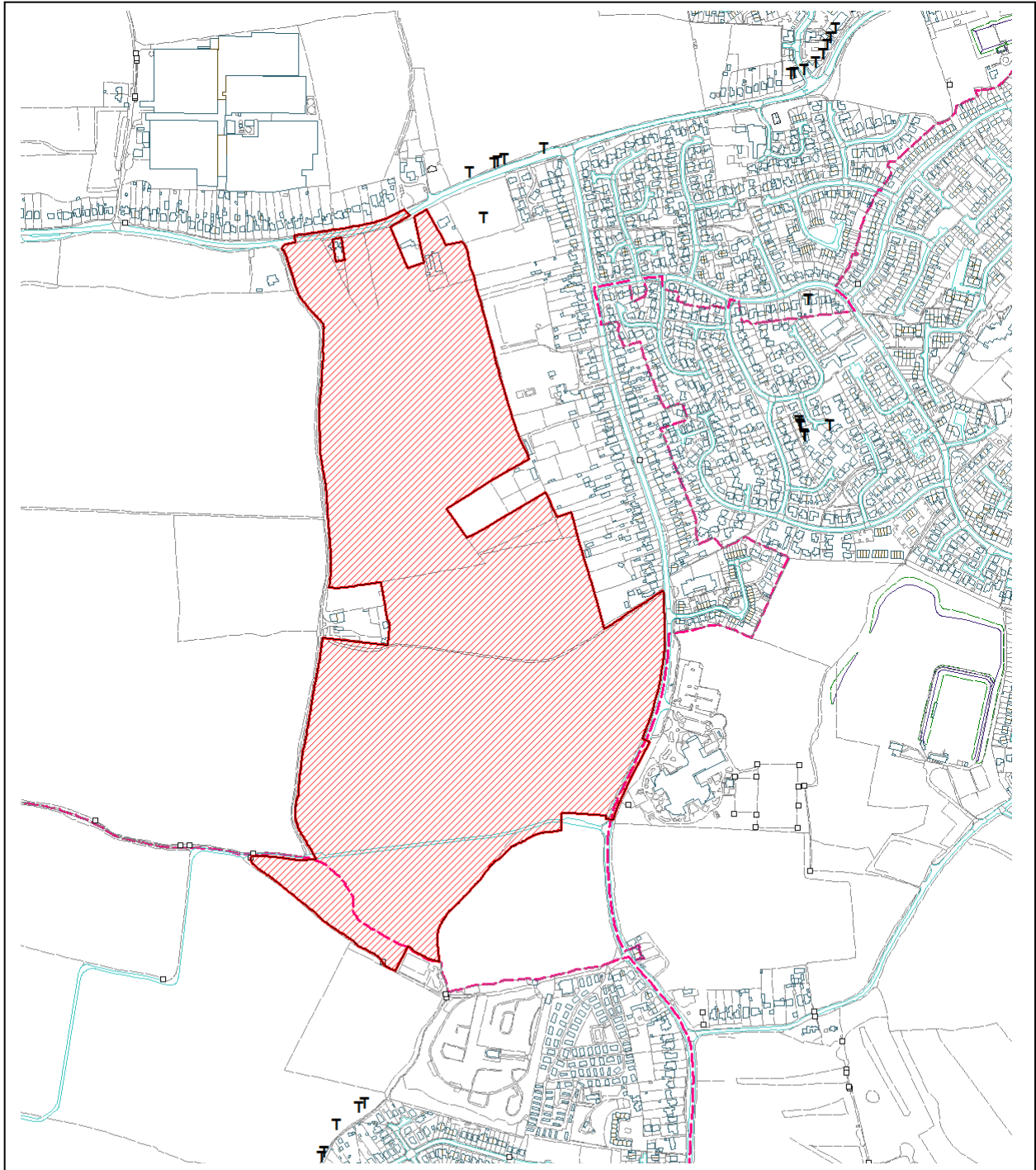


PLANNING COMMITTEE

12<sup>TH</sup> MARCH 2019

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATIONS - 17/01229/OUT - LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON ON SEA, CO16 8BJ**



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<b>Application:</b>	17/01229/OUT	<b>Town / Parish:</b> Clacton (un-parished)
<b>Applicant:</b>	Persimmon Homes Essex and Messrs M & I Low, K Francis and S & A Duncan	
<b>Address:</b>	Land adjacent and to the rear of 755 and 757 St Johns Road Clacton On Sea CO16 8BJ	
<b>Development:</b>	Outline application (all matters reserved except means of access) for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.	

On 30<sup>th</sup> May 2018, the Planning Committee resolved to grant outline planning permission for this major development at Rouses Farm, Clacton - subject to the completion of a section 106 legal agreement and a series of planning conditions, including those recommended by Essex County Council in its capacity as the Highway Authority. On 21<sup>st</sup> August 2018, the Committee resolved to agree some amendments to the planning conditions controlling the phasing of highway works and off-site highway improvements following the revised recommendations of the Highway Authority.

On 13<sup>th</sup> November 2018, the Committee agreed a three-month extension of time to 1<sup>st</sup> March 2019 to enable further negotiation on economic viability and a number of legal drafting matters. Unfortunately, it has not been possible to finalise the s106 agreement within the extended time period as the landowners and developers still have unresolved concerns about economic viability, citing concerns over Brexit and rising build costs.

It is Council policy to seek 30% affordable housing on large development sites in line with Policy LP5 of the emerging Local Plan – but where there is genuine evidence to question the viability of a development, a lower level of affordable housing can be negotiated and agreed. Viability consultants have already provided independent advice on the viability of the development and what a justifiable level of affordable housing could be, however the landowners and developers have asked that this be re-examined in light of their particular concerns. There also remain a number of legal points within the s106 agreement that remain the subject of negotiation.

The Rouses Farm site is allocated for major residential and mixed-use development in the emerging Local Plan and the Council currently relies on this site within its five-year housing supply calculations. Officers therefore request a further three months to 1<sup>st</sup> May 2019 to allow the negotiations on viability to be resolved and for the completion of the s106 agreement to take place.

To assist the Committee, the original report to the Planning Committee on 30<sup>th</sup> May 2018 is replicated below with any relevant updates from the 21<sup>st</sup> August 2018 and proposed revisions to the current resolution indicated in bold and in [square brackets].

## 1. Executive Summary

- 1.1 The application site known as 'Rouses Farm' comprises 42 hectares of predominantly agricultural land on the western side of Clacton on Sea and north of Jaywick. This land is allocated for a major residential and mixed-use development in the Council's emerging Local Plan and outline planning permission is now being sought for up to 950 residential units; a new Neighbourhood Centre comprising a local healthcare facility and units for shops, food and drink and/or a community centre; a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 1.2 The site lies outside of the settlement development boundary for Clacton within the adopted Local Plan but in the emerging Local Plan it is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. The emerging plan has now reached an advanced stage of the plan-making process, the Rouses Farm development is the subject of very few unresolved objections and the Council relies on this site to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. It is therefore considered that the allocation of this land for residential and mixed use development in the emerging Local Plan should carry considerable weight in the decision making process. Officers have therefore worked positively with the applicants to resolve all technical planning issues with a view to bringing the application to the Planning Committee with a recommendation of approval.
- 1.3 This is an application for outline planning permission with all matters reserved with the exception of access. Other matters including appearance, landscaping, layout and scale are reserved for approval at a later date and therefore this application seeks only to establish the principle of residential and mixed-use development of the site and the arrangements for access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane and the Highway Authority, having modelled the impacts of this development on the highway network as part of the Local Plan process, has no objections in principle to the proposed arrangements, subject to conditions requiring the approval of further details and certain off-site highway improvements **[as revised]**.
- 1.4 Due to the large scale and potential impacts of the development, planning regulations require the preparation of an Environmental Statement. The applicant's Environmental Statement contains a thorough assessment of the following matters: landscape & visual; ecology and nature conservation; archaeology and cultural heritage; transport & access; air quality; noise & vibration; soils and agriculture; hydrology, flood risk & drainage; ground conditions and contamination; and socio-economics. All in all the Environmental Statement concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development. Natural England, Historic England and the Environment Agency are the key consultees for development requiring an Environmental Statement and their comments have all been taken into account and addressed as appropriate through the determination of this application.
- 1.5 The application is the subject of just four local objections raising general concerns about the impact of the development in this location. The have all been considered in this report and are addressed accordingly.
- 1.6 Officers are content that subject to the imposition of reasonable planning conditions and s106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.

- 1.7 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions. The applicant is keen to progress with the development and has already drafted a s106 legal agreement to secure all of the relevant requirements and this is being scrutinised by the Council's lawyers. The applicant has also prepared a viability assessment for the development which is being tested by independent valuers to determine the level of s106 contributions the development can afford. **[Independent viability testing has now proven that the development is viable, albeit only with a reduction in affordable housing – the level of which remains a matter of dispute between the landowners and developers and the independent viability consultants].**

**Recommendation:** That the Head of Planning is authorised to grant outline planning permission for the development subject to:-

- a) Within 6 (six) months of the date of the Committee's resolution to approve **[to be revised to 'no later than 1<sup>st</sup> May 2019]**, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant and subject to the completion of viability testing):
- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
  - Provision of land on-site for a new healthcare facility together with a 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 off-site ecological mitigation.
- [Also the routing of bus services through the development – as advised on the 30<sup>th</sup> May 2018 update sheet]**
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:**
1. Standard 3 year time limit for submission of first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
  2. Standard 2 year limit for commencement of development following approval of reserved matters.
  3. Details of appearance, layout, scale and landscaping (the reserved matters).
  4. Layout and phasing plan/programme.
  5. Compliance with approved access plans.
  6. Development to be in accordance with the approved parameters plans.
  7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
  8. Highways conditions (as recommended by the Highway Authority) relating to:
    - detailed junction arrangements on St. Johns Rd and Jaywick Lane;

- cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
- bus services to be routed through the development;
- residential travel plans;
- improvements at existing St. John's Rd/Jaywick Lane junction;
- signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
- improvements to St. Johns Rd/Peter Bruff Avenue junction;
- improvements at St. John's roundabout;
- road safety assessments to be completed for all the above measures;
- no discharge of surface water onto the highway;
- wheel cleaning facilities; and
- car parking spaces and garages.

**[The Highway Authority's recommended conditions are revised to cover:**

- **The need for a construction management plan;**
- **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
- **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
- **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
- **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
- **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
- **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**
- **Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;**
- **Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);**
- **Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and**
- **Residential travel plan and residential travel pack.]**

9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.

11. Foul water drainage strategy.

12. Archaeological assessment/trial trenching.

13. Contaminated land investigation and remediation.

14. Piling restrictions.

15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.

