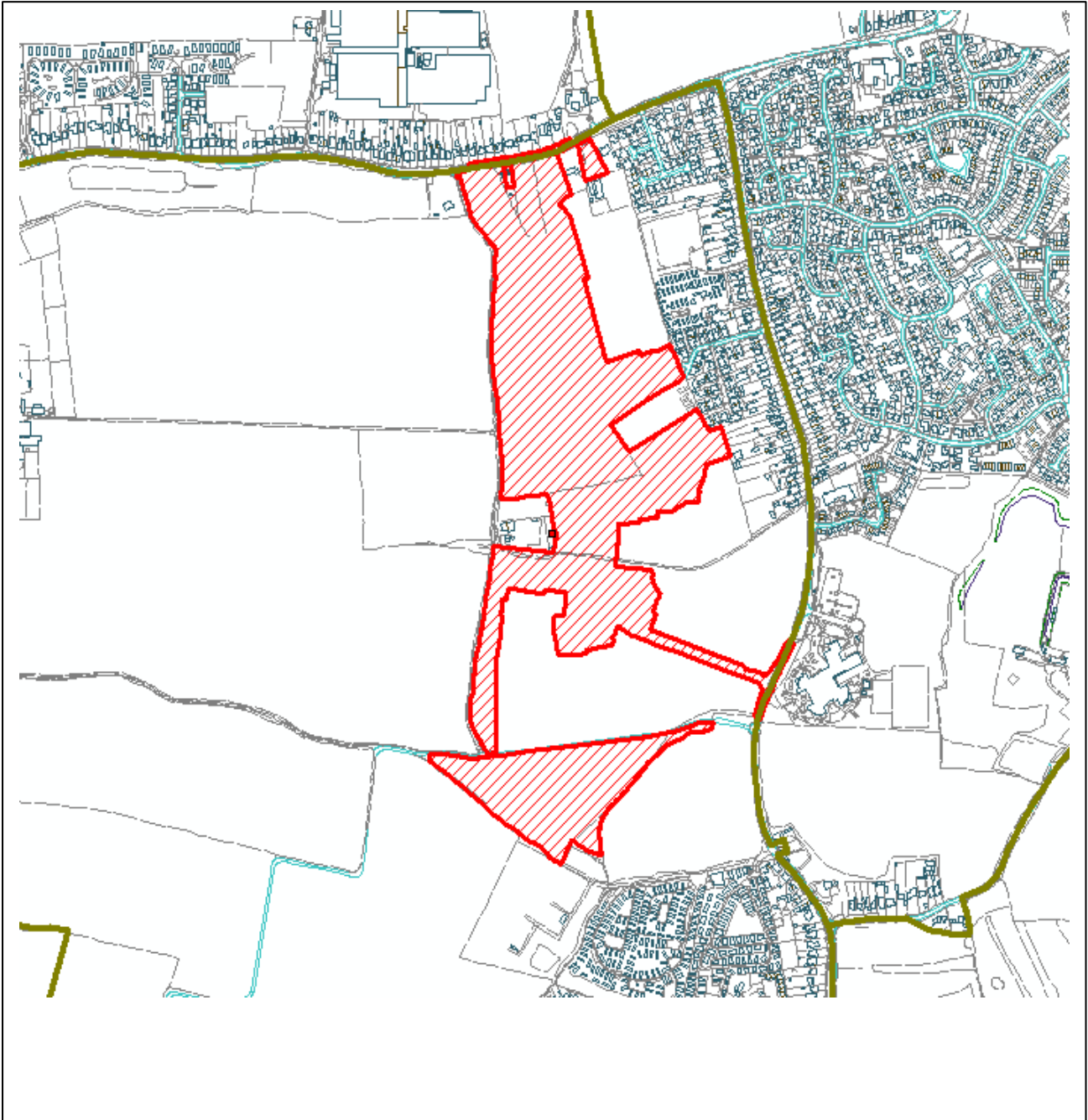


**PLANNING COMMITTEE**

**3<sup>rd</sup> December 2024**

**REPORT OF THE DIRECTOR OF PLANNING**

**A.3 PLANNING APPLICATION – 24/00712/DETAIL – LAND AT 757 ST JOHN'S ROAD AND ROUSES FARM JAYWICK LANE CLACTON ON SEA CO16 8BJ**



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<b>Application:</b>	24/00712/DETAIL	<b>Expiry Date:</b>	21st August 2024
<b>Case Officer:</b>	Jacob Jaarsma	<b>EOT Date:</b>	
<b>Town/ Parish:</b>	Clacton Non Parished		
<b>Applicant:</b>	Miss Genny Middlemast - Persimmon Homes Essex		
<b>Address:</b>	Land at 757 St John's Road and Rouses Farm Jaywick Lane Clacton On Sea CO16 8BJ		
<b>Development:</b>	Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.		

## 1. Executive Summary

- 1.1 This application seeks approval for the Reserved Matters relating to appearance, landscaping, layout, and scale for residential phases one and two, comprising 417 dwellings. Phases one and two form part of a larger site that is a strategic allocation which already benefits from outline planning consent for its redevelopment to provide up to 950 residential units. The above mentioned outline consent (reference number 17/01229/OUT) also includes a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school – these elements do not form part of the reserved matters application the subject of this report.
- 1.2 This application is in front of Members at the discretion of the Head of Planning and Building Control because the site is of major strategic importance for the Strategic Urban Settlement of Clacton-on Sea.
- 1.3 This submission follows statutory consultations and discussions between the Local Planning Authority (LPA), the applicant and other stakeholders such as Essex County Council Highways and Education, resulting in revisions to address concerns raised by local objectors, planning officers and consultees.
- 1.4 Key elements of the approved outline consent, including primary access from St Johns Road and Jaywick Lane, the broad location of major open spaces, and the designated Education Land are all fixed and have been carefully integrated into this detailed application. While some local objections were raised, these mainly pertain to aspects already agreed upon in the outline permission, or are issues that will be addressed through planning conditions and obligations imposed on and included in the outline consent, or are matters that the LPA feel have now been addressed through the submission of revised plans and documents (justifications provided in main body of report below).
- 1.5 The proposed layout builds on the approved access routes and spine road, and it is considered that the overall design and layout of phases one and two will create a cohesive and attractive development. The tree-lined spine road and strategically positioned open spaces in phases one and two will contribute to a strong sense of place. The scale and appearance of the dwellings, along with the high-quality landscaping proposals, are considered appropriate for the surrounding area and set a positive precedent for future phases.

- 1.6 Concerns regarding access to the Education Land, particularly for vehicular and pedestrian traffic, have been addressed through revised plans. Both Planning Officers and ECC Officers now deem the indicative access arrangements to and from the future school to be capable of being safe and suitable for all users, including future school attendees.
- 1.7 Overall, the details for phases one and two are considered acceptable, and the application is recommended for approval, subject to conditions.

**Recommendation:** Approval

- 1) That the Head of Planning and Building Control be authorised to grant reserved matters approval subject to the conditions as stated at paragraph 10.2, or varied as is necessary to ensure the wording is enforceable, precise, and reasonable in all other respects, including appropriate updates, so long as the principle of the conditions as referenced is retained; and,
- 2) The informative notes as may be deemed necessary.

## 2. 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 19<sup>th</sup> 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.

### 3. **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 currently no neighbourhood plans in place for this area.

### 4. **Planning Policy**

4.1 The following Local and National Planning Policies are relevant to this planning application.

#### **National:**

National Planning Policy Framework December 2023 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

#### **Local:**

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

SP1 Presumption in Favour of Sustainable Development

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

HP2 Community Facilities

HP3 Green Infrastructure

HP5 Open Space, Sports and Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable Housing

PP3 Village and Neighbourhood Centres

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL9 Listed Buildings

PPL10 Renewable Energy Generation and Energy efficiency Measures

CP1 Sustainable Transport and Accessibility  
 CP2 Improving the Transport Network  
 CP3 Improving the Telecommunications Network

DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

Tendering Provision of Recreational [Open Space for New Development SPD](#) 2008

[Essex Design Guide](#)

[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. Relevant Planning History**

19/01660/EIASCR	EIA Screening Opinion Request following outline permission 17/01229/OUT.	Withdrawn	09.06.2022
24/00712/DETAIL	Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.	Current	
01/01415/FUL	Workshop for the repair of cars (Renewal of 99/01370/FUL)	Refused	12.10.2001
92/00248/FUL	Change of use of farm yard to a base for three goods vehicles and use of building for repair and maintenance of these goods vehicles	Approved	01.09.1993
99/01370/FUL	Workshop for the repair of cars	Approved	17.08.2000
15/30060/PREAPP	Request for EIA scoping opinion for the construction of up to 800 residential dwellings, primary school, local centre and associated infrastructure.		09.04.2015
15/30108/PREAPP	Redevelopment of the site to provide 875 residential dwellings, primary school, local centre and associated infrastructure.		24.08.2015
17/01229/OUT	Outline planning permission (all matters reserved except means of access) for the redevelopment (including demolition) of the Site for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local	Approved	11.01.2024

healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

19/01660/EIASCR	EIA Screening Opinion Request following outline permission 17/01229/OUT.	Withdrawn	09.06.2022
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## 6. Consultations

Below is a summary of the comments received from consultees relevant to this application proposal. Where amendments have been made to the application, or additional information has been submitted to address previous issues, only the latest comments are included below unless otherwise indicated.

All consultation responses are available to view, in full (including all recommended conditions and informatives), on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.

### **Tree & Landscape Officer**

**07.06.2024**

The information provided in relation to soft landscaping of both the residential and open space elements of the proposed development is comprehensive and detailed.

The soft landscaping proposals are sufficient to satisfactorily soften, screen and enhance the appearance of the proposed development.

### **ECC Highways Dept**

**21.11.2024**

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 by the ECC.

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

1. Prior to the occupation of any of the proposed development the internal road layout, parking and associated visibility splays shall be provided in principle and accord with Drawing Numbers:

- PH-123-003 Rev. B Detailed layout north,
- PH-123-004 Rev. B Detailed layout south,
- PH-123-002 Rev. B Amended Masterplan,
- 700-A to 704-A Onsite highway geometry and visibility splays,
- 900-A to 904-A Onsite swept path refuse vehicle,
- PH-123-063-A Amended garage elevations and floor plan,
- PH-123-067 Car ports floor plans and elevation.

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

2. Prior to occupation of any phase of the development a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to the first use of any vehicular access to the development that crosses a shared footway/ cycleway, a minimum 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety. In accordance with policy DM1.

4. Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

5. The development of any phase shall not be occupied until such time as a car parking and turning areas has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 & 8.

6. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

7. The Cycle parking shall be provided for those dwellings without a garage in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework 2023.

**Officer comment:** *The above recommended conditions will be considered, and where deemed to align with the NPPF tests for planning conditions, will be imposed should this reserved matters application be recommended for approval.*

**Notes:**

- A Stage 2 Road Safety Audit (RSA) will be required as part of the technical approval process.
- Priority for pedestrians and cyclists across internal junctions. (Internal layout subject to a 20mph Zone).
- Street lighting will be provided in accordance with ECC Operational Plan.
- All highway related details should be agreed with the Highway Authority.
- 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 or Minor Works Authorisation to regulate the construction of the highway works.
- The spine road will be subject to a red route waiting restriction and the Traffic Regulation Order process is a separate statutory process that can attract comment/objections that require determination, and that outcome cannot be pre- judged.

