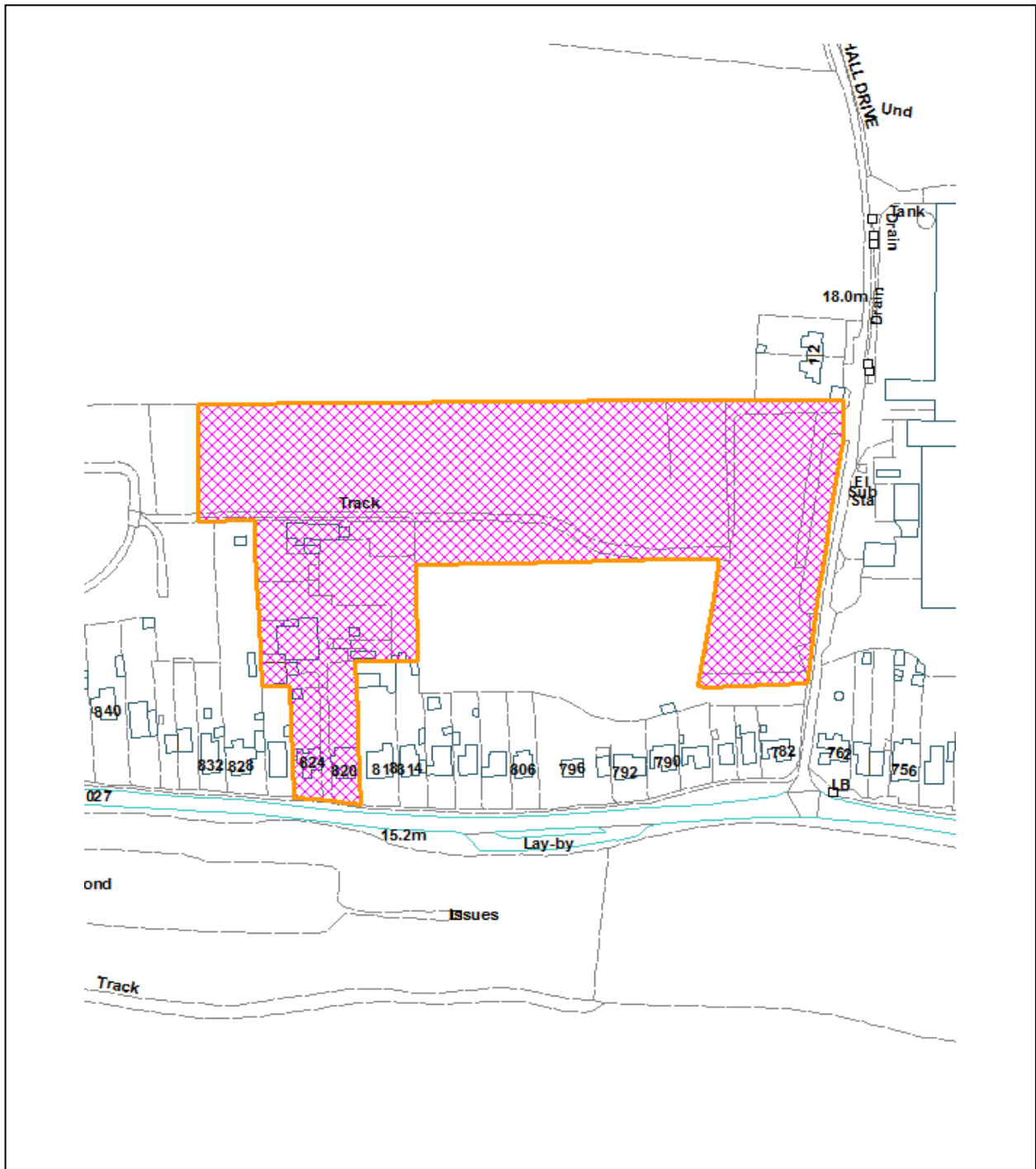


PLANNING COMMITTEE

3 JANUARY 2018

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 17/00825/OUT - LAND NORTH OF 782 TO 828 ST JOHNS ROAD, CLACTON-ON-SEA, CO16 8BS**