16. Hard and soft landscaping plan/implementation.

17. Tree protection measures.

18. Construction Environmental Management Plan.

19. Landscape and ecology mitigation/management plan.

20. Details of dog walking routes (part of ecological mitigation).

21. Broadband connection.

22. Local employment arrangements.

23. Details of water, energy and resource efficiency measures.

c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed

within the period of 6 (six) months, or further period as agreed, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## 2. **Planning Policy**

### National Policy

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

- 2.1 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level. **[Please note that a new version of the NPPF was published in July 2018 and updated in February 2019 but many of the key principles remain unchanged. Where relevant paragraph numbers have changed, these are indicated below.]**
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
  - a social role; and
  - an environmental role.
- [The new NPPF refers to these as economic, social and environmental 'objectives']**
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 **[now section 5]** of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% **[or 10%]** or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states "*Local planning authorities should look for solution rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*". **[Paragraph 38 in the 2018 NPPF similarly states: "Local planning authorities should approach decisions on proposed development in a positive and**

***creative way” and “Decision makers at every level should seek to approve applications fro sustainable development where possible”].***

*National Planning Practice Guidance (PPG)*

- 2.6 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.

Local Plan Policy

- 2.7 The ‘development plan’ for Tendring is the 2007 ‘adopted’ Local Plan. Paragraph 215 of the NPPF **[now paragraph 213]** allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 **[now paragraph 48]** of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy.
- 2.8 As of 16<sup>th</sup> June 2017, the emerging Local Plan is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. As this plan is currently in the process of being examined, its policies cannot carry the full weight of adopted policy. However, because the plan has reached an advanced stage in the plan making process its policies can carry more weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 216 [now 48] of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

*Tendring District Local Plan (2007)* – as ‘saved’ through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards urban areas and seeks to concentrate development within settlement development boundaries. Also defines Clacton as a larger urban area where most new development is to be concentrated.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL6: Urban Regeneration Areas: Defines West Clacton as an urban regeneration area and the focus for investment in social, economic and transportation infrastructure along with initiatives to improve vitality, environmental quality, social inclusion, economic prospects, education, health, community safety and accessibility.

QL8: Mixed-Uses: Encourages a mix of complementary and compatible uses within town, district and local centres and urban regeneration areas.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

ER31: Town Centre Hierarchy and Uses: Seeks to direct 'town centre uses' including retail, leisure, offices and tourism to defined town, district and local centres within the district to support their vitality, viability and regeneration objectives.

ER32: Town Centre Uses Outside Existing Town Centres: Sets the criteria against which proposals for town centre uses outside of defined town centres will be judged. It requires that new development is of an appropriate scale, does not harm the vitality and viability of existing centres and is accessible by a choice of transport modes.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that has long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.



COM1: Access for All: Requires publically accessible buildings to provide safe and convenient access for visitors, customers and employees of all abilities.

COM2: Community Safety: Requires developments to contribute towards a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM4: New Community Facilities (including Built Sports and Recreation Facilities): Supports the creation of new community facilities where they are acceptable in terms of accessibility to local people, impact on local character, parking and traffic and other planning considerations.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM24: Health Care Provision: Supports developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, towards the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN2: Local Green Gaps: Seeks to keep areas designated as Local Green Gaps open and essentially free of development in order to prevent the coalescence of settlements and to protect their rural setting.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as a priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species, including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development within the Proximity of a Listed Building: Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network. Requires developments affecting an existing public right of way to accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Clacton as a 'Strategic Urban Settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations. Strategic Urban Settlements are expected to accommodate the largest proportion of the district's housing stock over the plan period to 2033.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Clacton extends to include the application site.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites that deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP5: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the 'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP3: Village and Neighbourhood Centres: Identifies that a new neighbourhood centre is proposed for the development at Rouses Farm and that any retail units created will receive future protection against the loss to other uses.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions. The policy also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute towards the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: Says that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

SAMU4: Development at Rouses Farm, Jaywick Lane, Clacton: Specifically allocates the application site for a mix of residential development, community facilities and public open space. The policy contains specific requirements in relation to housing numbers, educational facilities, the neighbourhood centre, healthcare provision, highways and open space.

#### *Supplementary Guidance*

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

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

None.

### **4. Consultations**

TDC Building Control	Access for fire fighting appliances should be in accordance with regulation B5.
TDC Environmental Health	Satisfied with the content of the acoustic report and the Construction Methods Statement and will require no further information or have no adverse comments at this time.
TDC Principal Tree & Landscape Officer	<p>The main body of the land is in agricultural use and is not well populated with trees with most of the vegetation, comprising hedgerows and hedgerow trees situated on the boundary of the land. The largest specimen trees are situated on the northernmost part of the land. The applicant has submitted a tree report and survey in accordance with British standards.</p> <p>The Oak trees to the north of the site have high visual amenity value and are, generally, in good condition. The report identifies the retention of T13 and T14 close to the proposed position of the new access road from St Johns Road. The other important trees, in terms of their visual amenity value, are the trees within G14 of the tree report. It is considered that the inclusion of these trees within a loosely connected group does not accurately reflect their true value. Although the trees are shown as retained it is important to recognise</p>

their long term value.

Tree T11 is also categorised as C1 although it could reasonably fit within the above cascade chart as a B1 or B2 tree. The masterplan identifies the need to fell this tree. It would appear that the tree is not an obstruction to the development of the immediately adjacent land and the tree should be retained if possible. With regard to boundary trees and trees on adjacent land, the site layout shown on the Indicative Masterplan shows the land adjacent to the field boundaries to the south and west as new open space. This will ensure that the boundary trees and hedgerows can be retained.

It appears that the development of the land could take place without harm being caused to the majority of the trees and hedgerows on the land and it is not considered expedient to protect them by way of a Tree Preservation Order at the present time. It may be desirable to formally protect them at some stage in the future to ensure that they are not harmed during the development process or as a result of post development pressures.

In terms of the impact of the development of the land on the local landscape character and to show the potential harm likely to arise as a result of the development of the land, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects. It recognises the changes that will result from the development of the land. However the LVIA does not appear to contain a quantitative or qualitative assessment of the harm that is likely to be caused by the development of the land.

Notwithstanding this, the topography of the land is such that the relatively flat nature of the immediately surrounding area; combined with the Masterplan layout showing Public Open Spaces on the perimeter of much of the site provides the opportunity for a comprehensive soft landscaping scheme to be provided and implemented that would ensure that the development is satisfactorily assimilated into its setting. Should permission be granted then a soft landscaping condition should be attached to secure details of soft landscaping of the whole site, both the residential area and the open space. New tree planting in prominent locations will be a key part of a good soft landscaping scheme.

TDC Waste Management      No comments at this stage.

Anglian Water      The foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flow from your development site. Anglian Water are obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure there is sufficient treatment capacity should the planning authority grant planning permission.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures.

They request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires their consent. They ask that an informative be included within the decision notice should permission be granted.

Environment Agency

Confirm that it was not necessary for them to be consulted on this application.

Essex County Council  
(ECC) Archaeology

Questions the findings of the Environmental Statement and its consistency with the applicant's archaeological desk based assessment (DBA). Also questions the applicant's chosen method of evaluation (geophysical survey) suggesting that it has been ineffective. Concern therefore that the Environmental Statement is inaccurate in places and fails to adequately establish the significance of the known heritage assets. On similar sites to this, a programme of rectification of aerial photos and targeted trial trenching would normally be considered an appropriate evaluation method.

Recommended that the applicant conduct a field evaluation to establish the nature and complexity of the surviving archaeological assets. This should be undertaken prior to a planning decision being made. This work would enable due consideration to be given to the historic environment implications and would lead to proposals for preservation in site and/or the need for further investigation.

[Note: Officers are recommending that this additional evaluation work be secured through a planning condition].

ECC Education

Based upon the development of 950 homes, the proposal would produce the need for 85 Early Years and Childcare (EY&C) places, 285 primary places and 190 secondary school places. A new 2 form entry primary school with a 56 place nursery would be delivered on the site.

For the proposed school land, the s106 legal agreement grant ECC an option to take transfer of the land, at nominal cost (usually £1). The option period should open no later than the occupation of 50 homes on the development and close ten years thereafter or, if later, on completion of the development. The land provided, and location therefore, must meet the criteria set out in ECC's Developers Guide and any planning application must include a Land Compliance Study to evidence compliance suitability. A Land Compliance Study has been submitted by the applicant and it is likely that the site proposed for the new primary school and combined EY&C facility will be acceptable subject to a number of arrangements being put in place in order to ensure that the land complies with ECC requirements, these include for example the removal of Japanese Knotweed, removal of any contamination and noise attenuation arrangements.

The breakdown and the cost that the development would need to contribute towards education through the s106 agreement is £1,452,840.92 for EY&C and £4,246,642.50 for Primary Education and £3,675,550 for Secondary Education.

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

ECC Flood and Water Management

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they do not object to the granting of planning permission subject to the imposition of conditions.

ECC Highways

They have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and does not wish to raise an objection subject to the imposition of reasonable planning conditions and obligations. These relate to:

- detailed junction arrangements on St. Johns Rd and Jaywick Lane;
- cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
- bus services to be routed through the development;
- residential travel plans;
- improvements at existing St. John's Rd/Jaywick Lane junction;
- signals at the Bockings Elm junction of St. John's Rd and Cloes Lane;
- improvements to St. Johns Rd/Peter Bruff Avenue junction;
- improvements at St. John's roundabout;
- road safety assessments to be completed for all the above measures;
- no discharge of surface water onto the highway;
- wheel cleaning facilities; and
- car parking spaces and garages.

**[The revised letter from the Highway Authority recommends conditions and obligations relating to the following:**

- **The need for a construction management plan;**
- **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
- **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
- **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
- **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
- **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
- **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**



- **Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;**
- **Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);**
- **Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and**
- **Residential travel plan and residential travel pack.]**

Essex Police

The published documents have been studied and do not provide sufficient detail to allow an informed decision to be made as to whether the appropriate consideration of Sections 58 & 69 of the National Planning Policy Framework (NPPF) has been achieved. In supporting the ethos of Sections 58 & 69 of the NPPF, Essex Police provide a free, impartial advice service to any applicant who request this service.

[Note: This level of detail would be required at Reserved Matters Stage]

Historic England

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England

Initial response was that based on the information provided in support of the application, there was insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. They also considered that there was insufficient information to rule out adverse effects to the Colne Estuary Site of Special Scientific Interest (SSSI) and therefore requested that additional information was provided by the applicant. Suggestions for resolving the issue include on-site and off-site mitigation such as:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of >2.7 km<sup>2</sup> and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/leaflets to householders to promote these areas for recreation;
- Dog waste bins etc; and
- Developer contributions towards the implementation of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) in respect of the Colne Estuary.

[Note: In response, the applicant has contacted Natural England and has agreed that such measures being secured through conditions or through the s106 legal agreement].

NHS England

The proposed development is likely to have an impact on the services of 3 branch surgeries operating within the vicinity of the application site. The GP practices do not have capacity for the additional growth resulting from this development and cumulative development in the

area. Therefore, the proposed development will likely 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.

NHS England has no objection in principle to the proposed development, subject to appropriate mitigation being secured for Primary Healthcare. However, it must be made clear that at the present time there is no agreement in place between the applicant and NHS England or the GP Practices, that the new proposed health facility will be utilised by an NHS England funded GP Practice. NB. any project proposed by a GP Practice is subject to CCG agreement and NHS England prioritisation and approval processes.