**Active Travel England (ATE)**

**21.06.2024**

Notice is hereby given that Active Travel England's formal recommendation is as follows:

Deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response.

**1.0 Background**

This is the reserved matters application for 450 dwellings which forms the first two phases of a approved outline application 17/01229/OUT (all matters reserved except means of access) for the redevelopment (including demolition) of the Site for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

There is also currently an application under consultation to discharge a number of conditions (24/00877/DISCON) including the details of the spine road. Active Travel England (ATE) has not been consulted on the discharge of conditions, but many of the comments below also apply to it.

As the principles of the access were approved as part of the outline application ATE has not commented on these.

As this is a reserve matters application no transport assessment (TA) has been submitted. ATE has looked at the peak hour traffic flow data and junction assessment information in the TA submitted with 17/01229/OUT estimated that all day traffic flows along the spine road to be in the order of 7000 vehicles per day. (This is based on the assumption that that a peak hour represents 10% of the total flow).

The TA did not include any information concerning the number of pedestrian and cycle trips the development is forecast to generate but assumed internalisation of a proportion of trips due to the proposed primary school, health care facility, shops and community centre, these are expected to undertaken by walking, wheeling and cycling as will trips to catch the local bus. There is also an obligation to implement a travel plan for 5 years to encourage active



and sustainable travel. Therefore, the number of active travel trips per day is expected to be considerable, in excess of 1500 per day.

## 2.0 Summary

As far as can be determined from the submitted documents the application does not provide sufficient information for Active Travel England (ATE) to be assured that the design of the development will create an environment that supports and embeds active travel in line with government's aims for 50% of all journeys in towns and cities to be made by walking, wheeling and cycling.

ATE considers that the application as submitted does not demonstrate that 'appropriate opportunities to promote sustainable transport modes can be - or have been - taken up' in accordance with the National Planning Policy Framework (NPPF), paragraph 116. It is therefore recommended that this application should not be determined until further information has been submitted and reviewed.

## 3.0 Areas of Concern

The documents submitted as part of this application did not include dimensioned drawings. In order to get further details ATE has assessed the documents submitted for application to discharge condition 11- details of the Spine Road (24/00877/DISCON) which is currently out to consultation.

### Design of the Spine Road

**Speed of the Spine Road:** It is not clear from the application what the speed of the spine road is intended to be. ATE recommends that all the roads in the development, including the spine road are designed to keep speeds at or below 20mph in accordance with Manual for Streets (Section 1.6.1) to encourage walking, wheeling and cycling.

**Traffic Calming:** The road is proposed to be relatively straight and wide to accommodate buses therefore a scheme of traffic calming is required to help ensure the speed limit is self-enforcing. Best practice is not simply to rely on speed humps but to design-in features such as protected parking bays, planting, reduced radii, raised treatments of side roads and changes to horizontal alignment that provide a pleasant street scene is compatible with a bus route and that prioritises pedestrians and cyclists.

**Active Frontage:** A key aspect to self-enforcing speed limits is for developments to be designed with active frontage. It is noted that the fronts of houses are separated from the spine road with a private drive and verge, meaning drivers will feel less obliged to slowdown. Active frontages are also recommended to provide surveillance over walking and cycling routes, creating a feeling of security for pedestrians and cyclists. ATE recommends that the design is revised to include more active frontage in accordance with guidance in the National Design Guide, the national Model Design Code and Active Design.

**Shared Footway/Cycleway:** A shared use facility is proposed on the eastern side of the spine road. this approach is contrary to the prevailing national design guidance on encouraging walking, wheeling and cycling. This guidance is summarised below:

- Shared use paths (i.e. an unsegregated path or surface which is available for use by both pedestrians and cyclists) should be avoided along all new streets, unless they fit within the limited acceptable situations listed in LTN 1/20 (see paragraph 6.5.6 and section 1.6 (2)). ATE does not consider this development to meet these criteria as the development will form part of the urban residential area.
- Section 1.6 (2) of LTN 1/20 states that "on urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians." This is further

supported by paragraph 6.5.4 which states, "the conversion of a footway to shared use should be regarded as a last resort. Shared use facilities are generally not favoured by either pedestrians or cyclists."

- Page 21 of 'Gear Change a bold vision for cycling and walking' outlines the Government's key design principles for encouraging cycling and these include the following:

- o "Cyclists must be separated from volume traffic, both at junctions and on the stretches of road between them;

- o Cyclists must be separated from pedestrians;

- o Cyclists must be treated as vehicles, not pedestrians."

- Section 6.4 of Manual for Streets includes the following guidance, "If cycle tracks are provided, they should be physically segregated from footways/footpaths if there is sufficient width available" and on footways/shared paths, "the fear of being struck by cyclists is a significant concern for many disabled people."

- National active travel design guidance is clear therefore that cyclists should either be provided with their own space within the highway that has the appropriate level of protection (see Figure 4.1 of LTN 1/20), or should be accommodated on the carriageway.

- ATE recommends that a segregated facility including a 3m bi-directional cycleway and 2m footway is provided. This will avoid conflict between user and provide adequate space for all users. The width of the footway should be wider in the vicinity of the school.

**Side Road Treatments:** It is unclear from the submitted drawings how the side roads are being treated. In order to provide priority for pedestrians and cyclists it is recommended that all side roads are designed to provide level crossings along the cycleways and footways as shown in figure 10.13 of LTN1/20.

**Crossings:** As a cycling facility is provided only on the eastern side of the road, a number of crossings will have to be provided to allow access to the cycleway from the dwellings on the western side. These crossings should be designed with reference to table 10-1 of LTN1/20 and be provided at regular intervals and on desire lines. The controlled crossing at the school is welcomed and similar crossing should be provided to serve the neighbourhood centre, it is recommended that a parallel crossing be provided with a length of cycleway to serve the neighbourhood centre to ensure easy access to the facilities and services there by bike.

#### Cycle Parking

Cycle parking should be provided at the play areas, this can be in the form of simple Sheffield stands.

The cycle parking for plots 405-417 appears to be served by a 1m path. A minimum shared use path should be provided. Cyclists should not have to cycle through the car park to reach the cycle parking as they may come into conflict with vehicles reversing. The cycle parking should be situated in a convenient location and accessed by a lit overlooked route.

The same comments concerning access and dimensions apply to the cycle parking for plots 226-235.

The distance between the stands in the cycle store shown on drawing number PH-123-066 appears to be 500mm. Table 11-2 of LTN1/20 stipulates a minimum distance of 1m. Please check the measurements against and Table 11-2 and note that a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments. (11.3.2).

#### Policy / Guidance References:

- NPPF 110 provide supporting infrastructure such as cycle parking.

- LTN 1/20 Guidance

- Active Design Principles 7 and 8.

#### Permeability

Cycle routes should be provided to the play areas at present it appears that only walking are proposed.

Where walking routes are provided between blocks of housing on or to the spine road, these should be made suitable for cyclists by increasing the width to a minimum of 3m.

The walking connection south of plot 213 should be designed to serve cyclists as well.

The southern plots would benefit from having access to the leisure cycle routes in the north, it is not clear how the transition from they cycleway to the private drive adjacent to plot 344 will be made.

Please provide details of the cycle parking for the housing with out garages and indicate it on the plans. Please confirm that access to all cycle parking can be achieved without bringing the cycle through the house.

#### Policy / Guidance References:

- NPPF: 96a: promoting social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other - for example through... street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods
- NPPF 116a: giving priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas.

#### 4.0 Next Steps

These recommendations should be forwarded to the applicant and highway authority. ATE would be content review further submitted information to help address the identified issues; with a view to providing a further response and recommended wording for planning conditions and obligations.

**Officer comment:** *LTN = Local Transport Note a general guidance notice by central government. Revised plans and information were submitted following the above comments, and ATE re-consulted. No updated comments are available from ATE. Where necessary, the comments and concerns raise by ATE will be addressed in the main body of the report below.*

#### Affinity Water

No response

#### Anglian Water Services Ltd

No objection raised subject to standard informatives.

**Officer comment** – *The above-mentioned response is available on the Council's publicly accessible website and the development is aware of the informatives.*

**Independent Water Networks Ltd**

No Response

**Essex County Council Archaeology**

**18.10.2024**

Thankyou for re-consulting Place Services on the above application for Submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principle spine road linking St Johns Road to Jaywick Lane and associated ancillary works.

A Written Scheme of Investigation (WSI) has been submitted to this office and approved, the WSI covers all phases of the development and will commence with a programme of trial trenching. The WSI provides a commitment to carry out the requested investigation prior to development. On this basis there is no objection to the above application.

**Essex County Fire Officer**

**17.10.2024**

Raised no objection but requested that a number of fire prevention matters are considered throughout the ongoing design and development phases of the development as set out in their response dated October 2024.

**Officer comment:** *Developer made aware (consultation response available online).*

**ECC Green Infrastructure** (ECC GI)

**11.06.2024**

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 consultees on GI since 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:

- Local Planning Authorities (LPA) Green Infrastructure Strategy/ SPD or equivalent green and open space strategies provides further guidance on the LPA's Local Development Plan policies regarding the Council's approach to green infrastructure provision in the local authority area.
- 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 County Council's aspirations to improve GI and green spaces in our towns, city and villages, especially close to areas of deprivation.
- Essex Green Infrastructure Standards, 2021, provide clear guidance on the requirements on both planning policy and planning application and processes.

ECC GI position

The application site forms part of a wider development site located at land at St John's Road and Rouses Farm, Clacton On Sea that was approved in an outline application 17/01229/OUT. This detail application as part of the reserved matters is for Phase 1 and 2 of the development.

The design principles outlined in the Environment Statement and Open Space Parameter Plan at the previous outline application stage have been maintained in accordance with condition 3 in providing details of the landscape and open space, as well as condition 6 for conformity, in the submitted landscape masterplan, amended detail landscape for public open space, and soft landscape plans for phases 1 and 2.

Having reviewed the Landscape Masterplan, Planning, Design and Access Statement, Amended details landscape and soft landscape plans, and the associated documents which accompanied the planning application, we do not object to the granting of 24/00712/DETAIL based on the following recommendations:

1. Grassland Alternatives [from Monoculture/Single seed Grass]. ECCs GI team support an approach to landscaping that seeks to maximise opportunity for biodiversity enhancement, carbon sequestration, drought resistance, and ease of maintenance and management. To ensure the integration of nature and other multifunctional benefits, ECCs GI team recommends alternatives to low quality, monoculture grasses and artificial grass are explored for grass verges and amenity grassland areas. ECCs GI team recommends consideration of the following, depending on variables like sunlight and soil type:

- Grassland: Consideration of species rich grassland within developments can encourage biodiversity by providing habitat, it is low maintenance as it requires less mowing, and also provides a carbon sink. For more information see Grassland | The Wildlife Trusts.

- Wildflower Meadows: Meadows can look spectacular and attract a variety of pollinators to enhance biodiversity of an area. A mixture of wildflower species is recommended and there are many Native British species to consider. For example, the Primrose (*Primula vulgaris*).