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<b>Application:</b>	17/00825/OUT	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Leisure Fame Ltd	
<b>Address:</b>	Land North of 782 to 828 St Johns Road Clacton On Sea CO16 8BS	
<b>Development:</b>	Residential development of 84 dwellings.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee at the request of Councillor Whitmore. His concerns relate to the backland nature of the development; road safety issues regarding the entrance/exit road; and being completely out of character with the surrounding area. The application is also contrary to the Development Plan proposing housing outside of the settlement development boundary of the 2007 adopted plan.
- 1.2 The application site lies outside the settlement development boundary of the adopted local plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 1.3 The proposal seeks outline planning permission, with access included for consideration, for 84 dwellings accessed from St Johns Road following demolition of number 820 and 824 St Johns Road.
- 1.4 Planning permission has been granted on appeal (14/00929/FUL) for 14 two storey dwellings on land accessed following demolition of number 824 and that permission is extant until 8<sup>th</sup> July 2018.
- 1.5 The proposal is considered to represent sustainable development with no material harm to landscape character, ecology, residential amenity or highway safety.
- 1.6 The proposal is recommended for approval subject to conditions and completion of a S106 legal agreement to provide for education, affordable housing, health and open space.

### **Recommendation: Approval**

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
  - Education contribution of £318,402 for primary school transport, plus primary and secondary school place contributions in accordance with the formula set out in the ECC Developers Guide to Infrastructure Contributions
  - 30% on-site affordable housing
  - NHS financial contribution of £29,187
  - Provision of on-site open space and (if they wish to transfer to the Council) commuted sum for maintenance of public open space for twenty years.

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

**(i) Conditions:**

1. Reserved matters standard conditions
2. Accordance with approved plans
3. Construction method statement
4. Vehicular visibility splays of 2.4m x 120m
5. No unbound materials within 6 metres of the highway boundary
6. Residential Travel Information Packs
7. Provision of bus stop improvements to the two closest bus stops
8. Access road and 2 x 2 metre wide footways to be provided prior to occupation
9. No vehicular access from the application site onto Earls Hall Drive
10. Archaeological trial trenching
11. Completion of archaeological fieldwork
12. Post-excavation archaeological assessment
13. Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination.
14. Detailed surface water drainage scheme
15. scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution
16. Maintenance Plan for surface water drainage system
17. Yearly logs of maintenance
18. Recommendations of Preliminary Ecological Assessment
19. Approval of any street lighting

c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## **2. Planning Policy**

### **National Planning Policy Framework (NPPF)**

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

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

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

### **Local Plan**

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

QL1: Spatial Strategy

QL2: Promoting Transport Choice

QL3: Minimising and Managing Flood Risk

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs

QL11: Environmental Impacts

QL12: Planning Obligations

HG1: Housing Provision

HG3a: Mixed Communities

HG4: Affordable Housing in New Developments

HG6: Dwellings Size and Type

HG7: Residential Densities

HG9: Private Amenity Space

COM6: Provision of Recreational Open Space for New Residential Developments

COM26: Contributions to Education Provision

COM31a: Sewerage and Sewage Disposal

EN1: Landscape Character

EN6: Biodiversity

EN6a: Protected Species

EN13: Sustainable Drainage Systems

TR1a: Development Affecting Highways

TR3a: Provision for Walking

TR5: Provision for Cycling

TR7: Vehicle Parking at New Development

**Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)**

SP1 Presumption in Favour of Sustainable Development

SP2 Meeting Housing Needs

SP4 Infrastructure and Connectivity

SP5 Place Shaping Principles

SP6 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP4 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is yet to be examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached publication stage its policies can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

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

14/00929/FUL	Demolition of existing bungalow and other buildings and the creation of 14 houses plus associated roads, drives, car parking and garages.	Refused 18.11.2014 Appeal 08.07.2015 allowed
17/00826/OUT	Hybrid application consisting of: outline planning application for residential development of 34 dwellings and full planning application for the creation of new access road.	Refused 16.08.2017

