

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	AL	09/05/2024
Planning Manager / Team Leader authorisation:	ML	09/05/2024
Planning Technician final checks and despatch:	ER	10/05/2024

Application: 20/01130/FUL **Town / Parish:** Clacton Non Parished

Applicant: Messers West & Sherwood

Address: Foots Farm Land South of Centenary Way and West of Thorpe Road

Development: Erection of 122no. residential units complete with roads and public open space.

1. Town / Parish Council

Little Clacton Parish Council

FIRST & ONLY COMMENTS

We firmly request that this application is refused by the planning department. This site is not included in the emerging plan and would not be plan led. We acknowledge was identified in the 2007 Local Plan as brown field it was traded for new development along from Bookers Thorpe Rd in 2016. We already have meet all required numbers for new build. The planning officers should be mindful of the other existing application to be determined which would physically make our 'green gap' the actual road width of Centenary Way.

(20/01202/FUL - South Corner Foots Farm Thorpe Road Clacton On Sea Essex CO16 9SB - Proposal to create 80 no. one, two and three bedroom houses and apartments, plus associated infrastructure and public open space.)

We seek to protect the green gap between Little Clacton and Clacton and not allow it to become a 'stone throw' gap. Centenary way should be kept free of development, as supported by the 2007 plan. It makes the application even more ludicrous that the only access point for all 122 properties is the busy Centenary way. Although the site has two hoggin paths through the open spaces the site has no real connect to easy access for its residences to local services/shops apart from joining Centenary Way.

The recently decided refusal at appeal for more properties at Foot farms confirms all our reasons for refusal, including identifying we have our building numbers. The planning department should look closely at this report by the Inspector appointed by the Secretary of State:

Appeal Reference: APP/P1560/W/19/3239002 Land at Foots Farm, Thorpe Road, Clacton on Sea, Essex. The application Ref:18/01499/OUT is dated 13 September 2018 - Outline planning permission for the erection of up to 245 dwellings, provision of public open space and supporting site infrastructure with some matters reserved to form access off Thorpe Road and pedestrian access off Centenary Way.

2. Consultation Responses

Anglian Water
Services Ltd
14.09.2020

ASSETS
Section 1 - Assets Affected

1ST COMMENTS

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES
Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Clacton-Holland Haven Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

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

Anglian Water
Services Ltd
15.11.2022

We have checked the submitted documents and can confirm that we have no comments to add to our previous response reference PLN 0103263

2ND COMMENTS

Anglian Water
Services Ltd
28.11.2023

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

3RD COMMENTS

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE – Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

We have reviewed the document Suds response received via email and the watercourse is not owned by Anglian Water therefore we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Anglian Water
Services Ltd
19.04.2024

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

LATEST COMMENTS

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents:

- IT1867/S104/01 Rev H and Flood Risk Assessment dated July 2020 and drawing Rev H

The sewerage system at present has available capacity for these flows.

If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

1. INFORMATIVE -

Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087

2. INFORMATIVE - Protection of existing assets - If a public sewer is shown on record plans within the land identified for the proposed development. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

3. INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

4. INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents Flood Risk Assessment dated July 2020 and drawing Rev H and can confirm that these are acceptable to us. Surface water to discharge into Anglian Water owned ditch at maximum discharge rate of 5.6ls is acceptable to Anglian Water. We request the above named documents are to be listed as approved plans/documents if permission is granted.

Arch. Liaison Off,
Essex Police
14.09.2020

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development; the proposed site plan does show most of the dwellings seem to be positioned well for good natural surveillance while protecting the vulnerable rear of the properties by having the gardens backing directly onto other gardens. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security on each property, garden gates sited as near as possible to the front of the property and to comply with Tendring's Consultation document to the formation of Tendring Local Plan to 2033 - Policy PL4 - Housing Layout - 'minimise the opportunities for crime and anti-

social behaviour by ensuring good surveillance, clear definition between public and private spaces', Essex Police would recommend the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation.

Essex Police provide a no cost support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via designingoutcrime@essex.police.uk

Arch. Liaison Off,
Essex Police
13.09.2023

The Essex Police Designing out Crime Office thanks you for the opportunity to comment on the application 20/01130/FUL.

Mitigating the opportunities for crime is not only about reducing and preventing injury and crime but it is also about building strong, healthy, cohesive, accessible, vibrant and participatory communities. We would raise the following points for consideration to ensure the creation of an environment that mitigates against the opportunity for crime

1. The actuality and perception of crime is considered throughout the design: Adopting the concept that crime is deemed a material consideration throughout will ensure the health and wellbeing of residents. An integrated approach to crime prevention at an early stage is necessary to all significant components of its design, planning and layout. Good design and early co-ordination can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete.

2. Detailed Design Specification: a) Lighting - this plays a pivotal role in deterring criminal activity but also promotes a feeling of safety within that space. When applied and designed correctly, lighting can reduce the potential for crime. Essex Police recommend that detailed lighting plans are incorporated within the design, to comply with BS5489-1 2020. We request the opportunity to study the development's lighting plan once it has been prepared.

b) Electric vehicle charging points (EVCP) - It is presumed that these will be installed within the development, likely one for each residence. What mitigation is planned to secure these EVCP's from unauthorised use? Will they be IT enabled? If so EVCP must be certificated to British Standard's Institute Kitemark for the Internet of Things (IoT) Devices.

3. Mitigating risk through promoting a safe built environment: Security forms a key part of a sustainable and vibrant development and Essex Police considers that it is important that this site is designed incorporating the maximum achievable benefit of crime prevention through environmental design for which Secured by Design (SBD) is the preferred enabler, in this case Secured by Design - Homes.

SBD is the national official police security initiative that works to improve the security of building and their immediate surroundings to provide a safe and secure environment to help reduce the opportunities for crime and minimise the fear of crime, as referenced in the NPPF, 'Promoting Healthy and Safe Communities'. As part of process, the Essex Police would insist on utilising applicable security standards across all components of the proposal wherever appropriate.

We would welcome the opportunity to discuss with the applicant the security design aspects of the application to ensure provision of a safe and secure environment for potential residents. Contact with Essex Police Designing Out Crime team is via email: designingoutcrime@essex.police.uk

Essex County
Council
Archaeology
08.10.2020

The Essex Historic Environment Record (HER) shows that the proposed development lies within an area of archaeological interest. A postmedieval windmill is mapped as lying within the proposed development area and is considered a non-designated heritage asset. The mill was located close to Foots Farm which is depicted on the Chapman and Andre map of 1777 and is likely to be earlier in origin.

The settlement pattern of the area as stated in the Historic Environment Characterisation Report for Tendring was historically highly dispersed, comprising a church/hall complex at Little Clacton, a scattering of cottages around the greens and at road junctions and a number of isolated halls and farms. Recent archaeological excavation on land east of Thorpe Road has revealed Medieval settlement activity. The development site is bounded by a historical route along which medieval to postmedieval settlement is recorded. The potential for earlier archaeological remains is unknown due to lack of investigation in the area, however survival of archaeological remains would be good.

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

RECOMMENDATION: Archaeological trial trenching and excavation

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 investigation identified in the WSI defined in 1 above.

3. 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.

Reason for recommendation

The Essex HER shows that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

Building Control
and Access Officer
25.07.2022

Drawing required showing how access for a firefighting appliance to each plot is achieved.

Essex County
Council Ecology
08.10.2020

Thank you for consulting Place Services on the above application.

1ST COMMENTS

Holding objection due to insufficient ecological information on designated sites and European Protected Species (Gt crested newt) We have reviewed the documents supplied by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority habitats and species, identification of proportionate mitigation. We are not satisfied that there is sufficient ecological information available for determination of this application.

We note that this application lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 6km from the Colne Estuary SPA and Ramsar, and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance both from the development alone and in combination with other plans and projects. This will require the LPA to prepare a project level HRA Appropriate Assessment to assess the predicted impacts from this development, particularly from recreational disturbance. As the development is over 100 dwellings, Natural England (NE) advises that the development includes:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km⁵ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

We have reviewed the Dog Walking Route (Mclean Architectural, May 2020) and the Development Plan (Mclean Architectural, April 2020) and we are not satisfied that the proposals meet the current NE advice. No high-quality, informal, semi-natural areas, nor any dedicated 'dogs off lead' areas are identified within the red line boundary. We therefore recommend that the site is re-designed to provide suitable natural green space within the red line boundary to mitigate the impact of increased recreational disturbance on the Colne Estuary SPA and Ramsar from the development alone. Without sufficient natural greenspace for daily recreational needs of new residents, the scale of development is unlikely to enable the LPA to conclude no adverse effect on integrity of the Habitats sites listed in its bespoke HRA Appropriate Assessment, from the development alone. The LPA will also need to secure a proportionate financial contribution from the developer in line with the adopted Essex Coast RAMS to avoid impacts to conclude no adverse effect on integrity of the Habitats sites, in combination with other plans and projects. This will need to be secured by a legal agreement.

Additionally, the Extended Phase 1 Survey (Hillier Ecology, May 2020) states that the pond surveyed has a 'poor' HSI and is therefore unlikely to support newts. In practice, the Amphibian and Reptile Group Advice Note 5 on HSI (2010) states that "HSI for Great crested newts is a measure of habitat suitability. It is not a substitute for newt surveys. In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores. However, the system is not sufficiently precise to conclude that any particular pond with a high score will support newts, or that any pond with a low score will not do so."

We have checked Natural England's Great crested newt (GCN) District Level Licensing mapping and this site lies with an Amber Risk Zone Area so there is a likelihood of GCN entering the development footprint. We therefore recommend that further assessment of the pond is undertaken to explain

further reasoning as to why the pond is unsuitable, or further survey for GCN should be carried out.

The applicant may be interested to know that Natural England's District Level Licensing for GCN is now available in Essex - see <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes> - where sites can be registered to be covered by this strategic mitigation scheme. Guidance for developers and registration forms to join the scheme are available and the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration prior to determination where this European Protected Species is likely to be present and affected by development.

This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County
Council Ecology
16.09.2021

2ND COMMENTS

Thank you for re-consulting Place Services on the above application.

Holding objection due to insufficient ecological information on designated sites and European Protected Species (Gt crested newt)

We have reviewed the amended documents supplied by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority habitats and species, identification of proportionate mitigation.

We are still not satisfied that there is sufficient ecological information available for determination of this application. Our comments are the same as those dated October 2020.

We note that this application lies within the Zone of Influence (ZOI) for the Essex Coast RAMS, approximately 6km from the Colne Estuary SPA and Ramsar, and delivery of mitigation measures in perpetuity will therefore be necessary to ensure that this proposal will not have an adverse effect on the integrity of the above Habitats sites from recreational disturbance both from the development alone and in combination with other plans and projects.

This will require the LPA to prepare a project level HRA Appropriate Assessment to assess the predicted impacts from this development, particularly from recreational disturbance. As the development is over 100 dwellings, Natural England (NE) advises that the development includes:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km⁵ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

We have reviewed the Amended Dog Walking Route (Mclean Architectural, May 2020) and the Amended Development Plan (Mclean Architectural, April 2020) and we are not satisfied that the proposals meet the current NE advice. No high-quality, informal, semi-natural areas, nor any dedicated 'dogs off lead' areas are identified within the red line boundary. We therefore recommend that the site is re-designed to provide suitable natural green

space within the red line boundary to mitigate the impact of increased recreational disturbance on the Colne Estuary SPA and Ramsar from the development alone. Without sufficient natural greenspace for daily recreational needs of new residents, the scale of development is unlikely to enable the LPA to conclude no adverse effect on integrity of the Habitats sites listed in its bespoke HRA Appropriate Assessment, from the development alone.

The LPA will also need to secure a proportionate financial contribution from the developer in line with the adopted Essex Coast RAMS to avoid impacts to conclude no adverse effect on integrity of the Habitats sites, in combination with other plans and projects. This will need to be secured by a legal agreement.

Additionally, the Extended Phase 1 Survey (Hillier Ecology, May 2020) states that the pond surveyed has a 'poor' HSI and is therefore unlikely to support newts. In practice, the Amphibian and Reptile Group Advice Note 5 on HSI (2010) states that "HSI for Great crested newts is a measure of habitat suitability. It is not a substitute for newt surveys. In general, ponds with high HSI scores are more likely to support great crested newts than those with low scores. However, the system is not sufficiently precise to conclude that any particular pond with a high score will support newts, or that any pond with a low score will not do so."

We have checked Natural England's Great crested newt (GCN) District Level Licensing mapping and this site lies with an Amber Risk Zone Area so there is a likelihood of GCN entering the development footprint. We therefore recommend that further assessment of the pond is undertaken to explain further reasoning as to why the pond is unsuitable, or further survey for GCN should be carried out.

The applicant may be interested to know that Natural England's District Level Licensing for GCN is now available in Essex - see <https://www.gov.uk/government/publications/great-crested-newts-district-level-licensing-schemes> - where sites can be registered to be covered by this strategic mitigation scheme. Guidance for developers and registration forms to join the scheme are available and the LPA will need an Impact Assessment and Conservation Payment Certificate (IACPC) document countersigned by Natural England as evidence of site registration prior to determination where this European Protected Species is likely to be present and affected by development.

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

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County
Council Ecology
22.12.2021

Holding objection due to insufficient ecological information on designated sites (Colne Estuary SPA and Ramsar, Hamford Water SPA, Ramsar and SAC and Essex Estuaries SAC)

Further to our comments of 16 Sept 2021, we have reviewed the submitted Great crested newt eDNA survey report (Hillier Ecology, June 2021) and accompanying email dated 13 November which confirms a negative result and likely absence of these European Protected Species in the pond tested. As the site lies within Amber Risk Zone Area for Natural England's Great crested newt (GCN) District Level Licensing mapping, we recommend precautionary measures are embedded into the construction phase to

manage the potential for GCN entering the development footprint from other ponds in the locality.

We still do not consider there is sufficient ecological information available for determination of this application.

No additional or revised information has been submitted relating to re-design of the site layout to provide suitable natural green space within the red line boundary to mitigate the impact of increased recreational disturbance on the Colne Estuary SPA and Ramsar, Hamford Water SPA, Ramsar and SAC and Essex Estuaries SAC from the development alone. Without sufficient natural greenspace for daily recreational needs of new residents, the scale of development is unlikely to enable the LPA to conclude no adverse effect on integrity of the Habitats sites listed in its bespoke HRA Appropriate Assessment, from the development alone.

We are therefore still not satisfied that the proposals meet the current NE advice and recommend that the development requires high-quality, informal, semi-natural areas and dedicated 'dogs off lead' areas to be identified within the red line boundary.

The LPA still also needs to secure a proportionate financial contribution from the developer in line with the adopted Essex Coast RAMS to avoid impacts to conclude no adverse effect on integrity of the Habitats sites, in combination with other plans and projects. This will need to be secured by a legal agreement.

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

We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County
Council Ecology
25.04.2022

Holding objection due to insufficient ecological information on designated sites (Colne Estuary SPA and Ramsar, Hamford Water SPA, Ramsar and SAC and Essex Estuaries SAC)

Summary

Further to our comments of 22nd December 2022, we have reviewed the submitted revised Site Development Plan – Drawing No. MA005-OP2-CP-02 Rev 00 and Dog walking routes - additional information (Mclean Architectural, April 2020).

We are still not satisfied that the proposals will meet the current Natural England advice for determination of this application. This is because, the revised Site Development Plan – Drawing No. MA005-OP2-CP-02 Rev 00 and Dog walking routes – annotated additional information (Mclean Architectural, April 2020) has not suitably addressed our comments on the 22nd December 2022, relating to the re-design of the site layout to provide suitable natural green space within the red line boundary and access to routes of at least 2.7km to meet daily recreational needs. This is to mitigate the impact of increased recreational disturbance on the Colne Estuary SPA and Ramsar, Hamford Water SPA, Ramsar and SAC, and Essex Estuaries SAC from the development alone. Without sufficient natural greenspace for daily recreational needs of new residents, the scale of development is unlikely to enable the LPA to conclude that the development will cause no adverse effect on integrity of the Habitats sites listed in the bespoke HRA Appropriate Assessment.

As per our previous comments, it is recommended that the development requires promotion (e.g. with an information board on site) of safe access to further high-quality, informal, semi-natural areas and dedicated 'dogs off lead' areas such as Brook Country Park which we note is within easy walking distance of the site. Although an area of wild grasses and 'dogs off lead' are to be provided, these lie partially outside of the red line boundary so

confirmation of any blue line land or legal agreement to support this use will be necessary to secure its provision in perpetuity.

Furthermore, the LPA still needs to secure a proportionate financial contribution from the developer in line with the adopted Essex Coast RAMS to avoid impacts to conclude no adverse effect on integrity of the Habitats sites, in combination with other plans and projects. This will need to be secured by a legal agreement. This is needed to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. We look forward to working with the LPA and the applicant to receive the additional information required to support a lawful decision and overcome our holding objection.

Essex County
Council Ecology
19.10.2022

Thank you for re-consulting Place Services on the above application.

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Summary

Further to our comments in April 2022, we have reviewed the Amended dog walking routes (September 2022), Great Crested Newt Edna Survey (Hillier Ecology, June 2021) and Extended Phase 1 Survey (Hiller Ecology, May 2020) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

We are now satisfied that there is sufficient ecological information available for determination of this application.

However, the site does falls within the evidenced recreational Zone of Influence (ZOI) of Colne Estuary Ramsar and SPA and Hamford Water Ramsar and SPA. Therefore, given the residential element of this development is relevant to the Essex Coast RAMS, the LPA will need to prepare a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

We are satisfied that the amended submitted information now appropriately demonstrates access to sufficient green space including providing links to the local Brook Country Park, which aims to meet the daily recreational needs of the residents.

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

The mitigation measures identified in the Extended Phase 1 Survey (Hillier Ecology, May 2020) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly bats.

To mitigate any potential impacts to the retained habitat such as the waterbody present onsite, especially through dust and pollution events, a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity) should be produced and secured by condition of any consent.

Although the Great Crested Newt eDNA Survey (Hillier Ecology, June 2021) shows a likely absence of Great Crested Newts within the onsite pond, the site does lay within an Amber Risk Zone for the Great Crested Newt (GCN) District Level Licensing (GCN Risk Zones (Essex) | Natural England Open Data Geoportal (arcgis.com)). Therefore, it is recommended that a precautionary method statement for GCN be produced for the construction stage, including storage of materials. This precautionary method statement should be included in the CEMP: Biodiversity.