Meadows can also be both small and large scale. For more information see: <https://www.rhs.org.uk/lawns/wildflower-meadow-establishment>

- Lawns: Encouraging residents to keep their lawns longer, especially in the spring can increase the biodiversity within the development. Schemes such as 'no-mow-May' provide an example into the impact 'wild' lawns can have on the biodiversity in a local area.

(ECC welcomes the inclusion of permeable paving: Which will allow rainwater to infiltrate through into underlying layer where it is temporarily stored and fills gaps of exposed turf between plants.)

2. We welcome the provision of two play facilities within the public open space area and supports the consideration of natural play. For this, we would expect play strategies to be formed by the character and function of the green spaces. It should be imaginatively designed using landforms, level changes and water, as well as natural materials such as logs or boulders, which create an attractive setting for play. Further considerations could be the inclusion of play on the way facilities along the trim trails/green links/corridors.

We would recommend the following conditions:

The ECC GI Team support the requirements for condition 38 for a Landscape Ecological Management and Maintenance Plan and condition 39 for an Ecological Management Plan as set out within the Decision Notice dated 11 January 2024 from the outline planning permission granted for 17/01229/OUT. For the management and maintenance of the landscaping proposed to ensure that both retained and new habitats are appropriately managed in the long-term and that their ecological value for wildlife is maintained.

On page 40, of the Planning, Design, and Access Statement states that a GI strategy will deliver long-term landscape, biodiversity, recreation, and sustainability; however, it is unclear whether this was a condition based on the outline planning permission granted and this application.

The Ecological Mitigation and Management Plan, which was created to further inform the reserved matters, is mentioned on page 41 of the Planning, Design, and Access Statement; however, it was not submitted with this application as specified.

Since it is unclear from the outline planning permission granted for 17/01229/OUT and this application whether there was a condition, other than the Construction Management Plan for Highways, to prevent impacts on retained habitats and protected species and management of the adverse impacts of development on the environment, the ECC GI Team would advise the provision of a Construction Environmental Management Plan: Biodiversity outlined in Condition 1.

#### Condition 1

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a Construction Environmental Management Plan (CEMP). Ideally, strategic elements of the GI framework are brought forward in phase one of the development, to create a landscape structure or evidence is shown that substantive GI is secured as early as possible in initial phases of delivery to allow early establishment. Therefore, a Construction Environmental Management Plan (CEMP) will be required to set out how retained GI, such as trees, hedges and vegetation, as well as any nature designated sites (e.g., SSSI's etc.) will be protected during construction.

#### Reason:

The phased implementation of new GI of the development construction will allow for the GI to mature and it will provide further benefit of reducing/buffering the aesthetic impact from the construction work.

#### INFORMATIVES:

- Any GI features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office.
- It is not within the scope of the GI team 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 green infrastructure and the information submitted on planning applications based on the key documents listed within this letter. However, any relevant information relating to green infrastructure submitted as part of any previous applications should be submitted with the updated information.
- The GI consultation responses provide a high-level review of the proposals onsite. However, the relevant specialists e.g., ecology and landscape specialists should still be consulted on the information submitted. It should be noted that detailed discharge of condition applications should be referred to technical specialists rather than the GI planning team.
- There are opportunities to work with the Essex Forest Initiative to assist in tree planting for new development, including funding and advice. For more information, please contact [Environment@essex.gov.uk](mailto:Environment@essex.gov.uk) who would be very interested in discussing further.
- 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.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

**Officer comment** – *The comments by ECC GI team are noted including the suggested conditions. Should this reserved matters application result in an approval and if considered necessary and reasonable, a condition could be imposed seeking precise detail, where required, of the soft landscaping planting details, or a compliance condition imposed seeking to ensure that the proposed soft landscaping details are implemented within a certain timescale. The other conditions as suggested by the GI team, including a condition seeking details of a Construction Environmental Management Plan, have either already been imposed on the outline consent, or similarly worded conditions seeking similar details have already been imposed on the outline consent. Therefore to impose these suggested conditions again would fail the NPPF tests of necessity and reasonableness.*

**Infrastructure Planning Officer (Essex County Council) 31.10.2024**

**Summary – Holding objection removed**

Thank you for providing details of the above Reserved Matters application linked to Application TEN-17-01229-OUT.

A Holding Objection to TEN/24/00712/DETAIL was submitted via email dated 24th September 2024.

Prior to this, an email dated 3rd July 2024 was submitted, whereby ECC advised they could not support the application as it was considered that the highways element subject to this application would prejudice the achievements of the s106 requirements relating to the Education Site Access Plan as set out under Sch8 of the s106 Legal Agreement dated 14th December 2023.

Lengthy discussions have taken place between ECC and the applicant setting out the importance of achieving acceptable vehicular access points that would serve the Education Site and meet the obligations set out in the s106 legal Agreement. Discussions with Essex Highways has also taken place to ensure the requirements would not prejudice the delivery of the highways element of the scheme.

I can advise that ECC are now in receipt of Education Site Access Plan Rev A which establishes the two vehicular accesses as required to meet the obligations set out under Sh8 of the extant s106 Legal Agreement. These accesses should be included on any formally agreed plans for this application to ensure their locations are secured as the application proceeds.

The Education Site Access Plan RevA, however, does not address the pedestrian only access as required under SH8 of the extant s106 Legal Agreement. Further discussions are needed prior to submission of the Reserved Matters application for the area to the south of the Education Site.

The Holding Objection raised on 24/00712/DETAIL is removed for the reasons set out above.

**Officer comment:** *The issue in respect of the pedestrian only access will be addressed under the 'Education Land' heading below*

**ECC SuDS Consultee**

**04.07.2024**

(comments summarised) - Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a do not object to the granting of planning permission based on the Reserved Matters (relating to appearance, landscaping, layout and scale) for residential phases 1 and 2 for 417 dwellings, open space, principal spine road linking St Johns Road to Jaywick Lane and associated ancillary works pursuant to Condition 3 and 6 of planning permission ref: (ref: 17/01229/OUT).

We also have the following advisory comments:

- Please be aware that under this submission the drainage design/strategy has not been reviewed as this will fall under Conditions 22, 23 & 24.
- We strongly recommend looking at the Essex Green Infrastructure Strategy to ensure that the proposals are implementing multifunctional green/blue features effectively. The link can be found below. <https://www.essex.gov.uk/protectingenvironment>
- Please note that the Environment Agency updated the peak rainfall climate change allowances on the 10 May 2022. planning application with outline approval are not required to adjust an already approved climate change allowance, however, wherever possible, in cases that do not have a finalised drainage strategy please endeavour to use the updated climate change figures Flood risk assessments: climate change allowances - GOV.UK ([www.gov.uk](http://www.gov.uk))

## **Essex County Council Ecology**

**14.11.2024**

### **No ecological objection**

#### Summary

We have reviewed the submitted documents relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We note the drawings have been updated to reflect amendments to the scheme. Therefore, we have reviewed the landscaping drawings 'LSDP 15-114-01-rev F' to LSDP 15-114-22 rev F, 'LSDP 15\_114-23 Rev C' to 'LSDP 15\_114-34 Rev C, and LSDP 15\_114-35 Rev B Landscape Masterplan for POS. We are satisfied that these still show the provision of biodiversity enhancements including Sparrow terraces, Starling boxes, House Martin nest cup, integrated bat boxes, hedgerow planting, wildflower and meadow planting.

We are still satisfied that there is sufficient ecological information available for determination of this application. We provide updated comments from 20 June 2024:

The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMS. We note that the LPA prepared a HRA Appropriate Assessment and secured a per dwelling tariff for Essex Coast RAMS under the Tenth Schedule of the signed S106 agreement for the respective Phases of this development. We advise that collection of the financial contribution is needed at RM stage for Phases 1 and 2 to ensure delivery of mitigation measures is in place prior to occupation. 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 also note Conditions 36, and 39 secured as part of the original outline application (17/01229/OUT), securing measures for the conservation, enhancement and mitigation of biodiversity throughout the site.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured by conditions of the consent under Outline 17/01229/OUT, the development can be made acceptable.



This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended)

### **Environmental Protection**

Environment Protection raised no objection subject to a contaminated land condition and the submission of a construction method statement.

**Officer comment:** *Both elements were secured as conditions as part of the outline planning permission.*

### **Architectural Liaison Officer, Essex Police**

**20.06.2024**

The 'Essex Police ' Designing out Crime Office' (DOCOC), welcomes the opportunity to comment on the submission of details under Outline Planning Permission 17/01229/OUT - considering appearance, landscaping, layout and scale for residential phases one and two for 417 no. dwellings, open space, principal spine road linking St Johns Road to Jaywick Lane and associated ancillary works. (24/00712/Detail)

We recognise that communities where safety and security has been addressed and 'designed in' at the earliest planning stages, will enhance the health and wellbeing of its residents. Perception of crime and fear of crime can be an influential factor in determining the synergy and ongoing sustainability of a community.

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, incorporating 'Crime Prevention Through Environmental Design' (CPTED), can avoid the conflicts that may be expensive or impossible to resolve once the construction is complete. We note that Secured by Design (SBD) principles have been incorporated within the design, as per the Design and Access Statement, (page 37) however, due to the scale of the proposed development we would strongly advocate for Secured by Design ' Homes, Gold compliance to be made conditional for this planning application.

While the proposed primary school and community centre is not part of this planning application, the DOCOC would welcome discussion for these future developments to ensure the seamless integration within this specific residential development and the established surrounding neighbourhood.

Upon review of the documentation submitted to the planning portal by the applicant, we would wish to identify the below Designing Out Crime considerations and observations for further consultation from a CPTED perspective:

' Access and movement:

o While the trim and cycle trail is a welcome addition, it is important that this designed to be a safe space for all, especially considering the Violence Against Women and Girls agenda. We would require discussion with the applicant to ensure this public amenity is created as a safe, inclusive amenity.

o Additionally, the public right of way (PRoW) currently appears to cut through plots 120-146; is it proposed for this PRoW be relocated, we would welcome urgent discussion regarding this matter.

' Road layout

o We would advocate early engagement with our Roads Policing team to discuss road infrastructure and traffic management. This will be pertinent prior to the construction phase and equally to gauge the long-term impact that the additional traffic could have on the local area. It is imperative that emergency services can always obtain unrestricted access, to the development and neighbouring communities. Essex Police recommend adopting the 'Safe system approach' to road design, this will ensure that vehicle, cycle and pedestrian access and movement is as safe as possible.

o Additionally, the principal spine road has the potential to become a cut through for motorists to avoid the St Johns Road and Jaywick Lane roundabout junction, we would welcome discussion around proposed measures to mitigate non-resident vehicle volume and speed.

o Whilst acknowledging the school and community centre are not part of this planning application, however we would be keen to review the Traffic Management Plan for the area adjacent to these structures.

' Landscaping and Public realm provision: We would welcome discussion about the landscaping and public realm provision. It is important that landscaping provision takes account of all other opportunities for crime that it may generate, to make sure that the environment is as unobstructed as possible allowing clear sight lines to the front of buildings, avoiding the creation of potential hiding places. We would like further information and specification regarding the proposed amenity areas including the children's play areas, any public seating areas and management and maintenance policies.

