statement to support additional costs totalling c. £2.50m:

"EV Charging – EV charging points are required to serve every property in order to comply with the Council's latest emerging policy. This is coupled with the imminent changes to Part S that will require such EV points to be fast charging. I understand that Persimmon's contractor has advised that the cost of supplying and fitting such will be £819.14 per socket. Therefore, for 950 sockets this will amount to the projected £778,183.

Renewables – To meet the Council’s latest emerging policy for delivering renewables, you have informed me that Persimmon have recently completed an assessment on a scheme that was granted permission at the end of January 2022 with [sic] the Council. This required the provision of 128 no. Clearline PV16-340-G1W solar panels to meet the requirements of the policy for that 50 dwellings scheme. Therefore, in order to meet the requirement for our 950 dwelling development at Rouses Lane a total of 2,432 panels will be required. The cost of supplying and fitting these panels is £726.54 per panel and so the total cost for providing the 2,432 panels is £1,766,945.28”.

We request that the Applicant provides this information from the contractor on letter headed paper. We would also ask that the Council confirm that the measures above are required for this particular scheme.

### Profit

With regards to profit the Applicant has stated:

“I can see no real justification to reduce the level of return on the private sales from 20% of GDV to 17.5%. The macroeconomic threats are a clear challenge on a site of this size and associated length of delivery: continued Brexit fallout, further Covid restrictions, geopolitical turmoil, and rises in inflation and interest rates. The original viability submission and agreed appraisal both assumed 20% of GDV on private sales, as does the Tendring Council Viability Study produced by Three Dragons and Troy Planning+ Design (June 2017), produced to assess deliverability of the Local Plan”.

We have considered the Applicant’s statement and for the purpose of this assessment, we have maintained a profit of 17.5% on the basis that the property market is cyclical and due to the duration of the project programme (i.e. 9 year multi-phased scheme) the Applicant will have the ability to adapt to changing market conditions. Multiple phase developments by their nature are more adept at dealing with market cycles as the developer has the ability to speed up or slow down each phase so that they are only selling at a time of favourable market conditions. By contrast, a single phased scheme comprising fewer units (over a 12 month to 18 month programme) could potentially incur a greater risk as all units would be constructed and marketed during a period of market uncertainty. Furthermore, in terms of risk, housing schemes are generally accepted to be at the lower end of the range, whereas high density flatted schemes are considered to be at the top end of the risk range. We are seeing a range of high density flatted schemes across the south east coming forward with profit at 17.5%, so if anything, the profit on the subject scheme could arguably be lower.

### Appraisal Results

In conclusion, the Applicant's updated appraisal concludes that the scheme cannot support more than 20% affordable housing as their appraisal generates a deficit of c. £1.14m.

We have undertaken our own appraisal and on the basis of a profit of 17.5% for the market housing units our appraisal generates a surplus of c. £2.87m and we attach our appraisal as Appendix 1 to this letter.

We have converted this surplus into affordable housing and we attach a copy of this appraisal as Appendix 2. In summary, the scheme can support c. 23.58% affordable housing (224 units).

Officer comment: *Following the above comments from the Viability consultant the Developer, via their agent provided additional clarification on the outstanding matters and / or areas where common ground does not exist. Following consideration of the additional information the Viability consultant confirmed, via an email dated 20/05/2022 that given a developer profit of 20% was agreed the first time around, that it would be unreasonable to insist on a lower profit this time around, or indeed a higher level of affordable housing, officers continue to agree with this position, and specifically that it will continue to be unreasonable to insist on a lower profit this time around. Further clarification on the latest viability position is also included in the 'Assessment' section below.*

ECC  
Infrastructure  
Planning  
Officer  
(IPO)

Can advise that whilst the school would be delivered during the early phase of the development this is considered to be acceptable. However, there is correspondence on file relating to the Masterplan and some concerns regarding the delivery of a sustainable environment surrounding the school site. The IPO is also aware that ECC do not appear to have had sight of a Land Compliance Study and do not have copies of all the plans referred to in the draft s106 attached. Please could these documents be forwarded as they will inform the final drafting of the s106.

Officer comment: *These drawings and documents have since been provided to the ECC Infrastructure Planning Officer and they have confirmed in writing that all the previously stated outstanding matters (as set out above) have now been resolved.*

Anglian  
Water

No response

Essex  
Bridleway  
Association

No response

## 5. Representations



- 5.1 No further third party comments have been received following the publication of the Application Evidence Base, including the Environmental Statement, which was published on the Council's website in January 2022. There continue to be only five local objections raising general concerns about the impact of the development in this location. These objections have all been considered in this report and the original May 2018 committee report, and where indicated are addressed accordingly.

## **6. Assessment**

### Site Context

- 6.1 The description of the site context as set out in section 6 of the 30 May 2018 and the 7 June 2022 committee reports remains relevant and accurate for the purposes of assessing this development proposal.

### Proposal

- 6.2 Outline planning permission is now being sought for up to 950 residential units; a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre; a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 6.3 With the exception of the formation of the access into the site, details of the appearance, landscaping, layout and scale are all reserved matters which means that approval is not sought for these at this stage and details are therefore not currently required. If the outline application were to be granted the applicant, or any successors in title, would need to submit reserved matters applications to the Local Planning Authority, in addition to discharging planning conditions before development could commence.
- 6.4 The application proposes two vehicular access points into the site, one onto St John's Road, to the east of no 755, the other opposite the Tendring Education Centre onto Jaywick Lane. Both these junctions would have dedicated right turn, signalised junctions and as illustrated on the submitted Masterplan and Access and Movement Parameter Plans, these would connect up through a central spine road which would be designed to accommodate bus services and a central cycle route through the scheme. The spine road would therefore connect the proposed new dwellings and the surrounding area to the proposed neighbourhood centre and primary school, as well as allowing local traffic to bypass Jaywick Lane.
- 6.5 The Access and Movement Parameter Plan also identifies indicative secondary roads as well as footpaths throughout the site, with the Design and Access Statement (DAS) which has been updated during the processing of the planning application to add further detail to the design approach and to give a clearer vision for the road hierarchy. The exact location of the routes through the site would be refined through the Reserved Matters process, although the applicant's opinion that the information provided with the submission demonstrates that it is possible to deliver a well-connected site.
- 6.6 Whilst a reserved matter, the indicative Masterplan and Land Use Parameter Plan identify the potential layout of the site, which is intended to give some certainty to the general