We also support the proposed reasonable biodiversity enhancements of House Sparrow, Starling, Swift and bat boxes, Hedgehog houses and Hedgehog friendly fencing, which have been recommended by the to secure net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Extended Phase 1 Survey (Hillier Ecology, May 2020) also recommends that if any external lighting is to be proposed, a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

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

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

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hillier Ecology, May 2020 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

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

2. PRIOR TO COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

"A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

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

3. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY

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

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

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

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

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

and if any external lighting is to be proposed

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

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

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

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

Essex Wildlife Trust
28.10.2022

No objection subject to the production of a project level HRA Appropriate Assessment and the securing of biodiversity and mitigation measures by condition, as recommended in the Extended Phase 1 Survey Report (Hillier Ecology, May 2020).

Environmental
Protection
24.09.2020

I have reviewed the application and recommend the following comments.

Contaminated Land

There is some indication of potential contamination from our contaminated land database.

I have reviewed the submitted Phase 1 Desk Study and Preliminary Risk Assessment. As mentioned within the recommendations, should any materials or soils on site be re-used for the proposed residential development further testing should be carried out.

Should all materials be removed from site, a watching brief is recommended. The applicant must confirm with the local authority if the materials (including soils) on site are to be re-used or removed.

Asbestos

An asbestos survey should be carried out prior to the construction works. Any asbestos containing materials must be safely removed by a qualified contractor.

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection ask that the following is conditioned.

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection.

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) 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.

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Environmental Protection prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Environmental
Protection
05.10.2022

I have reviewed the application and the Environmental Protection team recommend the following comments:

Contaminated Land

The applicant has previously submitted a Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment dated May 2020.

As mentioned within the recommendations, should any materials or soils on site be re-used for the proposed residential development further testing should be carried out. The applicant must confirm with the local authority if the materials (including soils) on site are to be re-used or removed. A watching brief should also be conditioned.

Asbestos

An asbestos survey should be carried out prior to the construction works. Any asbestos containing materials must be safely removed by a qualified contractor.

Construction Method Statement

In order to minimise potential nuisance to nearby existing residents caused by construction works, Environmental Protection ask that the following is conditioned.

Prior to the commencement of any construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, Environmental Protection.

Noise Control

1) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

2) 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. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency).

3) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.

4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

5) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Environmental Protection prior to the commencement of works.

Emission Control

1) All waste arising from the demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

2) No materials produced as a result of the site development or clearance shall be burned on site.

Dust Control

1) Dust suppression methods to be employed during construction so as to minimize likelihood of nuisance being caused to neighbouring properties. A scheme of measures for the control and suppression of dust emissions shall be submitted.

2) All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

3) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

08.10.2020

Thank you for your email which provides Essex County Council (ECC) with the opportunity to assess and advise on the proposed landscape and green infrastructure (GI) strategy/plans for the aforementioned planning application.

ECC currently provides advice on green infrastructure schemes (GI) for major developments. ECC have been consultee on GI since the 2018. Although there are no statutory requirements for GI, the 25 Year Environment Plan and emerging Environment Bill will place significant importance on protecting and enhancing GI, accessibility and biodiversity net gain.

In providing advice we look to ensure that adequate provision, protection and improvements of high-quality GI comply with the objectives and planning principles set out in the following documents:

- o Tendring's Infrastructure Delivery Plan (2017), Tendring's Open Spaces Strategy (2008) and associated Infrastructure Delivery Plan, as well as Tendring's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- o Essex Green Infrastructure Strategy, 2020 aims to enhance the urban and rural environment, through creating connected multi-functional GI that delivers multiple benefits to people and wildlife. It meets the Council's aspirations to improve GI and green spaces in our towns, cities and villages, especially close to areas of deprivation. This can be viewed here: <https://www.placeservices.co.uk/resources/built-environment/essex-gi-strategy/>

ECC GI position

Having reviewed the Design and Access Statement (DAS) and Preliminary Landscape Proposals and the associated documents which accompanied the planning application we do not object the granting of planning permission; however, we would advise the following recommendations are considered to improve the GI network and help achieve net environmental gains.

Natural Play

On review play has not featured greatly in the Design and Access statement. It does mention that there is no need for formal play facilities due to provision being available to the west of the site and therefore on informal recreation space will be made available on site. Covid-19 has highlighted the importance of accessibility and GI connections within our local neighbourhoods. Therefore, careful consideration in line with Tendring's Open Space Strategy needs to be given to whether the existing play provision to the west of the site and the informal play area to be provided is sufficient in terms of accessibility, quality and quantity and in turn meets the needs of the existing and new community.

We would expect areas of play to contribute to environmental education opportunities through the creation of additional wildlife habitat. Natural Play Areas or Local Landscaped Area for Play (LLAP) should be explored. These areas may have little or no equipment but instead, are imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play. Planting should also be varied to provide a sensory mix of scent, colour and texture and be sympathetic to the existing landscape character.

Long-term Stewardship & mitigating measures

Green infrastructure will require sustainable management and maintenance if it is to provide benefits and services in the long term. It is noted that the DAS refers to a resident - controlled management Company with arrangement to be made after planning permission has been granted.

Documents such as the Construction Environmental Management Plan (CEMP), Landscape and Ecological Management Plan (LEMP) and Biodiversity Enhancement Plan are documents that will help ensure appropriate tasks, mitigating measures and methods are in place to:

- o Protect the retained trees and hedgerows.
- o Schedule of advanced planting to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in subsequent phases.
- o Landscape management and maintenance plan and work schedule for a minimum of 10 years including how management company services for the maintenance of GI assets and green spaces shall be funded and managed for the lifetime of the development.
- o Address recommendations within the Phase 1 (ecology) survey to enhance the ecological value through the proposed development. For example, Bird boxes and wildlife habitats etc.
- o Demonstrate measurable net gains for biodiversity, as outlined under paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019. The inclusion of phased implementation within the CEMP of new GI and protecting of retained vegetation of the development during construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work. While the LEMP will ensure appropriate management and maintenance arrangements and funding mechanisms are put in place to maintain high-quality value and benefits of the GI assets.

The Biodiversity Enhancement Plan will provide opportunities for biodiversity and environmental net gains through the development, enhancing the current value of the site. This can contribute positively to reversing the long-term decline in biodiversity and enhance quality of life for people. This potentially as alternative could be included within the Preliminary Landscape Proposal. Although we recommend these are submitted early in the planning process, these documents can be conditioned.

GI Standards

Moving forward, it is recommended that the development proposal explores and applies the Building with Nature standards and achieves an accreditation to highlight what 'good' looks like at each stage of the green infrastructure lifecycle and strengthen the development and demonstrate the development goes beyond the statutory minima, to create places that really deliver for people and wildlife. The Building with Nature Standards has been developed by practitioners and policy makers, academic experts and end-users, and has been tried and tested in multiple schemes from Cornwall to Scotland and is endorsed by Natural England, who is reviewing the current national green infrastructure standards. For more information please visit here: <https://www.buildingwithnature.org.uk/about>

If you have any queries regarding any of the matters raised above, please let us know.

Essex County
Council Heritage
22.09.2020

The application is for erection of 122no. residential units complete with roads and public open space.

There is no objection to this application.

Essex County
Council Heritage
12.10.2022

The application is for the erection of 122no. residential units complete with roads and public open space.

There are no additional comments to this application

ECC Highways
Dept
27.11.2020

The documents accompanying the application have been duly considered. There are several outstanding issues that need to be addressed prior to the Highway Authority being able to consider the acceptability of the proposals.

1st Comments

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

The developer has not demonstrated to the satisfaction of this Authority that the impact on the local highway network caused by this proposal is acceptable in terms of highway safety, capacity and accessibility. The following points need to be addressed before the Highway Authority will be able to consider the acceptability of the proposals:

3: Proposed Development

3.3: It is felt that the option of having the main access off Thorpe Road via Foots Farm Lane needs more clarification. This would be the preferred option Foots Farm Lane is an existing access and 110m metres from the roundabout to the north and it was highlighted at the pre-application stage in 2018:

'The red line / access arrangement drawing submitted does not show the extent of the red line boundary for the site, could you please provide this plan - I presume this extends to the east boundary of the site / Thorpe Road? o If this is the case could you please provide further information as to whether an access arrangement has been considered in this location and the reason for not pursuing this option further? As you are aware this is a lower category of road (PR2 network) than Centenary Way (PR1) and policy direction is to access from a lower category route'.

3.8: Subject to the extent of the publicly maintainable highway and land in the control of the applicant this option could be explored/ viable option.

3.10: A minimum 2m for a footway and/ or 3m shared footway/ cycleway should be increased along with opportunity for improvements to existing infrastructure.

Accessibility by Alternative Modes:

4.1: The Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' sets out acceptable maximum walk distances of, 2km for commuting and school journeys, 800m for Town Centres, and 1.2km for elsewhere.

4.2: Whilst there is signage on either end of Centenary Way at Thorpe Road and Morrisons, indicating a shared cycleway/footway it is not in the Essex cycle Network and is only designated as footway. I am unsure why, but it may be that it does not meet the required 3m minimum. The connections from the site should also meet the required minimum provision for 3 metres.

Table 4.1: No secondary School; railway station over 3km; leisure and town centre over 3 km. Strangely it has not been noted that there is a pedestrian access point from Centenary Way to Willow Tree nursery so walking would be 500m or pedestrian routes into Foots Farm Road could also reduce walking distances by creating links.

4.4: Although it states that there are local facilities within an acceptable walking distance of the site and as such it can be seen that the site would be accessible but not for key transport links, leisure and secondary school.

4.5: (Cycling): Clacton Cycling action plan proposed route B1442 Thorpe Road proposed route southbound to junction of St Johns Road.

Table 4.2: Any improvement to links from the site to Foots Farm Lane could help to provide links to the bus stops in Farmleigh Avenue.

4.10: (Train): The Institution of Highways and Transportation's (IHT) publication titled 'Planning for Public Transport in Developments' suggests that railway stations have a walk catchment of 800m. Whilst this document is now out of date the catchments are still applied in the CIHT Planning for Walking 2015 document.

4.11: However, the concern is that due to the location of this site that there will be a high reliance on the motor car.

Development Traffic Generation & Distribution:

Table 5.1: These have been checked, the 'suburban' was removed so it was just edge of town and these are comparable. So acceptable trip rates.

Table 5.2: checked and applied correctly.

5.8: As nearly all trips to work are driving for this MSOA. Quite unusual, no train, 38 bus, 52 cycling and 162 walking. They have not provided the original Census output but have provided their spreadsheets showing the routing. This is generally fine, but we must be careful, it is felt that one or two adjustments would be beneficial (for Tendring) just to be certain.

Table 5.3: It is felt to be generally a good representation.

Committed Developments

5.11: It is felt that Brook Park West will have an impact on some of the same junctions, the original London Road site? Bramcote rather than Bramwood and Telford Road extension so this needs re-visiting.

Flow Derivation

6.2: The recommended periods for data collection are spring and autumn, which include the neutral months of April, May, June, September and October.

Neutral periods are defined as Mondays to Thursdays, provided adequate lighting is available, and avoiding the weeks before/after Easter, the Thursday before and all of the week of a bank holiday, and the school holidays.

These traffic counts have been carried out at the end of November and only for a duration of 2 hours - standard practice is 7am to 10am and 4pm to 7pm. ATC's on Centenary Way commenced on 28th November so with 4 days in December. The primary concern is the proximity to the Clacton Shopping Village, Bookers Wholesale etc. due to the time of year and the impact on the other junctions which provide connections to the Brooke Retail area. Also, as a seaside resort Clacton has additional peak traffic periods which are non-standard.

6.3: For the traffic surveys provided. Queue length surveys? There are issues in Thorpe Road south London Road North and Centenary Way west, A133 North Southbound in the AM.

Short surveys - ATC which indicates 11am and 4pm as the peak hours, significantly higher than the normal peak. However, this is a residential

development so the traditional peak would still be appropriate. The counts should have been an hour longer.

On checking the flow diagrams there are discrepancies between the turning and link counts. An example is westbound centenary way turning movements AM add up to 418 (13) but Intermodal state the flow to be 390 (9) and eastbound turning movements 471 (21) and Intermodal have the link as 468 (10). This is important as these are used for the site access at this point. The brackets are the OGV's so important. These all must add up. Manual counts are usually more accurate as ATC tubes can miss record traffic particularly if there are queues. As they have lost OGV's this demonstrate this.

Please recheck traffic diagrams to ensure that manual counts are representative on the flow diagrams and that link counts are not over.

6.4: Please note we normally do application year plus five years.

Table 6.1: Why not NTM AF15 dataset? We appear to get a lower growth rate from this around 1.1667 AM and 1.1650 PM. These need to be adjusted to account for committed development via alternative assumptions.

Network Assessment

6.7: It appears we only have a drawing for the proposed access, so the junction geometries cannot be checked, these should be provided with the modelled output. Annotated drawings can also be provided for ease of checking. Due to differences with the initial base link flows and the turning movements for adjacent junctions including the loss of vehicle trips and HGVs these will need to be corrected throughout the flow diagrams and in the models. Changes to growth and committed development will also need to be applied if changes are required.

Table 6.4: Junction 3 ARCADY Assessment Results: These results are similar for the AM peak to Progress Way but the PM is lower for the A133 north and St Osyth Road even though they are assessing for 2027?

Table 6.5: Junction 4 ARCADY Assessment Results: This gives similar results to Progress Way. As Centenary Way is 0.84rfc in the PM just below 0.85 theoretical capacity where we start having problems. The concern is, this is without all of the other proposed developments in this area too, add Progress Way and it will tip it over and then London Road and we are definitely going to need mitigation on this junction.

Note:

Further consideration will be given to the planning application upon receipt of the additional information or clarification on the points raised above.

ECC Highways
Dept
12.12.2022

2nd Comments

The information submitted with the application has been fully assessed by the Highway Authority and conclusions reached based on a desktop study in conjunction with a site visit. The site is situated south of the B1442 Centenary Way that is subject to a de-restricted speed limit. The proposal would introduce a new access onto the B1442 Centenary Way. There is no evidence of any personal injury accidents in the vicinity of the proposed access for the most recent 5-year period. The applicant has demonstrated that the proposed vehicular access has adequate visibility on both approaches and will include a designated right turn lane. The assessment of the application and Transport Assessment was undertaken with reference to the National Planning Policy Framework and the Highway Authority is satisfied that, at peak times, the number of trips generated by the proposal on the highway network would not be severe, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

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

a) A priority junction off Centenary Way to provide access to the proposed site as shown in principle on planning application, proposed site access, drawing number: IT1898/TA/02.

b) Dedicated right turn lane to be designed in accordance with DMRB standards.

c) The road junction at its centre line shall be provided with a minimum clear to ground visibility splays of 2.4m x 101m to the right (east) and 2.4m x 115m to the left (west), as measured from and along the nearside edge of the carriageway and retained free of any obstruction at all times.

d) Upgrade to a minimum 3-metre-wide shared footway/ cycleway along the entire site frontage of Centenary Way westwards to the Morrisons roundabout and any associated signage.

e) Where possible the existing footway to be widened to 2-metre-wide along the entire site frontage with Thorpe Road.

f) To current Essex County Council specification, the provision of two new bus stops on Thorpe Road, north of Gorse Lane which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development).

g) Pedestrian/ cycleway provision required to access existing shared footway/ cycleway on Centenary Way with associated tactile paving.

h) Suitable pedestrian/cycle provision through the sites to provide permeability.

i) Any cul-de-sac without a turning head being no more than 20m in length.

j) Upgrade of any street lighting in association with the new junction onto Centenary Way.

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10.

3. Prior to the occupation of any of the proposed development the internal road site access and footway layout shall be provided in principle and accord with Drawing Numbers:

- OC151-PL-02 00 Amended development layout
- OC151-PL-04 00 Amended parking layout

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

4. The powered two-wheeler/cycle parking facilities as shown on the amended plan are to be provided prior to the first occupation of the development and retained at all times.

Reason: To ensure appropriate powered two-wheeler and bicycle parking is provided in accordance with Policy DM8.

5. Residential Travel Plan: Prior to first occupation of the proposed development, the Developer shall submit a residential travel plan to the Local Planning Authority for approval in consultation with Essex County Council. Such approved travel plan shall then be actively implemented for a minimum period from first occupation of the development until 1 year after final occupation.

It shall be accompanied by an annual monitoring fee of £1,596 (index linked), for residential developments the new fees are as follows: 80-449 dwellings = £1,596 per annum.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

6. Prior to the occupation of 51st unit the provision of a £70,000 (index linked) Section 106 financial contribution for procurement towards the local bus services operating on Stephenson Road West and/or Thorpe Road, Farmleigh Avenue and Gorse Lane to serve the development and/ or towards the design and/or delivery of a formalised crossing near the roundabout with Centenary Way /Thorpe Road/ Stephenson Road West.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Notes:

- LTN 1/20 compliance table/report for cycle routes will be required for the development.
- DMRB compliance table, including any departures or relaxation from standards will be required.
- The Residential Travel Plan will be secured by a S106 agreement.
- A RSA1 for the proposed access and off-site highway improvement scheme to be provided, ideally to be carried out by Essex Highways (to avoid the issue of additional items being identified at RSA2 stage which can then delay technical approval) roadsafety.audit@essexhighways.org
- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- Prior to any works taking place in the highway the developer should enter into an S278 agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All highway related details should be agreed with the Highway Authority.
- Priority for pedestrians and cyclists across internal junctions. (Internal layout subject to a 20mph Zone).

Informative:

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

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

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

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

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

5: Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Housing Services
02.11.2020

I have been asked to comment on the affordable housing requirements for the above application and I am sorry for the delay in replying. I would comment as follows:

The Council's emerging Local Plan requires that on sites delivering 11 or more dwellings, 30% of the homes should be delivered as affordable housing.

The application proposes 122 dwellings in total and the applicant has accounted for 36 of the dwellings to be delivered as affordable housing. This constitutes 29.5% of the total number of dwellings proposed on the application and so is almost compliant with policy. However, to be fully compliant, 37 of the dwellings should be delivered as affordable housing as 30% of 122 dwellings constitutes 36.6 dwellings in total so 37 rounding up.

Clacton-on-Sea is the area facing the highest demand for housing and there are currently 393 households on the housing register seeking a 1 bedroom home, 234 seeking a 2 bedroom home and 158 seeking a 3 bedroom home.

My department is happy with the mix of homes the applicant proposes in the application and would prefer affordable housing to be delivered on site. We would prefer that another registered provider is sought to take on the affordable homes.

Housing Services
04.10.2021

I have been asked to comment on the affordable housing requirements for the above application and I apologise for the delay in replying.

The Council's emerging Local Plan requires that sites delivering 11 dwellings or more must provide up to 30% of the dwellings on the site for affordable housing. The applicant has proposed that 37 of the 122 dwellings on the site will be delivered as affordable housing and this complies with the requirements of the emerging Local Plan. Clacton-on-Sea remains the area of the district where we have the highest demand for affordable housing.

My department's preference is that another provider should be sought to take on the affordable dwellings on the site.