' Lighting provision: At the appropriate stage within the planning and development we would wish to discuss and review the lighting strategy to ensure its uniformity is maintained to prevent any potential dark areas that could offer opportunity for criminality. We understand that the ecology of the site could impact upon the amount of lighting provided and we would welcome discussions to ensure that the environment is as unaffected as possible, whilst maintaining safe spaces where people do not fear crime.

' Parking provision: We would wish to discuss provisions for car parking and parking courts to ensure it is safe and secure and there is sufficient lighting to enhance the feeling of safety for its users.

' Electric vehicle charging points (EVCP): We would recommend due consideration is given to the security provision for EVCPs and that early consideration will mitigate the opportunities associated with this emerging crime type. We would welcome consultation regarding the infrastructure, proposals, and management of EVCPs.

' Physical security of dwellings and cycle storage: The proposed physical security intended for this development is not alluded to in the submitted documents however security forms a key part of a sustainable and vibrant development. We would welcome discussion around the considerations for security of the dwellings and further detail for specifications and standards of products including cycle storage for those properties without a garage. 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 2024. 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'.

In view of the above points, we would strongly advocate for Secured by Design - Gold compliance to be made conditional for this planning application.

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 future residents.

Contact with Essex Police Designing Out Crime team is via email:  
designingoutcrime@essex.police.uk

**Officer comment** – *a full set of revised plans have been submitted aiming to address the comments above – the matters raised by the Architectural Liaison Officer will be addressed in the relevant sections below.*

**Police Strategic Planning Consultation**

No response received

**Housing Services**

No response

**NHS East Essex CCG**

**18.06.2024**

**Introduction**

Thank you for consulting Suffolk and North East Essex Integrated Care Board on the above planning application.

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.

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

The proposed development is likely to have an impact on the services of six GP practices including three 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.

In addition to a primary healthcare response, the proposed development is likely to have an impact on other health and social care system providers that have been consulted as part of this healthcare impact assessment. This incorporates responses from:

- East Suffolk & North East Essex Foundation Trust
- Essex Partnership University Foundation Trust (Mental Health)
- East of England Ambulance Service NHS Trust

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 understands that the mitigation and S106 agreement is in place for 17/01229/OUT.

**Healthcare Needs Arising From the Proposed Development**

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 also address existing gaps and inequalities.

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.

### **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.

### **Conclusions**

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.

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.

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.

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.

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.

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.

**Officer comment** – *As part of the section 106 legal agreement attached to the outline consent provision of land on-site for a new healthcare facility together with a £554,900 financial contribution towards its provision have been secured.*

**North Essex Parking Partnership**

**31.05.2024**

There is an expectation that all junctions, turning points (turning hammerheads) and bends are adequately restricted to promote safe and unhindered access to all road users, but particularly larger vehicles, including those associated with the emergency services, where unhindered access can be required at anytime of the day.

Consideration and provision to school based parking measures will need to be catered for if access via the new spine road is planned. Ideally a red line measure would be desired, if required.

Parking control measures will also encourage home owners to utilise available parking, including off street assets such as garages and driveways, removing pressures on Highway parking and allowing other users, such as cyclists, greater freedom to use associated roads.

**UU Open Spaces**

**21.07.2024**

No further comments from Public Realm in respect of the detail application. Just to clarify that Public Realm do not want to adopt any of the on site open spaces or play areas.

**Network Planner - UK Power Networks**

**04.06.2024**

We note there are HV overhead cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

In the instance of overhead cables within the vicinity, GS6 (Advice on working near overhead powerlines) and a safety visit is required by UK Power Networks. Information and applications regarding GS6 can be found on our website <https://www.ukpowernetworks.co.uk/safety-equipment/power-lines/working-near-power-lines/advice-on-working-near-overhead-power-lines-gs6#Apply>

Should any diversion works be necessary because of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG.

You can also find support and application forms on our website [Moving electricity supplies or equipment | UK Power Networks](#)

**Officer comment** – *In the event of an approval an informative can be included on the decision notice making the developer aware of the above.*

## 7. **Representations**

### 7.1 **Parish / Town Council**

No response - Clacton on Sea is non-parished  
There is no comment on file from St Osyth Parish Council

## 7.2 Neighbour / Local Representations

7.3 A total of 4 letters of objection have been received from nearby residential occupiers, all of whom live on St Johns Road close to where one of the two accesses into the site will be. The objectors raised the following concerns (subject matter followed by an officer comment in *Italic* directly below):

- The development will destroy what is now a pleasant place to live

*The outline consent granted planning permission for up to 950 new dwellings to be build over multiple phases. The reserved matters application the subject of this report covers the details of the first two phases only – i.e. the details including the layout, landscaping, appearance etc of the first 417 dwellings to be build as part of phases one and two. These elements are covered in detail in the ‘Assessment’ section below.*

- The infrastructure in this area cannot support the influx of additional people, cars and demands on already overloaded services

*As mentioned above, the outline consent granted planning permission on a much larger site for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure. Matters such as whether the infrastructure can support this scale of development were considered as part of the outline application. The Outline consent was granted in 2023 subject to a number of planning conditions including a section 106 legal agreement to further mitigate against the impact of the development. The section 106 secured the following:*

- 20% On-site Affordable Housing
  - Provision of land on-site for a new healthcare facility together with a 554,900
  - financial contribution towards its provision. [In the event that the land is not
  - required, the financial contribution will be spent on health facilities elsewhere
  - (to be determined by the NHS);
  - Transfer of new open space, including proposed equipped play areas to the
  - Council or a management company;
  - Land for a new primary school and early years and childcare facility on site with
  - financial contributions towards the provision of those facilities;
  - Financial contributions to create additional secondary school places;
  - New neighbourhood centre; and
  - Financial contributions towards RAMS and off-site ecological mitigation.
  - A £500,000 financial contribution towards public transport provision
  - Provision of a Residential Travel Plan (RTP) and RTP monitoring fee
- This reserved matters application makes no mention of the Primary school or Health Care Facility (to be provided as part of the development) - nearly all the schools are over subscribed and also secondary schools over subscribed

*As set out above, this application covers the specific details (as set out in the description of the development) for the residential phases one and two only – the outline consent secured the land (as well as financial contributions to assist in bringing forward) the Primary school and Health Care Facility*

- Proposed three storey houses will overlook nearby bungalows due to insufficient separation distances

*Matters such as overlooking and separation distances (between proposed dwellings and proposed dwellings and existing properties on the perimeter of the site) will be covered in the Assessment section below (under 'Layout', 'Scale' and Impact on Residential Amenity').*

- Poor or no provision for visitor parking  
*This element will be covered in the Assessment (under Highways Parking) below.*
- New road layout on St Johns Road will take months to complete and create a danger for road users due to the removal of grass verges.

*The new road layout (along St Johns Road) and access (into the development site) off St Johns Road have been approved as part of the outline consent. All matters concerning highways safety (insofar as this relate to highways safety on the existing road network), and the necessary highways land required to facilitate the construction of the new access on St Johns Road have been considered, and found to be acceptable, as part of the outline planning application. The highways safety aspect of the development insofar as it relates to the proposed new road layout in phases one and two will be considered in the main body of the report below.*

- No mention of visibility splays for properties along St Johns Road due to the removal of the grass verges

*See above, for the avoidance of doubt, ECC Highways raised no objection to the outline planning application including the now approved access off St Johns Road and the required land take to create the additional space for the dedicated right turn lane into the development from St Johns Road (that will necessitate the removal of the grass verges).*

- New road layout on St Johns Road will be unsuitable for HGVs and will result in the relocation of existing infrastructure such as internet cables etc

*See above in respect of the highway safety concern for HGV. The removal and relocation of existing infrastructure such as internet cables is not a planning consideration and cannot be taken into account as part of the consideration of this application.*

## 8. **Assessment**

### Site Context

- 8.1 The larger strategic allocation (Rouses Farm) comprises 42.13 hectares of predominantly arable agricultural land that is situated to the western side of Clacton on Sea and north of Jaywick. The northern boundary of the site is demarcated by St John's Road (B1027) and is punctuated by the curtilages of existing dwellings at Nos. 717, 719, 755 & 757 St John's Road. On the opposite side of St John's Road, to the north-east is a grade II listed building known as Duchess Farmhouse. To the west of the larger strategically allocated site is Rouses Lane which is demarcated by field hedging for part of its length and leads to Rouses Farm (outside of the application site) and the track of Botany Lane, beyond this boundary is open farmland. The southern boundary of the proposed developable area is formed by a metalled farm track which leads to Jaywick Lane, almost opposite the Tendring Education Centre. Beyond the farm track is more farmland, the southern point of which just touches the start of the built-up area of Jaywick (adjacent to the Sackett's Grove caravan site). The majority of the eastern boundary is formed by either Jaywick Lane itself or the rear of properties that front it, and include a new development of bungalows at 82 Jaywick Lane and the Chester and Silver Dawn Caravan Parks within the Bockings Elm Ward.

- 8.2 As mentioned repeatedly in this report, this reserved matters application relates to the details in respect of the residential phases one and two, which covers the northern and central parts of the larger site (that benefits from the outline consent), which the exception of the residential parcel immediately south of the land reserved for the primary school.
- 8.3 The site as a whole is relatively flat, but does slope slightly towards the south. Where a lack of hedging allows, views across the site are quite open, from one boundary to another, bar where existing buildings are located.
- 8.4 The site is also currently served by several buses which run via St Johns Road. These include FirstGroup routes 17 and 18 between Clacton and Point Clear (combined half-hourly service Monday – Saturday daytimes, hourly Monday – Saturday evenings and Sundays), and FirstGroup route 74 between Clacton and Colchester (hourly Monday – Saturday daytimes, two-hourly Monday – Saturday evenings and Sundays). The Go Ride 72 and 79 routes also operate along Jaywick Lane and connect the site to Colchester and Brightlingsea respectively.

### Proposal

- 8.5 The submission includes the details of Appearance, Access (including the layout and design of the spine road from the two approved accesses), the overall Landscaping, Layout and Scale for 417 dwellings within Phases One and Two. The application includes 'Access' only insofar as the internal spine road is concerned because the principal means of access from the adopted public highway remains as permitted at outline stage, with access to the development obtained from St Johns Road and Jaywick Lane via two already approved junctions. For the avoidance of doubt the Reserved Matters detail the accesses and routes within the site.

Alongside this reserved matters application, permission is also sought to formally discharge condition 3 of the outline consent which states:

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

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

*6. The reserved matters shall be in general conformity with the following plans and documents unless as otherwise varied by an approved Phasing Plan and Programme pursuant to condition 4:*

*P.1509\_08 Sheet No. 07 Rev. F - Phasing Parameter Plan*

*P.1509\_08 Sheet No. 06 Rev. C - Density Parameter Plan*

*P.1509\_08 Sheet No. 04 Rev. B - Land Use Parameter Plan*

*P.1509\_08 Sheet No. 03 Rev. E - Access and Movement Parameter Plan*

*P.1509\_08 Sheet No. 02 Rev. C - Open Space Parameter Plan*

*P.1509\_08 Sheet No. 01 Rev. B - Building Height Parameter Plan*

*P.1509\_07 Rev. G - Masterplan*

*P.1509\_13 E - Design and Access Statement*

### **Principle of Development**

- 8.7 The principle of residential development at this location has already been established by the granting of outline planning permission reference 17/01229/OUT (dated 11 January 2024) which allows for up to 950 residential units (including affordable housing) with a new neighbourhood centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes E(a) (shops), E(b) (food and drink) and/or F .2 (community centre); a 2.1ha site for a new



primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.