[Note: In further correspondence, NHS England has indicated that its preference is for a financial contribution of £329,613 to be secured through s106 legal agreement].

## **5. Representations**

5.1 Five letters of representation have been received by the Council, four of the authors of which object to the proposal with one making neutral comments about the scheme. The letters of objection raise the following concerns:

- Green space and farmland are being eroded more and more.
- The land is used to feed local people, is well used by the surrounding community, has community value and is teeming with wildlife.
- This will have a completely negative impact on residents' way of life, including from the construction process.
- The council should pass smaller developments that won't destroy a whole area of beauty instead of trying to build a monstrosity.
- When this development was first mooted it was for approximately 800 properties, now it is 950. It will add more vehicles to the already very busy St Johns Road and Jaywick Lane and will lead to more congestion on both.
- Jaywick Lane is already a really dangerous and often congested road, there is not sufficient infrastructure to this development, it will just cause gridlock in the area.
- There is already excessive traffic and issues with speeding.
- No street lights, making it difficult and dangerous to cross the road.
- At present the town is unable to recruit GP's, therefore most are locums and question how the health centre would be staffed.
- Question who will occupy the social housing aspect of this development.
- Question whether Clacton can really sustain all new developments in terms of available jobs and infrastructure.
- Whilst there are plans for a school and community area, where are these people going to work, or will they just be the local unemployed.
- Will the train line be improved to allow people to commute to bring back some money to the area or will they just be another drain on the Council.
- The school would back onto the garden of 40 Jaywick Lane, Persimmon's solution to leave an alleyway behind the fence which would make the occupants more vulnerable who are elderly and suffering with ill health.
- Noise from the proposed school and possible financial implications if adjacent occupiers have to put up a stronger fence.
- The Frinton Residents' Association object to the proposal on the grounds of what they have experienced during and after the construction of 37 units at Witton Wood Road, Frinton by the applicant, as opposed to raising points that are specific to the proposal

before Members. They do however stress the importance of ensuring that the development is of a high quality, as well as being sustainable and protecting the living conditions of existing residents.

- 5.2 The letter of comment received states that whilst, as a walker they welcome any additional Public Rights of Way (PROW), they have concerns that without the potential footway links in place, lack of use could result in the planned leisure routes becoming overgrown. They assume ECC will be responsible for maintaining these new routes, and it is necessary to mention that to get a path included on their cutting programme is not easy, and takes a number of complaints to do so. They also notice that the footway link to the west of the plan, does not link up with a PROW, but a private track. For this to be used it would need the landowners consent to make the track a permissive right of way. They also state that the footway link onto St. Johns road would require walkers to cross the busy B1027 to gain access to the footpath on the opposite side of the road. This would however allow access to the PROW network.

## **6. Assessment**

### **Site Context**

- 6.1 The application site comprises 42.13 hectares of predominantly arable agricultural land that is situated to the western side of Clacton on Sea, 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 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.
- 6.2 To the west of the 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.
- 6.3 The site 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.
- 6.4 Bockings Elm benefits from a range of existing local services which include a post office, hairdresser, public house, fish and chip shop, and grocery stores. Nearby community facilities include the Coppins Hall community centre, and schools currently include an early-years playgroup, the Raven Academy primary school, and Clacton Coastal Academy which provides secondary and sixth form education. The aforementioned Tendring Education Centre incorporates early years settings, the West Clacton Library, and sporting facilities. The nearest Doctors Surgery is currently the Green Elms Health Centre located in Nayland Drive.
- 6.5 The application site is also 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.

### **The Proposal**

- 6.6 Outline planning permission is sought for the redevelopment (including demolition) of the site for up to 950 residential units (including affordable housing) with a new Neighbourhood Centre comprising a local healthcare facility of up to 1500sqm NIA and up to 700sqm GFA for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre); a 2.1ha site for a new primary school; and associated roads, open space, drainage, landscaping and other associated infrastructure.
- 6.7 The application is accompanied by an Environmental Statement (ES), produced pursuant to the Town & Country Planning (Environmental Impact Assessment) (England and Wales Regulations) (2011) and which follows the issue of a Scoping Opinion (SO) by the District Council on 9 April 2015 under reference 15/30060/PREAPP). The SO concluded that the following issues should be covered, and which have been included as chapters within the ES: Landscape & Visual; Ecology and Nature Conservation; Archaeology and Cultural Heritage; Transport & Access; Air Quality; Noise & Vibration; Soils and Agriculture; Hydrology, Flood Risk & Drainage; Ground Conditions and Contamination; and Socio-economics.
- 6.8 The ES is supported by a number of technical appendices, these include:
- Arboricultural Impact Assessment and Tree Schedule;
  - Archaeological Desk Based Assessment;
  - Archaeological Geophysical Survey;
  - Built Heritage Statement;
  - Drainage Strategy and Calculations;
  - Extended Phase 1 Habitat Survey;
  - Habitat Regulations Assessment Screening Report;
  - Phase 2 Ecological Surveys and Assessments;
  - Flood Risk Assessment;
  - Geo-Environmental Desk Study Report; and
  - Geo-Environmental and Geotechnical Desk Study and Site Investigation.

A Non-Technical Summary of the ES has also been provided.

- 6.9 In addition to the ES, a detailed suite of documentation and revised technical evidence during the processing period has been submitted with the planning application, including the following:
- Application Forms & Certificates;
  - Application Plans comprising:
    - Location Plan;
    - Master Plan;
    - Access and Movement Parameter Plan;
    - Building Heights Parameter Plan;
    - Density Parameter Plan;
    - Land Use Parameter Plan;
    - Open Space Parameter Plan;
    - Phasing Parameter Plan;
    - Northern Access onto St John's Road;
    - Eastern Access onto Jaywick Lane; and
    - Topographical Land Surveys;

- Construction Method Statement;
- Design & Access Statement;
- Education Checklist;
- Existing Utilities Report;
- Minerals Assessment Report;
- Planning Statement;
- Statement of Community Involvement;
- Transport Assessment ;
- Travel Plan;
- Viability Assessment [confidential].

- 6.10 With the exception of the formation of the access into the site, details of the appearance, landscaping, layout and scale are all reserved matters which means that approval is not sought for these at this stage and details are therefore not currently required. If the outline application were to be granted the applicant, or any successors in title, would need to submit reserved matters applications to the Local Planning Authority, in addition to discharging planning conditions before development could commence.
- 6.11 The application proposes two vehicular access points into the site, one onto St John's Road, to the east of no 755, the other opposite the Tendring Education Centre onto Jaywick Lane. Both these junctions would have dedicated right turn, signalised junctions and as illustrated on the submitted Masterplan and Access and Movement Parameter Plans, these would connect up through a central spine road which would be designed to accommodate bus services and a central cycle route through the scheme. The spine road would therefore connect the proposed new dwellings and the surrounding area to the proposed neighbourhood centre and primary school, as well as allowing local traffic to bypass Jaywick Lane.
- 6.12 The Access and Movement Parameter Plan also identifies indicative secondary roads as well as footpaths throughout the site, with the Design and Access Statement (DAS) which has been updated during the processing of the planning application to add further detail to the design approach and to give a clearer vision for the road hierarchy. The exact location of the routes through the site would be refined through the Reserved Matters process, although the applicants opine that the information provided with the submission demonstrates that it is possible to deliver a well-connected site.
- 6.13 Whilst a reserved matter, the indicative Masterplan and Land Use Parameter Plan identify the potential layout of the site, which is intended to give some certainty to the general location of development and ultimately be used to inform the Reserved Matters stage/s. This would be a predominantly housing-led scheme for up to 950 units and whilst the precise mix of dwelling types is unknown, the applicants state that they intend to provide a broad range of residential accommodation ranging from one bedroom apartments to five bedroom houses. It is also intended that the scheme would include an element of bungalow accommodation with the precise amount to be a matter for the detailed design stage. To accord with the emerging plan, an appropriate proportion of dwellings would be provided as affordable housing.
- 6.14 Housing density across the scheme would average at approximately 40 dwellings/Ha (net) or 23 dwellings per hectare (gross). Density would however vary through the scheme to create differing character areas eg. It is envisaged that densities would generally be lower around the edges of the scheme and higher towards the core and around key focal points within the development. The DAS highlights that it is intended that the development would be of a style based on the local vernacular, and that the principles of the Essex Design Guide would be followed.

- 6.15 The primary school site is shown to be located on a 2.1 Hectare (Ha) parcel of land to the north and close to the St John's Road access point which would allow it to be delivered early in the development process, and also means that it would not be surrounded by construction activity once operational. It would also ensure that it is close to the existing community that it would also serve.
- 6.16 The Neighbourhood Centre would include the healthcare facility and would be located towards the Jaywick Lane access (to south of) to ensure that it could also serve the wider community as well as the development site. Again, its proximity to the site access also means that it would not be surrounded by construction activity when operational.
- 6.17 A minimum 20m landscape buffer is identified along the western boundary of the site to comply with the emerging Local Plan's policies for this site and form a suitable transition between the built development and surrounding countryside. A large area of open space is indicated at the southern end of the site, and which complements the proposed Strategic Green Gap allocation between Clacton and Jaywick. Further landscape buffers are proposed to be located around the sensitive boundaries of the site, as well as smaller pockets of Public Open Space (POS), two of which would include Local Equipped Areas for Play (LEAP). In total, POS would amount to some 13 Ha, including surface water attenuation areas.

### **Main Planning Considerations**

- 6.18 The main planning considerations are:
- Principle of Development;
  - Environmental Impact, incorporating the following:
    - Landscape & Visual Impact;
    - Ecology and Nature Conservation;
    - Heritage;
    - Archaeology
    - Transport & Access;
    - Air Quality;
    - Noise & Vibration;
    - Soils and Agriculture;
    - Hydrology, Flood Risk & Drainage;
    - Ground Conditions and Contamination; and
    - Socio-economics;
  - Planning Obligations and Viability;
  - Reserved Matters - Appearance, Landscaping, Layout and Scale; and
  - Living Conditions.