Housing Services
27.10.2022

No further comments from Housing over and above those previously submitted.

Natural England
02.12.2022

Thank you for your consultation on the above dated 11 November 2022 which was received by Natural England on 11 November 2022

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscape.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Sites of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

NHS East Essex
CCG
14.09.2020

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 2 GP practices including 1 branch surgery operating within the vicinity of the application site. These GP practices and branch surgeries do not have capacity for the additional growth resulting from this development.

2.2 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 268 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 closest to) the proposed development

Premises	
Weighted List Size ¹	
NIA (m ²) ²	
Capacity ³	
Spare Capacity (NIA m ²) ₄	
North Clacton Medical Group (consisting of Crusader Surgery & North Road branch)	
14,431	
616.01	
8,983	
-373.58	
Epping Close Practice (part of Clacton Community Practices CCP, including the other practices within CCP)	
19,942	
824.13	
12,019	
-543.29	
Total	
34,373	
1,440.14	
21,002	
-916.87	

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 120m² 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 its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

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 dental needs of the development and surrounding areas giving consideration to the current dental 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 needs of the development but also address existing gaps and inequalities.

5.2 Encourage oral health preventative advice at every opportunity when planning a 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, refurbishments, 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, closer 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 emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of North Clacton Medical Group or through other solutions that address capacity and increased demand 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 services 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 (122 dwellings) _"5
Additional floorspace required to meet growth (m²)6

Spare Capacity (NIA)	7
Capital required to create additional floor space (£)	8
North Clacton Medical Group (consisting of Crusader Surgery & North Road branch)	
	268
	18.38
	-373.58
	71,167.36
Total	
	268
	18.38
	-373.58
	71,167.36

Notes:

5. Calculated using the Tendring District average household size of 2.2 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

6. Based on 120m² 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 m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q1 2020 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£3,872/m²), 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 £71,167.36. 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.

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.

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.

NHS East Essex
CCG
08.11.2022

1.0 Introduction

1.1 Thank you for consulting Suffolk and North East Essex Integrated Care Board 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 1 main GP practice including a group of 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 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, Suffolk and North East Essex ICB would therefore expect these impacts to be fully assessed and mitigated.

3.0 Review of Planning Application

3.2 A Healthcare Impact Assessment (HIA) has been prepared by Suffolk and North East Essex ICB 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 268 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 closest to) the proposed development

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
North Clacton Medical Group (including branch)	13,632	616.01	8,983	-319

Total 13,632 616.01 8,983 -319

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 120m² 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 its implications, if unmitigated, would be unsustainable. The proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

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 dental needs of the development and surrounding areas giving consideration to the current dental 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 needs of the development but also address existing gaps and inequalities.

5.2 Encourage oral health preventative advice at every opportunity when planning a 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, refurbishments, 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, closer 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 emerging STP Estates Strategy; by way of refurbishment, reconfiguration, extension, or potential relocation for the benefit of the patients of North Clacton Medical Group or through other solutions that address capacity and increased demand 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 services 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 (122 dwellings) _"5 Additional floorspace required to meet growth (m ²)6 Spare Capacity (NIA)7 Capital required to create additional floor space (£)8 North Clacton Medical Group (including branch) 268 18.37 -319 £71,100.00 Total 268 18.37 -319 £71,100.00
--

Notes:

5. Calculated using the Tendring District average household size of 2.2 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).

6. Based on 120m² 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 m² cost multiplier for primary healthcare in the East Anglia Region from the BCIS Public Sector Q1 2020 price & cost Index, adjusted for professional fees, fit out and contingencies budget (£3,872/m²), rounded to nearest £100.

5.6 A developer contribution will be required to mitigate the impacts of this proposal. Suffolk and North East Essex ICB calculates the level of contribution required, in this instance to be £71,100.00 Payment should be made before the development commences.

5.7 Suffolk and North East Essex ICB 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.

6.0 Conclusions

6.1 In its capacity as the primary healthcare commissioner, Suffolk and North East Essex ICB 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.

6.3 Assuming the above is considered in conjunction with the current application process, Suffolk and North East Essex ICB 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 Suffolk and North East Essex ICB deem appropriate having regard to the formulated needs arising from the development.

6.5 Suffolk and North East Essex ICB 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 Suffolk and North East Essex ICB 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.

Tree & Landscape
Officer
12.10.2020

The application site comprises of agricultural land with established boundary hedgerows and several mature Oaks some of which are afforded formal legal protection by Tendring District Council Tree Preservation Order 08/01/TPO.

1st Comments

The site layout shows the retention of the preserved trees and the majority of other trees on the site boundaries.

However, in order to formally show the extent of the constraint that the preserved and other trees have on the development potential of the land and to show how retained trees will be physically protected for the duration of the construction phase of any planning permission that may be granted the

applicant should provide an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report.

The information should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

In terms of soft landscaping the applicant has submitted plans entitled Preliminary Landscape Proposals and the information contained therein is comprehensive and acceptable. Details of the landscaping shown on the plans should be secured by a condition attached to any planning permission that may be granted.

Tree & Landscape
Officer
28.10.2020
2nd Comments

In order to formally show the extent of the constraint that the preserved and other trees have on the development potential of the land and to show how retained trees will be physically protected for the duration of the construction phase of any planning permission that may be granted the applicant has now provided an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report.

The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The information contained in the tree report adequately demonstrates how retained trees will be physically protected for the duration of the construction phase of any development that may be granted planning permission.

Tree & Landscape
Officer
31.08.2021

3rd Comments

The applicant has previously provided an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report.

The AIA adequately demonstrated the extent of the constraint that the preserved and other trees have on the development potential of the land and showed how retained trees would be physically protected for the duration of the construction phase of any planning permission that may be granted. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

No further comments on the application

Tree & Landscape
Officer
10.10.2022

Latest Comments

The applicant has previously provided an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction. Recommendations.

The amended site layout shows the retention of the preserved trees and avoids development within their Root Protection Areas (RPA's).

Should planning permission be likely to be granted then compliance with the AIA should be secured by a planning condition.

ECC Schools
Service
12.10.2020

Thank you for providing details of the above detailed planning application for up to 122 new homes. From the information I have received, I have assessed the application on the basis of 4 x 1 bed houses (exempt) and 118 x 2bed+ houses. Based on this information, a development of this size can be expected to generate the need for up to 10.62 Early Years and Childcare (EY&C) places; 35.4 primary school, and 23.6 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Early Years and Childcare

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

The proposed development is located within Burrsville ward (postcode CO15 4QD). According to latest available childcare sufficiency data, there are 5 early years and childcare providers within the ward but 47 within a 3 mile radius. There is well in excess of 10.6 vacant places and also plans are in place for a new provision that will create additional capacity in the area.

As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.

Primary Education

Primary age pupils moving to this proposed development would live closest to either Engaines Primary School or Burrsville Infant Academy and Great Clacton CE Junior School, depending on which part of the estate they lived. At the last schools' census in January 2020, Engaines Primary School was over number in some year groups with a total of 279 pupils on roll against 38 places per year group. Burrsville Infant Academy has a yearly admission number of 60 and, as of January, they were full in all three year groups. Great Clacton Junior was likewise full, with 'bulge' classes in two of the four year groups. Both the Primary and Infant school had a waiting list for places this September.

According to Essex County Council's 'Ten Year Plan' to meet demand for school places, the wider area is also under pressure with the groups covering both Little Clacton (Tendring Primary Group 1) and Clacton on Sea (Tendring Primary Group 2) potentially requiring additional capacity within the period. As set out in Tendring District Council's emerging Local Plan, the level of potential extra demand from new housing requires new school sites to be allocated.

Based on demand generated by this proposal set out above, a developer contribution of £611,287.00, index linked to April 2020, is sought to mitigate its impact on local primary school provision. This equates to £17,268 per place.

Secondary Education

The Priority Admissions Area secondary school would be Clacton County High. The school have consistently taken over their Published Admission Number and, as of January, had a total of 1,661 pupils on roll against an official capacity of 1,535 places.

To meet local demand, the school will increase their Published Admission Number from 279 to 308 for September 2021. Looking at the wider area (Tendring secondary school planning group 1 - Clacton), demand for places has increased significantly in recent years. A programme of potential expansion projects has been formulated, and is set out in the Ten Year Plan. Demand is forecast to peak during the 2023/24 academic year with an extra 169 places needed for entry into Year 7.

Based on demand generated by this proposal set out above, a developer contribution of £561,090.00, index linked to April 2020, is sought to mitigate its impact on local primary school provision. This equates to £23,775 per place.

School Transport

Having reviewed the proximity of the site to the nearest primary and secondary schools, Essex County Council will not be seeking a school transport contribution, however, the developer should ensure that safe direct walking and cycling routes to local schools are available.

Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes.

The provision of a Library Service is a statutory duty under the 1964 Public Libraries and Museums Act and it's increasingly become a shared gateway for other services such as for accessing digital information and communications.

In this case the suggested population increase brought about by the proposed development is expected to create additional usage of Clacton library. As outlined in the adopted Essex Developers' Guide to Infrastructure Contributions (2016), a contribution is therefore considered necessary to improve, enhance and extend the facilities and services statutorily provided to account for the expected increase in number using these facilities.

The requested contribution is based on the following calculation:

Average. RICS East of England Library tender value cost per m2 for library provision x 30m2 / 1000 x av. Household occupants + av. Fitting out costs of a new provision in Essex + provision of stock per dwelling.

In this case, and taking the above into account, it is calculated that a contribution of £39,931.84 is requested and should be included in any Section 106 Agreement should the Council be minded to grant permission.

In view of the above, I request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education, and libraries. The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. Our standard formula s106 agreement clauses that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If your council were minded to turn down the application, I would be grateful if the lack of surplus primary and secondary education, and library provision, in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

ECC Schools
Service
25.10.2022

Thank you for providing revised details relating to the above application. There are no proposed changes to the unit numbers or mix, therefore, the proposed development can be expected to generate the need for up to 10.62 Early Years and Childcare (EY&C) places; 35.4 primary school, and 23.6 secondary school places.

Please note that any developer contribution figures referred to in this letter are calculations only, and that final payments will be based on the actual dwelling unit mix and the inclusion of indexation.

Correspondence has been exchanged with the developer since the original consultation response was submitted by ECC on 12th October 2020, whereby the contributions requested for primary and secondary education were discussed. These discussions have informed this supplementary response.

Early Years and Childcare

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

The proposed development is located within Burrsville ward (postcode CO15 4QD). According to latest available childcare sufficiency data, there are 5 early years and childcare providers within the ward but 30 within a 3 mile radius. There is well in excess of 10.6 vacant places and also plans are in place for a new provision that will create additional capacity in the area. As there are sufficient places available in the area, a developers' contribution towards new childcare places will not be required for this application.

Primary Education

The proposed development is roughly equidistant to Engaines Primary School, which is part of Tendring Group 1, and Burrsville Infant / Great Clacton CE Junior Schools in Tendring Group 2. They continue to be full in most year groups, and there were waiting lists in operation for Reception places in September. As well as Engaines, Burrsville and Great Clacton: Cann Hall Primary, Holland Park Primary and White Hall Academy are within the two miles statutory walking distance of the proposed development. These schools are also full in most year groups and both Cann Hall and White Hall Academy have taken 'bulge' groups to meet high local demand.

Neither of the above mentioned schools offer a catchment guarantee and ECC would raise concerns regarding the lack of certainty over the availability of school places close to the development. Whilst it is highly desirable that pupils are offered a place at their closest school, it is recognised that it can be appropriate to manage demand for school places across an area using the planning groups agreed with the Department for Education. Since the above schools are in different groups, ECC's assessment of need includes both groups and, thereby, considers the widest reasonable area. As set out on page 32 of the ECC Developers' Guide, when looking at an area it is considered appropriate that a degree of surplus, usually 5%, is maintained to facilitate parental preference and manage mid-year admissions. In areas such as Clacton, where there is a history of high cohort size fluctuation, this is especially important and any current reduction in birth rate should not be taken as representing a reliable new population baseline. Forecasts set out in the Essex School Organisation Service's 10 Year Plan suggest that by 2028/29 neither group will have sufficient unfilled places and, taken together, by the end of the Plan period there could be a net deficit of Reception provision if action isn't taken.

ECC note that the Transport Assessment (August 2020), submitted to TDC as part of the library of supporting documents for this application, only refers to Great Clacton CE Junior school in its assessment of local facilities within 1.6km of the site, and does not take into consideration that this school only provides for children from the age of 7 - 11 and therefore does not provide for the requirements of children from age 5 - 7.

Furthermore, given the importance to public health of promoting active travel, and with regard to sustainability and the reduction of road traffic, ECC would not expect pupils to travel to other primary schools in Clacton that are not within the Planning Groups referred to above.

With reference to the above comments, there does appear to be a disparity between the approach taken by the developer and ECC's School Place Planning Manager in assessing the availability of surplus school places. However, the request for a developer contribution toward primary education is reiterated and a developer contribution of £611,287.00, index linked to Q1-2020, is sought to mitigate its impact on local primary school provision. This equates to £17,268 per place.

Secondary Education

A further review of the demand for secondary school places has been undertaken. Since the original assessment, two expansion projects have been completed Clacton County High resulting in an offer of 336 places rather than the 308 stated in the original response. Therefore, a contribution toward secondary education will not be required at this time, albeit the level of growth set out in Tendring's Local Plan can be expected to fill these additional places long term.

School Transport

Having reviewed the proximity of the site to the nearest schools, Essex County Council will not be seeking a school transport contribution at this time. However, the developer should ensure that safe direct walking and cycling routes to local primary and secondary schools, accompanied as necessary by an adult, are available.

Libraries

ECC may seek contributions to support the expansion of the library service to meet customer needs generated by residential developments of 20+ homes. ECC reiterate the request for a library contribution of £39,931.84. This equates to £77.80 per unit.

Employment and Skills

Both Central and Local Government have a crucial role to play in identifying opportunities to maximise employment, apprenticeships, and to invest in skills to realise personal and economic aspirations.

ECC has a role to play in supporting Local Planning Authorities and helping to ensure that the development industry has the necessary skills to build the homes and communities the county needs. ECC supports Tendring District Council (TDC) in securing obligations which will deliver against this crucial role in supporting employment and skills in the district.

In the current economic climate and national skills shortage, ECC supports TDC Council in requiring developers to prepare an 'Employment and Skills Plan' (ESP) seeking to drive forward an increase in construction employability levels and workforce numbers. These plans will help to address negative perceptions of the sector and develop a strong future pipeline. This is referred to as the 'development phase'. ECC also supports TDC Council in requiring landowners to produce an ESP for commercial developments, to enable wider employment opportunities for those requiring additional support to enter the job market. This is referred to as the 'end-use phase'. Additionally, ECC encourages TDC Council to consider the inclusion of other requirements, including financial contributions, to support appropriate employment and skills outcomes as a result of this development.

In view of the above, it is requested on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary school provision and libraries.

The contributions requested have been considered in connection with the CIL Regulations 2010 (as Amended) and are CIL compliant. ECC's standard formula s106 agreement clauses, that ensure the contribution would be necessary and fairly and reasonably related in scale and kind to the development, are available from Essex Legal Services. If your council were minded to turn down the application,

I would be grateful if the lack of surplus primary education provision and library provision in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to the site.

Thank you for consulting this authority in respect of this application.

ECC SuDS
Consultee
14.09.2020

Thank you for your email received on 10/09/2020 which provides this Council with the opportunity to assess and advise on the proposed surface water drainage strategy for the above mentioned planning application.

As the Lead Local Flood Authority (LLFA) this Council provides advice on SuDS schemes for major developments. We have been statutory consultee on surface water since the 15th April 2015.

In providing advice this Council looks to ensure sustainable drainage proposals comply with the required standards as set out in the following documents:

- Non-statutory technical standards for sustainable drainage systems
- Essex County Council's (ECC's) adopted Sustainable Drainage Systems Design Guide
- The CIRIA SuDS Manual (C753)
- BS8582 Code of practice for surface water management for development sites.

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission based on the following:

Condition 1

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

- Limiting discharge rates to 5.6l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party. All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.

- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason

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

Condition 2

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

Reason

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

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

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

Condition 3

Prior to occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

Reason

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

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

Condition 4

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

Reason

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

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

Summary of Flood Risk Responsibilities for your Council

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development, and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test in relation to fluvial flood risk;
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements);
- Safety of the building;
- Flood recovery measures (including flood proofing and other building level resistance and resilience measures);
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Please see Appendix 1 at the end of this letter with more information on the flood risk responsibilities for your council.

INFORMATIVES:

- Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture

proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

- Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.

- Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

- It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

- The Ministerial Statement made on 18th December 2014 (ref. HCWS161) states that the final decision regarding the viability and reasonableness of maintenance requirements lies with the LPA. It is not within the scope of the LLFA to comment on the overall viability of a scheme as the decision is based on a range of issues which are outside of this authority's area of expertise.

- We will advise on the acceptability of surface water and the information submitted on all planning applications submitted after the 15th of April 2015 based on the key documents listed within this letter. This includes applications which have been previously submitted as part of an earlier stage of the planning process and granted planning permission based on historic requirements. The Local Planning Authority should use the information submitted within this response in conjunction with any other relevant information submitted as part of this application or as part of preceding applications to make a balanced decision based on the available information.

Appendix 1 - Flood Risk responsibilities for your Council

The following paragraphs provide guidance to assist you in determining matters which are your responsibility to consider.

- Safety of People (including the provision and adequacy of an emergency plan, temporary refuge and rescue or evacuation arrangements)

You need to be satisfied that the proposed procedures will ensure the safety of future occupants of the development. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs formally consider the emergency planning and rescue implications of new development in making their decisions.

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals as we do not carry out these roles during a flood.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures)

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. Both flood resilience and resistance measures can be used for flood proofing.

Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. The National Planning Policy Framework confirms that resilient construction is favoured as it can be achieved more consistently and is less likely to encourage occupants to remain in buildings that could be at risk of rapid inundation.

Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Further information can be found in the Department for Communities and Local Government publications 'Preparing for Floods' and 'Improving the flood performance of new buildings'.

- Sustainability of the development

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF recognises the key role that the planning system plays in helping to mitigate and adapt to the impacts of climate change, taking full account of flood risk and coastal change; this includes minimising vulnerability and providing resilience to these impacts. In making your decision on this planning application we advise you consider the sustainability of the development over its lifetime.

ECC SuDS
Consultee
30.09.2022

Thank you for consulting us on the above application, as there are no material changes to the permeable area our response remains the same as that dated 14 September 2020.

Urban Design
Advisor - ECC
13.11.2020

Thank you for consulting us on the full planning application for Foots Farm, Clacton On Sea. This letter summarises our response to the submitted proposal for the erection of 122no. residential units complete with roads and public open space. The following comments are based on the development layout, elevations and supporting information submitted as part of the full planning application.