location of development and ultimately be used to inform the Reserved Matters stage/s. This would be a predominantly housing-led scheme for up to 950 units and whilst the precise mix of dwelling types is unknown, the applicants state that they intend to provide a broad range of residential accommodation ranging from one bedroom apartments to five bedroom houses. It is also intended that the scheme would include an element of bungalow accommodation with the precise amount to be a matter for the detailed design stage. To accord with the emerging plan, an appropriate proportion of dwellings would be provided as affordable housing.

- 6.7 Housing density across the scheme would average at approximately 40 dwellings/Ha (net) or 23 dwellings per hectare (gross). Density would however vary through the scheme to create differing character areas eg. It is envisaged that densities would generally be lower around the edges of the scheme and higher towards the core and around key focal points within the development. The DAS highlights that it is intended that the development would be of a style based on the local vernacular, and that the principles of the Essex Design Guide would be followed.
- 6.8 The primary school site is shown to be located on a 2.1 Hectare (Ha) parcel of land to the north and close to the St John's Road access point which would allow it to be delivered early in the development process, and also means that it would not be surrounded by construction activity once operational. It would also ensure that it is close to the existing community that it would also serve.
- 6.9 The Neighbourhood Centre would include the healthcare facility and would be located towards the Jaywick Lane access (to south of) to ensure that it could also serve the wider community as well as the development site. Again, its proximity to the site access also means that it would not be surrounded by construction activity when operational.
- 6.10 A minimum 20m landscape buffer is identified along the western boundary of the site to comply with the emerging Local Plan's policies for this site and form a suitable transition between the built development and surrounding countryside. A large area of open space is indicated at the southern end of the site, and which complements the proposed Strategic Green Gap allocation between Clacton and Jaywick. Further landscape buffers are proposed to be located around the sensitive boundaries of the site, as well as smaller pockets of Public Open Space (POS), two of which would include Local Equipped Areas for Play (LEAP). In total, POS would amount to some 13 Ha, including surface water attenuation areas.
- 6.11 Below are the key and most important material planning considerations insofar as this development proposal is concerned:

#### Principle of Development

- 6.12 The site is allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space as set out in Policy SAMU4 of Section 2 of the Local Plan to 2033 and beyond. As stated above, section 2 of the local plan has been adopted in January 2022 and full weight is attributed to its policies. The principle of development therefore remains acceptable, in fact, the acceptability of the principle of development on this allocated site has been reinforced compared to the situation in May 2018 mainly due to the adoption of section 2 of the local plan to 2033.

## **Environmental Impact**

### Landscape & Visual Impact

6.13 In the context of this allocated site and having regard to the surrounding area, the substance of policies governing landscape and visual impact have not significantly changed since May 2018. Having regard to the Application Evidence Base report, including the updated Environmental Statement, it continues to be the view of the LPA that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

### Ecology and Nature Conservation

6.14 In addition to the survey work undertaken in 2015, 2016 and 2017, the Applicants, through their agents have commissioned an updated Preliminary Ecological appraisal and Phase 2 Surveys through 2021 for submission alongside the Phase 1 and 2 RM application to update the baseline ecology information. These surveys are provided with this report as Appendix 1.

6.15 The updated surveys in summary confirms that the baseline remains largely consistent with the July 2017 ES as outlined in the summary table in paragraph 7.7 of the Application Evidence Base report dated January 2022 and Appendix 1 (Ecological Surveys and Impact Assessment dated January 2022) – these findings are not challenged by Natural England who confirmed to no further comments following the latest consultation in January 2022.

6.16 With regards mitigation and enhancement, as this is an outline application only, should planning permission be granted then the detailed application (reserved matters stages and various phases) will have to be designed in accordance with the mitigation and enhancement proposed and as set out in the July 2017 Environmental Statement.

6.17 In terms of habitats, previously (as part of the 2017 consultation) Natural England identified that this allocation at Rouses Farm has ‘moderate’ potential to be used as an off-site Special Protection Area (SPA) habitat (also known as ‘functionally linked land’ (FLL)) for golden plover and lapwing. Natural England previously noted from the Environmental Statement that wintering bird surveys were undertaken with the conclusions as follows: “No species of bird which is listed as a qualifying feature of the Colne Estuary SPA was recorded. Despite the limitation placed by the late dates of the two surveys, there is nothing to suggest that SPA species are likely to use the Application Site earlier in the winter. There are also no records in The Essex Bird Reports (2010 and 2012) suggesting this area is used by SPA species”. On this basis, they have no objections in this respect.

6.18 A condition is recommended to secure an Ecological Management Plan for each phase and will comprise the following measures:

- Provide overwinter stubble (cultivated and sprayed as later as possible) to provide a seed resource;

- An 8m x 500m conservation headland (avoid spraying this area with herbicides targeted at broad-leaved weeds), located adjacent to an existing hedgerow.
- Permanent set-aside – the existing field margin south of the main farm track should be managed as rough grassland and cut on a three-year rotation.
- Winter feeding station with an area of rotational set-aside – an area of at least 0.4ha spread with seed mix twice per week from 1 December until 30 April.