- 8.8 The site lies within the Settlement Development Boundary (SDB) for Clacton on Sea, a Strategic Urban settlement (at the top of the settlement hierarchy as set out in the Local Plan). Moreover the site is also designated for a Mixed-Use development in the adopted Tendring District Local Plan 2013-2033 and Beyond (TDLP). These facts further emphasize that the Council have assessed the suitability of the site and found that the principle of development is acceptable.

**Scale, including Market Housing Mix and Affordable Housing Mix/Provision**

- 8.9 The 417 dwellings comprise a range of house types, providing detached, terraced and semi-detached homes. The mix of housing is shown in the accompanying accommodation schedule and is summarised in the table directly below:

Unit Type	Market dwellings	Affordable Rent	Affordable Intermediate
1 Bed Apartment	0	12	0
1 Bedroom House	88	0	0
2 Bed Apartment	0	21	0
2 Bed House	127	14	8
3 Bed House	72	13	7
4 Bed House	46	7	2
<b>TOTAL (417)</b>	<b>333</b>	<b>67</b>	<b>17</b>

- 8.10 In accordance with the Section 106 agreement this Reserved Matters scheme provides details confirming that 20% (or 84 of the 417 dwellings) are to be provided as Affordable Housing, with a mix of tenures consisting of Affordable Rent and Affordable Intermediate, as set out above. The mix of Affordable Homes consists of properties ranging in size from 1-bed apartments to 2 bedroom apartment and houses, as well as 3 and 4-bed houses.
- 8.11 TDLP Policy LP5 states ‘...to avoid an over-concentration of council housing in one location, no single group of council houses will exceed ten dwellings’. The Detailed Tenure Plans for phases one and two identify the size of the affordable housing clusters, and these range from small groups of 3-5 dwellings through to groups of 7 or 8 dwellings clustered together in short rows positioning these dwellings side by side. On each occasion these groups of affordable dwellings form part of residential blocks with market dwellings. Along the spine road south of the equipped play area there is one instance of a total of 12 affordable rent and affordable intermediate dwellings in a single row, however again these dwellings form part of the ‘inverted block’ of some 44 dwellings wrapping around the indented boundary of the site along its eastern edge. Moreover, the appearance of affordable dwellings here and across phases one and two is not dissimilar to the market dwellings. The location of the affordable dwelling across phases one and two will therefore not result in an over-concentration of council housing in one location and no policy conflict can be identified in respect of policy LP5.
- 8.12 TDLP Policy LP2 states that major developments should provide a mix of dwelling size and type that broadly reflects the housing need identified in the District’s latest Strategic Housing Market Assessment. On review the SHMA identifies a need for approximately 8% of new market dwellings to be 1-bed units. A total of 100 one-bedroom units (either in the form of 1 bed apartments or 1 bedroom houses) are proposed – equating to 21% of the units in phases one and two. This percentage is fairly high compared to the SHMA requirement however smaller dwellings including 1 bedroom market units are much more affordable to a large percentage of the population and will nevertheless assist in creating a mixed and balanced community.
- 8.13 The overall percentage of 2-bed, 3-bed and 4-bed homes being proposed (39%, 20% and 13% respectively) is broadly consistent with the need identified in the SHMA (27.9% 40% & 22.8%). The

number of 2-bed units proposed is noticeably higher at 39%, and the number of 3 beds noticeably lower at 20.0% (against the assessed need expressed in the SHMA of 27.9% and 40% respectively) however there remains a significant need for smaller dwellings in the area, including 2 bed dwellings, which is also a more affordable tenure whether it is a market or affordable unit, and the 3 bed unit provision at 20% would go a long way in meeting identified need for these units in the latest SHMA.

- 8.14 Officers consider that the mix of homes proposed in the reserved matters application is appropriate for the location and context and is broadly consistent with the identified needs set out within the latest Council's Strategic Housing Market Assessment, and no clear policy conflict that would result in overriding harm (insofar as the development's potential to bring forward a good mix of units is concerned) can be in terms of policy LP2 of the Local Plan. The proposed mix is therefore broadly reflective of the housing need in this part of the district.
- 8.15 In terms of scale, due regard is given to the location of the site on what is currently the edge of the strategic urban settlement of Clacton on Sea. There is variation in the building heights in the area (predominantly two storey dwellings with the occasional 3 storey dwellings and 4 storey corner/anchor buildings - bungalows feature strongly in depth (behind Jaywick Lane) to the east of the site). Accordingly, and aligned with this prevailing character, the building heights across the site vary in accordance with the parameters set by the Outline Permission. While the majority of the dwellings are two storeys, the slightly taller 2.5, and limited number of 3 and 4 storey buildings are strategically located, particularly within character areas and corner locations that frame public open spaces.

### **Layout**

- 8.16 Access was approved as part of the outline planning permission so both the location and design of the vehicular accesses off St Johns Road to the north, and Jaywick Lane to the south are already fixed. Additionally, due to the above, the positioning of the main spine road through the site (running north south) is also broadly fixed, and it was agreed that this main spine road will include a footway/cycleway to serve the development and link up with existing footways and cycleways around the site.
- 8.17 The Section 106 agreement contains an open space parameter plan which identifies indicatively and for illustrative purposes the location of the principal areas of Open Space. Moreover the section 106 agreement also includes an Education Site plan showing the extend of the education land in the north eastern part of the larger strategic allocation.
- 8.18 The latest amendments to the scheme contains some variations to the illustrative layout that was presented as part of the Outline planning application however the shape and location of the education land has not changed, and the broad locations of the principal areas of Open Space have also not changed.
- 8.19 Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Key local plan policies on design and layout repeat this theme and fundamentally seek to ensure that all new development must meet high standards of urban and architectural design.
- 8.20 The main north-south spine road (which also passes the Primary School Land and Public Open Space with equipped play area) includes sections of wide grass verges on both sides of the road and street trees planted rhythmically on both sides. The approach to tree planting on secondary streets is more varied. On these streets smaller trees are shown and planted less frequently, however the theme of greenery and open areas in front of dwellings remain present. The applicant has selected locations, such as corner locations and the spacious verges (set back from roads) as

locations where trees can be added and indeed shown on the proposed landscaping plans. Frontage parking is also regularly broken up through the introduction of green pockets sufficiently large for additional beddings and tree planting in key locations. The applicant also relies on views of trees (established and new) at the end of the streets to give the sense of trees predominating. This will all help to soften the streetscene as trees mature and provide a pleasant suburban feel to phases one and two.

- 8.21 In terms of refuse and recycling provision, for the dwellings refuse bins will be store in an in-depth location towards the side/rear of dwellings, and on collection day wheeled out the short distance, mostly over the hard surfaced car parking areas, to the edge of the roadside kerb for collection. The flatted blocks will be provided with integral refuse storage areas large enough for 3 x Euro Bins, on each occasion set close to the nearest roadside kerb to ensure bins can be wheeled out the short distance for collection.
- 8.22 Without exception dwellings are designed to address the street, to create an active street frontage and provide natural surveillance, and this includes properties occupying corner plots. The dwellings along the spine road are set back to create and maintain the sense of space that will be key a feature through phases one and two, but also the development as whole.
- 8.23 In terms of separation between dwellings, in phases one and two, detached and semi-detached dwellings are the predominant dwelling type with regular and rhythmic gaps in between. Back-to-back garden separation distances are covered in more detail in the sections below however even the slightly taller corner buildings frequently benefit from greater separation distances and gaps between these and the slightly smaller (in hierarchical terms) two storey dwellings positioned along the roads leading of the main spine road. Back-to-back separation distances between properties is generous to very generous at distances of between 22m-25m.

### **Open Space design and layout**

- 8.24 As outlined in the approved Design & Access Statement, the open space within the development has been designed to meet the recreational needs of both the existing and new communities, in accordance with the requirements of Policy SAMU4.
- 8.25 There are four main areas of public open space within the site. The central area will include a play space with play equipment (details to be secured as part of a clause in the section 106 legal agreement), with three additional areas located to the south. Additionally, two smaller pockets of open space are provided adjacent to St Johns Road in the north, and extensive landscaping, footpaths and tree planting is planned throughout the development, particularly along the western boundary. The overall open space strategy creates a green and verdant environment, achieved through the incorporation of street trees, landscaped open spaces, and swales.
- 8.26 The open space layout also accommodates attenuation areas, aligning with the surface water drainage strategy from the Outline Planning Permission. Semi-natural open spaces are positioned along the eastern, southern, and western edges of the larger site, while a series of Amenity Green Spaces are distributed along the Spine Road. Two of these will host formal play areas. These areas are strategically located to be within short and safe walking distances from the proposed pedestrian access to the primary school, making them attractive spots for parents and children to visit after school.
- 8.27 The design of the open space areas in Phases One and Two is highly strategic. Over 50% of the 417 dwellings (210 units) will face green areas and /or public open spaces, including parks and linear pocket parks. This high percentage not only provides substantial visual appeal but also maximizes the functional benefits for residents. Additionally, the layout includes critical open spaces along the western boundary to ensure a harmonious transition with the open countryside and in the south to maintain the “Green Gap” between the settlements of Clacton and Jaywick.

8.28 The open space areas are all interconnected by a network of pedestrian and cycle paths with will link up with existing public rights of way crossing the site (the details of which will be secured as part of a planning condition if approved) and this will ensure seamless accessibility and permeability throughout the development.

### **Appearance**

8.29 As set out above, the mix of housing is varied with 1 and 2-bed apartments, 1 and 2-bedroom houses and 2, 3 and 4-bedroom houses.

8.30 Initially, the dwellings along the Spine Road were proposed to feature a single (buff) facing brick, and the secondary roads also showed limited variation in materials – such lack in variation in the use of materials has the potential to result in a monotonous appearance which, for a large-scale development such as this will cause localised and permanent harm. Moreover, the initial submission featured the placement of the frontage dwellings along the spine road in an incoherent pattern in areas, with side gables abruptly projecting forward of neighbouring rows that would have resulted in a jarring, and visually harmful arrangement. Dwellings along some of the secondary roads and blocks to the west of the spine road also featured extensive and continuous areas of hardstanding, again with potential to result in substandard appearances, devoid of any soft landscaped features in key and highly visible areas.

8.31 Following the concerns raised by officers regarding this lack of diversity in materials and layout shortcomings, the LPA and applicant worked collaboratively, and the applicant responded positively by introducing multiple brick types and colours, high quality weatherboard cladding (in areas) and three different roof tiles, all as set out below and under the different character areas. These critical amendments ensure that no two rows of dwellings along the Spine Road will use the same dominant brick type. Instead, an appealing mix of yellow, and two variations of red brick dwellings have been introduced, reflecting the prevailing brick styles found in the surrounding area. The variety in the use of materials on dwellings along the secondary roads and residential blocks off the spine road is now also much improved with at least 3 different (main) brick types being used per block. A total of 18 different housetypes will feature in phases one and two as illustrated in the comprehensive drawing pack submitted as part of the (last) November 2024 revisions. This not only enhances visual interest but also complements the existing local character.