### **Principle of Development**

- 6.19 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a significant material consideration in this regard.
- 6.20 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 215 **[now 213]** of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 **[now 48]** of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16<sup>th</sup>

June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

- 6.21 Section 1 of the Local Plan was examined in January and May 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan is expected to take place in Autumn 2018. Where emerging policies are particularly relevant to a planning application and can be given weight in line with the principles set out in paragraph 216 **[now 48]** of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan. **[We have now received the Inspector's letters in respect of Section 1 which confirm the soundness of Tendring's housing figures, but which raise concerns about Garden Communities which will delay the progress of the Local Plan towards adoption].**
- 6.22 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit within a short distance of) the 'settlement development boundary' for Clacton. The southern part of the site immediately south of existing properties in Jaywick Lane is designated as a 'Local Green Gap' which, for this area, is designed primarily to maintain clear separation between West Clacton and Jaywick to safeguard their separate identities and character, and to also protect views from these areas over the open countryside.
- 6.23 In the emerging Local Plan, the site is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space. The Local Green Gap/Strategic Green Gap designation has been scaled back in the emerging Local Plan in response to longer-term development needs and to both reflect the extent of development that has already taken place on the eastern side of Jaywick Lane (i.e. housing at Harpers Way and the School); and focus protection on the open land south of the school and between Jaywick and Cherry Tree Avenue.
- 6.24 Policy SAMU4 states: *"Land at Rouses Farm, west of Jaywick Lane and south of St. John's Road, Clacton-on-Sea, as defined on Map SAMU4, is allocated for a mix of residential development, community facilities and public open space"*. The policy then sets out specific requirements of the development and criteria that need to be met through any planning applications for the site:
- Requirement a) is that the development will include at least 850 homes of mixed sizes and types to include affordable housing as per the Council's requirements up to 2033 and features to support a range of housing sizes and types to reflect the needs of the area requirements. The proposal is for up to 950 dwellings thus exceeding the minimum requirement. At this level, the development provides more than sufficient scope to deliver a mix of sizes and types which will be determined, in more detail, at the reserved matters stage(s);
  - Requirement b) is for a new primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land as required by the Local Education Authority through Section 106 Planning Obligations. The application makes provision for this requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered;
  - Requirement c) is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes A1 (shops), A3 (food and drink)

and/or D1 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site;

- Requirement d) is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. In its representations on the Local Plan, the NHS asked for Criterion d) to be modified to allow for either new infrastructure or a financial contribution and has indicated that it is a financial contribution of just under £330,000 that will be required;
- Requirement e) of Policy SAMU4 is for minimum of 5 hectares of public open space and this is to be provided within the development, predominately at the southern end of the site to help maintain and strengthen the sense of openness between Jaywick and West Clacton;
- Criterion f) in Policy SAMU4 advocates a master-planned approach which the applicant has followed within the material in support of the application;
- Requirement g) is for the principal points of vehicular access to be off St. John's Road in the north and Jaywick Lane in the south;
- Requirement h) is for the design and layout of the development to have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to developer links with the existing landscape and access features. A minimum 20 metre landscaping buffer along the western edge of site is required to minimise visual impacts. The application allows for this requirement and is supported by a Landscape and Visual Impact Assessment with proposed mitigation measures (see below);
- Requirement i) is for a spine road of 6.75 metres carriageway width to link St. John's Road and Jaywick Lane capable of accommodating buses and other large vehicles and enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane to the benefit of existing residents in the area;
- Requirement j) is for the incorporation of highway capacity, safety, public transport, cycle, pedestrians and bridleways service and/or infrastructure enhancements. It requires a safe cycle path/footpath between the development and the Clacton Coastal Academy and the new primary school;
- Requirement k) is for a financial contribution to early years and childcare and secondary education provision, as required by the Local Education Authority through Section 106 Planning Obligations;
- Requirement l) is the delivery of opportunities for the protection and enhancement of the historic environment features and settings including the built and archaeological environment; and
- Requirement m) is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development.

6.25 The application complies with the broad and strategic requirements of Policy SAMU4 and the more up-to-date specific and detailed requirements of Essex County Council and the NHS. The detail of how the proposal complies with Policy SAMU4 and other Local Plan policies is set out under the key considerations below.



- 6.26 The allocation of this site for residential and mixed use development in the Publication Draft of the emerging Local Plan and the requirements of Policy SAMU4 did not attract many objections from residents or any other stakeholders. The only comments raised came from:
- Essex County Council who asked that the housing numbers in the policy be double checked for consistency with other sections of the plan;
  - Historic England who wanted to ensure that the separate characters of Jaywick and Clacton are maintained; and that the Grade II Duchess Farmhouse in St. John's Road is properly taken into account;
  - NHS England who suggested that the healthcare requirements could be met either through a new facility on the site or through a financial contribution towards healthcare capacity in the wider area;
  - Natural England who wanted to ensure the value of the land for wintering birds and the potential impact on water quality are properly assessed and that appropriate mitigation measures are put in place;
  - Persimmon Homes who, as the developer for this project, supported the allocation and the policy; and
  - Land Logic Ltd who objected to the proposal on landscape, visual and infrastructure grounds, because they are promoting an alternative site off London Road, Clacton in the middle of the Strategic Green Gap between Clacton and Little Clacton for 220 homes.
- 6.27 There were no specific objections or comments from residents in response to the allocation at the publication stage, however this location has been proposed for development in numerous iterations of the Local Plan as it has emerged and the site promoters have undertaken ongoing community consultation in the area. They have also been engaged in extensive pre-application discussions with the Council with a view to ensuring all relevant planning matters have been properly considered and, where possible, local concerns have been addressed. Four local objections have been received in response to this planning application specifically (summarised above) and these are addressed throughout this report.
- 6.28 In applying the guidance within paragraph 216 **[now 48]** of the NPPF, the Local Plan has reached an advanced stage of the plan-making process; the objections to Policy SAMU4 are relatively few and have all been resolved by the applicants; and the proposal is entirely in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, Policy SAMU4 and the allocation of land at Rouses Farm for mixed-use development can carry a reasonably high level of weight in the determination of this planning application.
- 6.29 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 47 **[now 73]** of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining outline planning permission in the short-term, in order for them to progress to the detailed planning stages and to start delivering new homes from the middle part of the plan period. In fact, the Council's evidence to demonstrate a five year supply relies on the housing trajectory contained within its very latest Strategic Housing Land Availability Assessment' (SHLAA) (April 2018) which anticipates the grant of outline planning permission in 2017/18, the approval of reserved matters in 2018/19, the discharge of pre-commencement planning conditions and commencement of development in 2019/20 with the first new houses in 2020/21. The Rouses Farm development is currently expected to contribute around 90 new homes to the

five-year supply between 2020/21 and 2022/23 and between 30 and 60 new homes, per year, from 2023/24.

**[February 2019 amendments to the NPPF have resulted in the Council having to use the government's 'standard method' for calculating local housing need until such time that the new Local Plan is formally adopted and the Council's housing needs (as confirmed as being sound by the Local Plan Inspector) are enshrined within adopted policy. The imposition of the standard method means that the Council cannot currently demonstrate a five-year housing supply – however, it still relies on the Rouses Farm development coming forward within the next five years within its housing supply calculations.]**

- 6.30 Having considered the application site's status within the adopted and emerging Local Plans, the limited level of objection received during the Local Plan consultation and the imperative to deliver new homes and to maintain a five-year supply of deliverable housing sites, Officers consider that the principle of a major residential and mixed-use development on the site is acceptable – subject to consideration against other relevant policies, including Policy SAMU4. Officers have therefore sought to work with the developer to address any planning issues and to work positively towards a recommendation of approval.

### **Environmental Impact**

#### **Landscape & Visual Impact**

- 6.31 NPPF para. 109 **[now 170]** stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.32 In response to this, the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which highlights that the application site is situated in the St Osyth Coastal Ridge Landscape Character Area (LCA) and is on relatively high land overlooking the St Osyth Coastal Slopes and the St Osyth Drained Marshes LCAs. In this respect the development of the land has the potential to cause harm to a wider landscape area, although the site is not covered by any specific landscape designation and the Principal Tree and Landscape Officer states that the information submitted in support of the application provides a genuine and accurate description of the landscape and visual effects.
- 6.33 The application site comprises relatively flat agricultural land with limited landscape features within the site boundaries which some include mature and established hedgerows; and a light scattering of tree groups. As it lies on the western urban edge of Clacton, existing residential development is situated along the majority of the eastern boundary. In addition, there are three residential properties located adjacent to the site's northern boundary, with a ribbon of development on the opposite side of St. John's Road. The locality is therefore already partly residential in character.
- 6.34 Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential, and would inevitably result in a permanent significant effect upon the landscape. However, whilst only in outline, the planning application demonstrates that the scheme could be designed to minimise landscape and visual effects, through the creation of a positively designed western settlement edge to Clacton. As part of the landscape design it is proposed that existing trees and hedgerows

on the site boundary would be retained and enhanced by new native planting and a substantial landscape buffer to the western boundary created.

- 6.35 The Tree and Landscape Officer confirms that the largest specimen trees are situated on the northernmost part of the land, and in order to assess the impact of the development on trees and other vegetation on the application site and on adjacent land the applicant has submitted a tree report and survey. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.
- 6.36 As highlighted above, requirement h) of Policy SAMU4 is for the design and layout of the development to have regard to the surrounding landscape, seeking to minimise visual impacts through the inclusion of mitigation measures to developer links with the existing landscape and access features. A minimum 20 metre landscaping buffer along the western edge of site is required to minimise visual impacts and the application allows for this requirement and would ensure that the boundary trees and hedgerows can be retained for the long term.
- 6.37 Therefore, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

#### Ecology and Nature Conservation

- 6.38 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 109 **[now 170]** which recognises that the planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
  - recognising the wider benefits of ecosystem services;
  - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
  - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 6.39 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.40 With respect to Green infrastructure, the PPG defines this as a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. Green infrastructure is not simply an alternative description for conventional open space. As a network it includes parks, open spaces, playing fields, woodlands, but also street trees, allotments and private gardens. It can also include streams, canals and other water bodies and features such as green roofs and walls.

- 6.41 The ES states that the site predominantly comprises of agricultural habitats bordered by species-poor native hedgerows that support a range of protected species including breeding birds and reptiles. The site is located close to the coast and within 5km of two sensitive ecological sites. The indirect effects of the Proposed Development arising from increased human disturbance pressures on the nearby coastal European designated sites have been considered and suitable alternative natural green space is to be provided within the proposed development to reduce recreational pressure on the designated sites.
- 6.42 A habitat management plan would be implemented to maintain habitat quality for breeding birds, reptiles, notable mammals and invertebrates and reduce human disturbance on these features. This would enhance boundary and grassland habitats within the site, with the proposed development being designed with a range of mitigation and enhancement measures to ensure no net loss of biodiversity and no significant adverse significant effects on ecology features. The implementation of habitat management would ensure that for some features there are a range of net benefits for biodiversity in line with national planning policy.
- 6.43 Natural England has stipulated that based on the information originally provided in support of the application, their view was that there was insufficient information to allow likely significant effects to the Essex Estuaries Special Area of Conservation (SAC) and the Colne Estuary SPA and Ramsar site to be ruled out. They also considered that there was insufficient information to rule out adverse effects to the Colne Estuary Site of Special Scientific Interest (SSSI). Their advice was given in respect of the Conservation of Habitats & Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended).
- 6.44 Natural England welcome that the Project Habitats Regulations Assessment (HRA) submitted in support of the development proposal acknowledges the impact pathway of increased recreational pressure on coastal designated sites in Essex, including the Colne Estuary. This is as a result of increased recreational use by residents of new development within walking or driving distance of them. They note that the proposed 13 ha of green space “will provide adequately for the increased recreational pressure and no further mitigation will be required” (as set out within the Project HRA).
- 6.45 Natural England’s current advice is that the mitigation of such impacts requires more than one type of approach, typically involving a combination of ‘on-site’ informal open space provision and promotion (i.e. in and around the development site) and ‘off-site’ visitor access management measures (i.e. at the designated site(s) likely to be affected).
- 6.46 In response to this, the applicant has provided a further commentary upon the points raised in the Natural England letter, and state that they concur with the need to provide Suitable Alternative Natural Green Space (SANGS) on the site. The landscape scheme at the Reserved Matters stage would include the following: An area of Public Open Space (POS) of 13ha, of which 10.7ha (64%) would be specifically designed to meet Natural England’s SANGS criteria, including a single large block of 4.5ha in the southern section with a central open water/wetland feature, and 6.7ha of linear park long sections of the west, northwest and eastern site perimeters.
- 6.47 A total of 5.15km of paths would be created on the site, including a 4.4km coherent circular route, with a subsidiary 750m linking arc to take in the eastern linear park area. Of these paths 3.1km would be within the dedicated SANGS POS, of which 1.35km would be around the southern park, focused on the large water feature. Paths in the northern perimeter linear park would focus on the two water features to be created there. All these paths would link directly to existing Public Rights of Way (PRoW) adjacent to the site.