### **4. Consultations**

TDC Housing	25 on site affordable dwellings should be provided (30%) preferably managed by another registered provider.
TDC Open Space	Bockings Elm is the closest play area. Due to the deficit in play within the area on-site provision is required. Should the developer wish to transfer the open space and play facilities to the Council upon completion a commuted sum will be required for a period of 20 years.
ECC Archaeology	A number of cropmark complexes in the surrounding area attest to the archaeological potential of the area of the proposal. The recorded cropmarks are immediately adjacent to the site and can be expected to continue into the development area. Any surviving below ground heritage assets would be damaged or destroyed by the proposed development. Recommend three conditions to secure a programme of trial trenching followed by open area excavation.
TDC Building Control and Access Officer	Agent should ensure that adequately sized turning heads are provided for firefighting appliances to comply with Approved Document B.
TDC Tree & Landscape Officer	The application site comprises the residential curtilage of 820 and 824 St John's Road and land to the north. There are no trees of significance within the curtilage of 824 St John's Road but the rear garden of 820 contains three trees of reasonable stature. The trees are a single conifer (Chamaecyparis species) a Sycamore and a Hawthorn. Although the trees are reasonable

specimens they are set back in the rear garden and make only a moderate contribution to the amenities of the locality. Also, it would appear from the concept plan that these trees are not threatened by the development proposal. For these reasons it is not considered expedient to protect them by means of a means of a Tree Preservation Order.

The bulk of the application site is land situated to the north and does not contain many trees or other significant vegetation. The northern boundary is planted with a row of conifers (*Leylandii*) that are a dominating feature in the landscape. These trees do not merit retention and, regardless of the development proposal, their removal would have a positive impact on the local landscape character.

At the western end of the main body of the application site the land appears to have been set out as an overflow car park. In this area there is an early mature Weeping Willow which is an attractive tree. The amenity value of this tree could be relatively easily replicated by new planting.

On the western boundary of the car park there is an old hedgerow behind a bank of soil that contains a few trees, the most important of which is an established Oak. On the indicative site layout the tree is shown as retained as it is on or next to an area of land allocated as public open space.

Should planning permission be likely to be granted then the applicant will need to provide details of soft landscaping to enhance the appearance of the development. Special attention should be given to the treatment of site boundaries to ensure that the development sits comfortably in its setting and to help assimilate the built form into its urban fringe location.

Anglian Water

The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity fed connection.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and subject to the final access and internal layout for any adoptable roads being agreed with this Authority at the detailed design stage, does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Prior to occupation of the development all vehicular parking and turning facilities shall be constructed, and surfaced in accordance with current policy standards, and maintained free from obstruction within the site at all times for that sole purpose.

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Prior to the first occupation of the development, the proposed roads shall be constructed to a width of 5.5 metres with 2x 2m footways to the satisfaction of

the Local Planning Authority.

Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing, proximity of buildings to the highway boundary and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

No works in connection with the proposed development shall commence until such time as appropriate improvement works to the two closest bus stops (Bocking Elms) has been agreed with the Local Planning Authority. These works shall then be constructed prior to first occupation and be provided entirely at the Developer's expense.

Environment  
Agency

Land Contamination: No objection but state given the geology and the nearby pond and stream this is an area of moderate environmental sensitivity and potentially overlies a historic landfill site. Under application 14/00929/FUL for 14 houses investigations were undertaken which recommended a Phase 2 Intrusive Investigation is completed. That recommendation is endorsed. Should significant levels of contamination be identified within the soils or identified beneath the site, an assessment of the risk to groundwater quality should be completed. This should include the installation of groundwater monitoring wells within the source areas and along the boundaries with the landfill site. An assessment of the risk from landfill gas should be undertaken. Conditions should therefore be imposed requiring a Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination.

Sustainable Drainage Systems (SuDS): Given the potential presence of historic waste materials the use of SuDS could exacerbate the risk to controlled waters. Detail their four general requirements for SuDS e.g. infiltration only acceptable where no significant contamination is proven; surface water from hardsurfacing needs to be treated; maximum depths for infiltration; deep bore/deep soakaway not suitable where groundwater is a significant resource.