8.32 As the scheme has evolved through various pre-application meetings, several distinct character areas have been established within the site. While most adhere to the Design and Access Statement (DAS) approved under the Outline Permission, additional character areas have been developed to include the following:

1. Character Area CA1: Main Spine Road
2. Character Area CA2: Core Housing
3. Character Area CA3: Green Edge
4. Character Area CA4: Public Open Space

8.33 These areas are pivotal in shaping the overall sense of place and improving wayfinding through thoughtful design. The following sections discuss the building design and appearance within each character area:

#### **Character Area CA1: Main Spine Road**

8.34 As outlined in the approved DAS, development along the Main Spine Road is characterized by linked terrace units that create continuous building lines, establishing a strong sense of place. The terraced units are set back behind a tree-lined avenue and punctuated by pockets of open space. While the majority of buildings here are two storeys, key focal points are marked by three and four-storey flat blocks. The building materials in this area include:

- Red brick: Thoresby Riven Brick

- Buff Brick: Cusworth Riven Brick
- Mixture of Black and Cream Weatherboarding (RCM Supertech)
- Roof tiles: Mixture of Grey (Anthracite) and Brown (Seawave) roof tiles

#### Character Area CA2: Core Housing

- 8.35 The Core Housing Area accommodates the majority of the proposed dwellings, featuring a mix of detached, semi-detached, and terraced homes. The materials used here include:
- Red brick: Thoresby Riven Brick
  - Slight variation of Red Brick: Sherborne Riven
  - Buff Brick: Cusworth Riven Brick
  - Roof tiles: Mixture of Grey (Anthracite), Red (Seawave Terracotta) and Brown (Seawave Brown) roof tiles

#### Character Area CA3: Green Edge

- 8.36 In line with the DAS and Parameter Plans, development within the Green Edge consists of lower-density detached and semi-detached dwellings, with heights ranging from 2 to 2.5 storeys. These homes are served by private drives and offer views over the landscaped areas and open countryside to the west. The materials used include:
- Red brick: Thoresby Riven Brick
  - Slight variation of Red Brick: Sherborne Riven
  - Buff Brick: Cusworth Riven Brick
  - Mixture of Black, Green and Cream Weatherboarding (RCM Supertech)
  - Roof tiles: Mixture of Grey (Anthracite), and Brown (Seawave Brown) roof tiles

#### Character Area CA4: Public Open Space

- 8.37 This new character area, introduced during pre-application discussions, frames the central open space. Development in this area includes taller terraced units, up to four storeys. The materials used include:
- Slight variation of Red Brick: Sherborne Riven
  - Buff Brick: Cusworth Riven Brick
  - Mixture of Black, Green and Cream Weatherboarding (RCM Supertech)
  - Roof tiles: Grey and brown
- 8.38 Having regard to the above the application now indicates that a rich range of materials would be used across the site with a mix of red and buff stock bricks, occasional weatherboarding and renders and roofs covered with grey, red and brown plain tiles. These materials are found in the surrounding areas and will help the development assimilate into the area and help create a 'sense of place'. The proposed mix will ensure variety and visual interest across the development. External material plans (north and south areas) are included with the application documents, and this specifies named materials. Officers are content that the mix of materials as proposed and set out above will be of a suitably high standard as such a compliance condition is necessary to ensure the development is carried out in accordance with these material details (in the event of an approval).

#### Highway Safety/Parking

- 8.39 Policy SAMU4 of the TDLP requires the site layout to include a new spine road with a 6.75-meter carriageway, connecting St John's Road and Jaywick Lane. This road must accommodate buses and large vehicles and allow for traffic calming measures or access restrictions on Jaywick Lane, benefiting local residents. The policy also mandates necessary enhancements to highway capacity, safety, public transport, and pedestrian/cycle infrastructure. A safe cycle path/footpath linking the development to Clacton Coastal Academy and the new primary school is required.

8.40 Following consultation, ECC Highways initially raised a holding objection, identifying several concerns related to the Principal Spine Road, including:

- The spine road should be designed as a 20-mph zone with bus-friendly traffic calming features, such as cushions and buildouts.
- A full-width raised table (over 12m long) is recommended near the school to ensure safe pedestrian crossing.
- Speed restraints should be placed every 60m, beginning within 50m of the entry junction.
- Private drives, such as plots 305-308, should not have direct access to the spine road.
- Visibility splays must be indicated for side roads joining the spine road.
- Cycle routes should comply with LTN 1/20 standards and extend to play areas, not just footways.

Bus Stops:

- Bus cage markings should align with the front of the bus shelter. The markings near plots 117 and 118 seem incorrect, as they are shown on the wrong side of the road.

Residential Areas:

- All residential areas should adhere to the 20-mph zone guidelines.
- Visibility splays need to be shown at junctions (e.g., plot 203), and there should be clarity regarding the start and end points of raised tables.
- No more than 25 dwellings should be included within a shared surface area, and tactile paving must be indicated at crossings.
- Clear details are required for visibility splays, turning heads, and no-build zones to prevent walls/buildings from encroaching into restricted areas.
- Turning areas and footway connections need to be clearly illustrated and annotated on the drawings (e.g., plots 31-49).

8.41 In response to the initial concerns, the applicant submitted revised the plans, adding more traffic calming measures along the spine road and incorporating two indicative vehicular access points for the school—one for emergency vehicles and one for staff—along with a pedestrian access point on the southern boundary. Following a re-consultation ECC Highways has confirmed approval of these revisions subject to conditions as set out above. The recommended conditions by ECC Highways are all considered to comply with the NPPF tests for planning conditions and will be included in the event of a recommendation for approval.

8.42 It is also worth mentioning that the spine road must meet adoptable standards to accommodate buses and large vehicles, further necessitating the implementation of effective traffic calming measures as part of any final agreed plans to be submitted under any process seeking formal adoption of the main spine road.

8.43 It is noted that some of the objectors cite concerns about increasing traffic on the local highway network. The impacts of the proposed development on the network were assessed as part of the Outline planning application and the outline permission includes a vast number of planning conditions relating to necessary highways improvement works to roundabouts and other public transport infrastructure in the vicinity of the site (and not least to ensure that the local road network can accommodate the additional traffic that the development will generate), as well as a Section 106 agreement which secured a financial contribution towards public transport provision. The details of these conditions are yet to be discharged and do not form part of this application.

8.44 Some objectors raise concern about highway safety and capacity, these concerns are noted however as alluded to above, these matters have already been assessed as part of the outline planning permission which was approved subject to conditions and planning obligations. Once again these matters cannot be reconsidered as part of this Reserved Matters application.

8.45 In terms of other transport issues and specifically the internal road layout and its detail, paragraph 104 of the NPPF (2023) states that transport issues should be considered from the earliest stages of development proposals, so that amongst other things opportunities to promote walking, cycling and public transport use are identified and pursued; and patterns of movement, streets, parking

and other transport considerations are integral to the design of schemes, and contribute to making high quality places

- 8.46 Strong pedestrian / cycle connectivity continues through the development. A shared pedestrian / cycle path continues from the access off Jaywick Lane to the north in a southern direction to the south down the spine road and indeed the quitter residential side street. The shared pedestrian / cycle path along the spine road is separated from the carriageway by new trees planted in a grass verge with wide grass areas beyond to further improve safety and the sense of space and openness. The shared path will ultimately continue as far as the Jaywick Lane junction where it will join up with existing road infrastructure.
- 8.47 In total three Public Rights of Way (PROW) lead up to, straddle or cross the site. While for the most part the proposed layout allows the routes to follow their current alignments, the development will invariably result in very minor diversions and amendments to the footpaths so that they would better align with layout of the development and indeed nearby pavements and connection points. The Highway Authority have raised no objection in principle to the revisions subject to development not commencing in a phase until such time as an Order securing the diversion of any existing public right of way in that phase has been agreed – this requirement can be secured by condition.
- 8.48 In terms of Residential Development Parking – the Council’s adopted parking standards require a minimum of one vehicle parking space per 1-bed dwelling and two vehicle parking spaces per dwelling with 2 or more bedrooms. Each new dwelling also needs to be provided with one secure cycle parking space.
- 8.49 All the dwellings are shown to be provided with off-street allocated parking which meets the minimum standards and provides one or two parking spaces, usually to the side or in front of the dwelling.
- 8.50 The total number of parking spaces (excluding visitor spares) is 824 Spaces (given that phases one and two will provide 417 dwelling, a total of 710 spaces are required under Essex Parking Standards)
- 8.51 The 824 car parking spaces referred to above will be allocated as follows:
- 1 Bed Flats = 1 Parking Space
  - 1 Bed Houses = 2 Parking Spaces
  - 2 Bed+ Dwellings = 2 Parking Spaces
- 8.52 The total no visitor parking spaces provided in phases one and two equates to 100 spaces bringing the total number of parking spaces provided to 924 parking spaces across phases one and two which will marginally exceed Essex Parking Standards requirements.
- 8.53 The Council require appropriate cycle parking is provided for the residential dwellings. The applicant has explained that all houses will have a cycle store in the rear garden via a shed and that this would result in cycle parking provision in accordance with the Essex Parking standard. The details and locations of these sheds are unclear therefore a condition is considered reasonable and necessary seeking details such as the size and various locations of the sheds to be placed in rear gardens of dwellings to provide the required covered and secure parking for cycles. All garden areas benefit from access independent from the house ensuring that the cycle parking provision is functional and convenient. The 7<sup>th</sup> and final condition recommended by ECC Highways is considered to fail the tests of necessity and reasonableness because the flatted accommodation proposed are all provided with covered cycle parking provision at the rear and this provision is considered to be acceptable.
- 8.54 Overall, this detailed application for phases one and two is considered be acceptable and policy compliant from a highway safety and parking provision perspective.

## **Landscaping**

- 8.55 The landscaping proposals will significantly enhance the character of the development by creating a tree-lined boulevard along the spine road and a series of formal and informal open spaces. The design is informed by ecological mitigation measures required by conditions (imposed on the outline consent), and aimed at improving nature conservation and supporting local biodiversity.
- 8.56 A key feature of the landscaping is the buffer along the western edge, as highlighted in the Outline Permission. This buffer softens the transition between the built environment and the open countryside, creating a visually appealing and functional space for walking and cycling, connecting St John's Road to the south. In addition to this, phases one and two will deliver on the required open space areas as outlined in the Outline Permission.
- 8.57 At the northern boundary, the development is set back from St John's Road to create an attractive landscaped gateway entrance, contributing to the open aspect of the area. The internal road layout will make it possible for future residents to follow a core circular network along the built form in the central and eastern sections, linking up with the linear landscaped park along the western boundary. Secondary roads also connect regularly with the central spine road, providing access to homes along the western and eastern boundaries.
- 8.58 The landscaping strategy also supports key character areas within the development, including the Main Spine Road, Core Housing, Green Edge, Site Entrance, and Public Open Space. These areas will be further enhanced by the extensive tree planting throughout the site, including tree-lined streets, contributing to both the aesthetic and environmental quality of the development. The landscaping details will be secured through a compliance condition ensuring that the planting is carried out, and the necessary aftercare provided prior to first occupation.