6.48 The applicant suggests that the following measures to promote on site recreational activity are set out within a suitably worded planning condition:

- High-quality, informal, semi-natural areas;
- Circular dog walking routes of >2.7 km<sup>2</sup> and/or with links to surrounding public rights of way (PRoW);
- Dedicated 'dogs-off-lead' areas;
- Signage/leaflets to householders to promote these areas for recreation; and
- Dog waste bins and regular management of these facilities.

Comments on this information from Natural England are yet to be received, an update will be provided at Planning Committee.

6.49 However, whilst these measures fulfil Natural England's advice for on-site mitigation, they also state that the unique draw of designated sites such as those identified above means that, even when well-designed, 'onsite' provisions are unlikely to fully mitigate impacts. They therefore advise that consideration of 'off-site' measures is also required as part of the mitigation package for predicted recreational disturbance impacts.

6.50 Natural England highlight that the Council's emerging Local Plan HRA includes a commitment to a cross-authority solution to delivering such 'off site' measures at the strategic level. Once adopted, this emerging strategy – the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) – will specify requirements for developer contributions to an agreed and costed scheme of 'offsite' measures to help avoid and mitigate recreational disturbance impacts to designated sites. For other similar strategies, such measures have included visitor engagement (e.g. wardening, responsible dog owner projects etc.), visitor access management (e.g. screening of sensitive areas using tree planting, fencing, hides etc.) and visitor education/ information (e.g. footpath way markers, information boards, SPA discs etc.). The Essex Coast RAMS is set to be adopted in Autumn 2018; in the interim period, they advise that the Project HRA should investigate how the development fits with the emerging RAMS and whether or not a proportionate financial contribution can be secured in line with the project. They state that at this outline stage it may be possible to secure full adherence with the emerging RAMS at the reserved matters stage via a suitably worded planning condition.

6.51 In response to this the applicants state that whilst they note that the Essex RAMS is currently scheduled to be published in October 2018, in the interim, Natural England advises that a solution which has been agreed with TDC for other residential developments coming forward ahead of the Essex Coast RAMS and at the outline stage, for example 17/02162/OUT - Land to The South of Thorpe Road Weeley and 17/02168/OUT – Land west of Low Road, Dovercourt (both to be determined) is to secure full adherence with the emerging RAMS via a suitably worded planning condition; this is then to be agreed with TDC, including the necessary financial contribution at the Reserved Matters stage. For the purposes of their viability assessment they propose to assume a figure of £100 per unit (£95,000) for a RAMS payment. It is proposed to secure this contribution as part of the legal agreement.

6.52 In respect of habitats, Natural England state that as identified through the emerging Local Plan HRA, this allocation at Rouses Farm has 'moderate' potential to be used as an off-site SPA habitat (also known as 'functionally linked land' (FLL)) for golden plover and lapwing. As such, the Plan HRA required that wintering bird surveys be carried out to as part of the ecological surveys to further determine potential importance for golden plover and lapwing and inform any necessary mitigation proposals. They note from the Environmental Statement that wintering bird surveys were undertaken with the conclusions as follows: "No species of bird which is listed as a qualifying feature of the Colne Estuary SPA was

recorded. Despite the limitation placed by the late dates of the two surveys, there is nothing to suggest that SPA species are likely to use the Application Site earlier in the winter. There are also no records in The Essex Bird Reports (2010 and 2012) suggesting this area is used by SPA species". On this basis, they have no objections in this respect.

- 6.53 With regard to water quality, Natural England state that as identified through the emerging Plan HRA, this allocation could also potentially lead to significant adverse effects on designated sites through changes in water quality. The Plan HRA highlighted that Anglian Water have previously identified that there is insufficient capacity at some of the Water Recycling Centres (WRCs) in Tendring to accommodate growth proposed within the emerging Local Plan. Some of these WRCs (including Jaywick which is the closest to the proposed development) are linked to the Colne Estuary and so adequate wastewater infrastructure must be provided in time to serve proposed development in order to ensure protection of the environment in this regard and avoid potential impacts to designated sites. They therefore advise that the advice of Anglian Water is followed and that the condition requested in their consultation response is secured.
- 6.54 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the submission of reserved matters and the imposition of appropriate conditions.

#### Heritage

- 6.55 Protecting and enhancing the historic environment is an important component of the NPPF's drive to achieve sustainable development, and the appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system. Paragraph 127 **[now 189]** of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. NPPF para. 129 goes on to say that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.56 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 stipulates that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.57 There is one listed building in proximity to the application site, which is Duchess Farmhouse, a grade II listed building which is located diagonally opposite the north eastern-most part of the site, on the other side of St John's Road. The listed building is set well back from the road with mature evergreen boundary hedging intervening. Further, whilst only indicative, the section of the site closest to the listed building comprises a modestly sized paddock, identified as parcel R9 on the Masterplan and separated by the main residential development by the proposed Primary School. Consequently, it is considered that the setting of this designated heritage asset would not be harmed by the proposal.

#### Archaeology

- 6.58 In terms of Archaeology, the desk based assessment (DBA) highlights the moderate to high potential for the site contain archaeological remains of local to regional significance,

however it fails to consider the significance of the finding of excavations at Lodge Farm close by to the west which took place over a number of years ahead of mineral extraction. Cropmarks of a potential cursus lie within the study area which forms part of the cropmark complex identified at Lodge Farm. Excavation at Lodge Farm revealed a large Neolithic causewayed enclosure of three roughly concentric circuits of discontinuous ditches. Within the interior of the monument were Neolithic pits, a pond barrow, Middle Bronze Age ring-ditches and Early and Middle Bronze Age cremations. A middle Iron Age enclosed settlement consisting of roundhouses, granaries and other post-built structures was also uncovered (EHER18332). This would likely be considered 'of schedulable quality' had the site not been quarried. The proposed development site clearly sits within this same extensive prehistoric landscape and has recorded cropmark evidence for a number of barrows of probable Bronze Age date.

- 6.59 The Environmental Statement submitted in support of the application contains a number of statements within the Archaeology and Cultural Heritage Chapter which do not correspond or concur with the results of the archaeological desk based assessment and geophysics survey which have been carried out as initial evaluation methods in support of the application. As a result of this Essex County Council Archaeology are of the view that the Environmental Statement is inaccurate in places and fails to adequately establish the significance of the known heritage assets and in line with the NPPF further evaluation is required to determine the significance of the know heritage assets and the work carried out so far has failed to establish this. On similar sites to this a programme of rectification of aerial photos and targeted trial trenching would normally be considered an appropriate evaluation method.
- 6.60 The comments of Essex County Council Archaeology and this information would normally be required in advance of a planning decision, but given that this is an outline condition with all matters reserved apart from access, it is considered reasonable for this information to be required as part of the reserved matters application.

#### Transport & Access

- 6.61 Where concerning the promotion of sustainable transport, the NPPF in para. 29 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Para. 32 **[now 111]** of the NPPF stipulates that all development that could generate significant amounts of vehicle movements should be supported by a Transport Assessment to ensure, amongst other things, that suitable access to the site can be achieved and that opportunities for sustainable transport modes are explored to reduce the need for major transport infrastructure. Development should only be prevented where the residual cumulative impacts are likely to be severe. Furthermore, the NPPF in para. 34 **[now 103]** seeks to ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
- 6.62 On this subject, the PPG goes into more detail into the overarching principles on Transport Assessments, with Requirement j) of Policy SAMU4 being for the incorporation of highway capacity, safety, public transport, cycle, pedestrians and bridleways service and/or infrastructure enhancements. It also requires a safe cycle path/footpath between the development and the Clacton Coastal Academy and the new primary school. In addition, SAMU4 Requirement i) is for a spine road of 6.75 metres carriageway width to link St. John's Road and Jaywick Lane capable of accommodating buses and other large vehicles and enabling traffic calming measures or access restrictions to be implemented in Jaywick Lane to the benefit of existing residents in the area.

6.63 A full audit of the highway network surrounding the application site has been undertaken by the applicant to identify land uses and locations that should be considered as sensitive receptors. These include Clacton Coastal College and children's nursery, the congested junctions of St John's Road/A133 and St John's Road/Cloes Lane, the residential properties fronting St John's Road, Jaywick Lane and Little Clacton Road. An assessment of both the construction and operational phases of the proposed development has been undertaken. During the construction phase the following effects were identified:

- Construction traffic - increase in traffic and proportion of HGVs leading to fear and intimidation and driver delay, although this is not likely to be significant.

6.64 During the operational phase the following effects were identified:

- Severance – likely to increase on St John's Road and Jaywick Lane, particularly near the site accesses. Pedestrian crossing facilities are proposed to be incorporated in the site access junction on St John's Road. On Jaywick Lane, near the site access, there is no footway on the opposite side of the road so little demand for pedestrians to cross (negligible);
- Driver delay – likely to increase at the junctions of St John's Road/Jaywick Lane, St John's Road/Cloes Lane and St John's Road/A133 (significant);
- Pedestrian amenity and delay – no roads experience a significant reduction in amenity or increase in delay (negligible);
- Fear and intimidation – the proportion of HGVs in the operation phase is unlikely to rise and traffic flow increases are generally below 30%. Roads considered have been observed to have low pedestrian flows and crossing demand (negligible);
- Accidents and safety – no particular accident pattern has been identified across the highway network and, therefore, accidents are unlikely to increase (not significant). Several mitigation measures have been identified to address any potentially significant traffic related effects resulting from the increased traffic flow associated with the Proposed Development. These mitigation measures include:
  - Provision of new traffic signals junctions at the site access, incorporating pedestrian crossing facilities on St John's Road (minor beneficial);
  - Provision of high quality pedestrian and cycling links throughout the site and connecting to the surrounding highway network (minor beneficial);
  - Site layout designed to accommodate buses – minor beneficial;
  - Implementation of a Construction Traffic Management Plan (minor adverse);
  - Improvements to St John's Road/Jaywick Lane junction (minor to moderate beneficial);
  - Redesign of St John's Road/Cloes Lane junction as a traffic signals junction with pedestrian crossing facilities on all approaches (minor to moderate beneficial);
  - Modifications to St John's Road/Peter Bruff Avenue junction (minor beneficial);



- Improvements to St John's Road/A133 roundabout (minor beneficial);
- Implementation of a Travel Plan (minor beneficial).