6.19 In addition, should outline planning permission be granted then the final reporting and assessment work to accompany the Phases 1 and 2 Reserved Matters submissions, which will include an updated Preliminary Ecological Appraisal and Phase 2 Surveys Report for 2021, and officers agree that no additional or unexpected likely significant ecological effects over and above those defined within the July 2017 Environmental Statement (ES) are anticipated. It is considered that the July 2017 ES properly considered the effects of the proposal development on the local population and there has been no change in the baseline information in this, and therefore with mitigation, to be secured via conditions and in the section 106, there continuous to be no policy conflict in respect of Ecology and Nature Conservation

### Heritage

6.20 As part of the latest round of consultation ECC heritage position is that the development would result 'less than substantial harm' to the nearby Dutchess Farmhouse. The May 2018 committee report concluded that setting of the Dutchess Farmhouse as a designated heritage asset 'would not be harmed by the proposal'. As mentioned above the site is allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. As part of the procedure to allocate this large 42 hectare site, the potential impact on designated heritage assets would have been a consideration. Notwithstanding this, it is considered that the public benefits of a 950 residential units development, to include 20% affordable dwellings, a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre and a 2.1ha site for a new primary school, would collectively and clearly outweigh the identified 'less than substantial harm' to the designated heritage asset.

6.21 ECC Heritage also stated Rouses Farm, which is a 19th century settlement, has the potential to be considered a non-designated asset however TDC does not have a local list of non-designated heritage assets. In any event it is considered that the public benefits of a 950 residential units development, to include 20% affordable dwellings, a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre and a 2.1ha site for a new primary school, would collectively and clearly outweigh any harm to Rouses Farm as a settlement with the potential to be a non-designated heritage asset.

### Archaeology

6.22 ECC Archaeology maintain their original comments from 2017 and stated: In accordance with Paragraph 194 (NPPF 2021) a field evaluation is required to describe the significance of the heritage assets which will be affected by the above application. This evaluation would enable due consideration to be given to the archaeological

implications and would lead to proposals for preservation in situ and/or the need for further investigation. This should be carried out prior to determination of the application. However, ECC Archaeology also stated that if the authority is minded to grant permission it is recommended that the following condition is attached to any consent to ensure a full detailed record of this significant site is made in advance of destruction.

6.23 In the May 2018 Committee Report the LPA concluded that *‘this information (required by ECC Archaeology) would normally be required in advance of a planning decision but given that this is an outline application with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.’*

6.24 In light of this position as outlined in 2018 by the LPA including the fact that there has been no significant shift in local or national policy, as well as ECC’s willingness to accept a planning condition(s) if the LPA is minded recommending approval, it is considered to be unreasonable to insist on further field evaluations at this time and prior to the determination of the application.

#### Transport & Access

6.25 The July 2017 ES identified the level of traffic generation generated by the proposed development, as set out at Table 9.3, which were 703 trips in the AM, and 722 trips in the PM. These trips were based on 950 residential dwellings and associated community uses, including the new school and medical centre, and distributed to the highway network based on Census 2011 travel to work data, which remains extant. Accordingly, it is considered that the level of traffic generation generated by the proposed development has been properly considered and understood by the July 2017 ES.

6.26 Traffic surveys were undertaken in 2017 and predicted for 2022, as set out at Table 9.9 of the July 2017 ES. The results of these surveys and subsequent assessment have indicated that the potential adverse environmental effects resulting from the increase in traffic generated by the Proposed Development are predicted to be minor or negligible, providing that the mitigation measures are implemented. ECC Highways agree with these findings and have stated:

6.27 ECC Highways has reviewed the updated highway and transportation impact of the proposal, the baseline information represented in the 2017 Environmental statement remains appropriate when comparing the predicted 2022 flows with the surveyed 2021 flows and it is considered that the original assessment was robust and no further reassessment in this regard is required with the agreed mitigation measures remaining relevant.

The agreed mitigation measures (to be secured via planning conditions or in the section 106 where necessary) include:

- Provision of new traffic signals junctions at the site access, incorporating pedestrian crossing facilities on St John’s Road (full details to be submitted through Condition 9 and to be installed prior to the first residential occupation);

- Provision of high quality pedestrian and cycling links throughout the site and connecting to the surrounding highway network, which will be fully detailed within the Phases 1 & 2 RM submission;
- Site layout designed to accommodate buses (detail can be secured through each subsequent RM application);
- Implementation of a Construction Traffic Management Plan (to be submitted through condition 8 and before development commences);
- Improvements to St John's Road/Jaywick Lane junction (details to be submitted through condition 16 and to be undertaken prior to the occupation of the 250th dwelling);
- Redesign of St John's Road/Cloes Lane junction as a traffic signals junction with pedestrian crossing facilities on all approaches (details to be submitted through condition 14 and to be undertaken prior to the occupation of the 250th dwelling);
- Modifications to St John's Road/Peter Bruff Avenue junction (details to be submitted through condition 15 and to be undertaken prior to the occupation of the 500th dwelling);
- Improvements to St John's Road/A133 roundabout (details to be submitted through condition 16 and to be undertaken prior to the occupation of the 500th dwelling); and
- Implementation of a Travel Plan (to be submitted through condition 20 and before the occupation of any dwelling).

In addition to the above, the Developers have agreed to provide each dwelling with an EV charging point, which will be secured by planning condition; with the travel plan providing full details of sustainable transport measures to encourage residents to not use their car when appropriate.