## **Impact on Residential Amenity**

### **Existing residents nearby/adjacent to the site:**

- 8.59 Dwellings along St John's Road – The dwellings along the north side of St Johns Road are separated from the site by St Johns Road and/or extensive areas of public open space facing St Johns Road ensuring that the proposal will have no unacceptable impact on these properties in terms of loss of daylight/sunlight/sense of enclosure, or unacceptable overlooking. Some occupiers along St Johns Road raised objection in respect of the proposed access into the development, and the loss of road frontage/grass verges as a result of these works. As set out elsewhere in this report, the main access into the development from St Johns Road has already been approved under the outline consent.
- 8.60 In terms of the dwellings along the south side of St Johns Road, the closest dwellings positioned to the north-east of the site (Nos 719-717 St Johns Road) are both set back from St Johns Road. The small pocket of dwellings proposed in the north-eastern corner of the site (6 dwellings in total – plots 1-6) is also set back from St Johns Road to ensure this element responds appropriately to the St Johns Road streetscene and the placement of the above mentioned dwellings. Moreover the dwellings are set a sufficient distance away from boundaries, and orientated in such a manner to ensure that no unacceptable impact on the dwellings at Nos. 717 and 719 would occur in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.
- 8.61 The dwelling at No. 755 St Johns Road shares a western boundary with No. 757 (which forms part of the application site and will remain in situ). Therefore insofar as the impact on this property's western boundary and immediate area to the west is concerned, there will be no impact because no changes are proposed in this area. To the east of No. 755 is a 10-12m wide green buffer before the main access (off St Johns Road) is formed going into the site. The separation distance of between 10 and 12 metres is considered sufficient to ensure that the side and rear garden areas,



and indeed the property itself will not be subjected to unacceptable levels of noise and vibration as a result of one of two main accesses into the site being placed in this area. The committee report recommending approval of the outline planning application reached a similar conclusion. To the south of No. 755 is an internal access lane of approximately 5.5m wide followed by a two-storey detached dwelling set at a slight angle to the internal access lane ensuring this dwelling will have no unacceptable impact on the dwelling at No. 755 in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.

- 8.62 The dwellings further to the north-east of the site (along Oakview Crescent) are set a sufficient distance away from any proposed build form on the application site to ensure that no unacceptable impact will occur on these dwellings in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.
- 8.63 Further to the south, along the irregular and jagged eastern boundary of the application site are a mixture of 'in-depth' dwellings set back from Jaywick Lane, but also mobile homes/a touring park as well as dwellings with deep to very deep rear gardens. The proposed layout is considered to respond appropriately to the varied character and setting of build form along, or close to the eastern boundary of the site because all the proposed dwellings along this boundary will either have rear gardens of at least 11 metres in depth, or (in appropriate locations) side gables set well off the boundaries of the properties to the east. Indeed, the only instances where dwellings with side gables are positioned close to the eastern boundary (i.e. not rear garden areas) is when deep to very deep rear garden areas are in situ to the east – therefore demonstrating an entirely appropriate response to the mixed and varied character to the east of the site. The layout and design of properties close to or along the eastern boundary of the site will ensure that no unacceptable impact will occur the occupiers of properties to the east of the site in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.
- 8.64 The remainder of dwellings proposed in phases one and two are either well contained within the site or bordering future phases of the outline consent, therefore ensuring that no unacceptable impact will occur on existing dwellings to the south, south-east and south-west of the site in terms of loss of daylight/sunlight/sense of enclosure or unacceptable overlooking.

#### Future residents:

- 8.65 All dwellings in phases one and two have been sited to meet or exceed the back-to-back standards detailed in the Essex Design Guide thereby ensuring that residents benefit from a high level of private amenity space, whilst ensuring these areas do not suffer from any harmful overlooking from neighbouring dwellings. The layout of the scheme has been designed to ensure that there is ample accessible open space within very easy reach of all the dwellings. In addition, the majority of dwellings have been designed and located to front the various areas of public open space, affording natural surveillance over these areas and a high-quality setting for future occupiers – these elements are commended and as a combination will result in a suitable environment for future residents.

#### **Other Matters**

##### Education Land

- 8.66 The shape and location of the Education Land has been stabilised as part of the outline approval.
- 8.67 The applicant has indicatively shown vehicular and pedestrian entrance points to the future school which include grounds maintenance / emergency access to the site off the main spine road. The Education Authority are keen to encourage, as far as possible, traffic free school frontages and minimal conflict between pedestrians and vehicular traffic close to pedestrian access points (to education facilities). However, the reality is that within larger settlements such as Clacton on Sea some children attending the school will need to be driven and it is appropriate to plan for this. Most

children that will attend this future facility is very likely to walk or cycle to school. The land allocated for the future two form entry education facility is considered sufficient to ensure suitable car parking areas/circulation spaces can be provided on site, without having to stop and park on surrounding roads.

- 8.68 The indicative plan also demonstrates that excellent pedestrian and cycle connections to the future school site can be provided, and these will provide attractive routes for children and families to walk and cycle to school. The residential parcel immediately to the south of the future primary school is not included in this reserved matters application. ECC Education prefers suitably designed and wide pedestrian only access to the primary school from this area and when this parcel comes forward for its detailed design, officers consider that a suitably designed access point can be included in the detailed layout. Officers are satisfied that further discussions between the applicant, County Council and District Council can take place to further refine the proposals as and when the Education Land is bought forward by Essex County Council.

#### Heritage Impact

- 8.69 The nearest listed building is the Duchess Farmhouse (Grade II Listed) – this building is located to the north-east of the site, on the north (opposite) side of St Johns Road.
- 8.70 ECC Heritage position on the outline consent is that the development would result ‘less than substantial harm’ to the nearby Duchess Farmhouse. As mentioned elsewhere in this report the site is allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. As part of the procedure to allocate this large 42-hectare site, the potential impact on designated heritage assets would have been a consideration. Moreover, outline planning permission has now been granted and it is considered that the layout of phases one and two, especially the provision of setbacks and open space areas along St Johns Road will ensure that the level of less than substantial harm previously identified will certainly not increase. Moreover, the public benefits of a 950 residential unit development, to include 20% affordable dwellings, a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre and a 2.1ha site for a new primary school, will continue to clearly outweigh the identified ‘less than substantial harm’ to the designated heritage asset.

#### Foul and Surface Water Drainage

- 8.71 The conditions concerning all matters around foul and surface water drainage do not require details to be submitted as part of the Reserved Matters application(s) and these details will be agreed at the appropriate time and when these conditional discharge application(s) are submitted. LPA officers are confident that the detailed layout as shown in phases one and two would allow for the details around foul and surface water drainage to come forward. If not, the developer will have to amend the layout of phases one and two to allow for such an eventuality. As such these matters do not fall to be considered as part of the Reserved Matters application.

#### Section 106 of the Town and Country Planning Act 1990

- 8.72 As set out in the Planning History section of this report a Section 106 agreement secured planning obligations as part of the Outline planning permission. All these obligations remain in force and should be complied with/discharged at the appropriate times/when the triggers are reached.

#### Ecology, Biodiversity and Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

- 8.73 ECC Ecology have been consulted and confirmed that they are satisfied that there is sufficient ecological information available for determination of this reserved matters application.
- 8.74 The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMS. The LPA prepared a Habitats Regulations Assessment and secured the per dwelling tariff for Essex

Coast RAMS under the Tenth Schedule of the signed S106 agreement appended to the outline consent, for the respective phases of this development. The collection of the financial contribution is required at the various commencement stages for the different phases to ensure delivery of mitigation measures is in place prior to occupation. 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.

- 8.75 Conditions 36 and 39 secured as part of the original outline application (17/01229/OUT), seeks to secure measures for the conservation, enhancement and mitigation of biodiversity throughout the site. These conditions remain outstanding and will have to be discharged ahead of the specific triggers stated in the respective conditions.
- 8.76 Having regard to the above there is certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and with appropriate mitigation measures secured by conditions of the consent under Outline 17/01229/OUT, the development can be made acceptable. The submission is therefore in accordance with the relevant Local Plan policies, and the LPA can demonstrate compliance with its statutory duties including its biodiversity duty under section 40 of the Natural Environment and Rural Communities Act 2006 (as amended).

#### Biodiversity net gain

- 8.77 Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. The minimum requirement is for a 10% net gain in biodiversity value achieved on a range of development proposals (excluding Listed Building Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow).
- 8.78 This application is a reserved matters application for an outline consent granted before April 2024 therefore this development is not applicable for Biodiversity Net Gain.

### **9. Planning Balance and Conclusion**

- 9.1 The site benefits from outline planning consent and this application seeks approval for the Reserved Matters (namely appearance, landscaping, layout and scale) for only the residential phases one and two (for 417 no. dwellings). Following statutory consultation responses and meetings between LPA and the Applicant, a number of revisions to the scheme were submitted throughout the determination period, which sought to address many of the issues raised by Planning Officers and consultees.
- 9.2 Careful consideration has been given both to the matters which were reserved and the elements of the scheme that were previously approved – most notably the primary access arrangements off St Johns Road and Jaywick Lane, the broad location of the internal spine road, and the locations of the principal areas of Open Space and the Education Lane, all of which were approved by the outline planning permission.
- 9.3 Whilst there have been objections from some local residents, many of these issues relate either to the principle of development, which is already agreed, or matters that was considered or will be mitigated through the planning conditions and planning obligations that form part of the outline planning permission, or concerns that the LPA feels have now been addressed through the revised plans.
- 9.4 With regards to the details contained within this application the applicant has built on the approved access arrangements and the fixed spine road position dictated by the already approved access arrangements. Furthermore, the overall layout of phases one and two, in particular the treelined main spine road and open areas in highly visible locations throughout these phases will create a strong sense of place and a liveable development.

- 9.5 The scale and appearance of the dwellings in phases one and two are considered acceptable. The overall landscaping proposals will result in a very high-quality scheme, and as a whole residential phases one and two would set a strong and positive precedent for the remainder of the phases, and would be appropriate in character and appearance with reference to the areas around the site and indeed the wider context and the best it offers in terms of architectural quality.
- 9.6 The concerns of consultees and LPA Planning Officers have been addressed in a positive and proactive manner. The arrangement of the Education Land, and in particular future access arrangements to the school for vehicular traffic and pedestrians alike did concern ECC Highways and Education Officers, however the scheme has been revised and both Planning Officers and ECC Officers now consider the arrangements to be an appropriate response that will result in safe and suitable access arrangements being created for all road users and all users of the future school – an element that is critically important to the deliverability of the scheme.
- 9.7 The details of the residential phases one and two for 417 dwellings as presented through the latest revised plans and documents are considered by Officers to be acceptable and the application is therefore recommended for approval subject to conditions.