6.65 The results of the assessment have indicated that the potential adverse environmental effects resulting from the increase in traffic generated by the Proposed Development are predicted to be minor or negligible, providing that the mitigation measures are implemented.

6.66 ECC Highways state that they have assessed the highway and transportation impact of the proposal including full assessment of the Transport Assessment, examination of all documents submitted, and undertaken a site visit and does not wish to raise an objection subject to the imposition of conditions to cover the following:

- A Stage 1 Road Safety Assessment in relation to the proposed highway mitigation measures.
- The following worked being undertaken at the Developer's expense prior to first occupation:
- The formation of a signalised junction onto St John's Road for the northern access point
- The formation of a signalised junction onto Jaywick Lane for the southern access point
- A 3m wide Cycleway/Footway across the St John's Road frontage
- A 3m wide Cycleway/Footway across the Jaywick Lane frontage
- The routing of bus services through the development site spine road including appropriately positioned bus stops
- Residential Travel Plan for the whole development, and all residential dwellings to receive transport info marketing packs
- All on-site parking facilities to accord with current policy standards
- For the St John's Road/Jaywick Lane junction, improvements to include:
  - Provision of a standard roundabout (increasing the inscribed circle diameter to 22m)
  - Increasing the entry width of both St John's Road approaches to the roundabout,
  - Provision of a 'through lane' on St Johns Road.
- For the Woodrows/Cloes/St John's junction, signalisation of the junction
- For the St John's Road/Peter Bruff Avenue junction, increasing the entry width of both St John's Road approaches to the roundabout
- For the St John's/A133 Roundabout, prior to occupation of the development, increase the flare length and entry width of both the St John's Road (w) approach and the London Road (s) approach to the roundabout or pay an index linked contribution, the value of which shall be the equivalent of the aforementioned works.
- No discharge of surface water onto the highway
- Details of wheel cleaning facilities
- Submission of a Construction Method Statement
- Sizes of vehicular parking spaces and garages

**[These are superseded by the recommendations contained in the Highway Authority's latest letter as explained above.]**

6.67 It is considered that these provision would satisfy the PPG tests for planning conditions; and planning obligations set out in the CIL Regs as they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonable related to the development in scale and kind. Again, the application is consistent with the requirements of Policy SAMU4 and the precise details in respect of transportation and access will be confirmed at the reserved matters stage/s.

- 6.68 Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

#### Air Quality

- 6.69 NPPF paragraph 109 **[now 170]** states that the planning system should contribute to and enhance the natural and local environment by, amongst other things, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels air pollution. Para. 124 **[now 181]** of the NPPF stipulates that planning decisions should aim to ensure that any new development in Air Quality Management Areas (AQMA) is consistent with the local air quality action plan. The site isn't within an AQMA, however Dust Assessment and Mitigation Measures specified by The Institute of Air Quality Management (IAQM) can be secured by way of planning condition. The PPG provides more detailed advice on air quality.
- 6.70 As confirmed in the ES, baseline air quality conditions in the area are of a good standard, with no exceedance of the national air quality objective values predicted or measured. No significant effects on local air quality are likely as a result of the construction and operation of the proposed development. Standard practice dust mitigation measures will be implemented to control dust emissions to the extent that a significant effect does not occur during construction. Standard practice travel plan options are also suggested, to further reduce the limited impacts predicted as a result of operation traffic emissions.
- 6.71 Environmental Health confirm that they are satisfied with the content of the Construction Management Plan (CMS) and will require no further information or have no adverse comments at this time.
- 6.72 In the absence of significant operational effects and taking into consideration the low background air pollutant levels, the site is considered to be suitable for development in air quality terms. Therefore it is considered that the proposal, during either the demolition/construction or operational phases would not have a detrimental effect upon the air quality of the surrounding area.

#### Noise & Vibration

- 6.73 As previously referred to in this report, NPPF paragraph 109 **[now 170]** states that the planning system should contribute to and enhance the natural and local environment, in this case by, inter alia, preventing both new and existing development from contributing to or being put at unacceptable risk from noise pollution. Para. 123 **[now 180]** of the NPPF stipulates that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 6.74 The PPG states that noise needs to be considered when new developments may create additional noise and when taking decisions about new development, there may also be opportunities to consider improvements to the acoustic environment. It goes on to say that decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.

- 6.75 A baseline noise survey has been undertaken and measurements taken over a representative time period. The noise levels have then been used to determine noise sources and levels affecting the Proposed Development. Noise from additional road traffic associated with the scheme is unlikely to have a significant effect. Any impact of noise and vibration associated with construction activity would be managed through controls on the hours of construction. All new dwellings would be designed to ensure that an acceptable living environment can be achieved. The Proposed Development has been assessed and it has been identified that with the appropriate mitigation measures in place, there would be no significant effect to new or existing noise sensitive receptors.
- 6.76 Environmental Protection confirm that they are satisfied with the content of the acoustic report and require no further information or have no adverse comments at this time.

#### Soils and Agriculture

- 6.77 The NPPF states that 'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.
- 6.78 The ES confirms that the application site comprises approximately 39 ha of agricultural land used for arable cropping, including sugar beet, wheat and potatoes, and for the production of turf. A detailed soil and Agricultural Land Classification (ALC) survey of the application site has been undertaken. This survey has found that there are two main soil types on the site which reflect the drift geology. Soils with coarse-textured and very stony sub soils occur in the south-central part of the land; some of these also have a high percentage of stones in the top soils. The north western and southern parts of the land have fine-textured soils with slowly permeable layers. The ALC survey found that slightly over half of the site is classified as Grade 2, which is very good quality agricultural land. The remainder, in two separate areas to the north and south, is classified as Sub-grade 3a, which is good quality agricultural land. The Grade 2 land is limited by soil wetness, whilst the Sub-grade 3a land is limited in different parts by soil wetness, soil droughtiness and stone content.
- 6.79 Consequently, the proposal would involve the loss of 39 hectares of best and most versatile agricultural land in Grades 2 and 3a during the construction phase. The permanent loss of agricultural land cannot be mitigated, and this effect is considered to be significant. However, good practice would ensure that the soils on the site can continue to provide their various functions both on and off site. However, having regard to the presumption in favour of sustainable development, It is considered that the loss of this particular site from agricultural use is not considered to represent a sufficient basis for resisting the scheme, notwithstanding a preference for developing brownfield sites wherever possible.

#### Hydrology, Flood Risk & Drainage

- 6.80 Part 10 **[now 148]** of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.81 The site is currently a greenfield site with existing local watercourses adjacent to the western and southern boundaries which eventually outfall to the sea, it is located within Flood Zone 1 and is therefore at low risk from tidal/fluviat flooding. No infiltration of surface water is proposed, ensuring that the groundwater quality on site would not be affected or possibly contaminated. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.

- 6.82 Having reviewed the proposals and associated documents which accompanied the planning application, ECC Flood and Water Management confirm that, subject to the imposition of reasonable planning conditions, the proposal would provide appropriate measures to manage surface water through the implementations of SUDS and other engineered hydrological measures.
- 6.83 Requirement m) of Policy SAMU4 is for early engagement with Anglian Water to secure upgrades to both treatment infrastructure and network and to formulate a water and drainage strategy to serve the new development. In response to the application Anglian Water state that the foul drainage from this development is in the catchment of Jaywick Water Recycling Centre, which currently does not have capacity to treat the flow from the development site. They state that they are obligated to accept the foul flows from development with the benefit of planning permission and would therefore take the necessary steps to ensure there is sufficient treatment capacity should the planning authority grant planning permission.
- 6.84 Anglian Water stated that the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed. From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of sewerage capacity; and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.
- 6.85 Overall no significant adverse or cumulative effects on water resource receptors have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.

#### Ground Conditions and Contamination

- 6.86 Para. 120 **[now 170]** of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 6.87 Historically the site has predominately been used for agriculture and has not been developed with the exception of land in the northeast corner of the subject site which was formally occupied by a building of unspecified use. The buildings in the north east corner are considered to be a potential source of contamination. A localised area of contamination was identified within the paddock located in the north east corner of the site. It is considered within the ES that this localised area of contamination may potentially pose a significant risk to human health of the future residents accordingly further investigation will be undertaken prior to construction to ensure acceptable conditions can be achieved. Therefore, an appropriately worded condition should be imposed upon any grant of planning permission.

#### Socio-economics

- 6.88 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to those cited above) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 203 **[now 54]** of the NPPF states that local planning authorities should consider whether otherwise unacceptable

development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

6.89 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 204 **[now 56]** of the NPPF, which states that obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

6.90 The final core planning principle as set out within para. 17 **[now 92]** of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

6.91 The ES states that the proposed development would provide up to 950 dwellings which would result in a number of significant beneficial effects relating to: The creation of jobs during the construction phase; Supporting a larger economically-active population; Provision of new healthcare and education facilities onsite; Provision of public open space; and the provision of new open-market and affordable dwellings in a district experiencing a shortfall in housing provision. The potential for significant adverse effects arises from the increase in population which, if unmitigated, would increase pressure on local healthcare and education facilities. However, the proposal incorporates a two form-entry primary school and a 1,500 sq m medical centre, which would address the needs arising from the development and would assist in meeting the needs arising from the existing population, resulting in a net beneficial effect. It also states that the proposed development would give rise to many significant beneficial socio-economic effects and incorporates mitigation measures to ensure any additional pressure on local facilities is addressed.

#### Affordable Housing

6.92 Para. 50 **[now 62]** of the NPPF requires, amongst other things, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

6.93 Adopted Policy HG4 seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.

6.94 With the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting.

#### Community Facilities/Neighbourhood Centre

6.95 NPPF paragraphs 69 and 70 **[now 91]** state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings

between members of the community, by planning positively for the provision and use of shared space, community facilities.

- 6.96 Requirement c) of Policy SAMU4 is for the development to provide a new neighbourhood centre. Accordingly, the application description includes a new neighbourhood centre comprising a local healthcare facility of up to 1500 sqm NIA (Net Internal Area) and up to 700 sqm GFA (Gross Floor Area) for use classes A1 (shops), A3 (food and drink) and/or D1 (community centre). The indicative masterplan shows the location of this at the Jaywick Lane end of the site.
- 6.97 Requirement d) of Policy SAMU4 is for a site for a new healthcare facility to meet the primary health care needs of the growing population in West Clacton. In its representations on the Local Plan, the NHS asked for this to be modified to allow for either new infrastructure or a financial contribution and has confirmed that it is a financial contribution of just under £330,000 that will be required.

### Crime

- 6.98 NPPF paragraph 69 **[now 91]** states that planning decisions should also aim to achieve safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.99 Essex Police raise no specific objection to the proposal, but advise that the developer should liaise with their Crime Prevention Design Advisors in the early stages of the planning and throughout the development, so as to ensure that the properties achieve Secured by Design accreditation. The objective of this being to ensure that the security of these properties, potential residents and neighbours is relevant to the location and anticipated risk. This is a matter that will be dealt with as part of any reserved matters application.