### Air Quality

6.28 Following the latest round of consultation and having regard to the updated information on air quality provided by the applicant, the Councils Environmental Health Team stated that the proposed development would not have an adverse impact on the air quality within the localised area, and as such they are satisfied with the processes followed and the findings. However, they also stated should this application be approved and progress to a further planning phase, all steps should be taken to minimise emissions from the site during the construction phase, and any mitigation are followed and adhered to throughout the development. As such, necessary planning conditions have been included to secure mitigation.

### Noise & Vibration

6.29 Again following the latest round of consultation the Council's Environmental Health Team is satisfied with the findings in the ES and would like any actions outlined in the relevant mitigation sections of the aforementioned document to be followed and adhered to. This will be secured by conditions should outline consent be granted.

6.30 In terms of vibration, likely significant road traffic noise effects are properly addressed and understood in the ES and therefore no additional or unexpected likely significant effects associated with the development as defined and assessed within the July 2017 ES are expected. The Council's Environmental Health Team raised no concerns or have not contradict these findings.

### Soils and Agriculture

6.31 The proposal would involve the loss of 39 hectares of best and most versatile agricultural land in Grades 2 and 3a. The site is allocated for housing and other uses as outlined above and the permanent loss of agricultural land cannot be mitigated. Having regard to this and the presumption in favour of sustainable development, it is considered that the loss of this particular site from agricultural use is not considered to represent a sufficient basis for resisting the scheme, especially now that section 2 of the local plan to 2033 has been adopted and full weight is afforded to key policy SAMU4 that allocates this site for development.

### Hydrology, Flood Risk & Drainage

6.32 Both the Environment Agency and ECC Suds team continue to raise no objection to this development subject to mitigation which will include (and have been secured by conditions):

- Environmental Construction Management Plan (Pre-Commencement);
- Surface Water Drainage Scheme (Pre-Commencement);
- Construction Water Management (Pre-Commencement);
- Surface Water Maintenance Statement (Pre-Commencement);
- Foul Water Strategy (Pre-Commencement); and
- Water, Energy and Resource Efficiency Measures (Pre-Commencement)

### Ground Conditions and Contamination

6.33 In respect of the above and following the latest round of consultation the Council's Environmental Health Team continues to raise no objection subject to conditions which will be secured should outline consent be granted. In particular, a condition is recommended which will secure the following aspects:

- An Initial Investigation And Risk Assessment;
- A Detailed Remediation Scheme;
- Implementation Of Approved Remediation Scheme;
- Reporting Of Unexpected Contamination; And
- Long Term Monitoring And Maintenance.

### Socio-economics

6.34 The latest version of the NPPF continues to state 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.

6.35 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 relevant paragraphs in 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.

6.36 The final core planning principle as set out within para. 93 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural well-being for all sections of the community.

6.37 The proposed development would provide up to 950 dwellings which would result in a number of social and economic benefits to include:

- the creation of jobs during the construction phase,
- supporting a larger economically-active population,
- provision of new healthcare and education facilities onsite;
- Provision of public open space;
- The provision of new open-market and affordable dwellings

6.38 The potential for significant adverse effects arises from the increase in population which, if unmitigated, would increase pressure on local healthcare and education facilities. However, the proposal incorporates a two form-entry primary school and a 1,500 sq m medical centre, which would address the needs arising from the development and would assist in meeting the needs arising from the existing population.

#### Affordable Housing and Viability

6.39 Adopted policy LP5 states the Council will expect 30% of new dwellings 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.

6.40 A financial viability report has been submitted and updated in 2022 (to reflect prevailing market conditions) by the Applicant. The latest viability report continues to support 20% affordable housing on site (which equate to a total of 190 homes (approximately a years' worth of supply). In summary the financial viability report finds that:

- Construction costs have risen by 12.32% since 2019 (as evidenced within the submission with reference to The BCIS Cost Index) – officer comment: *at the time of writing construction costs remain high and continue to be at or slightly above the level quoted above.*
- New Planning Policy Requirements for EV Charging to each plot, plus 20% Renewable energy generation, will incur costs of c.2.5m across the development – Officer comment: *these requirements remain and are unchanged.*

6.41 The above is in addition to the other identified costs that were agreed in 2019, such as the road/site works (c. £6m).

6.42 Given the trend in cost increases and widely reported forecasts regarding the supply of labour and building materials, the LPA continues to be in agreement that it is reasonable to assume that 12.32% may represent an underestimate.

6.43 For the reasons set out above and in the consultation section LPA officers continue to be satisfied that the offer of 20% affordable housing is still appropriate in this instance and in accordance with policy LP5 which allows for viability testing.

#### Community Facilities/Neighbourhood Centre



- 6.44 A requirement of Policy SAMU4 is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes E (shops, food and drink and/or use class F.2 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site.
- 6.45 Requirement d) of Policy SAMU4 is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. The NHS have concluded that a developer contribution will be required to mitigate the impacts of the proposal. Northeast Essex CCG calculates the level of contribution required, in this instance to be £554,900. The Developer has agreed to this, and it will be secured in the section 106 legal agreement

### Education

- 6.46 In accordance with requirement b) of Policy SAMU4, a new 2 form entry primary school with co-located 56 place early years and childcare facility (E(f)) use on 2.1 hectares of land is proposed to be provided as required by the Local Education Authority (LEA) through Section 106 Planning Obligations. The application makes provision for this requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered. In addition to the above, if approved the outline consent will also secure a reasonable, necessary, fair and directly related (to the development) financial contributions to create additional secondary school places, again in accordance with the allocation.

### Public Open Space

- 6.47 The NPPF states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities; and Requirement e) of Policy SAMU4 is for minimum of 5 hectares of Public Open Space (POS) to be provided within the development.
- 6.48 The landscape scheme at the Reserved Matters stage would include: An area of POS well in excess of the requirement and will be specifically designed to meet Natural England's criteria, including a single large block of 4.5ha in the southern section with a central open water/wetland feature, a 6.7ha of linear park long sections of the west, northwest and eastern site perimeters and two areas of equipped children's play area.
- 6.49 This would satisfy the Council's policy requirements and the POS and the section 106 legal agreement (should outline consent be granted) will ensure the transfer of new open space, including proposed equipped play areas to the Council or a management company.