1st Comments

Layout

The proposed Layout is in general, logical with a clear hierarchy of streets, development blocks and good links to the surrounding green space and urban area. The DAS mentions the intention to create an inward focused Layout, with houses from the Centenary Way and housing on the southern boundary laid out to maintain back to back relationships with the neighbouring properties. Although there are merits in this approach it may be worth considering opportunities to create outward focused aspects to help link the new development within the surrounding area and provide a clearly defined entrance point to Clacton urban area. Properties could be arranged to overlook Centenary Way with a landscaped buffer between the dwelling frontages and the road. For roads of this size we would promote properties fronting the street in a similar way to the new development on Thorpe Road. There may also be potential to move the national speed limit zone on Centenary Way further to the west, reducing vehicle speeds passing the site.

The dwellings adjacent to the southern boundary do not provide as much of a back to back relationship with the neighbouring properties to the south. The housing and gardens on the western part of the southern boundary appear to be mostly perpendicular to the neighbouring properties and there are concerns with the proximity of dwellings to the neighbouring properties on the southern boundary of the site. It is recommended that the as approved plans are overlaid to check housing sizes and orientations of these dwellings. With the aim of increasing connectivity, the layout current shows two dead ends separated by boundary treatment and it would be good to see at least pedestrian connectivity between the two.

There are also concerns with the shape of some of the gardens, there should be full compliance with the Essex Design Guide with garden sizes and useable rectangular shaped gardens. Ideally tenure types would be spread throughout the development as the current design shows two distinct and segregated areas of tenure types. We do not support this level of segregation between tenure and we would require it to be pepper potted in much smaller blocks and mixed with market housing.

Access and Parking

The access point to the site is sensible, however, there are concerns about the proximity of the two dwellings to the road in terms of noise. No noise constraints are mentioned but if this an issue a landscaped entrance would also provide legible access to the site. For parking it is good to see the majority of parking on plot and away from the roads however, this could be further enhanced with garages or house over garage typologies to conceal some of this parking. A range of parking typologies could be used as a method of achieving character. Furthermore, the visitor parking is inconsistent throughout the site with the majority of it being located in the east. Visitor parking should be equally distributed throughout the site, providing visitor opportunities for all dwellings. This could be achieved with a small amount of on street visitor parking.

Elevations and Street Scenes

The DAS mentions the use of identical house type to help define key nodes and further elevation drawings show a uniform street scene with very similar building typologies. In accordance with the methods set out within the Essex Design Guide (building lines, window and door types, gables, varied skylines and materiality etc) we would recommend the use of varied building typologies to help create an interesting and varied street scene. This is particularly key for the nodal junctions within the site that can be designed to create key landmark features and create a legible environment for site users. The current design shows a very similar building style throughout the site, with the main changes being building orientation and this is not as effective for creating an interesting, varied and legible site layout. Although we would not expect large changes in character areas of a development of this size, we would expect some use of different character referencing the architectural style of the local area. There are also some concerns with the street scene to the south of the primary access road due to large sections of garden boundaries and the orientation of dwellings.

Public Open Space

It is good to see green space incorporated centrally into the design and the provision of pedestrian links to the neighbouring green space. To improve the linked nature of the central open space it would be positive to see the visitor car park spaces moved and an area of raised shared space introduced to this crossover between the green space to provide connectivity across the road. Further information should also be provided where the site boundary cuts into the site in the northern part of this public open space. It appears boundary treatment may be needed to integrate this space within the site and make sure it is not left as dead space. We are concerned that this area of land restricts the north south connectivity to the green space and the current design creates a dead end. Although the site is not providing any formal children play facilities due to the neighbouring play space, it would be good to see landscaped features used to create opportunities for informal play and exercise within the site. Landscaping should also be used to clearly mark the pedestrian links to the neighbouring green space.

Design and Architecture

As previously mentioned, the building design is very uniform throughout the site, to add character and interest to the site, opportunities should be explored to introduce more varied design typologies. Materiality and design options should be developed in accordance with the local context to help position the development within its surroundings. There is an opportunity to add architectural character with the design of the apartment block. Currently this is hidden away behind a row of car parking at the southern site boundary and this building could be integrated within the site more effectively in a more prominent position and be orientated to create a terminating vista or key corner of the site.

Summary

It is unfortunate that there has been no design pre-app for this scheme where we could have sought to address some of these concerns. Given the stage of the application our comments will require considerable revisions to the scheme to elevate the proposals to a level we would feel comfortable recommending for approval on design grounds. In light of national and local design policy advocating a strong sense of place, the current proposals do not add sufficient design quality and we would seek exploration of our comments to ensure that the development addresses the key urban design priorities discussed.

If you have any queries regarding the information stated above, please do not hesitate to contact me.

Urban Design
Advisor - ECC
10.09.2021

2nd Comments

Thank you for consulting us on the Full Application for the site known as Foots Farm, Land South of Centenary Way and West of Thorpe Road, Clacton On Sea, Essex, CO15 4QD. This letter sets out our comments and observations based upon the provided drawings and supporting documents within this application.

The description of the development is as follows:

"Erection of 122no. residential units complete with roads and public open space".

Layout

It is positive to see an improvement to the orientation of the apartment building by fronting it onto the public open space/street and removing parking from the public realm by obscuring it to the rear. This creates a more attractive and logical environment with improved natural surveillance of the public open space and a better relationship with the street. The accessibility of the public open space has also been improved with the addition of more recreational routes. We are pleased to see the inclusion of the garden sizes; however, we note that there is still some use of irregular garden shapes and where possible regular garden shapes should be included in accordance with the Essex Design Guide. We welcome the justification of back to front relationships throughout the site. The dwellings front onto the new and existing areas of public open space which helps integrate the site within its context and aids connectivity and natural surveillance whilst maintaining the existing hedgerow features. However, it is noted that the orientation of the dwellings to the north still creates an inward facing development. It is our opinion that this approach for development creates poor quality schemes where there is little or no reference to wider infrastructure, communities, or landscapes. We would suggest that further review is undertaken to explore

alternative options to how dwellings respond to this boundary. The spread of tenure types is also an improvement on the previous layout as they are integrated throughout the site.

Access and Parking

We welcome the addition of car ports on a good proportion of the proposed dwellings as this will add to the quality of the scheme with integrated and on-plot parking removing cars from the public realm and reduce the dominance of parking on the streetscene. It is positive to see visitor parking spread throughout the site giving users more options and opportunities to access all dwellings. It is good to see the development of a clear hierarchy of streets with the internal access road, secondary streets and private drives.

Design and Materiality

It is positive to see the inclusion of a character assessment and the addition of a variety of house types, materials and design features. The use of pitched roofs, gable end dwellings, brick detailing, protruding porches and varied brick colours helps to give the dwellings architectural character and create a sense of place for the development. We welcome the simple palette of materials and the varied roof scape will add to the character of the site. In general, the fenestration creates an overlooked streetscape with natural surveillance. However, we question the application of what appears to be false windows, such as the House Type E, E1, B2, as these features do not respond to the high-quality aspirations of the scheme.

Landscaping and Public Open Space

As previously mentioned, it is positive to see the integration of the site within the existing public open space and the inclusion of overlooked areas of new public open space. We welcome the addition of more recreational routes that will encourage informal activity and amenity value. The proposals include visitor spaces in the eastern public open space however, there is a gap between the areas of parking which helps facilitate access and views through to the public open space. Furthermore, the addition of street parking bays is considerate and integrated well without dominating the streetscape. We would request that ideally the footpath link between the northern and south parts of the public open space are aligned properly and the south footpath appears to lead to a brick boundary wall at Foots Farm Lane. If there is no proposed connection, it may be worth considering a circular route or a link to the adjacent private drive to better define the recreational route.

Summary

We are pleased to see the updated design proposals have addressed a number of our concerns relating to the layout, design and materiality and consider the proposals to respond better to national and local design policy to create a sense of place. However, we would request further consideration of the orientation of dwellings on the northern boundary and the garden shapes. Furthermore, the use of false windows on some elevations and the alignment of the footpaths within the new public open space should also be refined to improve the quality of the scheme.

Should you require further clarification on any of the above points, please do not hesitate to contact us.

3rd Comments

design toolkit. For example, the Distinctive Places section of the BHL notes that streets with active frontages enliven, add interest and create a human scale to developments. The development of this site presents an opportunity to define the settlement edge of Clacton and create an outward facing scheme that acts as a gateway welcoming people to Clacton and contributing to the character and sense of place. Furthermore, the traditional backing of development onto distributor roads with restricted frontage does not create healthy streets that encourage people to walk and cycle. There is an existing footpath on Centenary Way that would be enhanced with an outward facing scheme. There are numerous examples of outward facing developments at the settlement edge, such as the below in Biggleswade, Central Bedfordshire, and we believe a similar approach could enhance the approach to Clacton with the replicated use of private drives. The hedgerow appears to reduce in height as you move towards the roundabout meaning landscaping could be combined with an active frontage to provide an outward facing, whilst also partially screening frontage to balance the need for privacy and definition of the street.

We would welcome any further design improvements to the shape of the gardens in line with the Essex Design Guide. Our concern relates to the usability of some of the garden space where narrow pinch points are created that could cause maintenance and usability issues. Our previous response requested justification for the distances between buildings as the guidance within the Essex Design Guide notes that this should be 25m where possible. However, where designed appropriately there is some flexibility in these distances and it is up to the discretion of the local planning authority.

I hope that helps with your response and please let me know if you have any further questions or would like to set up a meeting to discuss.

Urban Design
Advisor - ECC
31.10.2022

4th Comments

Thank you for consulting us on the Full Application for the site known as Fooks Farm, Land South of Centenary Way and West of Thorpe Road, Clacton On Sea, Essex, CO15 4QD. This letter sets out our comments and observations based upon the provided drawings and supporting documents within this application. This response follows on from a series of pre-application correspondence with the latest being at a meeting on 15th July 2022.

The description of the development is as follows:

'Erection of 122no. residential units complete with roads and public open space'.

The National Planning Policy Framework Section 12 requires that developments;

- Function well.
- Are visually attractive as a result of good architecture, layout and appropriate landscaping.
- Are sympathetic to local character, including the historic built character, while not preventing increased densities.
- Create a strong sense of place through definition of streets and distinctive forms.
- Optimise the potential of the site to create an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible.
- Are consistent with the principles set out in the National Design Guide.

Layout

Relevant NDG Principles:

- I1 encourages buildings which respond well to local character and identity through appreciation of existing built form, height scale, massing, and relationships between buildings. This includes the scale and proportions of proposals, façade design, patterns and proportions of fenestration and their details.
- I3 encourages the siting of buildings within the landscape, the arrangement of layout and grain, landscape spaces, movement network, development blocks, scale, form, proportions, and materials to create distinct characters and a memorable sense of place.
- P2 encourages proposals that produce safe and secure public spaces through the definition of spaces by buildings, active frontages, and natural surveillance.

We are pleased that the applicant has made a number of changes to the layout to ensure that the scheme responds to the NDG principles. It is positive to see an outward facing layout with dwellings aligned to front on Centenary Way and Thorpe Road, with key internal streets and public open spaces defined and overlooked by dwellings.

We welcome the following revisions to the layout:

- The proposed revisions to the garden shapes are considered more logical and increases the usability of these spaces.
- The pedestrian footpath has now been aligned to provide good east-west movement through the site and into the neighbouring recreation space. We note that the connection to Thorpe Road has not been finalised and there is some concern that this will not be connected effectively.
- It is positive that the apartment building in the south-east corner has been realigned to front Thorpe Road, this will create an active frontage to the street.
- We are pleased to see brick walls included for boundaries front onto the public realm, this will create a high-quality feel to the development and encourage ownership.
- The parking strategy is considered positive as the approach focuses on plot parking which obscures cars from the street frontage. We are pleased to see the reduction of quadruple tandem dwellings in a row to 3 for plots 54-56 and the removal of visitor parking space blocking the link between the two new areas of public open space.
- The proposed use of block paving for private drives and car parking areas creates a good quality aesthetic.

Design and Materiality

It is positive to see the inclusion of a character assessment and the addition of a variety of house types, materials and design features. The materials plan indicates that both buff and red brick dwellings will be located throughout the development. In general, the proposed house types are well-proportioned with use of symmetry and balanced solid to void ratios, there is some use of protruding porch elements and canopies which adds interest to the dwelling frontage. However, the amended elevations introduce a number of changes in relation to the proposed design and materiality strategy outlined within the DAS and we note the following:

- The amount of gable fronted dwellings appears to have been reduced and where the gable aspects remain, they are considered less steep in roof pitch which reduces the character of the dwelling.
- The brick detailing within the gable has been removed, which reduces the character of the dwelling

-A number of the dwellings introduce a range of material types which goes against our aspirations for a simplistic contemporary approach. House types such as the Charnwood and Brampton use five material types including red brick, cream window surrounds, a buff brick detailing line, grey weatherboarding and brown/red roof tiles. This design approach creates a busy and uncomplimentary range of colours and undermines the quality of the proposals. The use of grey weatherboard works well with the buff brick type.

-The apartment dwellings are considered appropriate as the variety of colours works better with a larger building. We would prefer to see integrated balcony features as opposed to bolt on frames features as this appears as an add on to the design. However, it is positive that private amenity space is provided.

Landscaping and Public Open Space

As previously mentioned, it is positive to see the integration of the site within the existing public open space and the inclusion of overlooked areas of new public open space. We welcome the addition of more pedestrian routes that will encourage informal activity and amenity value. We are pleased to see wayfinding signage proposed to dog walking routes. The proposed use of street trees and landscaping with the open space is considered positive. We would welcome the inclusion of a feature of interest such as a LAP or seating within the open space as this would contribute to the social connection of the site

Summary

We are pleased to see that throughout the pre-application process the updated design proposals have addressed a number of our concerns relating to the layout and consider the proposals to respond better to national and local design policy to create a sense of place. The outward facing dwellings will contribute positively to the new settlement edge of Clacton. However, in relation to the previously outline design and materiality approach, we have identified a few concerns relating to the reduced quality of gable dwellings, brick detailing and the creation of overly busy material palettes on some of the dwellings. To ensure that a high-quality character is created for the site we would welcome further design refinement or justification for the approach. Following this the proposal is considered acceptable from an urban design perspective.

Should you require further clarification on any of the above points, please do not hesitate to contact us.

Urban Design
Advisor - ECC
19.12.2022

5th Comments

Thank you for consulting us on the Full Application for the site known as Foots Farm, Land South of Centenary Way and West of Thorpe Road, Clacton On Sea, Essex, CO15 4QD. This letter sets out our comments and observations based upon revised drawings and supporting documents submitted since our previous comments dated 7th October 2022.

The description of the development is as follows:

"Erection of 122no. residential units complete with roads and public open space".

The National Planning Policy Framework Section 12 requires that developments:

- Function well.

- Are visually attractive as a result of good architecture, layout and appropriate landscaping.
- Are sympathetic to local character, including the historic built character, while not preventing increased densities.
- Create a strong sense of place through definition of streets and distinctive forms.
- Optimise the potential of the site to create an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible.
- Are consistent with the principles set out in the National Design Guide.

In summary, we are pleased to see the scheme continue to progress and we are hopeful of soon being in a position to give it our support from a design perspective. Nevertheless, some issues and submission material remain outstanding. Issues should be addressed at this planning stage or, if appropriate, agreed through suitably worded conditions.

Policy Background

Locally, policy and guidance are given in the Tendring District Local Plan 2013-33 and Beyond and the Essex Design Guide whose use is promoted in the Local Plan along with Building for Life and Manual for Streets. Local guidance aligns with the National Design Guide (NDG).

Layout

Relevant NDG Principles:

- I1 encourages buildings which respond well to local character and identity through appreciation of existing built form, height scale, massing, and relationships between buildings. This includes the scale and proportions of proposals, façade design, patterns and proportions of fenestration and their details.
- I3 encourages the siting of buildings within the landscape, the arrangement of layout and grain, landscape spaces, movement network, development blocks, scale, form, proportions, and materials to create distinct characters and a memorable sense of place.
- P2 encourages proposals that produce safe and secure public spaces through the definition of spaces by buildings, active frontages, and natural surveillance.
- B2 encourages well defined streets with consistent building lines, heights related to street widths, and plenty of active frontage consistent with local character.
- Sections M1 and M2 encourage a connected network of streets for all forms of travel including walking and cycling.
- M3 encourages well considered parking, and servicing which is convenient but does not undermine the streetscape.

As previously highlighted, we are pleased that the quality of the layout has improved over the preapplication process. It is positive to see an outward facing layout with dwellings aligned to front onto Centenary Way and Thrope Road, with key internal streets and public open spaces defined and overlooked by dwellings. However, we note that the proposed layout could be enhanced further with greater consideration of the site's connectivity and definition of space.

Our previous comments highlighted that the connection to Thorpe Road had not been finalised and that there was some concern that this will not be connected effectively. This issue remains unresolved and highlights a wider issue. To provide clarity we would suggest consideration of the following pedestrian connections are shown to suitably connect the scheme with its

surroundings and promote active travel (or at least future proof if evidently blocked by land ownership issues, with alternative links provided in the meantime):

We note that in some instances spatial enclosure appears to be comprises and a further improvement to the scheme could include the following:

- (i) some sides of rear gardens/boundaries protrude out into the building line in a way which unattractively hinders views to/from active built frontage - these should be reigned back to the prevailing building line either in full or through splays/curves (shown in red)
- (ii) ii) prominent/excessive gaps in built frontage could be mitigated by carports with doors (shown in brown, and supporting recessed rear boundary in red):

Environs around apartment blocks appear unresolved and should be revised to more clearly delineate public and private realms, more tidily contain and integrate parking, minimise hard surfacing related to parking and turning heads, avoid turning heads crudely protruding into verge/space in relation to Block B (e.g. either create a through-route or blend seamlessly into public footpath links to Fots Farm Lane and Thorpe Road), maximise active frontage to the open space in relation to Block A (e.g. move bin/bike store to a more discreet and secure location), provide reasonable public pedestrian through-access and pedestrian access points (e.g. to neighbouring main roads and connection into onsite footpaths without going into parking spaces), provide access to Block B's bin/cycle store, and facilitated by reducing down from 2 to 1 parking space per unit befitting 1 bedroom apartments:

Design and Materiality

Our comments in this section are informed by the Essex Design Guide covering building form, materials and detailing.

We previously noted that amended elevations introduced a number of detrimental changes in relation to the proposed design and materiality strategy outlined within the DAS and highlighted various concerns. We have listed these again below and assessed any revisions in response:

Comment: "The amount of gable fronted dwellings appears to have been reduced and where the gable aspects remain, they are considered less steep in roof pitch which reduces the character of the dwelling."