Natural England	No comments to make on this application refer to standing advice.
ECC Schools	Proposal can be expected to generate the need for up to 7.5 early years and childcare (EY&C), 25.2 primary school, and 16.8 secondary school places. There is capacity for EY&C. Additional school places will be required at both primary and secondary level based on the formula in the ECC Developers Guide to infrastructure contributions. There is not a safe walking route to St Osyth's Primary so £318,402 is required for primary school transport.
ECC SuDS	Do not object to the granting of planning permission subject to the following conditions: 1) 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. 2) scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution 3) Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies. 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.
NHS Property Services	The 2 local GP branch surgeries (Nayland Drive and Clacton Road) do not have capacity for the additional growth resulting from this and cumulative development in the area. A developer contribution will be required to mitigate the impacts of this proposal calculated to be £29,187.

## 5. Representations

- 5.1 Councillor Whitmore has called in the application for determination at Planning Committee. His concerns relate to the backland nature of the development; road safety issues regarding the entrance/exit road; and being completely out of character with the surrounding area. (These points are addressed within the assessment below).
- 5.2 Clacton is non-parished but St Osyth Parish Council objects to the proposal: Whilst the Parish Council appreciate that the proposed site for development is a brownfield site, there are objections on the basis that the development will intensify traffic problems, which already exist at the entrance to the plant centre. Additionally, there are serious concerns that the development will have an effect on both medical and educational provision within the area. (In response highway safety is discussed in the report below. Traffic associated with unauthorised development at the plant centre is unrelated to this proposal and no vehicular access is proposed onto Earls Hall Drive. Comments in relation to the impact upon health and education provision in the area are included within the report and within the S106 requirements).
- 5.3 One letter of objection has been received summarised as follows: (with response in brackets where not addressed in the report)
- The two applications (17/00825/OUT and 17/00826/OUT) should be considered together and in addition to a potential phase 3 (to the rear of numbers 788-812 St Johns Road) providing approximately 138 homes in total (there is no planning application for development of the stated 'phase 3'. The 34 homes under 17/00826/OUT have already been refused under delegated powers. The Highway Authority was aware of 17/00826/OUT for 34 dwellings when assessing the capacity of the junction to serve both developments).
  - Unacceptable backland development (addressed in the report).

- What happens to 14/00929/FUL approved for 14 dwellings on part of the site (this permission still stands until 8th July 2018, however this shares part of the application site with the current proposal so they cannot both be implemented).
- Road design is unsafe and traffic survey not taken during summer peak periods (the Highway Authority have assessed the proposal and have no objection subject to conditions as detailed in the report).
- Increased vehicle noise and street light pollution (it is not considered that 84 dwellings off this busy road, with the landscape buffer, would result in any material harm in terms of noise pollution as detailed within the report. There are no dwellings opposite the vehicular access and street lighting within the site can be controlled by condition).
- Loss of privacy (No detailed design has been submitted however given the size of the site it is considered that a development of 84 dwellings could be designed with no harm in terms of overlooking).
- A brick wall of seven feet high along my boundary is requested to provide security and privacy (a wide landscaped buffer strip is provided, however the detail of boundary treatments will be considered at reserved matters stage).
- A two storey house is shown at my rear boundary this should have privacy glass or be designed to prevent overlooking (detailed design will be considered at reserved matters stage and neighbouring amenity will be assessed and preserved at that stage).

5.3 Two letters of support have been received summarised as follows:

- As neighbouring landowner welcome a balanced development that compliments the surrounding houses and countryside.
- Site has been an eyesore for many years – fly tipping, car parking.
- Would be nice to see building on such a site instead of some open green space.

## 6. **Assessment**

The main planning considerations are: Principle of development, highway safety, design and visual impact, impact on residential amenity, surface water, legal agreement and contamination.

### Site location

- 6.1 The application site lies outside the settlement development boundary of the adopted local plan. The emerging local plan includes all the dwellings on the northern side of St Johns Road within the settlement development boundary of Clacton-on-Sea, plus the application site and neighbouring St Johns Plant Centre which both lie to the rear of existing dwellings fronting St Johns Road.
- 6.2 The application site gains access from St Johns Road by demolishing existing dwelling numbers 824 and 820. The site extends northwards, then westwards around a large area of mature garden, before extending southwards again close to the rear boundary of numbers 782-788 St Johns Road. To the immediate western boundary is a holiday park, and to the immediate eastern boundary is Earls Hall Drive which provides access to St Johns Plant Centre and dwellings further north. Outside the full northern boundary is open agricultural land.
- 6.3 The eastern section of the site, currently accessed from Earls Hall Drive, comprises hardstanding previously used as overspill car parking for St Johns Plant Centre and unauthorised vehicle storage. This land is now vacant.