### Reserved Matters

- 6.50 For the same reasons as outlined in the May 2018 committee report, it remains the view of LPA officers that the general principle of this level of development on the site is

considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.

- 6.51 Due to the scale of the development proposed, and in order to minimise disturbance to existing residents, as well as ensuring that the mix of housing meets the requirements of the Council's Strategic Market Housing Assessment, it is recommended that a Site Wide Housing and Phasing Strategy be submitted for approval prior to the submission of the first Reserved Matters application – this will be a condition.

#### Living Conditions

- 6.52 For the same reasons as outlined in the May 2018 committee report, it remains the view of LPA officers that the living conditions of existing and future residents would be protected from any materially detrimental impacts, in accordance with the latest relevant policies governing design and residential amenity considerations in planning applications.

#### Planning Obligations under S106 of the Town and Country Planning Act 1990

- 6.53 In order to mitigate against the impacts of the development it is proposed to secure a legal obligation under Section 106 of the Town and Country Planning Act. These obligations will cover the following:

- A total of 20% On-site Council Housing/Affordable Housing
- Provision of land on-site for a new healthcare facility together with a £554,900 financial contribution towards its provision. In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
- Transfer of new open space, including proposed equipped play areas to the Council or a management company;
- Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
- Financial contributions to create additional secondary school places;
- New neighbourhood centre; and
- Financial contributions towards RAMS and off-site ecological mitigation.
- A contribution of £500,000 towards public transport provision
- Provision of a Residential Travel Plan and RTP monitoring fee

## **7. Conclusion and Planning Balance**

- 7.1 This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane; and the Local Highway Authority continues to raise no objection to the proposed arrangements. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.

- 7.2 The latest NPPF 2021 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that

accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.3 The site is specifically allocated through recently adopted Policy SAMU4 for a mix of residential development, community facilities and public open space in the Local Plan. This can be afforded full weight in the decision making process due to the recently adopted status of the Local Plan.
- 7.4 The application is accompanied by an Environmental Statement (ES) including a re-evaluation of the ES and concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.
- 7.5 In addition, whilst outline in form, Officers remain content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's allocation as a planned for western extension of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing within the District.
- 7.6 Accordingly, it is recommended that outline planning permission is granted subject to the following:

## **8. Recommendation**

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a section106 legal agreement with the agreed Heads of Terms, as set out below:
- 20% On-site Affordable Housing
  - Provision of land on-site for a new healthcare facility together with a 554,900 financial contribution towards its provision. [In the event that the land is not required, the financial contribution will be spent on health facilities elsewhere (to be determined by the NHS);
  - Transfer of new open space, including proposed equipped play areas to the Council or a management company;
  - Land for a new primary school and early years and childcare facility on site with financial contributions towards the provision of those facilities;
  - Financial contributions to create additional secondary school places;
  - New neighbourhood centre; and
  - Financial contributions towards RAMS and off-site ecological mitigation.
  - A £500,000 financial contribution towards public transport provision
  - Provision of a Residential Travel Plan (RTP) and RTP monitoring fee

## 8.2 Conditions and Reasons

- 1 The first application for the approval of reserved matters for at least the first phase of development shall be made to the Local Planning Authority no later than three years from the date of this permission. All subsequent applications for approval of reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 3 No development on any phase shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the appearance, landscaping (including a hard and soft landscaping scheme for that phase), layout and scale, for that phase, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason – A pre-commencement condition is necessary because the application as submitted does not provide sufficient particulars for consideration of these details.

- 4 No development shall commence until a Phasing Plan and Programme for the development has been submitted to and approved in writing by the Local Planning Authority. The document shall identify the physical extent of each proposed phase of development and an indicative timescale for implementation of each phase. The development shall thereafter be carried out in accordance with the approved Phasing Plan and Programme.

Reason - A pre-commencement condition is necessary to ensure the scheme is brought forward in a timely and comprehensive manner in the interests of proper planning, highway safety and amenity. Given the scale and mixed use nature of the development, the definition of phases will also enable more specific planning conditions to be discharged, as appropriate, on a phase-by-phase basis to assist in the timely delivery of the whole scheme.

- 5 The development hereby permitted shall be carried out in accordance with the following approved Drawing Nos: 160259-X-00-DR-C610 and 160259-00-X-DR-C601, and each phase or phases of the residential development so approved shall be completed in accordance with a hard and soft landscaping scheme, agreed pursuant to condition 3 above.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 6 The reserved matters shall be in general conformity with the following plans and documents unless as otherwise varied by an approved Phasing Plan and Programme pursuant to condition 4:
- P.1509\_08 Sheet No. 07 Rev. F - Phasing Parameter Plan
  - P.1509\_08 Sheet No. 06 Rev. C - Density Parameter Plan
  - P.1509\_08 Sheet No. 04 Rev. B - Land Use Parameter Plan
  - P.1509\_08 Sheet No. 03 Rev. E - Access and Movement Parameter Plan
  - P.1509\_08 Sheet No. 02 Rev. C - Open Space Parameter Plan
  - P.1509\_08 Sheet No. 01 Rev. B - Building Height Parameter Plan
  - P.1509\_07 Rev. G - Masterplan
  - P.1509\_13 E - Design and Access Statement

Reason - To establish reasonable limits to the layout of the development in the interests of good design, layout, appearance and residential amenity.