The roof pitch has been suitably steepened (from approximately 45 to 50 degrees) for house type GAa to provide increased form interest, though no other house types appear to have been changed. Other suitable house types should be similarly changed.

Comment: "The brick detailing within the gable has been removed, which reduces the character of the dwelling."

Protruding brickwork has been suitably reinstated to the upper centre of the gable for house type GAa to provide increased architectural relief, though no other house and apartment types appear to have been changed. We would welcome application of this brick detailing to other house and apartment types and the equivalent interest provided where weatherboarding has replaced brickwork facades.

Brick corbelled eaves and verge detailing hasn't been reinstated - it is important this is reinstated for all units given this was prerequisite to previous

support for the architectural styling of buildings and noting the currently proposed boxed eaves contradict the roof plain.

Comment: "A number of the dwellings introduce a range of material types which goes against our aspirations for a simplistic contemporary approach. House types such as the Charnwood and Brampton use five material types including red brick, cream window surrounds, a buff brick detailing line, grey weatherboarding and brown/red roof tiles. This design approach creates a busy and uncomplimentary range of colours and undermines the quality of the proposals."

Fully specified materials are not of the required quality and are unresponsive to the landscape and built historic vernacular (e.g. brown and grey plain concrete tiles, and concrete bricks) or raise concern over the unstated specification. We are also concerned that materials and detailing relating to window surrounds appear unresolved, noting on elevations they appear as stone-like surrounds which might suit brick facades though not weatherboarding, the D&A suggests rendered which isn't acceptable, and on the materials plan they are listed as plain timber which appears too plain for the material choice and wouldn't suit brick facades.

On reflection the following key materials palette is recommended:

- Natural clay soft red stock brick (similar to that used locally historically) with handmade qualities such as creasing.
- Gault Suffolk White type stock brick (similar to that used locally historically) with handmade qualities such as creasing.
- Natural red clay (similar to that used locally historically) plain tiles.
- In moderation only, for slate-effect roofing either natural (as proposed in the D&A) or thin profiled (ruling out concrete) fibre-cement.
- Natural timber weatherboarding (possibly coloured).
- For window surrounds stone-like concrete projecting window surrounds to masonry elevations or equivalent feature brick detailing and suitably profiled natural timber surround detailing to weatherboarded elevations.

The revised Brampton house type has an ungainly roof form (wide and slack gable) - hips (with wide eaves overhang) are advised in mitigation, noting this house type is prominently located on street corners and hips are still showing on the site plan.

Bay windows have been omitted and a number of stacks significantly reduced with no sense of compensatory quality in return. It's advised the number of stacks is increased and bays reintroduced on prominent elevations (e.g. corner turners) as this contributed to the previous support for the architecture. At the detailed level, stacks related to outside walls should sit on them rather than be recessed slightly on the ridge as currently proposed.

Plinths to masonry elevations should generally be expressed by an increased sense of projection rather than purely be indicated by a change in colour and/or string course

Comment: "We would prefer to see integrated balcony features as opposed to bolt on frames features as this appears as an add on to the design."

It is noted proposals remain unchanged.

Landscaping and Public Open Space

Relevant NDG Principles:

- N1 encourages the provision of a network of high-quality green open spaces with a variety of landscapes and activities, including play
- P1 encourages well located, attractive and high- quality public spaces.

As previously commented, we would welcome the inclusion of a feature of interest such as a LAP or seating within the open space as this would contribute to the social connection of the site.

The current landscape strategy still appears basic, and we would suggest this issue is addressed though a suitably worded condition and which allows for a redesign of landscape areas focussed on maximising usage and including additional infrastructure such as seating and a LAP.

Street Design

The concept is somewhat reliant on landscape spatial characterisation. In this respect, further landscaping and less hard surfacing would further realise the concept. This might be achieved by reducing road space in accordance with highways standards, e.g. narrowing private drives from 4.8m to 3.7m and replacing the single sided footpath to the spine road to the east (outside plots 19-25) with a verge, noting the current conflict presented by the single-sided footpath - implying the carriageway is purely for cars despite there being no footpath on the other side.

It's recommended that localised narrowing is introduced to calm traffic, introduce more street trees (noting those currently proposed directly outside properties might not survive detailed landscape proposals) and, combined with raised tables, provide an informal pedestrian priority crossing point between different parts of the main new open space:

Further use of paving to streets is recommended to complement the emerging definition of open space and shared streets (where highlighted):

Summary

In summary, and based on the submitted plans and supporting information, the proposals have several opportunities for design improvement which we think should be resolved before we are able to support the application, ensuring:

- Submission material is suitably updated and complete.
- Pedestrian and cycle connections with surroundings promote active travel
- Appropriate spatial enclosure.
- The detailed layout of apartment block environs are resolved.
- Materials are of good quality and respond to the local context.
- Buildings are suitably expressed through refined form, modelling and detailing.
- Detailed landscape proposals follow to promote outdoor amenity.
- Street design refinements further promote place and active travel.

Should you require further clarification on any of the above points, please do not hesitate to contact us.

Urban Design
Advisor - ECC
06.02.2023

Latest Comments

Thank you for consulting us on the Full Application for the site known as Foots Farm, Land South of Centenary Way and West of Thorpe Road, Clacton On Sea, Essex, CO15 4QD. This letter sets out our comments and observations based upon revised drawings and supporting documents submitted since our previous comments dated 19th December 2023.

The description of the development is as follows:

"Erection of 122no. residential units complete with roads and public open space".

The National Planning Policy Framework Section 12 requires that developments:

- Function well.
- Are visually attractive as a result of good architecture, layout and appropriate landscaping.
- Are sympathetic to local character, including the historic built character, while not preventing increased densities.
- Create a strong sense of place through definition of streets and distinctive forms.
- Optimise the potential of the site to create an appropriate amount and mix of development.
- Create places that are safe, inclusive and accessible.
- Are consistent with the principles set out in the National Design Guide.

Our comments are outlined below.

Layout

As previously highlighted, we are pleased that the quality of the layout has improved over the consultation process. It is positive to see an outward facing layout with dwellings aligned to front onto Centenary Way and Thorpe Road, with key internal streets and public open spaces defined and overlooked by dwellings. In our previous response we highlighted a number of areas for improvement and our comments on the updated plans are as follows:

- We are pleased to see proposed site connectivity points have been illustrated on the layout. There is some concern that due to land ownership and the required legal agreements that these connection points may not be fully implemented. We would like to reiterate the importance of the pedestrian connection points, particularly those on the eastern boundary which provide connectivity to the neighbouring facilities and services as this would enable active travel. Should there be issues with movement across highways land the eastern pedestrian entrance could be moved further south where the site boundary abuts the highway.
- We are pleased to see improvement to the site's spatial enclosure with the removal of protruding rear garden boundaries, set back of parking space and additional car portals.
- We are pleased that the environs around the apartment blocks have been improved with a reduction in car parking and a clear delineation between public and private space, greater connectivity and use of better integrated parking.
- We are pleased to see the inclusion of a traffic calming ramp between the two areas of public open space.

Following the revisions, the site layout is considered to be of an acceptable design standard.

Design and Materiality

We previously noted that amended elevations introduced a number of detrimental changes in relation to the proposed design and materiality strategy outlined within the DAS and highlighted various concerns. We are

pleased that some areas of the design and materiality proposals have been addressed, particularly with the introduction of brick detailing, use of steeper pitch roofs and the removal of window surrounds to reduce the clutter of the elevation. Furthermore, we welcome the use of local materials and increase in chimneys and bay windows across the site.

Despite these improvements we still have some concern relating to the use of what appears to be cream weatherboarding on the house types. From the illustrated plans this appears to be a aesthetically contrasting colour to the brick and roof colours, particularly on the red brick house types and with the red roof tiles. This use of coloured detailing appears to undermine the design quality where we would request clean and simplistic material palettes in line with the proposed street elevation originally submitted within the Design and Access Statement. We would welcome the consideration of full brick elevations with the occasional use of feature weatherboarding on the Suffolk White house types or a revised weatherboarding colour to be replaced with a more complimentary tone. The removal of the window surrounds appears to have exposed the small size of the windows and this has resulted in an unbalance solid to void ratio. We would welcome consideration of this aspect to ensure a well-proportioned elevation and maximise opportunities for natural lighting and ventilation.

Furthermore, we appreciate that our advice has been followed on the steepening of the roof pitch to the gables, but this has not been followed in the linking portion of the roof. Therefore, creating an awkward relationship which could be resolved by equalising the two.

The material detail could also be addressed with a suitably worded condition.

Landscaping and Public Open Space

Relevant NDG Principles:

- N1 encourages the provision of a network of high-quality green open spaces with a variety of landscapes and activities, including play
- P1 encourages well located, attractive and high- quality public spaces.

As previously commented, we would welcome the inclusion of a feature of interest such as a LAP or seating within the open space as this would contribute to the social connection of the site.

The current landscape strategy still appears to lack detail, and we would suggest this issue is addressed though a suitably worded condition and which allows for a redesign of landscape areas focussed on maximising usage and including additional infrastructure such as seating and a LAP.

Summary

In summary, we are pleased with the level of progress of the proposed scheme over the consultation process and considered the layout to now respond to the NPPF and the principles of the National Design Code. Furthermore, we are pleased that a number of positive changes have been made to the design approach of the house types. However, there is still some concern relating to the material choice of the cream weatherboarding and would therefore recommend a condition for design and materiality. We also have some concerns regarding the way some of the previous advice has been followed in terms of choosing to remove window surrounds rather than appropriately detailing them, leading to ungenerously proportioned windows on the apartments. In certain instances, roof pitches steepening to feature gables without ensuring other roof pitches follow suit has created an

uncomfortable relationship and we would appreciate these issues being resolved.

The scheme could also be enhanced further with further development of the pedestrian connection points (particularly on the eastern boundary) and development of the site landscaping strategy.

Should you require further clarification on any of the above points, please do not hesitate to contact us.

UU Open Spaces
24.09.2020

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

1st Comments

Any additional development in Clacton will increase demand on already stretched facilities.

Recommendation

It is noted from the application that only open space is being included on site. A contribution is both justified and relevant to this planning application due to the current play space deficit, the play facilities can be met off site with a contribution in line with the SPD to make improvements and expand the play area known as Foots Farm. This play area also borders the new development, and will see the biggest impact as a result of this development.

UU Open Spaces
27.10.2022

Response from Public Realm
Open Space & Play

2nd Comments

Current Position

There is currently a deficit of 41.08 hectares of play in the Clacton/Holland area.

Any additional development in Clacton will increase demand on already stretched facilities.

Recommendation

It is noted from the application that only open space is being included on site. A contribution is both justified and relevant to this planning application due to the current play space deficit, the play facilities can be met off site with a contribution in line with the SPD to make improvements and expand the play area known as Foots Farm. This play area also borders the new development and will see the biggest impact as a result of this development.

UU Open Spaces
17.08.2023

No further comments from Open Spaces. We are happy with the open space plan together with the off-site contribution. You have already confirmed a management company will be taking on the open space, which is supported by us.

Latest comments

Waste
Management
10.09.2020

Apartment bin storage area to be of adequate size to accommodate 1 x 180L bin per property for fortnightly residual waste collection and 55 L kerbside boxes for alternate weekly dry recycling collection per property.

Waste
Management
22.09.2022

All access roads and private drives to be constructed to suitable standard to allow full vehicular access for 26 tonnes, 2.5 metre wide collection vehicles.

Bin stores allocated to apartment blocks to be of suitable size to accommodate equivalent of two, 180L wheeled bins per apartment for fortnightly refuse and alternate weekly recycling collections.

3. Planning History

00/01200/FUL	Use of land and buildings for keeping horses	Approved	20.09.2000
02/01308/FUL	Erection of building to be used as an indoor riding school for the disabled	Approved	11.09.2002
04/01053/FUL	Retention of barn for riding school and continued use of remainder of site for grazing and stabling of horses	Approved	04.08.2004
05/01657/TPO	Pollard 2 Willows, adjacent to farm pond, to previous cutting points	Approved	21.10.2005
17/30196/PREAPP	Proposed erection of 9 dwellings.		31.07.2017
18/00200/DEMCON	Demolition of outbuildings/barns/stables adjacent to farmhouse.	Determination	07.03.2018
18/00550/FUL	Proposed erection of 10 bungalows with associated parking facilities.	Withdrawn	09.04.2018
18/00598/FUL	Proposed erection of 9 bungalows with associated parking facilities, served via improvements to and an extension of the existing private drive.	Approved	11.06.2018
18/00865/TPO	1 No. Oak - Reduce crown by 2.5-3m, raise crown to 4m, remove sub-laterals only.	Approved	25.06.2018
18/01080/TPO	3 No. Oak - Reduce crown by 3m, 1 No. Oak - Reduce crown by 2m, 1 No. Oak - Raise crown by 3.5m	Approved	23.07.2018
18/01240/DISCON	Discharge of Conditions 3 (landscaping), 11 (ecological enhancements) and 12 (construction method statement) of 18/00598/FUL.	Approved	17.08.2018
18/01291/DEMCON	Demolition of existing barn/outbuilding.	Determination	28.08.2018
18/01637/TPO	1 No. Oak - fell	Approved	25.10.2018
19/00064/DEMCON	Demolition of barns/outbuildings.	Determination	07.02.2019

19/30118/PREAPP	Proposed 122no. dwellings residential scheme with new access off Centenary Way.	Refused	07.08.2019
23/00121/TPO	1 No. Oak - whole crown reduction up to 3m.	Approved	08.03.2023

Adjacent Site(s):

20/00065/FUL	Proposed erection of 9 bungalows with associated parking facilities.	Approved	13.08.2020
20/01562/DISCON	Discharge of conditions 2 (Landscaping), 8 (Contaminated Land), 10 (Ecology) and 11 (Construction Method Statement) of approved planning application 20/00065/FUL.	Approved	25.11.2020
21/00565/FUL	Proposed erection of 5 bungalows with associated parking facilities following the demolition of an existing dwelling house.	Approved	26.05.2022
21/00677/DISCON	Discharge of condition 8 part 2 (contaminated land) of approved application 20/00065/FUL	Approved	01.06.2021

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted January 2021)

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
SP7 Place Shaping Principles

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

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP1 Improving Health and Wellbeing
HP5 Open Space, Sports and Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP5 Affordable Housing
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology
PPL10 Renewable Energy Generation and Energy efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
CP 3 Improving the Telecommunication Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Tendring Provision of Recreational Open Space for New Development SPD 2008 (under review)
Essex Design Guide
Statutory guidance -Technical housing standards: nationally described space standard Published 27 March 2015

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

5. Status of the Local Plan

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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published on 19th December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

- their adopted plan is less than five years old; and
- that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

6. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

There are no draft or adopted neighbourhood plans relevant to this site.

7. Officer Appraisal (including Site Description and Proposal)

Site Description and Context

The application site lies to the north of the town of Clacton-on-Sea and consists of 4.08 hectares of land that previously formed part of a horse-riding centre. The application site predominantly contains fields that were used as paddocks and for grazing, although these fields have laid unused for several years since the riding centre closed. The land is located to the south-west of the roundabout at the intersection of the Centenary Way, Thorpe Road, and Stevenson Road, with Centenary Way running along the northern boundary and Thorpe Road along the eastern boundary.

Along the site boundaries there are some well-established native species hedgerows which include some larger specimen trees, but the hedge is not continuous and there are also sections of the boundary that are open. Approximately one third of the way across the site from Thorpe Road there is a row of three individual oak trees. The trees form a line running north-south across the field and to some extent separate the site into two parcels.

The site currently sits on the edge of the settlement, with housing to the south on Redbridge Road and Farmleigh Avenue. Immediately adjacent to the western boundary is an existing Public Open Space, with the Willow Tree Childrens Nursery, Highfields Grange Holiday Park and Morrison's Supermarket to the west of the Open Space. To the north of the site is Centenary Way which currently forms the current edge of the urban area, with agricultural fields on the northern side of Centenary Way that run for some 700m north to Holland Road, Little Clacton. To the east of the site, beyond Thorpe Road there is more housing but also industrial and commercial development, including Clacton Shopping Village.

Description of Development

This application seeks full planning permission for the development of 122 new dwellings. It is proposed that 37 of the dwellings are provided as Affordable Housing with the remaining 85 being Private Market Housing. The mix of housing includes 1-bed apartments and 1, 2, 3 & 4-bed houses. The mix of housing and tenures is listed below.

Type of Property	Affordable Rent	Intermediate Housing	Private – Market Housing
1-Bed Apartments	10	-	-
1-Bed House	-	-	24
2-Bed House	20	7	18
3-Bed House	-	-	38
4-Bed House	-	-	5
Total	30	7	85

One of the two apartment blocks is a 3-storey building, with the other apartment block and all the houses being two storeys in height. The proposed housing takes a generally traditional form. A relatively simple palette of materials is proposed. A red and a gault brick are proposed, with a limited amount of sail cloth coloured imitation weatherboarding. Roofs will be covered with either red plain tile or imitation slate style tile. Whilst the soffits and fascia's will be white UPVC, the windows and doors are proposed to be anthracite grey.

It is proposed that the development is served by a single vehicular access off Centenary Way. The vehicular access would be formed as a priority junction with the carriageway on Centenary Way widened to create a ghosted right hand turn lane. On entering the site, the applicant proposes a central spine road running south towards the centre of the site with a 5.5m wide carriageway with 2.0m footways on either side. On reaching another priority junction the spine road runs to the east and a short distance to the west, with lower order streets spurring off the main street, consisting predominantly of 6.0m shared surface streets.

The proposed site layout provides for areas of public open space throughout the site, two of which will feature water bodies – an existing pond which will be enlarged near the southern boundary and a new surface water drainage attenuation pond near the eastern boundary on the lowest lying part of the site.

Assessment

The main issues and considerations relevant to the proposal can be summarised and addressed as follows:

1. Principle of Residential Development
2. Layout, Design and Visual Impact
3. Impact on Heritage Assets
4. Trees and Landscaping
5. Residential Amenities
6. Access and Parking
7. Environmental Protection
8. Biodiversity Mitigation and Enhancement
9. Archaeology
10. Drainage and Foul Sewage Disposal
11. Planning Obligations
12. Planning Obligation – Affordable Housing
13. Planning Obligation – Highways Improvements and Contributions
14. Planning Obligation – On-Site Open Space and Amenity Areas
15. Planning Obligation – Off-Site Play Space Contribution
16. Planning Obligation – Education Contribution (Education & Library)
17. Planning Obligation – Healthcare
18. Planning Obligation – Recreational Disturbance Financial Contribution
19. Sustainable Construction & Energy Efficiency
20. Representations
21. Overall Planning Balance and Conclusions

1. Principle of Residential Development

At the time that the application was submitted the site was designated as employment land and was located within the defined settlement boundary of Clacton-on-Sea in the 2007 Local Plan that formed part of the adopted Development Plan at the time. Despite being allocated for development in the 2007 plan the site was not developed. Since the application has been submitted the new Tendring District Local Plan 2013-2033 and Beyond has been adopted and the application must be assessed against the current adopted plan.