### Education

- 6.100 NPPF paragraph 72 **[now 94]** states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and Work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.101 In accordance with requirement b) of draft Policy SAMU4, a new 2 form entry primary school with co-located 56 place early years and childcare facility (D1) use on 2.1 hectares of land is proposed to be provided as required by the Local Education Authority (LEA) through Section 106 Planning Obligations. The application makes provision for this requirement and the applicant has liaised directly with Essex County Council in its capacity as the local education authority to determine where and how this will be delivered.
- 6.102 Furthermore, requirement k) of draft Policy SAMU4 is for a financial contribution to early years and childcare and secondary education provision, also as required by the LEA through Section 106 Planning Obligations. The financial contributions, based on the summarised consultation response from ECC Education above, are thus:
- Early Years & Childcare: £1,031,789 for a 56 place nursery + £421,051 for offsite early years provision;
  - Primary Education: £4,246,642.50 towards a new primary school to be provided on the 2.1ha site;
  - Secondary Education: £3,675,550 towards secondary school places.

- 6.103 Again, with the assistance of external consultants Officers are currently working with the applicant to ascertain the level of affordable housing that the development can reasonably provide. Any updates to this will be reported to Members at the committee meeting. **[Independent viability testing has now confirmed that the affordable housing requirement should be reduced to ensure the scheme is viable and can afford the above contributions. The level to which they are reduced is however still the subject of negotiation and further re-examination in light of the developer and landowner's concerns.]**

#### Public Open Space

- 6.104 NPPF para. 73 **[now 96]** states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities; and Requirement e) of Policy SAMU4 is for minimum of 5 hectares of Public Open Space (POS) to be provided within the development, predominately at the southern end of the site to help maintain and strengthen the sense of openness between Jaywick and West Clacton.
- 6.105 As highlighted above, the landscape scheme at the Reserved Matters stage would include: An area of POS of 13ha, of which 10.7ha (64%) would be specifically designed to meet Natural England's SANGS criteria, including a single large block of 4.5ha in the southern section with a central open water/wetland feature, a 6.7ha of linear park long sections of the west, northwest and eastern site perimeters and two areas of equipped childrens play area.
- 6.106 This would satisfy the Council's policy requirements and the POS would either be transferred to a management company or transferred to TDC with £364,800 with the land laid out before transfer of ownership. **[The developer has confirmed that the open space will be transferred to a management company].**

#### Reserved Matters - Appearance, Landscaping, Layout and Scale

- 6.107 Paragraph 56 **[now 124]** of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 58 states that developments should aim to 'establish a strong sense of place, using streetscapes and buildings to create attractive comfortable places to live, work and visit; and respond to local character and history and reflect the identity of local surroundings and materials'.
- 6.108 Requirement f) in Policy SAMU4 advocates a master-planned approach which the applicant has followed within the material in support of the application. The current application is an outline application with all matters reserved except access. The applicant has submitted an indicative masterplan drawing, in addition to parameter plans, setting out their vision for developing the site, which along with the Design and Access Statement demonstrate one way in which the site could be developed. As referred to above, detailed access drawings have also been submitted which identify the proposed main vehicular access points onto St. John's Road and Jaywick Lane.
- 6.109 The applicant states that it is intended that the proposal would take cues from the Essex Design Guide, and Officers consider that the proposal has the potential to respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of densities and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.

- 6.110 Although appearance, landscaping, layout and scale are reserved matters, the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features.
- 6.111 Due to the scale of the development proposed, and in order to minimise disturbance to existing residents, as well as ensuring that the mix of housing meets the requirements of the Council's Strategic Market Housing Assessment, it is recommended that a Site Wide Housing and Phasing Strategy be submitted for approval prior to the submission of the first Reserved Matters application.

#### Living Conditions

- 6.112 One of the Core Principles set out in the NPPF is that planning should always seek to secure a high quality of design and a good standard of amenity for all existing and future occupants.
- 6.113 Whilst matters of layout and scale are reserved for future determination, with regard to privacy, the Essex Design Guide states that *"with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable"*. It goes on to state that *"where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved"*.
- 6.114 The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and Officers consider that there are no reasonable grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking.
- 6.115 Furthermore, the illustrative masterplan indicates how landscaping could be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that a detailed layout could be designed which achieves an appropriate relationship with the existing dwellings and which would also be sympathetic to the character of the surrounding area.
- 6.116 All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

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

- 6.117 In order to mitigate against the impacts of the development it is proposed to secure a legal obligation under Section 106 of the Town and Country Planning Act. These obligations have been referred to previously in this report, but to summarise cover the following:
- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
  - New healthcare facility or in the event the land is not required a financial contribution of just under £329,613 towards 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;
- 2.1 ha of land for a new 2 form entry primary school and early years and childcare facility and financial contributions of £1,031,789.92 for Early Year and Childcare and £4,246,642.50 for Primary Education to go towards both their construction and expansion of existing facilities;
- Financial contribution of £3,675,550 to create additional secondary school places;
- New neighbourhood centre; and

6.118 Financial contributions towards off-site ecological mitigation. Overall, it is considered that the above satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind.

**[The s106 has been drafted to include all of the above as well as £500,000 for the routing of bus services through the development.]**

#### Planning Balance/Conclusion

- 6.119 This is an application for Outline Planning permission, with all matters reserved with the exception of access. The applicant has provided details of how they propose to access the site off St. John's Road and Jaywick Lane; and the Local Highway Authority has no objection to the proposed arrangements. All other matters (Appearance; Landscaping; Layout; and Scale) are reserved and it can therefore be said that the application seeks to establish the principle of residential development of the site.
- 6.120 NPPF paragraph 14 **[now 11]** stipulates that at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.121 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site is specifically allocated through Policy SAMU4 for a mix of residential development, community facilities and public open space in the emerging Local Plan. This can be afforded some weight in the decision making process due to it being at the Publication Draft stage, and is a material consideration in the determination of this planning application.
- 6.122 The application is accompanied by an Environmental Statement, which concludes that no significant adverse or cumulative effects on the environment have been identified during the construction and operational phases of the proposed development, therefore it would be compliant with legislation and planning policy.
- 6.123 In addition, whilst outline in form, Officers are content that subject to the imposition of reasonable planning conditions **[including the revised conditions recommended by the Highway Authority]** and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the town and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing within the District.

## Background Papers

Essex County Council's revised Highway's recommendations dated 3<sup>rd</sup> August 2018

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,  
HELD ON TUESDAY, 12TH MARCH, 2019 AT 6.00 PM  
IN THE COUNCIL CHAMBER - COUNCIL CHAMBER**

<b>Present:</b>	Councillors White (Chairman), Heaney (Vice-Chair), Alexander, Baker, Bennison, M Brown, Cawthron, Everett, Fowler, Hones and McWilliams
<b>Also Present:</b>	Councillor Daniel Land and Councillor Fred Nicholls (Corporate Enforcement Portfolio Holder)
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services) Charlotte Parker (Solicitor (Property, Planning and Governance)), Ewan Green (Corporate Director (Planning and Regeneration services)), Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager)

**108. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

There were none.

**109. MINUTES OF THE LAST MEETING**

The minutes of the last meeting of the Committee, held on 12 February 2019, were approved as a correct record and signed by the Chairman.

**110. DECLARATIONS OF INTEREST**

Councillor White declared that, with regards to Planning Application 16/00671/FUL & 16/00656/FUL, he is the Ward Councillor for this item and has declared himself as predetermined on all other applications regarding this, he would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision. Councillor Heaney would therefore Chair the meeting for this item only.

Councillor Heaney declared that, with regards to Planning Application 17/01229/OUT, she was not at the original site visit for this application and has not participated in any of the Committee's deliberations on the application, she would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision.

Councillor Brown declared that, with regards to Planning Application 17/02162/OUT, he is predetermined on this application and would therefore withdraw from the meeting whilst the Committee deliberated and reached its decision.

**111. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none.

**112. A.1 - 17/01229/OUT - LAND ADJACENT AND TO THE REAR OF 755 AND 757 ST JOHNS ROAD, CLACTON ON SEA, CO16 8BJ**

Councillor Heaney had previously declared that, with regards to Planning Application 17/01229/OUT, she was not at the original site visit for this application and has not participated in any of the Committee's deliberations on the application, she therefore withdrew from the meeting whilst the Committee deliberated and reached its decision.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) A letter received from Persimmon Homes confirming the applicant's agreement to 20% affordable housing alongside the various financial contributions required as part of the s106 agreement, as well as their desire to resolve the remaining matters as quickly as possible.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Hones and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

a) Within 6 (six) months of the date of the Committee's resolution to approve **[to be revised to 'no later than 1st May 2019']**, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant and subject to the completion of viability testing):

- On-site Council Housing/Affordable Housing (the quantum and tenure to be agreed by the Head of Planning following the satisfactory completion of viability testing);
- Provision of land on-site for a new healthcare facility together with a 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 off-site ecological mitigation.

**[Also the routing of bus services through the development – as advised on the 30th May 2018 update sheet]**

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

**(i) Conditions:**

1. Standard 3 year time limit for submission of first reserved matters application (which can thereafter be submitted in phases to reflect the phasing of the development).
2. Standard 2 year limit for commencement of development following approval of reserved matters.
3. Details of appearance, layout, scale and landscaping (the reserved matters).
4. Layout and phasing plan/programme.
5. Compliance with approved access plans.
6. Development to be in accordance with the approved parameters plans.
7. Development to contain up to (but no more than) 950 dwellings and quantum of non-residential development specified.
8. Highways conditions (as recommended by the Highway Authority) relating to:
  - detailed junction arrangements on St. Johns Rd and Jaywick Lane;
  - cycleway/footway across St. Johns Rd and Jaywick Lane frontages;
  - bus service to be routed through the development;
  - residential travel plans;
  - improvements at existing St. John's Rd/Jaywick Lane Junction;
  - signals at the Bockings Elm Junction of St. John's Road and Cloes Lane
  - improvements to St. Johns Rd/Peter Bruff Avenue junction;
  - improvements at St. Johns roundabout;
  - road safety assessments to be completed for all the above measures;
  - no discharge of surface water onto the highway;
  - wheel cleaning facilities; and
  - car parking spaces and garages.

**[The Highway Authority's recommended conditions are revised, as previously agreed by Committee, to cover:**

- **The need for a construction management plan;**
- **The new junction onto St. John's Road – to be delivered prior to first occupation of Phase 1;**
- **The new junction onto Jaywick Lane – to be delivered prior to occupation of phase 2A, 3 or 4;**
- **The completion of the St. John's Road to Jaywick Lane link road – to be completed prior to occupation of phase 3 or 4;**
- **The completion of a cycleway/footway along Jaywick Lane frontage prior to phase SA, 3 or 4;**
- **Improvements to St. John's Road/Jaywick Lane and St. Johns Road/Cloes Lane junctions – to be delivered prior to occupation of 250 dwellings;**
- **Improvements to St. Johns Road/Peter Bruff Avenue junction and the St. John's Roundabout – to be delivered prior to occupation of 500 dwellings;**

- Improvements to existing bus stops in St. John's Road and provision of pedestrian access to those stops;
- Provision of a high quality bus service through the development via the link road or £500,000 contribution towards its delivery (as being secured the s106 agreement);
- Provision of a pedestrian link between the proposed primary school and neighbourhood centre in advance of the link road being completed; and
- Residential travel plan and residential travel pack.]