- 7 The development hereby permitted comprises:
- a) No more than 950 dwellings
  - b) A single continuous site of not less than 2.1 hectares for a new Primary School
  - c) A neighbourhood centre comprising a local health facility with an net internal area of no less than 1500 square metres and no more than 700 square metres gross floor area for uses falling with Classes E(a) (Display or retail sale of goods, other than hot food), E(b) (Sale of food and drink for consumption (mostly) on the premises), E(d) (Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink), E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner), E(f) )Creche, day nursery or day centre (not including a residential use)

Reason - To ensure compliance with the description of development hereby approved.

- 8 No development of any phase shall take place before an Environmental Construction Management Plan for the construction of the development of such a phase hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works on that phase shall be carried out in accordance with the approved Environmental Construction Management Plan for that phase.

Details submitted in respect of each of the Environmental Construction Management Plan(s), incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development on the relevant phase. The method statement(s) shall also include details of a construction traffic management plan, a soil management plan, the loading and unloading of plant and materials, hours of construction, dust suppression strategy, means of recycling materials, the provision of parking facilities for contractors during all stages of the development on that phase (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and means of safeguarding the public right of way during construction of that phase.

Reason - A pre-commencement condition is necessary to ensure that development is carried out in a controlled manner while minimising impacts on the surrounding residential properties and also in the interests of highway safety.

- 9 Prior to the first residential occupation or operation of the school (whichever comes first) within Phases 1, 1A or 2 as shown on Phasing Parameter Plan Drawing No. P.1509\_08 Sheet No. 07 Rev. F, the signalised junction onto St Johns Road as shown in principle on Drawing No. 160259-00-X-DR-C601, including pedestrian and cycle infrastructure, shall be provided and brought into use in accordance with detail to be submitted to and agreed in writing with the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 10 Prior to the first residential occupation or occupation of the Neighbourhood Centre (whichever comes first) within Phases 2A, 3 or 4 as shown on Phasing Parameter Plan Drawing No. P.1509\_08 Sheet No. 07 Rev. F, the signalised junction onto Jaywick Lane as shown in principle on Drawing No. 160259-00-X-DR-C610, shall be provided and brought into use in accordance with details to be submitted to and agreed in with the Local Planning Authority. The details submitted shall incorporate a toucan crossing facility together with a 3 metre wide section of cycleway to the east of Jaywick Lane to allow the existing Toucan Crossing to be removed.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 11 Prior to the first occupation of Phase 3 or 4 (whichever comes first) as shown on Drawing No. P.1509\_08 Sheet No. 07 Rev. F a link road through the application site connecting St Johns Road to Jaywick Lane shall be provided and brought into use in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The details submitted shall provide for a road with a carriageway width of 6.75 metres with 1 x 2 metre footway and 1 x 3.5 metres shared footway/cycleway and show appropriately positioned bus stops equipped with current infrastructure.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 12 Prior to the first residential occupation or occupation of the Neighbourhood Centre (whichever comes first) within Phases of Phases 2A, 3 or 4 as shown on Phasing Parameter Plan Drawing No. P.1509\_08 Sheet No. 07 Rev. F, a 3 metre wide cycleway/footway across the Jaywick Lane frontage, including surfacing/reconstruction of the existing footway shall be provided and brought into use in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 13 Prior to the first occupation of the 250th dwelling hereby permitted St Johns Road/Jaywick Lane junction improvements to include the provision of a standard roundabout (increasing the inscribed circle diameter to 22 metres), increasing the entry width of both St John's Road approaches to the roundabout and the provision of a 'through lane' on St Johns Road shall be provided and brought into use in accordance with detail submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 14 Prior to the first occupation of the 250th dwelling hereby permitted St Johns Road/Cloes Lane junction improvements to include either the installation of a signal controlled junction or an alternative junction arrangement as shown on drawing no. 160259-X-00-DR-C-604 REV A and Fig. 6.7 of the Submitted Transport Assessment shall be provided and brought into use in accordance with detail submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 15 Prior to the first occupation of the 500th dwelling hereby permitted St Johns Road/Peter Bruff Avenue junction improvements to include but not be restricted to increasing the entry width of both St John's Road approaches to the roundabout as shown on drawing no. 160259-X-00-DR-C-608 REV A and Fig. 6.10 of the submitted Transport Assessment (such junction improvements are to be limited to the extent of adoptable highway) shall be provided and brought into use in accordance with detail submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 16 Prior to the first occupation of the 500th dwelling hereby permitted either:

a) St Johns/A133 improvements for the St John's/A133 Roundabout to include but not be restricted to increasing the flare length and entry width of both the St John's Road west approach and the London Road south approach to the roundabout as shown in principle on the planning application drawings, in particular as shown on drawing no. 160259-X-00-DR-C-609 REV A and Fig. 6.12 of the submitted Transport Assessment (which show the maximum extent of such increased flare length and entry width) (such junction improvements are to be limited to the extent of adoptable highway) shall be provided and brought into use in accordance with detail submitted to and agreed in writing by the Local Planning Authority; or

b) an alternative scheme for the delivery of such highway works shall be submitted to and agreed in writing by the Local Planning Authority

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency.

- 17 Prior to the occupation of the first residential dwelling hereby permitted improvements to the two bus stops on St Johns Road nearest to the St Johns Road site access shall be provided and brought into use in accordance with details submitted to and agreed in writing by the Local Planning Authority. Such details shall include timetable information, bus stop signage and raised kerbs and hardstanding.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency and to promote the use of sustainable transport.

- 18 Prior to the occupation of the first residential dwelling hereby permitted appropriate pedestrian access from the site to the bus stop(s) on St Johns Road referred in Condition No. 17 (using either the site or existing adoptable highway) shall be provided and brought into use in accordance with details submitted to and agreed in writing by the Local Planning Authority.