- 6.4 The western section of the site has a mixture of residential and storage uses with a number of barns and large sheds. Planning permission has been granted on appeal (14/00929/FUL) for 14 houses on land accessed following demolition of number 824 and that permission is extant until 8<sup>th</sup> July 2018.

#### Principle of development

- 6.5 The application site lies outside of any defined settlement development boundary in the 2007 adopted plan. However, the site lies wholly within the settlement development boundary of the emerging local plan. This inclusion within the draft settlement development boundary indicates that the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.
- 6.6 The Council can identify a five year supply of deliverable housing sites so is no longer automatically expected to approve planning applications for housing that run contrary to the Local Plan, as per the government's 'presumption in favour of sustainable development'.
- 6.7 Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

#### Economic

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

#### Social

- 6.9 The site is located on the edge of the town of Clacton-on-Sea which is the most sustainable settlement type in the District providing a wide range of employment opportunities, public transport links, services and facilities. There is an existing lit footway connecting the site to Clacton and Jaywick and bus stops are only a short walk away. The site is therefore considered to be socially sustainable.

#### Environmental

- 6.10 The site is not subject to any landscape designations or in close proximity to any heritage assets. ECC Archaeology confirm a number of cropmark complexes in the surrounding area attest to the archaeological potential of the area and recommend three conditions to secure a programme of trial trenching followed by open area excavation. These conditions are included within the recommendation.
- 6.11 The majority of the site does not contain any trees or significant vegetation. There are a small number of reasonable trees within the site but none that make such a contribution that they would merit protection by means of a Tree Preservation Order. There is an established Oak which is indicated as retained within the proposed area of open space. The northern boundary comprises a row of Leylandii that are a dominating feature in the landscape, it is considered that their removal would have a positive impact on the local landscape character. Soft landscaping and appropriate boundary treatments will be required to ensure the development sits comfortably within its setting and particularly along

the northern boundary with open countryside. Landscaping is a reserved matter so details of acceptable soft landscaping will be required within any reserved matters application.

- 6.12 A Preliminary Ecological Assessment has been undertaken which confirms that the site mainly comprises of overgrown wasteland with frequent piles of waste soil, rubble and general debris. One juvenile common lizard was recorded on site and recommendations include timing and method of site clearance in order to protect any lizards present on site and to allow them to migrate towards the large gardens to the south. With the exception of nesting birds, the site is unlikely to support any other protected species and no further surveys are recommended. Due to the bird nesting season conflicting with the active reptile season it is recommended that immediately prior to commencement of works a check for nesting birds should be undertaken by a suitably experienced ecologist. Any active nests will need to be left in situ until the young have left the nest. Conditions are recommended to ensure these species protection measures are undertaken.
- 6.13 The proposal is for outline planning permission with only access included so the housing layout shown is purely indicative at this stage. However the site is surrounded by built development to the eastern, southern, and western boundaries and forms a logical extension of the existing settlement as shown within the emerging local plan. Beyond the northern boundary the landscape character changes dramatically with open countryside. This significant landscape difference resulted in the proposal 17/00826/OUT for 34 dwellings to the immediate north being refused under delegated powers on the grounds of significant landscape harm and failing the environmental strand of sustainability.
- 6.14 Application 14/00929/FUL was refused but allowed at appeal for 14 dwellings on part of the application site and that permission is extant until 8<sup>th</sup> July 2018. That permission involved demolition of the existing bungalow at 824 St Johns Road and creation of a long access serving 14 two storey dwellings in a backland location. The principle for backland development in this location has therefore already been accepted.
- 6.15 Saved Policy HG13 and Draft Policy LP8 relate to backland development and this development does lie behind the line of existing frontage development on St Johns Road; has no frontage to an existing public highway; and it does constitute piecemeal development in that it does not form part of a large area allocated for development. Although the site does meet the definition of backland development this does not automatically make it unacceptable. HG13(i) requires backland sites to be within a settlement development boundary which this is not within the saved plan, however it is within the settlement development boundary of the emerging local plan. HG13(iii) and LP8(b) relate to provision of a safe and convenient means of access not likely to cause undue disturbance or loss of privacy and these matters are addressed in the report below under Highway Safety and Residential Amenity and considered acceptable. HG13(ii) and LP8(a) loss of existing garden land and HG13(iv) and LP8(c) tandem development are not relevant in this case.
- 6.16 HG13(v) and LP8(d) require that the site is not awkwardly shaped or fragmented, or difficult to develop in isolation/prejudice a more appropriate comprehensive development solution. Although the shape of the site is irregular it represents a comprehensive development of this mainly vacant land within the emerging settlement development boundary. The northern boundary is wholly consistent with the rear boundary of the neighbouring holiday park which represents a strong physical boundary in the landscape with open agricultural land beyond to the north. There is therefore no conflict with HG13(v) and LP8(d).
- 6.17 HG13(vi) and LP8(e) require the site to not be on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular

setting and saved HG13(vii) and LP8e require the proposal to not be out of character with the area or set a harmful precedent for other similar forms of development. As stated above the proposal would represent a logical expansion of the existing settlement up to the northern site boundary which forms a strong physical boundary in the landscape. The proposed backland development is therefore considered to comply with saved Policy HG13 and Draft Policy LP8.

- 6.18 The proposal is therefore considered to represent sustainable development and the principle of residential development is therefore accepted subject to the detailed considerations below.

#### Highway Safety

- 6.19 The application seeks outline planning permission with only access included for consideration. Numbers 820 and 824 St Johns Road are to be demolished to create a vehicular access serving up to 84 dwellings. Detailed plans confirm an access drive of 6 metres wide with 2 metre wide footpaths to both sides. There is a landscaping strip of maximum 7 metres wide along the boundary with the neighbour at 826 St Johns Road. The internal layout shown is purely indicative at this stage.
- 6.20 The indicative plans show Plot 1 as a bungalow fronting St Johns Road and sited in line with existing dwellings, which represents an acceptable proposal in visual amenity terms. That property is shown to have independent vehicular access, parking and turning.
- 6.21 The proposal for 84 dwellings on this site represents a density of around 28 dwellings per hectare so sufficient space will be available to provide off street parking and turning in accordance with the adopted parking standards.
- 6.22 The Highway Authority has no objection to the proposal subject to eight conditions as detailed in full above. Conditions relating to 1) vehicular visibility splays; 3) no unbound materials within 6 metres of the highway boundary; 7) Residential Travel Information Packs; and 8) provision of bus stop improvements are all included as recommended conditions.
- 6.23 Condition 4) requires the road to be 5.5 metres wide with 2 x 2 metre wide footways. The footways are shown as specified however the submitted plans show a 6 metre wide road. This is considered acceptable to serve 84 dwellings and a reworded condition will be imposed to secure provision of the road and footways as shown on the submitted plan prior to first occupation of the development.
- 6.24 Condition 2) relates to parking and turning; condition 5) relates to estate road layout; and condition 6) relates to road construction levels, all of which require formal approval under layout as a reserved matter.
- 6.25 It is also recommended that an additional condition is imposed preventing any vehicular access from the application site onto Earls Hall Drive as this is not suitable to accommodate the level of traffic likely to be generated from the proposed 84 dwellings.

#### Design and visual impact

- 6.26 Appearance and layout are reserved matters so are not for consideration at this stage. The vehicular access which is under consideration incorporates an up to 7 metre wide landscaping strip to the left side with the existing neighbour and indicates a bungalow (Plot 1) on the right side of the access drive. Plot 1 has independent vehicular access and is sited in line with its neighbour and reflects the strong building line along St Johns Road.

- 6.27 The indicative layout is unacceptable in a number of respects. It shows two bungalows (plots 2 and 3) cramped to plot 1 and the access drive, and it shows Plots 47 and 48 cramped to the northern boundary with open countryside. It also shows vehicular access serving the proposal for 34 dwellings which has been refused. An informative will be added to confirm that the indicative layout is unacceptable and an improved layout will be expected at reserved matters stage.