9. Construction methods statement.

10. Surface water drainage scheme and management arrangements.

11. Foul water drainage strategy.

12. Archaeological assessment/trial trenching.

13. Contaminated land investigation and remediation.

14. Piling restrictions.

15. Details of levels, lighting, boundary treatments, materials and refuse storage/collection points.

16. Hard and soft landscaping plan/implementation.

17. Tree protection measures.

18. Construction Environmental Management Plan.

19. Landscape and ecology mitigation/management plan.

20. Details of dog walking routes (part of ecological mitigation).

21. Broadband connection.

22. Local employment arrangements.

23. Details of water, energy and resource efficiency measures.

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

**113. A.2 - 16/00671/FUL & 16/00656/FUL - ST OSYTH PRIORY, ST OSYTH, CLACTON ON SEA, CO16 8NZ**

Councillor White had previously declared that, with regards to Planning Application 16/00671/FUL & 16/00656/FUL, he is the Ward Councillor for this item and has declared himself as predetermined on all other applications regarding this, he therefore withdrew from the meeting whilst the Committee deliberated and reached its decision. Councillor Heaney therefore chaired the meeting for this item only.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of refusal.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the business strategy.

An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) Updated recommendations.

- 
- (2) A letter received from joint Chairs of the Trust confirming the business strategy has been prepared with the involvement of the Trust.
  - (3) A letter from St Osyth Priory Estate Limited confirming the Sargeant family have permission to prepare and submit a business strategy on their behalf.
  - (4) A letter was emailed to Councillors by Tim Sargeant outlining issues of a business and local economic nature and also providing comments on the officer's recommendation to Committee.
  - (5) A letter was emailed to all Councillors (12/03/2019) by Tim Sargeant making further comments about the content of the business strategy and the report to Planning Committee.
  - (6) Appendices page numbers and Appendix 5 table reproduced as partially missing from the agenda.

Sonia Grantham, a representative for the owner St Osyth Priory Estate Limited and member of the St Osyth Priory & Parish Trust, spoke in support of the business plan submitted.

Following discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to refuse approval of the submitted business strategy, for the following reasons:-

1. The Business Strategy contains neither realistic nor viable proposals to secure the restoration of the Additional Listed Buildings (specified in the Section 106 Agreement) within the relevant 10 year period and therefore has not shown it can deliver on its essential aim under the Agreement.
2. This is because it is reliant upon enabling development proposals of unidentified scale and location justified by reference to a claimed Conservation Deficit of a minimum of £26M which is only partly related to the restoration of the Part 3 Buildings. Further, the scale of enabling development and / or public subsidy inherent in this approach appears out of proportion to the public benefits secured and would be unlikely ever to be sanctioned. It is therefore an approach which is neither realistic nor viable in practice.

The Council's proposed alternative strategy:

3. As has been consistently maintained by the Council in meetings throughout 2018, the approach of this submitted Business Plan should be discarded in favour of a pragmatic, bespoke Business Plan which excises all references to estate-wide Conservation Deficits and focuses on grants, loans or enabling development directed at addressing the needs of the individual Part 3 Buildings or groups of those buildings on a case by case basis.

Further proposals for enabling development for restoration of Part 3 Buildings in line with the Business Strategy must contain detail of the specific heritage asset(s) that would benefit and the proposed development site. This must include a viability appraisal for the heritage asset(s) concerned that has:

- An up to date condition survey for the heritage asset(s).
  - An assessment of options for the Part 3 Buildings, in the context of the agreed strategy for the estate (appended to the Colliers Report at Appx.1), including options for spatial layout. Options should include a minimum cost option to make the asset(s) safe over the medium term. The assessment of options should involve, as a minimum, a business planner, conservation architect and quantity surveyor.
  - Drawings for the preferred option.
  - Costs of the options, verified by the quantity surveyor, and including professional fees, project management and enabling and infrastructure works.
  - An estimate of income that will be generated, both from the asset itself and from other incremental income to the site resulting from it.
  - An estimate of the true conservation deficit in respect of the relevant Part 3 Building(s), if the heritage asset(s) has income generating potential. This should not include a current market value because assets that have a conservation deficit should not have market value. Any development profit should reflect genuine financial risk taken in restoring the heritage assets concerned. Financial risk is related to the amount of equity contributed and/or security provided for loans.
4. Authority is delegated to the Corporate Director for Planning and Regeneration and Head of Planning Services to liaise with the Owners to reasonably request that the submitted Business Strategy be amended to reflect the Council's proposed alternative strategy.
5. Authority is delegated to the Corporate Director for Planning and Regeneration and Head of Planning Services in consultation with the Council's external consultants to approve or reject, within the context of this decision, any further Business Strategy submitted by the Owners; and
6. Officers are instructed to refer any matters remaining in dispute in relation to a submitted Business Strategy for Dispute Resolution in accordance with clause 5.1 of the Legal Agreement to ensure that any matters of disagreement can be determined by an independent expert, to minimise any further delay for the benefit of the restoration of the Part 3 buildings.

**114. A.3 - 19/00060/FUL - THE NEWSPAPER KIOSK, TOP OF THE PIER GARDEN, MARINE PARADE EAST, CLACTON ON SEA, CO15 1PS**

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.



An update sheet was circulated to the Committee prior to the meeting with details of:

- (1) One letter of objection received from the Council's Head of Public Realm.

Danny Partridge, the applicant, spoke in support of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Bennison, to approve the application as per Officer recommendation.

However, when put to the vote the proposal to approve as per Officer recommendation was lost.

After further discussion by the Committee, it was moved by Councillor Everett, seconded by Councillor Heaney, to defer the application to allow discussion between Officers and the applicant on a more sympathetic design.

However, after further discussion this proposal was then withdrawn.

After further discussion by the Committee, it was moved by Councillor Baker, seconded by Councillor McWilliams and **RESOLVED**, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:

1. 3 year time limit
2. Approved plans
3. Details of design and finish of railings and finish and detailing of kiosk extension.

**115. EXCLUSION OF PRESS AND PUBLIC**

It was moved by Councillor McWilliams, seconded by Councillor Hones and:-

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Items 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12A, as amended, of the Act, the relevant paragraph being paragraph 5.

**116. B.1 - 17/02162/OUT - LAND SOUTH OF THORPE ROAD, WEELEY, CO16 9AJ**

The Committee had before it the Officer report containing privileged legal advice provided by Counsel, in respect of the forthcoming planning appeal against the Council's refusal of planning permission 17/02162/OUT and other current planning appeals within the District. The Committee made a decision on matters relating to the appeal.

The meeting was declared closed at 8.46 pm

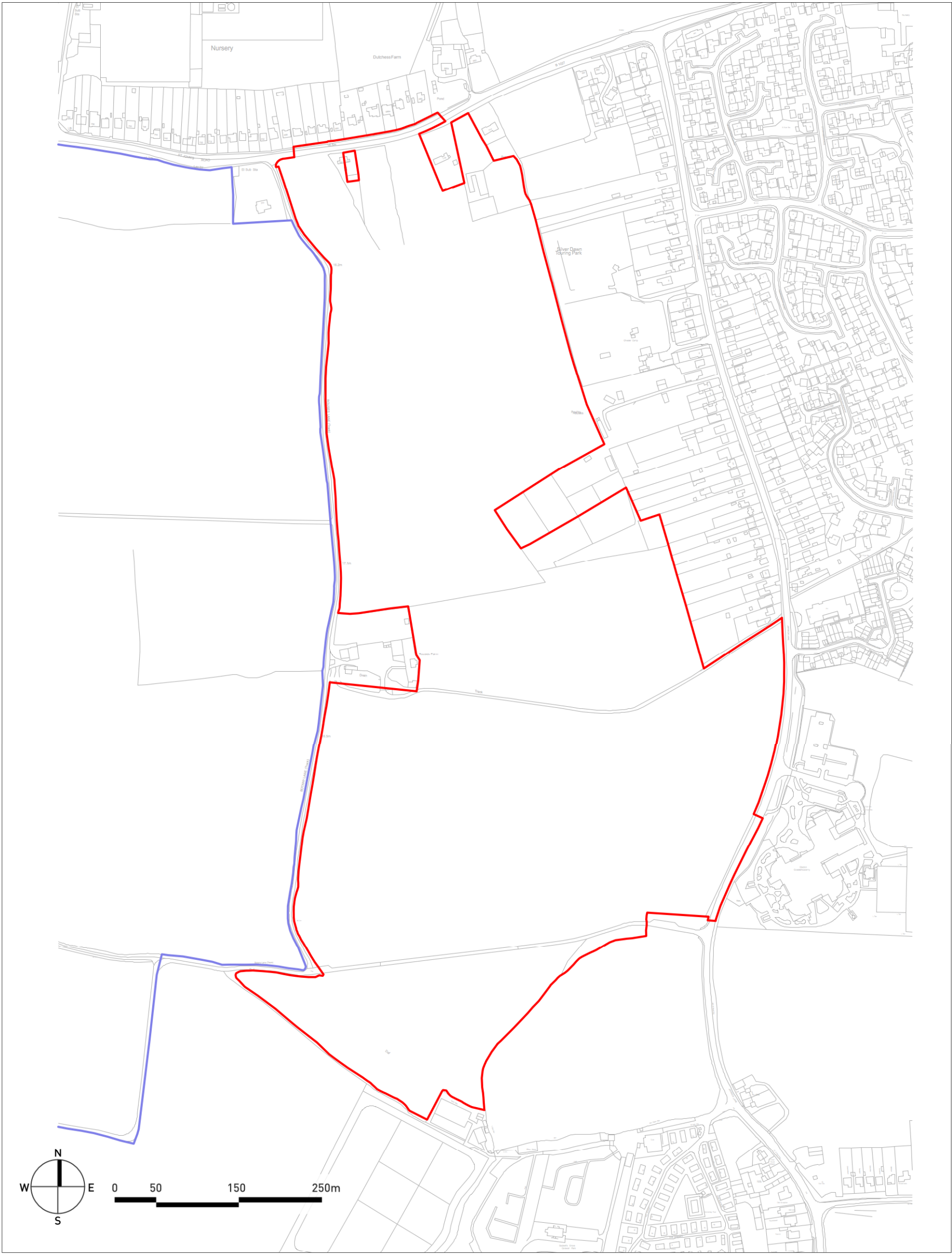
**Chairman**







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KEY



SITE LOCATION (42.13HA)

ROUSES FARM GARDEN SUBURB - SITE LOCATION PLAN