Reason - To provide adequate highway infrastructure to accommodate the increased level of traffic on the surrounding highway network created as a result of the development in the interest of highway safety and efficiency and to promote the use of sustainable transport.

- 19 Prior to the occupation of the phase 1A Primary School or the phase 2A Neighbourhood Centre, if the Link Road has not been completed pursuant to Condition No. 11 and is open for use by the public, an alternative footpath/cycleway to allow access between the northern and eastern parts of the sites and the school and neighbourhood centre shall be provided and brought into use in accordance with details submitted to and approved in writing by the Local Planning Authority which shall remain in place until the Link Road has been completed pursuant to Condition No. 11 .

Reason - To allow for connectivity through site to encourage the use of sustainable forms of transport.

- 20 Prior to first residential occupation of the each phase of the development hereby permitted, a Residential Travel Plan for that phase shall be submitted to and approved by the Local Planning Authority for approval in consultation with Essex County Council. This shall include, but not limited to, details of the monitoring of the implementation of the travel plan details of a Residential Travel Information Pack to be provided to new households on that phase aimed at promoting the benefits of sustainable transport in support of the objective to secure a modal shift from the private car and increase the use of sustainable modes of travel. Such approved Travel Plan shall then be actively implemented for a minimum period from first



occupation of that phase of the development until 1 year after final residential occupation on that phase.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 21 Upon first occupation of each dwelling hereby permitted, each household will be provided with a Residential Travel Information Pack, the details of which will have been agreed pursuant to condition 20.

Reason - In the interests of reducing the need to travel by car and promoting sustainable development and transport.

- 22 No works shall take place within a Phase of development hereby permitted (other than site investigations, the provision of the spine road, formation of service trenches or provision of services or agreed landscaping or formation of agreed surface water attenuation features) until a detailed Surface Water Drainage Scheme for that phase, 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 detailed surface water drainage scheme for each phase shall include but not be limited to:

- a) Provision of a detailed surface water drainage scheme for that phase of development and details of how this integrates and complies with the surface water drainage system for the development site as a whole;
- b) Provide details of the discharge rates from that phase and demonstrate how this ensures that development as a whole will achieve 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;
- c) Detail any surface water storage within the Phase and demonstrate how it integrates with the development as a whole to provide sufficient surface water 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;
- d) Final modelling and calculations for all areas of the drainage system to serve that phase, having regard to totality of development permitted;
- e) Detail how the phase will contribute to the achievement of the appropriate level of treatment for all runoff leaving the site as a whole, in line with the CIRIA SuDS Manual C753;
- f) Detailed engineering drawings of each component of the drainage scheme within that Phase or to serve that Phase;
- g) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features relevant to that phase;

h) An implementation plan providing a timetable for the implementation of the detailed surface water drainage scheme for that phase.

The scheme shall subsequently be implemented on the relevant phase in accordance with the agreed details.

Reason – A pre-commencement condition is necessary 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 and to provide mitigation of any environmental harm which may be caused to the local water environment.

- 23 No works within a Phase of development shall take place (other than site investigations) until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works within that Phase together with measures to prevent pollution has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall subsequently be implemented as approved.

Reason – A pre-commencement condition is necessary to ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

- 24 There shall be no residential occupation within a Phase of development until a Maintenance Plan for the Surface Water Drainage detailing the management and maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies for that phase has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part on the relevant phase be maintainable by a maintenance company, details of long term funding arrangements for that phase should be provided for approval. The development shall thereafter be managed and maintained in accordance with the approved details.

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.

- 25 No development on a phase shall commence until a Foul Water Strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. The Foul Water Strategy for each phase shall include a timetable for implementation and a phasing strategy having regard to the phasing of the development as a whole. Development of the relevant phase shall be undertaken in accordance with the Foul Water Strategy for that phase and thereafter managed and maintained in accordance with the approved details.

Reason - To prevent environmental and amenity problems arising from flooding.

- 26 A. No development or preliminary ground-works within any defined phase of the development shall commence until a Programme of Archaeological Trial Trenching for that phase has been secured and undertaken in accordance with a Written Scheme of Investigation for that Phase, which has been submitted by the applicant, and approved by the Local Planning Authority. Following the completion of this initial

phase of archaeological work for a phase, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development within that Phase, shall be submitted to the Local Planning Authority.

B. No development within a Phase or preliminary groundwork within a Phase can commence on those areas of the Phase containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy for that Phase, which has been signed off by the Local Planning Authority.

C. Following completion of the archaeological fieldwork for the Phase, a post-excavation assessment for that Phase shall be submitted to the Local Planning Authority (within six months of the completion date, unless otherwise agreed in advance with the Local Planning Authority), which 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.

Reason – A pre-commencement condition is necessary because the proposed development is located within an area with potential for below ground archaeological deposits.

- 27 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts A to D of this condition for that phase have been complied with. If contamination is found after development has begun, development must be halted on that part of the site affected by the contamination to the extent specified by the Local Planning Authority in writing until part D has been complied with in relation to that contamination.

#### A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with C.

#### E. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 28 There shall be no above slab level development within a Phase until precise details of the provision, siting, height, design and materials of all boundary walls and fences which face onto public spaces/highways or private drives within that Phase have been submitted to and approved in writing by the Local Planning Authority. The boundary walls and fences so approved shall be erected prior to the building/s to which they relate being first occupied and shall thereafter be retained in their approved form.

Reason – To ensure a satisfactory development in terms of appearance and functionality, in the interests of amenity.

- 29 No above slab level works shall commence on a phase of development until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in the construction of that phase have been submitted to and approved, in writing, by the Local Planning Authority. Such materials so approved shall be those used in that particular phase of development.