## **10. Recommendation**

- 10.1 The Planning Committee is recommended to grant this reserved matters application subject to the following conditions and informatives:

### 10.2 Conditions and Reasons

#### 1. APPROVED PLANS & 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.

#### LAYOUT PLANS

- PH-123-001 - Site Location Plan
- PH-123-002B - Masterplan
- PH-123-003B - Detailed Layout NORTH
- PH-123-004B - Detailed Layout SOUTH
- PH-123-005A - Materials Plan NORTH
- PH-123-006A - Materials Plan SOUTH
- PH-123-007A - Boundary Treatment Plan NORTH
- PH-123-008A - Boundary Treatment Plan SOUTH
- PH-123-011A - Tenure Plan PHASE 1
- PH-123-012A - Tenure Plan Phase 2
- PH-123-013A - Building Heights Plan NORTH
- PH-123-014A - Building Heights Plan SOUTH
- PH-123-015A - Open Space Plan
- PH-123-016A - Access and Movement Plan
- PH-123-017A - Land Use Plan
- PH-123-018A - Density Plan
- ST-3231-700 Rev a - S38 Onsite Highway Geometry Plan Sheet 1 of 5
- ST-3231-701 Rev a - S38 Onsite Highway Geometry Plan Sheet 2 of 5
- ST-3231-702 Rev a - S38 Onsite Highway Geometry Plan Sheet 3 of 5
- ST-3231-703 Rev a - S38 Onsite Highway Geometry Plan Sheet 4 of 5

- ST-3231-704 Rev a - S38 Onsite Highway Geometry Plan Sheet 5 of 5
- ST-3231- 900-A-S38 Onsite Swept Path Refuse Sheet 1 of 5
- ST-3231- 901-A-S38 Onsite Swept Path Refuse Sheet 2 of 5
- ST-3231- 902-A-S38 Onsite Swept Path Refuse Sheet 3 of 5
- ST-3231- 903-A-S38 Onsite Swept Path Refuse Sheet 4 of 5
- ST-3231- 904-A-S38 Onsite Swept Path Refuse Sheet 5 of 5

#### HOUSETYPES

- PH-123-041 Rev A - Alnmouth HT
- PH-123-042 Rev A - Barton HT
- PH-123-043 Rev A - Danbury HT
- PH-123-044 Rev A - Garrett HT
- PH-123-045 Rev A - Ashworth HT
- PH-123-046 Rev A - Risby HT
- PH-123-047 Rev A - Glenmore HT
- PH-123-048 Rev A - Sherwood HT
- PH-123-049 Rev A - Barnwood HT
- PH-123-050 Rev A - Fowler HT
- PH-123-051 Rev A - Saunton HT
- PH-123-052 Rev A - Rivington HT
- PH-123-053 Rev A - Greenwood HT
- PH-123-054 Rev A - Brampton HT
- PH-123-055 Rev A - Selwood HT
- PH-123-056 Rev A - Malting HT
- PH-123-057 Rev A - Wivenhoe HT
- PH-123-058 Rev A - Cromwell HT
- PH-123-059 Flat Block A & B - Plans
- PH-123-060 Flat Block A & B - Elevations
- PH-123-061 Flat Block C - Plans
- PH-123-062 Flat Block C - Elevations
- PH-123-063 Rev A - Garage
- PH-123-064 - Substation
- PH-123-065 - Bin Store
- PH-123-066 - Cycle Store
- PH-123-067 - Car Ports

#### STREETSCENES

- PH-123-080 Rev A - Street Scenes AA BB CC
- PH-123-081 Rev A - Street Scene DD
- PH-123-082 Rev A - Street Scenes EE FF

#### LANDSCAPING

- LSDP 15-114-01 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-02 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-03 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-04 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-05 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-06 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-07 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-08 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-09 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-10 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-11 rev F - Detailed Landscape Proposal For POS

- LSDP 15-114-12 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-13 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-14 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-15 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-16 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-17 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-18 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-19 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-20 rev F - Detailed Landscape Proposal For POS
  
- LSDP 15-114-21 rev F - Detailed Landscape Proposal For POS
- LSDP 15-114-22 rev F - Detailed Landscape Proposal For POS
- LSDP 15\_114-23 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-24 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-25 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-26 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-27 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-28 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-29 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-30 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-31 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-32 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-33 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-34 Rev C - Detailed Soft Landscape Proposals For Plots Phase
  - 1 & 2
- LSDP 15\_114-35 Rev B - Landscape Masterplan for POS

#### DRAINAGE

- ST-3231-500B Drainage Strategy Plan – Sheet 1 of 2
- ST-3231-501B Drainage Strategy Plan – Sheet 2 of 2
- ST-3231-600B Onsite - Indicative Finished Floor Levels Sheet 1 of 4
- ST-3231-601B Onsite - Indicative Finished Floor Levels Sheet 2 of 4
- ST-3231-602B Onsite - Indicative Finished Floor Levels Sheet 3 of 4
- ST-3231-603B Onsite - Indicative Finished Floor Levels Sheet 4 of 4

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.

## 2. AGREEMENT OF MEASURES TO IMPROVE SUSTAINABILITY OF DEVELOPMENT

CONDITION: No development shall commence above slab level in phases one or two until a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development in phases one and two has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include as a minimum:-

- An electric car charging point per dwelling
- A Water-butts per dwelling
- Compost bin per dwelling
- Agreement of heating of each dwelling/building
- Agreement of scheme for waste reduction

The scheme shall be fully implemented prior to the first occupancy of the any of the units in phases one and two hereby approved, 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 water, energy and resources to reduce 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.

The greatest threat to our planet is the belief that someone else will save it and also forgetting that small acts, when multiplied by millions of people, can transform the world. Developments will provide buildings/homes to thousands/millions of people over their lifetime. A well-designed sustainable development in the beginning will restrict the contribution each person makes to that threat and help enable them to transform the world.

## 3. COMPLIANCE WITH DETAILS – HIGHWAY WORKS

CONDITION: Prior to the first occupation of any dwellings in phases one and two the internal road layout, public rights of way, parking and associated improvements shall be provided in principle and accord with Drawing Numbers:

- PH-123-003 Rev. B Detailed layout north,
- PH-123-004 Rev. B Detailed layout south,
- PH-123-002 Rev. B Amended Masterplan,
- 700-A to 704-A Onsite highway geometry and visibility splays,
- 900-A to 904-A Onsite swept path refuse vehicle,
- PH-123-063-A Amended garage elevations and floor plan,
- PH-123-067 Car ports floor plans and elevation.

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

#### 4. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Prior to occupation of each dwelling/flat in phases one or two, a 1.5 metre x 1.5 metre clear visibility above a height of 600mm, as measured from and along the boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety

#### 5. SPECIFIC ACTION: SHARED ROADS, CYCLEWAYS AND FOOTPATHS

CONDITION: Prior to the first use of any vehicular access to the development that crosses a shared footway/ cycleway, a minimum 2.4 m x 17 m cycle visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

REASON: To provide adequate inter-visibility between the users of the access and cyclists in the adjoining highway in the interest of highway safety.

NOTES FOR CONDITION:

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.

#### 6. ACTION REQUIRED: HIGHWAYS PROVISION OF VISIBILITY SPLAYS

CONDITION: Any proposed boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

REASON: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

#### 7. CAR PARKING



CONDITION: Prior to occupation of each dwelling/flat in phases one or two, the car parking and turning areas hereby approved shall be provided and retained in this form at all times, and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

REASON: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety

#### 8. PARKING SPACE DIMENSIONS

CONDITION: Excluding any disabled vehicular parking spaces hereby approved, each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

REASON: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

#### 9. ONGOING REQUIREMENT: HIGHWAYS RETENTION OF GARAGE/PARKING SPACES

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 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 development shall be carried out in such a position as to prevent vehicular access and use of land shown on the approved plans as garage and parking spaces for vehicle use only.

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.

#### 10. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS EXTENSION AND ALTERATIONS

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, (or any Order revoking and re-enacting that Order with or without modification):- no enlargement of, or additional windows, doors, rooflights, or dormer windows, shall be constructed/inserted on the dwellings hereby permitted, 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 interest of the amenity of the occupants of adjacent dwellings, and in the interest of the visual amenity of the locality.

#### 11. SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS WINDOWS

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A and C of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no additional first floor side windows (facing westwards) or roof lights (facing westwards) shall be erected or installed on any of the dwellings hereby approved except pursuant to the grant of planning permission on an application made in that regard.

REASON - In the interest of the amenity of the occupants of adjacent dwellings.

#### 12.FURTHER APPROVAL – PROW DIVERSION

CONDITION: No development in any phase shall commence above slab level until such time as an

Order securing, where necessary, the diversion of the existing definitive rights of way (within that phase) to a route to be previously agreed in writing by the Local Planning Authority that has been confirmed. The new agreed route(s) within phases one and two shall thereafter be constructed to the satisfaction of the Local Planning Authority prior to first occupation of any of the dwellings in phases one or two.

REASON: To ensure the continued safe passage of pedestrians on the public right of way and accessibility

#### 13.COMPLIANCE WITH DETAILS AND TIMESCALE REQUIRED - LANDSCAPING SCHEME

CONDITION: All changes in ground levels, soft/hard landscaping shown on the hereby approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development in phases one or two, 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 in phases one or two. 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.

#### 14. DETAILS OF SHEDS FOR CYCLE PARKING

CONDITION: No development in phases one or two shall commence above slab level until details, including the location, design and size(s) of sheds to be placed in rear garden areas of dwellings in phases one and two, for the provision of cycle parking, have been submitted to and approved in writing by the Local Planning Authority. The sheds shall thereafter be provided in full accordance with the approved plans and retained for cycle parking in perpetuity, prior to the first occupation of any dwellings in phases one or two.

REASON: To ensure an appropriate level of cycle parking is provided and to enable the Local Planning Authority to retain control over the development in the interest of the amenity of future occupiers of the dwellings, and in the interest of the visual amenity of the locality.

### 10.3 **Informatives**

#### Positive and Proactive

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

#### Highways Informatives

Please be advised that 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 by Essex County Council.

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

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

**General note:** The proposed vehicular accesses shall be constructed at right angles to the proposed carriageway and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

**General note:** areas where there is no footway being provided adjacent to the carriageway and the intention is for these areas to be adopted a half a metre 'no build zone' will need to be provided and hard surfaced.

The areas directly adjacent to the carriageway(s) in which trees are to be planted should not be less than 3 metres wide, exclusive of the footway and the trunks of the trees should be no nearer than 2 metres to the channel line of the road. The same dimensions should be used in situations where the footway is located adjacent to the carriageway.

In paved areas, whether or not the planted areas are to be adopted highway, trees should be sited no closer than 2 metres to the defined (or undefined) edge of the carriageway. Where the adopted highway is to be an independent path, trees should be planted no closer than 1 metre from the edge of the highway. In all cases, trees should be provided with root barriers to prevent damage to underground services.

Any tree planting proposed within the highway must be agreed with the Highway Authority. Trees must be sited clear of all underground services and visibility splays and must be sympathetic to the street lighting scheme. All proposed tree planting must be supported by a commuted sum to cover the cost of future maintenance, to be agreed with the Highway Authority.

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.

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.

## 11. **Additional Considerations**

### Equality Impact Assessment

- 11.1 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.

11.2 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.

11.3 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

### Human Rights

11.4 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.

11.5 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).

11.6 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this

case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

### Finance Implications

- 11.7 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 11.8 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

## **12. Background Papers**

- 12.1 In making this recommendation, officers have considered all plans, documents, reports and supporting information submitted with the application together with any amended documentation. Additional information considered relevant to the assessment of the application (as referenced within the report) also form background papers. All such information is available to view on the planning file using the application reference number via the Council's Public Access system by following this link <https://idox.tendringdc.gov.uk/online-applications/>.