Policy SP3 sets out the Spatial Strategy for North Essex. The Council's Spatial Strategy is to direct most housing developments to the Strategic Urban Settlements. To encourage sustainable patterns of growth and carefully control urban sprawl each settlement listed under Policy SPL1 is defined under Policy SPL2 with a 'Settlement Development Boundary' (SDB). Within SDBs there is a general presumption in favour of new development, subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Policy SPL1 of the Local Plan defines Clacton-on-Sea as a 'Strategic Urban Settlement', and Policy SPL2 includes the site within the Settlement Development Boundary. The site is 'white land' and has no specific designation or allocation.

Because the application site lies within the defined Clacton-on-Sea Settlement Development Boundary as set out within the adopted Tendring District Local Plan 2013-2033 and Beyond, the principle of development is acceptable, subject to detailed consideration against other policies.

Objectors refer to a 'recent' decision where a Planning Inspector dismissed an appeal for a residential development on land west of Thorpe Road and north of this application site. The appeal (APP/P1560/W/19/32390302) was dismissed in August 2020 was geographically close to the application site but was also quite different in a number of key respects. The appeal site was beyond the then proposed, and now adopted, settlement development boundary, unlike this application site. The Inspector also found harm to designated heritage assets and considered the site was poorly related and connected to existing development, amongst other factors. Officers consider that neither of these factors are applicable to the application site. The Inspector concluded that the appeal scheme conflicted with the Development Plan as a whole and that there were no material considerations to warrant approval of the development. Whilst the appeal is a material consideration due to its proximity to the application site the fact that there are limited similarities between the sites means that Officers give that decision very little weight in the determination of this application.

2. Layout, Design and Visual Impact

Local Plan Policy SP7 seeks high standards of urban and architectural design, which responds positively to local character and context. Local Plan Policies SPL3 and LP4 also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place.

The site has not previously been identified as a valued landscape or an important open space. Whilst the development would permanently alter the character and appearance of the site through urbanisation, it is not considered this would result in harm to visual amenities. The site is surrounded on three sides by urban development – housing to the south; housing and large commercial buildings to the east of Thorpe Road; and a park, caravan site and supermarket to the west. Whilst there are exposed sections the majority of the site boundaries enjoy screening afforded by established vegetation. It is considered that the development would read as part of the town, being seen alongside other built development. Whilst the development will have a visual impact it is not considered to be unacceptable.

As can be evidenced by the number of revised plans and the numerous consultation responses from the Council's Urban Design Adviser, the scheme design has evolved considerably over the course of the application, with the changes varied and often fundamental. To give one example of the fundamental change to design principles, the layout has changed from having an inward facing development with gardens that backed onto most of the boundaries including Centenary Way, to a layout with housing facing outwards arranged behind private drives and a landscape buffer on the perimeter boundary.

The development will be served by a single vehicular access off Centenary Way. On entering the site there are pedestrian footways on either side of the carriageway, which continue along the central street. Private drives spur off from the central spine road providing shared surface streets in contrast to main street. The original scheme layout suggested multiple pedestrian links into and out on all the site boundaries.

Objectors raised a number of issues in respect of the pedestrian links proposed to the south, including the ownership of the land required to deliver the links; whether public right of access across the roads should be allowed; whether it would be inequitable for existing residents to incur additional maintenance costs arising from the increased use of the roads; and the impact on the amenities of residents who live on or near the proposed pedestrian links. Objectors highlighted the fact that some of the neighbouring bungalows have shallow front gardens and pedestrians will be passing close to the bedroom windows of some properties. Objectors claim that the public walking and cycling past the existing properties will diminish the existing resident's peace and there is an additional concern about increased vandalism and security.

Fourteen pedestrian links were shown on the layout plan, although these were often annotated to state that the connection was dependent on agreement by either the Highway Authority or the landowner. Whilst the Council are keen for new developments to be well connected and residents provided with attractive pedestrian links it is necessary to consider what is deliverable and necessary and whether any of the links would be unacceptable in planning terms. Officers have carefully considered the concerns raised by local residents; the applicants land ownership; and the views of the Highway Authority and the Council's Open Spaces Team. At the request of Planning Officers ten of the proposed links have been omitted from the layout plan, including the five that were shown along the southern site boundary. The revised layout will provide two footpath links onto Centenary Way to the north (in addition to the footways either side of the vehicular access); one formal link to the Council owned Public Open Space to the west; and one link onto Thorpe Road (the position of which has been refined to ensure the link is deliverable).

Overall, following revisions the Layout is now considered to be logical and the streets follow a clear hierarchy. The arrangement of the development blocks is for the most part logical and the setting out of the rear gardens have been refined to produce more regular shaped and useable spaces.

The majority of vehicle parking is located on plot and between properties, which is supported as this reduces the prominence of parked cars in the streetscene. The parking arrangements around the apartment blocks have also been revised to make that less prominent and provide space around these homes. The distribution of visitor parking has been improved and is now less concentrated within the eastern development parcel.

It is proposed that Open Space and landscaping is provided along the majority of the four site boundaries, in addition to the central open space. Overall, the layout is now supported by the Council's Urban Design Adviser.

The housing is almost exclusively two storey in height, with just one of the apartment blocks being three storey. The housing is predominantly semi-detached or detached houses, with a small number of small terraces of three dwellings. Revisions have been made to the elevational treatment of the house types, including the introduction of brick detailing, use of steeper pitch roofs and the removal of window surrounds, an increase in the number of chimneys and more extensive use of bay windows across the site. A relatively simple palette of materials is proposed, which is considered to be appropriate given the character and appearance of the housing near the site. Whilst the Council's Urban Design Adviser has a residual concern over the way in which it is proposed weather boarding is used, overall the scheme is considered to be acceptable.

3. Impact on Heritage

The site is not within a Conservation Area and has no designated heritage assets either on the site, or the immediate locality. There are a few Grade II Listed Buildings within the wider locality – Stone Hall, London Road, Little Clacton; Oak House, Thorpe Road and Willow Farmhouse, Gorse Lane – both in Clacton. These buildings are in excess of 900m; 400m and 500m respectively. None of the listed buildings are considered to be impacted by the proposed development. On a precautionary basis, the Council's Historic Buildings Adviser was consulted on the proposals, and they raise no objection.

4. Trees and Landscaping

The Council's Tree and Landscape Officer requested an Arboricultural Impact Assessment in order that the Council could assess the likely impact on trees and hedges that are on the site and adjacent to the site. The applicant duly provided this and the report noted that the site was largely agricultural land but that there were established boundary hedgerows and several mature Oaks, some of which are subject to a Tree Preservation Order.

The site layout shows the retention of the preserved trees and the majority of other trees on the site boundaries, although a small section of hedgerow (identified as H3 on the plans and containing thorn, field maple, blackthorn, elm, elder) will need to be removed to create the vehicular access to the site. It is further noted that some minor excavation works will be required with small sections of the RPA's of T2, T3, T6, T7 and T8, however method statements have been provided which would

allow the works to be undertaken without adversely affecting retained trees. Details are also provided of tree protection measures to avoid development within their Root Protection Areas (RPA's). The Council's Tree and Landscape Officer has reviewed the AIA and has recommended a planning condition that the development be carried out in accordance with the details within the AIA.

5. Residential Amenities

Paragraph 130 (f) of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants. Policy SP7 requires that the amenity of existing and future residents is protected. Policy SPL3 Part C seeks to ensure that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

- Existing Residents adjoining the site.

A significant number of objections have been received from the residents of the bungalows on Footh Farm Lane and these objections raise a range of issues. A significant number of the objections relate to the pedestrian links that were proposed between the development on the roads to the south of the site. As previously discussed, (under the discussion of layout) Planning Officers have requested that the links which were causing many of these concerns have been omitted from the scheme.

Other concerns were expressed about privacy. Across the southern boundary, where the site adjoins existing residential properties, the scheme has been designed so that houses do not face or back onto the bungalows to the south of the site. Blank side elevations will face the neighbouring properties which will significantly reduce any sense of overlooking or loss of privacy. Where new houses do face existing properties – at the eastern end of the site, opposite the end of St Clair Close – the new homes will be facing the side or rear of existing properties. The new houses are however set further back, behind a generous landscaped area and behind a private drive and Footh Farm Lane. This relationship is respectful and will not result in an unacceptable relationship.

Representations have been received expressing concerns that the application site is on higher ground than neighbouring properties and that new dwellings could appear over-bearing. A condition is recommended that levels are agreed prior to the commencement of development, in order that floor levels and building heights can be assessed to ensure a satisfactory relationship between all dwellings.

- Future Residents of the Development

Policy LP 4 states that the layout of new housing should provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

All the houses will have private amenity space. The garden sizes for the 1-bed and 2-bed houses are all considered to be appropriate. There are however no.14, 3-bed houses no.1, 4-bed home where the rear gardens are less than 100sqm. Whilst there is no policy requirement to provide a garden of at least 100sq.m this is something advocated in design guidance and is considered to be a good guide. Four of these houses are marginally below 100sqm (less than 5 sqm) and these cause no concern. There are however no.7 homes which have rear gardens below 80sq.m, with the smallest being 59sqm. Whilst some of the bungalows on Footh Farm Lane enjoy generous rear gardens the housing further to the south have more modest plot sizes. Overall, it is considered that provision is commensurate to the size of the vast majority of the dwellings, but also in keeping with the character of the wider area.

Back to back distances comply with Essex Design Guide standards to provide a reasonable sense of privacy.

The Environmental Health team have raised no concerns about noise which might affect future residents of the development.

The proposed detailed design, layout, appearance, and scale of the development are all considered to be acceptable from a residential amenity perspective and in accordance with the relevant adopted policy and local guidance. (Essex Design Guide).

6. Access and Parking

The site is situated south of the B1442 Centenary Way that is subject to a de-restricted (national) speed limit. The applicant proposes that a new vehicular access is created to access the site from Centenary Way. It is proposed that a new priority junction will be formed with the carriageway on Centenary Way modified to create a new right turn lane which will allow vehicles to wait if necessary to enter the site without impeding the through flow of traffic. The access arrangements along with an assessment of traffic flows arising from the development are set out within a Transport Assessment (TA).

The Highway Authority reviewed the TA and identified several issues that would need to be addressed before the Highway Authority were satisfied that the impact of the proposal will be acceptable in terms of highway safety, capacity and accessibility.

Most fundamentally the Highway Authority stated that they felt that the option of having the main access off Thorpe Road via Foots Farm Lane should be considered further, as Thorpe Road to the east is a lower category of road than Centenary Way. Access onto higher category roads is restricted to allow them to carry higher volumes of traffic more efficiently and safely.

Potential further revisions were also requested for footway and/ or shared footway in the vicinity of the site; Questioning the methodology for some of the traffic survey work and the timing of the surveys; Further information around some of the assumptions underpinning the results in the TA and need to recheck some of the data submitted; the need for junction mitigation when the increased flows are considered cumulatively with other consented developments in the area.

Following further investigation and discussion the Highway Authority withdrew their holding objection and have agreed to the principle of a new access off the B1442 Centenary Way. Visibility splays at the junction have been proven to be sufficient.

Whilst there will be additional journeys undertaken by the occupants on the highway network any residual impact must be assessed with reference to the National Planning Policy Framework which states that applications should only be refused where the residual highway impact of a development would be severe. The Highway Authority have confirmed that they are satisfied that, at peak times, the number of trips generated by the proposal on the highway network would not be severe. There would be no grounds for refusal based on the tests set in the NPPF, in respect of highway safety and capacity.

The Highway Authority recommend conditions including operating the site in accordance with an approved Construction Management Plan; the access and development to be in accordance with approved plans; the provision and retention of cycle and motor cycle parking within the development; and in addition to the highway works to create the access, works to upgrade to a minimum 3-metre-wide shared footway/cycleway along the entire site frontage of Centenary Way westwards to the Morrisons roundabout and any associated signage, where possible widening the existing footway to along the entire site frontage with Thorpe Road to 2m, provision of two new bus stops on Thorpe Road, north of Gorse Lane, pedestrian/ cycleway provision required to access existing shared footway/ cycleway on Centenary Way with associated tactile paving, upgrades to street lighting on Centenary Way around the new junction.

A financial contribution is also sought prior to the occupation of 51st unit the provision of a £70,000 contribution to be used to improve bus services which can serve the development and/or towards the design and/or delivery of a formalised crossing near the roundabout with Centenary Way/Thorpe Road/ Stephenson Road West.

A Residential Travel Plan, to promote more sustainable modes of transport to future residents, will be required and a financial contribution paid towards the cost of Essex County Council monitoring the effectiveness of the Plan. These will be secured through the S106 agreement.

Requirements for road safety audits and compliance tables for LTN 1/20 and DMRB are noted but these can form part of the highway works agreements that the developer will need to enter into with the Highway Authority, so they do not need to be conditioned.

The vehicle parking arrangements are considered to be acceptable, meeting both the numeric parking standards and design guidance, with parking generally located to the side and between the houses. Parking for the apartment blocks is broken up and does not dominate the land around the two blocks. A total of 31 visitor parking spaces are provided across the site, which also adheres to the adopted parking standards.

Policy CP 2 requires that major developments should bring forward measures that will prioritise cycle and pedestrian movements. As explained above, the revised layout will provide two footpath links onto Centenary Way to the north (in addition to the footways either side of the vehicular access); one formal link to the Council owned Public Open Space to the west; and one link onto Thorpe Road (the position of which has been refined to ensure the link is deliverable) and officers are content this meets the aims of Policy CP 2.

7. Environmental Protection

The Council need to consider whether the development of the site would pose any risks or issues either for existing residents living nearby, or the future occupants of the development if planning permission is granted.

The applicant has submitted a Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment with the application. The report concludes that based on the site history no significant on-site sources of contamination have been identified. It is noted that there have been some building materials stored adjacent to the southern boundary of the site following the demolition of a building, but this is not considered to present a significant risk.

The Council's Environmental Protection team have reviewed the applicant's report and the Council's records. They are content with the applicant's report and recommend a set of conditions to mitigate the potential risks identified. Recommended conditions include the testing of any materials or soils on site which are to be re-used for the proposed development; prohibition of burning materials; a further survey to establish whether there is any asbestos present; development to be carried out in accordance with a Construction Method Statement which will set out measures to minimise potential nuisance to nearby existing residents caused by construction works; and measures to control and suppress dust.

8. Biodiversity Mitigation and Enhancement

The applicant submitted a Preliminary Ecological Assessment of the application site. The habitats observed on the site included tall ruderals; mature trees; hedgerows; standing water; pasture; dwellings and gardens. Given the types of habitats could support protected species further assessment was undertaken to assess whether protected species could be present. The applicant's assessment concluded that no further surveys were required for birds, badgers, bats, hedgehogs, and reptiles.

The Council's Ecologist reviewed the assessment, and they registered a holding objection due to the potential for Great Crested Newts (GCN) to be present on the site. The applicant's ecology report relied on a Habitat Suitability Index (HSI) assessment, but the methodology is not sufficiently precise to conclude that any pond with a low score will not hold GCN. Further assessment of the pond was required to ascertain whether GCN were present.

An eDNA Survey was subsequently undertaken and the results showed a likely absence of Great Crested Newts within the onsite pond and the Council's Ecologist was satisfied with this conclusion.

The application site is approximately 6km from the Colne Estuary SPA and Ramsar, which means that it is located within the Zone of Influence of a protected site. Due to the ecological value and sensitivity and delivery of mitigation measures are required to ensure that this proposal will not have

an adverse effect on the integrity of the protected site as a result of increased recreational disturbance both from the development alone and in combination with other plans and projects.

For a development of this size Natural England (NE) standing advice is that the development should include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation
- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

Following a number of holding objections from the Council's Ecologist the applicant has now committed to a package of measures that follows the principles of the Natural England advice, including signage to publicise a walking route to a dog off-lead area at Brook County Park. It is recommended that the provision of this mitigation is secured through the imposition of a planning condition.

The PEA concludes that external lighting should be controlled to protect bats that may commute on or near the site, and that construction practices are controlled to prevent ecological harm. It is also recommended that a set of ecological enhancements that should be incorporated within the development. These measures include the provision of nest boxes for House Sparrow, Swift (in groups of three) and Starling, with at least one feature in 50% of new dwellings to enhance the biodiversity of the site; Bat boxes installed at a ratio of at least one feature in 50% of new dwellings; and Hedgehog homes and Hedgehog friendly fencing. These matters can be controlled by conditions.

9. Archaeology

The Council has consulted our Historic Environment Advisers and they have reviewed the application and the Essex Historic Environment Record (HER). The HER shows that the proposed development lies within an area of archaeological interest, due to a number of factors including records of a postmedieval windmill being located within the site; the dispersed historic settlement pattern of the area as stated in the Historic Environment Characterisation Report for Tendring; and the findings of recent archaeological excavation nearby on land east of Thorpe Road which revealed Medieval settlement activity.

As there is good potential for archaeological remains to be present the Council's Adviser recommends a programme of archaeological investigation be carried out prior to development commencing. This recommendation remains unchanged despite the time that has passed. This can be secured by planning condition.

10. Drainage and Foul Sewage Disposal

Local and national planning policies seek to direct development away from sites which are at risk of flooding, where there are other sites available that have a lower risk of flooding. Where development is allowed it should not increase the flood risk to users / occupiers of the site, or to others who are down stream of the development.

The application form states that foul water drainage will be through Mains Sewers. Anglian Water has been consulted. They initially confirmed that there was sufficient capacity within the water treatment centre, however in an updated response the situation has changed and they now state that the water treatment centre does not have capacity to deal with the flows from the development. However, Anglian Water go on to say that they have a statutory duty to accept flows and they will undertake the works required to increase capacity. Separately Anglian Water confirm that the sewer network that will carry flows from the site does have capacity, so there is no objection to the development in respect of foul water disposal.

The applicant's Flood Risk Assessment has also set out how they propose to deal with surface water drainage. Where possible the Surface Water Drainage hierarchy specifies that surface water from new developments should be discharged into the ground, where this is not possible the hierarchy states it should be by means of a controlled discharge to a watercourse, and only where neither of these options are feasible discharge can be into a piped system, like a sewer. The applicant's Flood Risk Assessment (FRA) provides evidence that the ground is not suitable for infiltration and there is no suitable watercourse within the site that the surface water can be discharged into. This means that it will have to drain to the public sewer at a controlled rate. To ensure that the surface water is discharged at a rate that will not itself lead to flooding downstream storage capacity will need to be created within the site, so that in severe weather events the storage capacity will allow the water to be held and slowly released through mechanical controls. The rate at which water will be discharged will be at the greenfield run-off rate. The applicant proposes to create a basin adjacent to Thorpe Road, on the eastern boundary of the site. This basin will discharge under Thorpe Road into a watercourse / swale on the eastern side of Thorpe Road. The initial consultation responses from Anglian Water did not indicate that this watercourse was their asset but following further investigation they have confirmed this is in their ownership and that the development can drain into it.