Reason – To ensure a satisfactory development in relation to external appearance.

- 30 Prior to commencement of any phase of development, details of all refuse/recycling storage and collection points required to serve that phase of development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

Reason – A pre-commencement condition is necessary to ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

- 31 Within each phase of development, all planting, seeding or turfing shown on the landscaping details required to be submitted and approved under Condition No. 3 above shall be carried out on that phase during the first planting and seeding season (October - March inclusive) following the first occupation of that phase of development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority.

Reason - In order to ensure the earliest practicable implementation of new planting required to mitigate the impact of development, in the interests of local and residential amenity.

- 32 The implementation of the development shall take place at all times in accordance with the Tree Survey/Protection Plan Drawing Ref: TPP Rev. A (dated 27.04.17) submitted with the Outline application. No development within a phase shall commence until details of tree protection measures for that phase, including during the construction phase, have been submitted to and approved in writing by the Local Planning Authority and such measures as approved shall be implemented fully in accordance with such requirements.

Reason - In order to ensure the protection of trees, in the interests of local and residential amenity.

- 33 Within the hereby permitted development, no dwelling shall be occupied until a high-speed broadband connection is installed to that dwelling.

Reason - To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

- 34 Prior to commencement of development of a Phase, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy for that Phase such strategy is to include details of how the applicant/ developer shall use their reasonable endeavours to advertise jobs locally and encourage the recruitment of employees and other staff from the locality of the application site, for the construction of that phase of the development. The approved Local Recruitment Strategy shall be adhered to for that phase therein after.

Reason – A pre-commencement condition is necessary to promote and encourage the recruitment of employees and other staff in the locality of the application site.

- 35 Prior to commencement of a phase of development (excluding site investigation, levelling and ground works and remediation) a scheme for the provision and implementation of water efficiency measures, during the construction and occupational phases of the development in that phase shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development on that phase. The development of the relevant phase shall be constructed and the measures provided and made available for use on that phase in accordance with such timetables as may be agreed by the Local Planning Authority for that phase.

Reason – A pre-commencement condition is necessary to enhance the sustainability of the development through better use of water, energy and materials.

- 36 Other than for external lighting within the curtilage of a dwellinghouse or lighting within the public highway, details of external lighting for each phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. These external lighting details for each phase shall consider how the use of such lighting will avoid, or minimise harm caused by light pollution and the development of that phase shall be carried out in accordance with the approved details.

Reason - To ensure that new external lighting of the development is not harmful to biodiversity or local amenity.

- 37 No development within a phase (excluding site investigation and remediation) shall commence until details of existing and proposed levels within that Phase of the site, finished floor levels and identifying all areas of cut or fill within that Phase, have been submitted to and approved in writing by the Local Planning Authority. The development of the relevant shall be carried out in accordance with the approved details for that phase.

Reason – A pre-commencement condition is necessary to protect the impact on neighbours and in the interest of visual amenity.

38. No development shall commence within a phase of the development until a Landscape Management Plan for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The Landscape Management Plan(s) shall include design objectives, management responsibilities and maintenance schedules for the landscaped elements of the development on that phase. The development of the relevant phase shall be implemented and thereafter maintained in line with the details and timescales in the approved plan for that phase.

Reason – A pre-commencement condition is necessary to ensure proper planning, management and maintenance of the approved landscaping; landscaped areas; sustainable urban drainage features; public open space; amenity space and play areas and equipment in the interests of amenity; sustainability and the character and appearance of the area.

39. No development shall commence within a phase of the development until an Ecological Management Plan for that phase has been submitted to, and approved in writing by the Local Planning Authority. The Ecological Management Plan will reflect the mitigation strategy as contained within the Phase 2 Ecological Surveys and Assessment at Appendix 7 of the submitted Environmental Statement and the Natural England Consultation Response dated 5th June 2018. The development of that phase shall be implemented in line with the measures contained within the approved Ecological Management Plan for that phase.

Reason – A pre-commencement condition is necessary in order to safeguard protected wildlife species and their habitats and in the interests of biodiversity and to ensure best practice measures are used on site during both construction and occupation phases of development to minimise the impact on birds and wildlife and to promote biodiversity.

40. Prior to above ground works in any phase identified within the phasing plan, a scheme for the provision of electric vehicle charging facilities for the dwellings, neighbourhood centre, and school hereby approved shall have first been submitted to and approved in writing by the local planning authority. Thereafter the charging facilities shall be installed in a working order prior to first occupation of the dwelling.

Reason - To enhance the sustainability of the development through better use of energy and materials.

41. No phase of the development identified within the Phasing plan shall be occupied until a scheme detailing how a minimum of 20% of the energy needs generated by the development can be achieved through renewable energy sources shall be submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development.

The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason - To enhance the sustainability of the development through better use of energy and materials.

### 8.3 Informatives

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

The applicant is reminded that this permission is linked to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

#### Highway Informatives

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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](mailto:development.management@essexhighways.org) or by post to:  
SMO1 - Essex Highways, , 653, The Crescent, Colchester Business Park, Colchester CO49YQ
2. 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.
3. Commuted Sums - Any signal equipment/structures/non-standard materials/trees/public rights of way through the site proposed within the existing extent of the public highway or areas to be offered to the Highway Authority for adoption as public highway, will require a contribution (commuted sum) to cover the cost of future maintenance for a period of 15 years following construction.

#### Anglian Water Informatives

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It



should be noted that the diversion works should normally be completed before development can commence.

2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

3. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

4. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

### Building Regulations

Access for fire fighting appliances should be in accordance with regulation B5.

## **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:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 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
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 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.
- 9.6 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.
- 9.7 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

- 9.8 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.
- 9.9 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).
- 9.10 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

- 9.11 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.
- 9.12 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/>.