#### Impact on residential amenity

- 6.28 There is ample space within the site to create a layout and detailed design that preserves the amenity of neighbouring residents, and provides adequate private amenity space in accordance with saved Policy HG9.
- 6.29 The access drive provides an up to 7 metre wide landscaping strip for the full length of the neighbouring garden at number 826 St Johns Road. As the access road serves 83 of the 84 dwellings there will be potential for substantial noise and disturbance from vehicles and, to a lesser extent, pedestrians using the footpath. It is considered that given the significant background noise level along the busy St Johns Road, and the substantial landscaped buffer strip provided, that the impact upon the residential amenities of occupiers of 826 St Johns Road would not be so significant as to justify refusing planning permission on these grounds. The extant planning permission (14/00929/FUL) for 14 houses also approved an access drive in this location with around 4 metres landscaped buffer.

#### Surface water

- 6.30 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, which might arise as a result of development.
- 6.31 A Flood Risk Assessment and sustainable drainage strategy has been provided with the application. The site lies within Flood Zone 1 and is therefore at low risk of flooding from rivers and the sea. Surface water from the development must be adequately managed to prevent runoff and risk of flooding elsewhere.
- 6.32 The Environment Agency have confirmed that given the potential presence of historic waste materials the use of SuDS could exacerbate the risk to controlled waters.
- 6.33 Essex County Council as Lead Local Flood Authority initially issued a holding objection on the grounds of an inadequate surface water drainage strategy. Additional information has been submitted and formal comments from ECC Suds Team have now been received confirming no objection subject to 4 conditions which are included within the recommendation. The detailed text of the conditions addresses the Environment Agency's concerns in relation to the need for further site contamination investigations to demonstrate that if surface water from the site is to infiltrate, this surface water will not be contaminated.

#### Legal agreement

- 6.34 In order to make the development acceptable a S106 legal agreement is required. This has yet to be drafted and the recommendation is to approve after its completion.
- 6.35 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes

education provision. The advice of Essex County Council, in its role as the local education authority, is that there is sufficient capacity for early years and childcare. However, the existing primary and secondary schools do not have capacity and a financial contribution, calculated in accordance with their formula once the size of properties are confirmed in the reserved matters, is required. A contribution of £318,402 for primary school transport is also required.

- 6.36 NHS Property Services have confirmed that the 2 local GP branch surgeries (Nayland Drive and Clacton Road) do not have capacity for the additional growth resulting from this and cumulative development in the area. A financial contribution is therefore required to mitigate the impacts of this proposal calculated to be £29,187.
- 6.37 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The Housing team have confirmed that Clacton is the area of highest demand for affordable housing. 25 of the 84 dwellings (30%) are therefore required to be provided as on-site affordable housing.
- 6.38 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in the area. Due to the size of the site at least 10% should be laid out as open space to a LAP standard. This will be a requirement in the S106 and if the applicant wishes the Council to take on maintenance of the open space a commuted sum will be required to cover a period of twenty years.

#### Contamination

- 6.39 Part of the site was previously used as a refuse tip. The Environment Agency has no objection but state given the geology and the nearby pond and stream this is an area of moderate environmental sensitivity and potentially overlies a historic landfill site. Under application 14/00929/FUL for 14 houses investigations were undertaken which recommended a Phase 2 Intrusive Investigation is completed. That recommendation is endorsed. Should significant levels of contamination be identified within the soils or identified beneath the site, an assessment of the risk to groundwater quality should be completed. This should include the installation of groundwater monitoring wells within the source areas and along the boundaries with the landfill site. An assessment of the risk from landfill gas should be undertaken. Conditions have therefore been recommended requiring a Phase 2 Intrusive Investigation, remediation strategy, verification plan and report, long-term monitoring and maintenance plan, and unsuspected contamination as requested by The Environment Agency.

#### Conclusion

- 6.40 The proposal seeks outline planning permission with access included for 84 dwellings and is considered to represent sustainable development, within the settlement development boundary of the town of Clacton-on-Sea in the emerging Local Plan.
- 6.41 Subject to the recommended conditions and completion of a S106 agreement, the application is recommended for approval.

#### Background Papers

None