Both Anglian Water and the Lead Local Flood Authority have reviewed the submitted FRA and neither body has objected to the surface water drainage strategy. Conditions are recommended to require the submission and approval of a detailed drainage scheme, along with details of future maintenance of the SUDs features and their future management.

It is noted that existing residents living to the south of the site, on lower ground are concerned about increased surface water run-off and the increased risk of flooding. By introducing a drainage system across the development site which captures and stores surface water running off the hard standings the site will be positively drained, which should mitigate the risk of surface water running off the site so that surface water run-off would not adversely affecting neighbours.

Since the application was submitted part of this application site now falls within a Critical Drainage Area, as designated by the Lead Local Flood Authority. As noted above when the application was originally submitted Essex County Council SuDS team raised no objection to the proposals in respect of surface water drainage. Given the new designation the Council have asked the SuDS team whether the designation alters their recommendation. They have confirmed that they remain satisfied that the scheme will implement a sustainable urban drainage system which will discharge water from the site at Greenfield rate. The LLFA state that it would be preferable if the developer would make areas of hard standing permeable where possible and that each house should be fitted with a water butt. It is recommended that the Council's standard sustainability condition is expanded to require submission of details on these matters.

11. Planning Obligations

Paragraph 55 of the National Planning Policy Framework states that Local Planning Authorities should consider whether otherwise unacceptable development can be made acceptable through the use of conditions or planning obligations. Paragraph 55 of the NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably relate in scale and kind to the development.

Local Plan Policy DI1 states that new development should be supported by, and have good access to, all necessary infrastructure. Where a development proposal requires additional infrastructure capacity mitigation measures must be secured. The need for additional infrastructure can be mitigated by a developer through the payment of a financial contributions towards new or expanded facilities, on-site or off-site provision and works; and the provision of land. The following sections set out the infrastructure requirements to mitigate the impact of this development and how the Section 106 will secure the required mitigation.

12. Planning Obligation – Affordable Housing

Policy LP 5 of the Tendring Local Plan 2013-2033 and Beyond requires that on sites that create 11 or more dwellings, 30% of the homes should be provided to the Council, or a nominated partner, as affordable housing.

The applicant initially proposed that they would provide 36 of the 122 dwellings as Affordable Housing, however that would only have constituted 29.5% of the total number of dwellings. To meet the policy requirement the applicant has agreed to increase the number to 37 dwellings, meeting the policy requirement for 30% provision.

The Council's Housing Department have provided information on housing need in Clacton-on-Sea, and they have confirmed that the proposed mix of housing reflects demand based on the housing register. The developer has been advised that the District Council would prefer that the Affordable Housing should be transferred to a Registered Provider.

One of the representations received objected to the distribution of the Affordable Housing, as the Affordable Housing was grouped at the eastern end of the site. The objector said this diminished the extent to which the Affordable Housing was 'Tenure Blind' and limit the extent to which there will be social interaction and a mixed community. During the course of the application the layout of the housing has been amended and the scheme now has Affordable Housing dispersed right across the site, located in four small clusters. Officers consider that this arrangement is appropriate.

13. Planning Obligation – Highways Improvements and Contributions

In addition to a package of highway works, a financial contribution of £70,000 has been secured which Essex County Council can use towards improvements to bus services which can serve the development and/ or towards the design and/or delivery of a formalised crossing near the roundabout with Centenary Way/Thorpe Road/Stephenson Road West. The contribution will help further encourage future residents to rely less on the private car and to use more sustainable forms of transport.

As noted above the developer will need to create a Residential Travel Plan that will be designed to promote more sustainable modes of transport to future occupants of the development. A financial contribution will also be paid to allow Essex County Council to monitor the effectiveness of the Plan.

14. Planning Obligation – On site Open Space and Amenity Areas

Policy HP5 of the Local Plan require major residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.

The application proposes that 0.952ha of the 4.08ha application is to be set out as Public Open Space and landscaped areas, including the SuDS attenuation basins. This level of provision far exceeds the Council's Open Space standards, but this level of provision is considered appropriate for the context, providing landscaped areas of varying depths to most of the site boundaries, as well as providing suitable spaces for large retained trees to continue to grow and be enjoyed.

Suitable management arrangements will need to be put in place to ensure that these spaces are managed appropriately, and this will be secured through the S106 agreement. It has been agreed that the on-site open space and amenity areas will be transferred to a Management Company who will collect a maintenance charge from the future residents which will pay for its upkeep. This is considered to be a suitable arrangement for ensuring the future management of the land.

15. Planning Obligation – Off-site Play Space Financial Contribution

The Council's Public Realm, Open Space and Play team have advised that when measured against current standards there is a deficit of 41.08 hectares of play in the Clacton/Holland area. New housing developments in the area will increase demand for equipped play areas and increase the shortage of play space.

The applicant is not proposing to provide an equipped play area within the Open Space on the development. There is an equipped play area within the Open Space adjoining the site and the applicant has agreed to make a financial contribution towards equipped play facilities off-site. A contribution of £88,732.60 has been calculated in accordance with the contribution levels specified in the Council's Open Spaces SPD. The agreement allows for the contribution to be paid in three tranches linked to the occupation of the three phases.

16. Planning Obligation – Education Contribution (Primary & Library)

The Education Authority, Essex County Council, have advised that the proposed development is expected to generate the need for up to 10.62 Early Years and Childcare (EY&C) places; 35.4 primary school, and 23.6 secondary school places.

Correspondence has been exchanged with the developer since the original consultation response was submitted by ECC on 12th October 2020, whereby the contributions requested for primary and secondary education were discussed. These discussions have informed this supplementary response.

Early Years and Childcare – Based on childcare sufficiency data the County Council are satisfied that existing providers have sufficient capacity to meet the additional demand arising from the development. As a result, the County Council do not seek a contribution towards the provision of additional places in the area.

Primary Education – The initial advice received from the Education Authority was that across the three closest primary schools there is currently little or no spare capacity which could be utilised to provide places for children who would live on this site. It was also highlighted in the Essex County Council 'Ten Year Plan' to meet demand for school places, that primary schools in the wider area (covering both Little Clacton (Tendring Primary Group 1) and Clacton on Sea (Tendring Primary Group 2)) were also under capacity pressure and would potentially require additional capacity within the plan period. As a result, a financial contribution was sought by the County Council to help fund the provision of additional school places to meet the increased demand for places. The applicant's consultant argued that there is a documented decline in the birth rate locally and that the County Council's own forecasts indicate that there will be a surplus of primary school places which would mean additional spaces will not be required.

The County Council maintains that a financial contribution for this purpose is required and justified. Unusually the application site straddles two school planning groups, but Education Officers maintain that their assessment has taken account of six primary schools that are all located within the two miles statutory walking distance of the proposed development.

The assessment made by the County Council takes into account a range of factors including the fact that a number of the local schools are currently full in most year groups; the fact that it is highly desirable that pupils are offered a place at their closest school where possible; that the ECC Developers' Guide, states that when assessing capacity a degree of surplus, usually 5%, should be maintained to facilitate parental preference and manage mid-year admissions; the fact that the current decline in local birth rates should not be taken as representing a reliable new population baseline; and that forecasts in the Essex School Organisation Service's 10 Year Plan suggest that by 2028/29 neither of the school planning group covering this site will have sufficient unfilled places and, taken together, by the end of the Plan period there could be a net deficit of Reception provision if action isn't taken. A developer contribution of £611,287.00 was sought for this purpose.

Following prolonged discussions, it has been agreed that there is a need to secure a financial contribution but at a lower level. A contribution totalling £51,804 (£17,268 per phase – index linked) has been secured in the agreement to increase primary school capacity.

Secondary Education - Since the County Council originally assessed the application in 2020, two expansion projects have been completed Clacton County High resulting in an offer of 336 places rather than the 308 stated in the original response. As a result of these capacity improvements no contribution is sought toward secondary education.

Libraries – the proposed development will increase the demand for library services, which include a range of digital services. The ECC Developers Guide to Infrastructure sets out that the County Council will seek to mitigate the impact of development in library services in three different ways, dependent on the scale of the development. On major housing sites with a population of 5,000 residents or more a developer will need to provide a new library. The second route would be to physically extend existing library facilities, and where this is appropriate a contribution of £244.92 per dwelling is required. The third route would be where there is no need or no identified scheme to extend an existing library a contribution of £77.80 per dwelling would be sought to upgrade existing facilities such as furniture, technology or stock. The contribution levels were correct at the date of publication in 2020.

The initial consultation response in 2020 sought a contribution of £39,931.84, which is equal to £327.31 per dwelling. The consultation response indicates that contributions are sought for both the extension of the library, and to fit this out and stock it. No details are provided of how the library is to be extended.

An updated consultation response was received in 2022. This again requested a contribution of £39,931.84 but the supporting text suggested that the sum was calculated using a contribution rate of £77.80 per dwelling. It has subsequently been confirmed that a contribution of £77.80 per household has been secured, which is considered to be the appropriate level of contribution for a development of this size. This will provide a contribution of £9,491.60 (index linked).

17. Planning Obligation – Healthcare Contribution

The Suffolk and North East Essex Integrated Care Board have advised that the GP which would provide services for residents of this development Practice – the North Clacton Medical Group - does not have sufficient capacity to meet the increase in demand that the development would create.

A financial contribution of £71,100 is sought to allow the extension, reconfiguration, refurbishment or potential relocation of facilities for the benefit of patients of the North Clacton Medical Group, or provision of digital infrastructure or supporting health and wellbeing programmes.

18. Planning Obligation – Habitat Regulation Assessment – Appropriate Assessment Mitigation

Under the Habitat Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating ‘no alternatives’ and ‘reasons of overriding public interest.’ There is no precedent for a residential development meeting these tests, which means that all residential development close to the protected sites must provide suitable mitigation.

The application scheme proposes the creation of 122 new dwellings. The application site lies approximately 6km from the Colne Estuary SPA and Ramsar, and is therefore within a designated Zone of Influence (Zoi) of a protected site. New housing within the Zoi would be likely to increase the number of recreational visitors to these sites and in combination with other developments it is likely that the proposal would have significant effects on the designated sites. Mitigation measures must therefore be secured prior to occupation.

The applicant has provided details of mitigation measures they propose at the site to reduce the risk that future occupants will travel to protected sites for dog walking and leisure activities. Based on this the Council have completed an HRA Appropriate Assessment which sets out the required package of measures. An obligation to agree the finer detail of the mitigation, including the precise design of signs, and to complete the delivery of the on-site mitigation measures is included with the S106 agreement.

The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy SPD sets out a standardised approach to mitigating the impact of new residential development of the is scale. This is through the payment of a financial contribution which will be used towards projects such as visitor management at protected Essex coastal sites.

The Section 106 agreement that has been prepared includes an obligation to pay a proportionate financial contribution (currently £163.86 per dwelling, index linked) towards off-site mitigation. Again, it is agreed that the payment will be paid in three tranches, linked to the three phases of the development.

19. Sustainable Construction & Energy Efficiency

Policies PPL10 and SPL3, together, require consideration be given to renewable energy generation and energy conservation measures. Proposals for new development of any type should consider the potential for a range of renewable energy generation solutions, appropriate to the building(s), site and its location, and be designed to facilitate the retro-fitting of renewable energy installations. Policy PPL 5 promotes water conservation and resource efficiency and Policy CP 3 requires the provision of superfast broadband in all new dwellings.

To capture these requirements a condition covering the following matters is recommended-

Each dwelling to be provided with an electricity vehicle charging point;

- A scheme for water conservation and re-use, which can include the provision of water butts;
- Measures to reduce water consumption;
- Details of heating systems;
- Scheme for waste reduction;
- Scheme for installation of high speed broadband.

20. Representations

The application was publicised in the usual manner, and a second round of publicity was undertaken when revised plans were submitted by the applicant. In total thirteen representations were received which objected to the proposed development. A summary of the main issues cited in these objections are listed below.

Principle of Development

- There are already 750 new properties being built on land east of the new development – that is an extra 3000 people and this development could bring 488 more residents.
- A development about 100m from this site has 49 new dwellings which are all empty indicating there is no need for more housing.
- To the west of Thorpe Road and North of this new proposal an appeal (APP/P1560/W/19/32390302) was recently dismissed by a government inspector that should apply when considering this application.

Impact on Neighbour Amenity

- One pedestrian connection was originally proposed but there are now four pedestrian routes onto Foots Farm Lane, which is a private road with no public right of access.
- Foots Farm Lane and Stables Close are maintained through a significant service charge paid but the occupants of the road. Why should these residents maintain a route that is being used by the public, and likely increasing the management charge further.
- Some of the neighbouring bungalows have shallow front gardens and pedestrians will be passing within feet of bedroom windows. We purchased this property for the privacy and quietness which these plans will ruin, with pedestrian and children walking and cycling past. The pedestrian links and dog walking routes will increase the number of dogs fouling this private road. I thought this is a private road and will not be impressed with the dogs fouling the road/path and their owners free to wander through Foots Farm Lane and children riding their bikes up and down.
- Increasing number of people walking past the existing properties will diminish the peace that they currently enjoy and causing increased vandalism and security concerns for existing residents.
- Lighting is being installed on these roads which will be controlled by sensors. If the links are provided there will be more people walking through, which will turn the lights on and increase the bills for the residents. If the proposed links are provided this is likely to lead to new residents parking on the private roads and walking through to their property.

The private roads were not constructed to a standard designed to carry this extra footfall, further increasing the maintenance charge.

- Neighbouring residents are considering erecting lockable gates to the public footpath from Foots Farm Lane to the back of Woodford Close.
- The land that the development will be built on behind some of the bungalows is considerably higher causing residents to be concerned about drainage and privacy.

Infrastructure

- Existing infrastructure (GP's, hospital, dentists, schools, shops) will not be able to accommodate this increased number of residents

Highways & Accessibility

- Will the Council adopt the private roads if they are requiring these pedestrian links to be created.
- The new houses will generate more traffic which will have to use already busy roads that are little more than B-roads.
- Roads are already in a poor condition and this will get worse.
- There is no lighting to the private roads leaving it dark and unsafe for pedestrians.
- The ghost lane for access is dangerous on this already busy fast road, a roundabout would be safer.

Ecology

- There is also an old barn on the field/site that has a bat colony living in it.

Affordable Housing

- The provision of the Affordable Housing is very important, but all these homes are bunched together at the eastern end of the site and segregated and separated from the market housing by mature trees and a landscape area. Social interaction and mixed communities are important.

Other Matters

- More development will further increase the risk of flooding.
- Complaints about issues with the dwellings that have been constructed adjoining the site and that residents who bought homes were told that the building of houses was out the question.

One further representation was received from a member of the public who said they were neutral and neither supported or objected to the planning application. In summary the main issues raised in this representation, that have not been listed above from the objectors, were:

- More cars will also mean more litter of the verges and highways
- The By-Pass already does not work well, and more traffic will cause more problems for the emergency services and put visitors off coming to the district.
- Purchasers were told when they bought their homes the only properties would be the bungalows.

21. Overall Planning Balance and Conclusions

The application is located within a defined settlement development boundary and there are no further designations in the adopted Local Plan that would indicate that the land should not be developed, or that housing would not be an acceptable use of the land.

Any objections from statutory consultees have been overcome during the course of the application, and following extensive revisions to the design of the development it is now considered that the layout and appearance of the scheme is acceptable.

A suite of conditions are recommended, alongside planning obligations secured through the Section 106 agreement, which will ensure necessary mitigation and where necessary policy compliance is achieved, and on this basis the application can be recommended for approval.

8. Recommendation

Full Approval, subject to conditions and S106 agreement.

9. Conditions

1. COMPLIANCE: TIME LIMIT

CONDITION: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. COMPLIANCE: APPROVED PLANS AND DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Plans and Drawings

The approved red line plan drawing is Location Plan Dwg. No. OC151-PL-02 Rev I received 20.03.2024.

Dwg. No. OC151-PL-02 Rev I – Development Layout
Dwg. No. OC151-PL-03 Rev G – Detailed Development Layout
Dwg. No. OC151-PL-04 Rev G – Parking Layout
Dwg. No. OC151-PL-05 Rev H – Storey Heights Plan
Dwg. No. OC151-PL-06 Rev G – Garden Areas Plan
Dwg. No. OC151-PL-08 Rev I – Materials Layout
Dwg. No. OC151-PL-09 Rev G – Refuse Plan
Dwg. No. OC151-PL-10 Rev E Fire Tracking Layout
Dwg. No. OS151-ST-01 Street Elevations A, B & C Rev C
Dwg. No. OC151-SUB-01 Rev 00 Sub Station Floor Plans & Elevations

Dwg. No. OC151-Apt-BlockA-01 Rev 00 – Block A Floor Plans
Dwg. No. OC151-Apt-BlockA-02 Rev A – Block A Elevations
Dwg. No. OC151-Apt-BlockB-01 Rev A – Block B Floor Plans
Dwg. No. OC151-Apt-BlockB-02 Rev B – Block B Elevation Plans

Dwg. No. OC151-HT-ALa-01 Rev.A – ALa Alnmouth - Floor Plans & Elevations
Dwg. No. OC151-HT-ASa-01 Rev A – ASa Ashworth - Floor Plans & Elevations
Dwg. No. OC151-HT-BAa-01 Rev A – BAa Barton - Floor Plans & Elevations
Dwg. No. OC151-HT-BRa-01 Rev B – BRa Brampton - Floor Plans & Elevations
Dwg. No. OC151-HT-CHa-01 Rev B – CHa Charnwood - Floor Plans & Elevations
Dwg. No. OC151-HT-CHb-02 Rev B – CHb Charnwood - Floor Plans & Elevations
Dwg. No. OC151-HT-GAa-01 Rev B – GAa Garrett - Floor Plans & Elevations
Dwg. No. OC151-HT-SHa-01 Rev A – SHa Sherwood - Floor Plans & Elevations
Dwg. No. OC151-HT-WAa-01 Rev A – WAa Wareham - Floor Plans & Elevations

Dwg. No. OC151-BN-01 Rev 00 – Bin & Cycle Store
Dwg. No. OC151-GR-01 Rev.00 – Sales Garage - SG
Dwg. No. OC151-GR-02 Rev.01 – Carport Plans CP1

Dwg. No. OC151-GR-03 Rev.01 – Carport Plans CP2 & CP3
Dwg. No. OC151-GR-04 Rev.01 – Carports Plans CP4 & CP5
Dwg. 23-027/336 Rev T2 – Site Levels Drawing

Technical Reports

Planning Statement produced by Pomery Planning Consultants Ltd
Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment (ref: P0118/R01 Issue 1) produced by Sue Slaven
Transport Assessment (ref: IT1898TA_29.06.20_Issued) produced by Intermodal Transportation Ltd
Flood Risk Assessment (ref: IT1898_FRA_issued 31-07-2020) produced by Intermodal Transportation Ltd
Extended Phase 1 Survey produced by Hillier Ecology Limited
Great Crested Newt eDNA Survey produced by Hillier Ecology Limited
Arboricultural Impact Assessment and Preliminary Method Statements produced by Tree Planning Solutions
Design and Access Statement (revised July 2021) produced by McLean Architectural
Qualifying Unit Schedule received 18th September 2023

S106 Plans

Open Space Plan – ref: PH-168-OSP Rev D
Phasing Plan – ref: PH-168-PP Rev C
Walking Routes Plan – ref: PH-168-WRP
Affordable Housing Plan – ref: PH-168-AHP Rev B

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

Materials

3. FURTHER APPROVAL: AGREEMENT OF MATERIALS

CONDITION: No development shall be commenced above slab level until precise details of the manufacturer and types and colours of the external facing and roofing materials shown on Dwg. No. OC151-PL-08 Rev. I – Materials Layout to be used in construction have been submitted to

and approved, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development and fully applied prior to the first use/occupation.

REASON: To secure an orderly and well-designed finish in the interests of visual amenity and the character and appearance of the development.

Levels

4. COMPLIANCE: LEVELS

CONDITION: The development shall be carried out in accordance with the approved Dwg. 23-027/336 Rev T2 – Site Levels Drawing listed above, unless otherwise agreed in writing by the local planning authority.

REASON: To avoid the excessive raising or lowering of any building hereby permitted and the alterations of ground levels within the site which may lead to unneighbourly development with problems of overlooking and loss of privacy. This information is required before the commencement of development as the condition requires details of the existing ground levels, which will need to be obtained before development commences.

Landscaping

5. COMPLIANCE: TREE PROTECTION AND RETENTION

CONDITION: The development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Preliminary Method Statements listed above, undertaken by James Choat, Tree Planning Services, Ref. TPSarb0811019 Issue 2, dated 21st November 2023. This shall include a qualified Arboriculturalist visiting the site throughout the development process to carry out an assessment of tree health and protection condition and make recommendations when required, as set out in Paragraphs 10.8.2 – 10.8.4 of the approved AIA.

No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

REASON: To ensure existing trees, shrubs and hedges that are identified as being retained are not removed and are protected appropriately during the development, as they are considered essential to enhance the character of the development and contribute positively to the appearance of the area.

6. APPROVAL REQUIRED: LANDSCAPING SCHEME

CONDITION: In accordance with Phasing Plan – ref: PH-168-PP Rev C, no development above slab level shall take place within a phase until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for that phase, which shall include any proposed changes in ground levels.

REASON: In the interests of visual amenity and the character and appearance of the area.

NOTE/S FOR CONDITION:

Slab level is normally referring to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visually above ground level or seek confirmation from the Local Planning Authority for your development.

Should the landscape works include any new hedgerow, please consider the following planting for a native hedge. Native hedge: 50% hawthorn, 25% blackthorn (but beware – this can spread into adjacent fields), 15% field maple, 2% holly, 2% wild privet, 2% guelder rose, 2% dog rose, 2% buckthorn.

7. COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED: LANDSCAPING SCHEME

CONDITION: In accordance with Phasing Plan – ref: PH-168-PP Rev C, all changes in ground levels, soft/hard landscaping shown on the approved landscaping details shall be carried out for each Phase in full during the first planting and seeding season (October - March inclusive) following the occupation of 75% of the dwellings within that relevant Phase of development, or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use/first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted, or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and same species unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

8. APPROVAL REQUIRED: LANDSCAPE MANAGEMENT PLAN

CONDITION: No works above ground level shall take place until there has been submitted to and approved, in writing, by the Local planning authority a landscape management plan for a minimum of 5 years. Both new and existing planting (including SUDs features as applicable) will be required to be included in a long-term management plan. The landscape management plan shall also include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved in accordance with the details and timescales in the plan and thereafter retained.

REASON: To support plant establishment and ensure the proper management and maintenance of the approved landscaping in the interests of amenity, functionality and the character and appearance of the area.

9. APPROVAL REQUIRED: DETAILS OF SCREEN WALLS AND FENCES

CONDITION: In accordance with Phasing Plan – ref: PH-168-PP Rev C, prior to the first occupation of the development within a phase precise details of the provision, design and materials of all screen walls and fences shown on approved Dwg. No. OC151-PL-03 Rev. G – Detailed Development Layout listed above shall be submitted to and approved, in writing, by the Local Planning Authority. The screen walls and fences as may be approved shall be erected prior to the dwelling/s/building/s to which they relate being first occupied/used and thereafter be retained in the approved form.

REASON: In the interests of visual amenity and the character and appearance of the area.

10. APPROVAL REQUIRED: DETAILS OF CAR PORTS

CONDITION: Construction of any building which contains or has a car port attached to it shall not be commenced until additional drawings that show details of proposed opening, the materials that will be used internally within the car port have been submitted to and approved in writing by the local planning authority. Development shall be implemented in accordance with the approved details and shall be permanently maintained as such.

REASON: To control the materials used to form the car ports to ensure that appropriate materials and finishes are used given the prominence that they will have within the streetscene. In the interests of visual amenity and the character and appearance of the area.

Removal of Permitted Development Rights (PD)

11. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD FOR ENCLOSURES

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Minor operations, Class A (or any Order revoking and re-enacting that Order with or without modification):- no fence, gate, wall or any other means of enclosure, shall be erected forward of any elevation of the dwelling house(s) fronting a highway, except pursuant to the grant of planning permission on an application made in that regard.

REASON: To enable the local planning authority to retain control over the development in the interests of the visual amenity and the quality of the development.

12. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PD RIGHTS FOR ALTERATIONS TO CAR PORTS

CONDITION: Notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 2 Development within the curtilage of a dwellinghouse Class A (or any Order revoking and re-enacting that Order with or without modification):- no enlargement, improvement, or other alterations to the car ports shall be carried out, except pursuant to the grant of planning permission on an application made in that regard.

REASON: In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained, and to enable the local planning authority to retain control over the development in the interests of the visual amenity, the quality of the development and residential amenities.

13. ONGOING REQUIREMENT: PROVISION AND RETENTION OF PARKING SPACES

CONDITION: Prior to occupation of each dwelling the car parking spaces indicated on the approved plans shall be hard surfaced and available for the occupants to park vehicles on. The car parking spaces shall be retained in this form at all times and kept available for use for the parking of vehicles.

REASON: In the interests of highway safety and to ensure adequate vehicular access to and use of parking and turning provision within the site is provided and maintained.

14. APPROVAL REQUIRED: PROVISION OF CYCLE STORAGE

CONDITION: No occupation of any dwelling shall take place until powered two-wheeler/cycle parking facilities for each dwelling have been provided in accordance with details that shall have been previously submitted to and agreed, in writing, by the Local Planning Authority, and the cycle parking for the apartments, shown in drawing OC-151-BN-1 Rev 00, shall be permanently maintained as such.

REASON: To ensure appropriate powered two-wheeler and bicycle parking is provided.

Highways

15. COMPLIANCE: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to the first use of the access to the site and development from Centenary Way, clear visibility shall be provided and thereafter permanently maintained with dimensions of 2.4 metres by 101m to the right (east) and 2.4m by 115m to the left (west), as measured from and along the nearside edge of the carriageway, from the centre of the access. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

REASON: To ensure vehicles exiting the development would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

NOTE/S FOR CONDITION:

Carriageway is the part of a road intended for vehicles rather than pedestrians normally define by kerb if available or edge of a bound surface. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

16. ACTION REQUIRED: HIGHWAY WORKS PRIOR TO OCCUPATION

CONDITION: No dwelling hereby permitted shall be occupied until the following have been provided or completed:

- a) A priority junction off Centenary Way to provide access to the proposed site as shown in principle on planning application, proposed site access, drawing number: IT1898/TA/02.
- b) Dedicated right turn lane to be designed in accordance with DMRB standards.
- c) Upgrade to a minimum 3-metre-wide shared footway/ cycleway along the entire site frontage of Centenary Way westwards to the Morrisons roundabout and any associated signage.
- d) Where possible the existing footway to be widened to 2-metre-wide along the entire site frontage with Thorpe Road.
- e) To current Essex County Council specification, the provision of two new bus stops on Thorpe Road, north of Gorse Lane which would best serve the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development).
- f) Pedestrian/ cycleway provision required to access existing shared footway/ cycleway on Centenary Way with associated tactile paving.
- g) Upgrade of any street lighting in association with the new junction onto Centenary Way.

REASON: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

17. COMPLIANCE: INTERNAL ROAD AND FOOTWAYS PRIOR TO OCCUPATION

CONDITION: Prior to the occupation of any of the proposed development the associated internal road site access and footway layout required by the relevant dwelling to facilitate safe from such dwelling to the adoptable highway on Centenary Way shall be provided in principle and accord with Drawing Numbers:

- OC151-PL-02 Rev I Development Layout
- OC151-PL-04 Rev G Parking Layout

REASON: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

18. FURTHER APPROVAL: CONSTRUCTION MANAGEMENT TO BE AGREED

CONDITION: Prior to the commencement of development details of the construction methodology and timetable shall be submitted to and approved, in writing, by the Local Planning Authority. This shall incorporate the following information:-

- a) Confirmation of the hours of operation on the site. 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.
- b) Details of the loading/unloading/storage of construction materials on site, including details of their siting and maximum storage height.
 - c) Details of how construction and worker traffic and parking shall be managed. This shall include routing of all traffic and any directional signs to be installed and where.
 - d) Details of wheel and underbody washing facilities to be provided and used at the site.
 - e) Details of any protection measures for footpaths and trees surrounding the site.
 - f) Details of any means of access to the site during construction.
 - g) Details of the scheduled timing/phasing of development for the overall construction period.
 - h) Details of measures to control the emission of dust and dirt during construction and including details of any wheel washing to be undertaken, management and location it is intended to take place.
 - i) Details of the siting of any on site compounds and portalos.
 - j) Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.
 - k) Site waste management plan (that shall include reuse and recycling of materials) and the prohibition of the burning of materials on the site.
 - l) Scheme for sustainable construction management to ensure effective water and energy use.
 - m) A scheme to control noise and vibration during the construction phase, including details of any piling operations. If piling is to be carried out on the site a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents shall be provided.
 - n) Scheme of review of complaints from neighbours.
 - o) Registration and details of a Considerate Constructors Scheme
 - p) Details on the provision, location and management of any show home/s or reception, including opening times, parking and advertisements (including flags and directional signs).

The said methodology as may be approved shall be implemented in its entirety and shall operate as may be approved at all times during construction.

REASON: To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

Archaeology

19. FURTHER APPROVAL: ARCHAEOLOGICAL WORKS

CONDITION:

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 investigation identified in the WSI defined in 1 above.
3. The applicant will submit to the local planning authority a post excavation assessment either prior to the occupation of any dwelling, or within six months of the completion of the fieldwork, whichever is the sooner, 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.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the

proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or loss due to the development and/or its construction. If agreement was sought at any later stage as there is an unacceptable risk of loss and damage to archaeological and historic assets.

20. COMPLIANCE: CONTAMINATED LAND

CONDITION: The development shall be carried out in accordance with all the recommendations specified within the Phase 1 Geo-Environmental Desk Study and Preliminary Risk Assessment produced by Sue Slaven (Report no. P0118/R01 Issue 1, dated May 2020), unless otherwise first agreed in writing by the Local Planning Authority.

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.

21. COMPLIANCE: ASBESTOS SURVEY

CONDITION: Prior to commencement of development, including any demolition or site clearance an asbestos survey should be carried out on the site. Any asbestos containing materials identified must be safely removed by a qualified contractor.

REASON: To prevent contamination of the site with asbestos and resulting danger to human health. This survey is required before any works are undertaken on the site. Inadvertently disturbing materials during site clearance or demolition could release asbestos which could contaminate the site.

Biodiversity and Protected Species

22. COMPLIANCE: IN ACCORDANCE WITH ECOLOGICAL APPRAISAL

CONDITION: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Survey (Hillier Ecology, May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

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

23. FURTHER APPROVAL: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN FOR BIODIVERSITY

CONDITION: A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- q) Risk assessment of potentially damaging construction activities.
- r) Identification of "biodiversity protection zones".
- s) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- t) The location and timing of sensitive works to avoid harm to biodiversity features.
- u) The times during construction when specialist ecologists need to be present on site to oversee works.
- v) Responsible persons and lines of communication.
- w) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- x) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

REASON: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species). This information is required prior to the commencement of development as appropriation protection measures will need to be put in place prior development commencing, or site clearance. Failure to approve a CEMP and implement it before works commence could lead to harm to protected and priority species.

24. FURTHER APPROVAL: BIODIVERSITY ENHANCEMENT STRATEGY

CONDITION: Prior to commencement, a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

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

REASON: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

25. FURTHER APPROVAL: LIGHTING DESIGN SCHEME

CONDITION: Prior to development above slab level, a lighting design scheme designed to promote personal safety, protect amenity, and biodiversity shall be submitted to and approved in writing by the local planning authority.

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

The scheme shall include position, height, aiming points, lighting levels and appropriate lighting contour plans and isolux drawings.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme prior to the first occupation of the development, or if phased of each relevant phase, and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To ensure that optimal levels of personal safety are achieved whilst balancing the need for the scheme to not adversely affect resident's amenity or ecology. The scheme should have regard to best practice advice, including Secured By Design and the Local Planning Authorities duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

Sustainable Drainage (SuDS)

26. FURTHER APPROVAL: SUDS WATER DRAINAGE DETAILS (FOR CONSTRUCTION)

CONDITION: No development shall commence until details of a construction surface water management plan, including timetable, detailing how surface water and storm water will be managed on the site during construction, are submitted to and agreed in writing by the local planning authority. No part of the development shall be commenced and/or developed except as may be agreed and in accord with the approved timetable. The drainage scheme shall thereafter be maintained as approved or as be agreed to be retained by the local planning authority in writing.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

NOTE/S FOR CONDITION:

This condition shall engage and requires details to be agreed prior to the commencement of development. This condition is imposed to ensure the potential impact on a sensitive area is considered and harm avoided that may be detrimental to amenity and the environment. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

27. FURTHER APPROVAL: SUDS WATER DRAINAGE DETAILS

CONDITION: No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, and in accordance with the principles contained within the Flood Risk Assessment (Intermodal Transportation, July 2020) has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- Limiting discharge rates to 5.6l/s for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with the relevant third party.
- All relevant permissions to discharge from the site into any outfall should be demonstrated.
- Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

REASON: To safeguard the ground water environment and minimise the risk of flooding. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm by reason of flood risk.

28. FURTHER APPROVAL: SUDS MAINTENANCE PLAN

CONDITION: Prior to occupation of the development a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

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

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

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

29. COMPLIANCE: SUDS MAINTENANCE LOGS

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

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

Bins / Collection

30. ACTION AND DISCHARGE REQUIRED: REFUSE BINS AND COLLECTION AREAS

CONDITION: Prior to the first use/occupation of the development, or in accordance with an alternative timetable for provision as may be agreed in writing by the Local planning authority, details of the storage for refuse/recycling bins and any collection areas shown on approved Dwg. No. OC151-PL-09 Rev. G Refuse Plan listed above shall be submitted to and approved, in writing, by the local planning authority. The relevant approved areas shall be provided prior to first occupation/ use by the occupants of the relevant dwelling and thereafter retained as approved.

REASON: In the interest of highway safety to ensure that refuse/recycling bins do not cause any obstruction or danger on the highway and in the interests of an attractive well-designed development that is not detrimental to visual amenity.

Local Recruitment Strategy

31. ACTION AND DISCHARGE REQUIRED: LOCAL RECRUITMENT STRATEGY

CONDITION: Prior to commencement of development the applicants shall submit to the Local planning authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall thereafter be adhered to.

REASON: To promote and encourage the recruitment of employees and other staff in the locality of the application site.

Sustainability Measures

32. FURTHER APPROVAL: IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: Prior to development above slab level a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- i. An electric car charging point per dwelling
- ii. Agreement of a scheme for water conservation including greywater recycling and rainwater capture/re-use for new dwellings, including the use of permeable hardstanding, and the installation of water butts
- iii. Agreement of a scheme to achieve as far as possible a water consumption rate of not more than 110 litres, per person, per day for new dwellings
- iv. Agreement of heating of each dwelling/building
- v. Agreement of scheme for waste reduction
- vi. Provision of a fibre optic broadband connection to the best possible speed installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing. (If the applicant is unable to achieve this standard of connection, and can evidence through consultation that this would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 30mbps) wireless service will be considered.

The scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the Local Planning Authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through reduced need, better use or savings in the use of water, energy and resources; reduced harm to the environment; and result in wider public benefit in accordance with the NPPF.

NOTES FOR CONDITION:

Slab level normally refers to the concrete slab supported on foundations or directly on the subsoil and is used to construct the ground floor of the development. In any other case, please assume slab level to be the point before any walls and/or development can be visualised above ground level or seek confirmation from the Local Planning Authority for your development.

Broadband provision is included to ensure the development is able to be equipped with high-speed broadband to enable opportunities for web-based communication and homeworking reducing the need for unsustainable travel.

A water consumption rate of not more than 110 litres, per person, per day adopted as Planning Policy and as imposed by this condition will directly change the building regulations water consumption rate to match as a result of this policy. The introduction of effective utilities, rainwater capture for watering plants, aerators to taps and other water saving options can be considered.

Renewable Energy and Energy Efficiencies

33. FURTHER APPROVAL: RENEWABLE ENERGY GENERATION PLAN AND ENERGY EFFICIENCY MEASURES

CONDITION: No development shall commence above slab level until a scheme for the provision of Renewable Energy Generation within the application site shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include, as a minimum, the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy.

The approved scheme shall be fully implemented prior to the first occupancy of the development unless otherwise agreed in writing by the local planning authority. The scheme shall be constructed and the measures provided and made available for use as may be agreed and thereafter shall be maintained.

REASON: To enhance the sustainability of the development through better use of energy and resources reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

10. 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, Agent and Developer, 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.

Legal Agreement Informative

This application is the subject of a legal agreement, and this decision should only be read in conjunction with this agreement.

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (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 that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO