

## **PLANNING STATEMENT**

May 2021

*Demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two bedroom apartments and 8 live work units (mixed commercial units totaling 1064 square metres with flats above); and roads, open space, drainage, landscaping and other associated infrastructure.*

**ST JOHNS NURSERY SITE,  
EARLS HALL DRIVE,  
CLACTON ON SEA**



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## **1. INTRODUCTION**

1.1 This Planning Statement has been prepared on behalf of the applicants to support the proposal for redevelopment of St John's Nursery, Earls Hall Drive and St John's Road, Clacton-on-Sea. It follows the findings of a Planning Inspector who presided over a public inquiry into a similar proposal on the site but for a greater number of new homes held in November 2020.

1.2 Full planning permission is now sought for:

*Demolition of nursery buildings and dwelling house (700 St Johns Road) and erection of 180 residential units (including affordable housing) comprising 10 two bed houses, 83 three bed houses, 24 four bed houses, 15 five bed houses, 16 one-bedroom apartments and 24 two-bedroom apartments and 8 live work units (mixed commercial units totaling 1064 square metres with flats above); and roads, open space, drainage, landscaping and other associated infrastructure.*

1.3 This Statement provides full details and a planning policy assessment of the development proposals. It clarifies the relevant planning policy against which proposals are to be assessed. It demonstrates that the proposal represents sustainable development as defined by the National Planning Policy Framework and benefits from planning policy support through the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft Local Plan.

1.4 This statement should be read in conjunction with the application submission documents and in conjunction with the Planning Inspectorate Decision Letter (Appeal Ref: APP/P1560/W/20/3256190) attached at Appendix A, which was produced in connection with a similar proposal for a larger number of dwellings on the same site.

1.5 The application includes a full suite of plans and drawings including a site Location Plan; existing survey plan; proposed layout plan, plans and elevations for all proposed buildings; dwelling type plan; residential schedule and materials schedule.

1.6 The following additional reports complete the submission package:

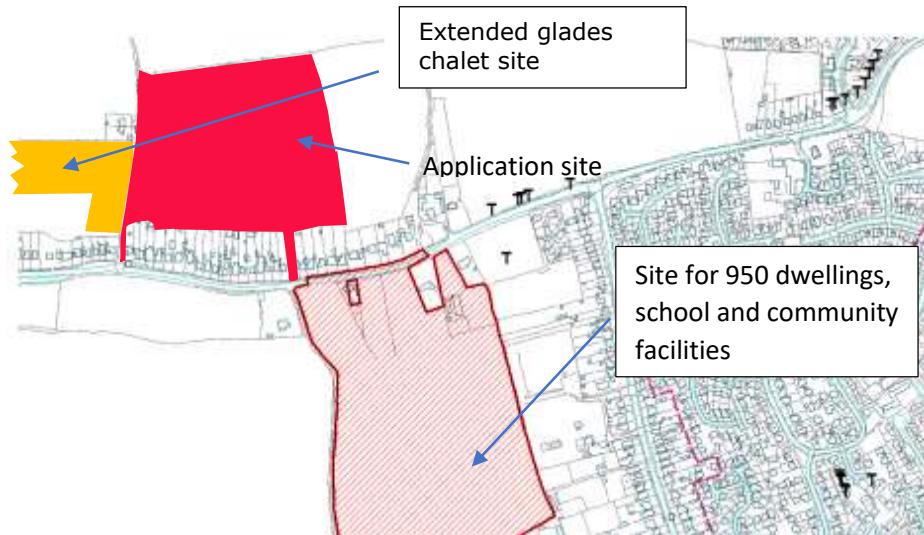
- A Design and Access Statement, explaining the design principles and concepts that have informed the application proposals and how issues relating to access have been addressed;
- A Revised Transport Statement, which fully explains the impact of the proposal on the road network surrounding the site and includes details of the new access points;

- A Revised Flood Risk Assessment and surface water drainage strategy;
  - An Extended Phase 1 Habitat Survey and Bat Risk Assessment;
  - Phase 1 Geo-Technical/Contamination Desk Study;
  - Heritage Statement;
  - RAMs assessment;
  - Arboricultural report;
  - Scheme of landscaping;
  - Planning Obligation/Heads of Terms and Affordable Housing Statement incorporated into this Planning Statement;
  - Sustainability Appraisal & Energy Statement
- 1.7 This Planning Statement brings together the above supporting information, the considered findings of the 2020 Planning Inspector and it assesses the merits of the planning application against the relevant development plan policies as well as considering other material considerations relevant to the determination of the application.

## **2. SITE AND SURROUNDING AREA**

### **The application site**

- 2.1 The application site comprises of approximately 7.5 hectares of land largely covered with glass houses and hardstanding and part of the garden of the house at 760 St Johns Road and the house and garden at 700 St Johns Road. The site is used as a horticultural nursery with ancillary retail activity.
- 2.2 It is located on land north of homes fronting the B1027 St Johns Road to the west of Clacton on Sea. Access to the land is currently via Earls Hall Drive, a private road which passes along the western edge of the site. This road also serves adjoining farmland and a limited number of homes, mainly associated with the adjoining farm.
- 2.3 Much of the site is covered by glasshouses with associated car parking service areas, water storage tanks and associated buildings and equipment. The northern and eastern boundaries of the site are marked by field boundaries with some hedgerow planting and hedgerow trees, beyond which is open agricultural land. The southern boundary of the site mainly abuts the deep rear gardens of homes fronting St Johns Road. The house and garden at number 700 St Johns Road is within the site and is intended to provide a route for vehicular access to the site. The west boundary of the site is marked by Earls Hall Drive, beyond which are homes and gardens fronting St Johns Road and some homes associated with the adjoining farm. Land to the west of the Earls Hall Drive and behind existing homes fronting the St Johns Road is currently being developed with holiday chalets associated with the Glades Caravan Park further west of the site.
- 2.4 On the south side of St Johns Road and east of Rouses Lane is land identified for comprehensive development for up to 950 residential units, a new Neighbourhood Centre A1 (shops), A3 (food and drink) and/or D1 (community centre) and a 2.1ha site for a new primary school which received a resolution to permit in 2018 – the S106 obligation sought by the Council remains unsigned but this site too will be developed in the future.
- 2.5 These sites and the application site are shown below.



#### Surrounding Area

- 2.6 Whilst on the edge of Clacton On Sea there is a range of existing local services which include a post office, hairdresser, public house, fish-and-chip shop, and grocery stores. These are to be supplemented by additional community facilities associated with the major development on land east of Rouses Lane which amongst other facilities includes land reserved for a new primary school to be built to meet the demands of new homes in the area.
- 2.7 Furthermore, the town of Clacton has an extensive range of services and facilities all of which are readily accessible by a range of transport means including by cycle and bus services which stop on St John's Road outside of the application site.
- 2.8 The development site is also within 2 km of the neighbouring village St Osyth to the west.

### **3. BACKGROUND**

3.1 The adopted Development Plan comprises of:

- Tendring District Local Plan 2007
- Tendring District Local Plan 2013-2033 and Beyond: North Essex Authorities' Shared Strategic Section 1 Plan – Adopted January 2021

3.2 The Saved Local Plan policies remain of relevance to this application where they are consistent with the National Planning Policy Framework (the Framework) and paragraphs 91 and 92 the 2021 Planning Inspector's Decision usefully identifies the 'most relevant development plan policies' and those which are 'most important for determining the application'. This statement therefore utilises the Inspector's list of relevant and most important policies.

3.3 **Most important development plan policies** as defined by the Planning Inspector

QL1: Spatial Strategy

QL9: Design of New Development

QL10: Designing New Development to Meet Functional Needs,

QL11: Environmental Impacts,

HG13: Backland Residential Development

TR1: Transport Assessment

TR1a: Development Affecting Highways

3.4 **Other relevant development plan policies** as defined by the Planning Inspector

HG4: Affordable Housing in New Developments

TR3a: Provision for Walking

COM6: Provision of Recreational Open Space for New Residential Developments:

COM26: Contributions to Education Provision

ER3: Protection of Employment Land and,

EN11a - Protection of International Sites

3.5 The adopted Proposals Map shows the site approximately 300m west of and outside of the settlement boundary for Clacton, there would therefore be some conflict with Policy

QL1 (spatial strategy) however the Council has consistently made it clear that it raises no in principle objection to the nursery's redevelopment and does propose that the site be included within the settlement boundary in its emerging Part 2 Local Plan, and the proposal would in this case represent a logical expansion of the existing settlement utilising land already built upon up to the emerging new settlement boundary. This approach has been applied to a number of similar sites including those immediately opposite on St Johns Road (Rouses Lane Development) and opposite on Earls Hall Drive (the Glades caravan site) each of which have received either a planning permission or a resolution to grant in advance of the adoption of the Part 2 Local Plan.

- 3.6 The Inspector's most important list of policies QL9, QL10, QL11, HG13, TR1 and TR1a are each policies that address general design considerations for new development and seek to achieve well-designed development that does not unacceptably impact upon highway safety or severely impact the road network.
- 3.7 In assessing the detailed design of the previous application/appeal submission Tendring Planning Officers opined that "in totality, it is considered that the scale, layout, density, height and massing of buildings and overall elevational design would harmonise with the character and appearance of the surrounding area" (TDC Planning Committee Report para 6.74).
- 3.8 In his 2021 decision letter the Inspector was critical only of the treatment of the northern boundary of the site "at what would become a new point of transition between housing and the open countryside beyond" (para 20 Inspector's decision), and he was critical of the scale of one central block of flats – the four storey Block C, but he accepted that "the site is of a scale that could accommodate some new buildings of more than two storeys in height without such buildings becoming disrespectful of the established suburban context" (para 21), and he considered "the layout and design of the development within the vicinity of the site's eastern boundary to be unobjectionable". (para 25). He also said, "I am of the view that the new dwellings would not have an overt presence and that in the views from the south this development would not adversely affect the area's character and appearance. Discounting any views from Earls Hall Road I am also of the view that the proposed development would not appear out of place when viewed from further afield to the east or west" (para 26).
- 3.9 With regards to the new access road he was clear when he said, "I do not find this aspect of the scheme of itself to be objectionable" (para 28) and "I have found that the main estate road access would not cause visual detriment within the streetscene" (para 32).

- 3.10 By following this clear guidance from the Planning Inspector and in agreement with Council officers, the design and layout now proposed bears similarities to the previous scheme but has been reviewed with a view to addressing the specific issues raised by the Council in its 2020 Planning Committee Report, in its evidence presented at the 2020 Public inquiry and the comments made by the Inspector.
- 3.11 The revised design and layout therefore are similar to the previous proposal in many respects but has a number of key differences expressly intended to meet the criticisms of the former layout. The most significant change proposed are: -
- The removal of a line of 22 dwellings and gardens on the northern boundary of the site and the creation of an area of planted public open space in their place
  - The retention of the mature poplar trees planted on the northern boundary
  - The homes nearest the new northern open space are all reduced to two storeys
  - Reduction in height of central flat block C from four to three storeys.
  - Two new flat blocks within centre of site (blocks D and E)
- 3.12 The effect of these changes is the existing mature boundary planting will remain in place screening views of the site from the north. The screening will also be substantially enhanced with new complimentary planting within a newly formed area of landscaped open space measuring 260 m x 30 m and with an overall area of 7800 sq m. The homes nearest the northern boundary will now be at least 32 m from the boundary with most at more than 40 m from the boundary and they will now all be 2 storey height. These combined changes mean the actual and perceived impact of new development on the northern boundary will be significantly reduced and there will be a more gentle transition between new homes and the countryside to the north. Responsibility for the open space would be either transferred to the Council or a to a management company.
- 3.13 A further benefit of the softer transition with the countryside will be very substantial ecological and biodiversity enhancements in an area currently largely covered in buildings and concrete.
- 3.14 Throughout the site the revised scale and positioning of new homes and the mix and distribution of house types and particularly the reduction in height of the tallest flat block will further reduce the perceived visual impact from both beyond and within the site boundaries.
- 3.15 The appeal Inspector was clear that the access onto St Johns Road is acceptable and so

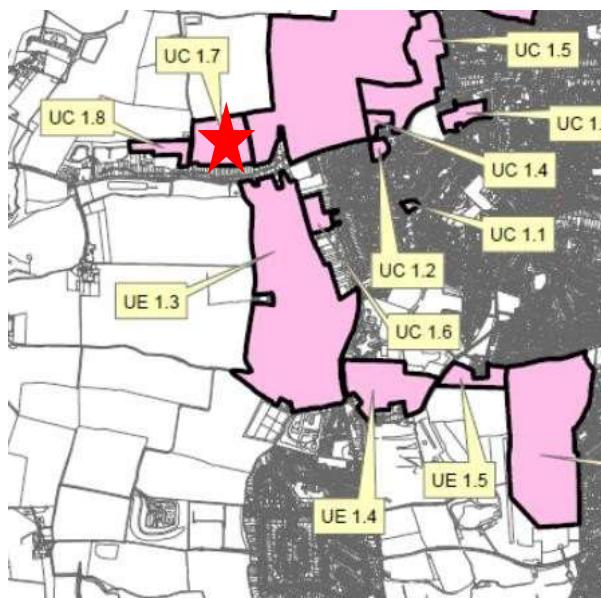
revised plans show the same new vehicular access. The other roads throughout the site and the links to the footpath on Earls Hall Drive which were not the subject of any criticism, are also the same as with the previous application. All are to be built to current standards and all have been assessed by the County Highway Authority which has previously clearly stated that it has no objections to these roads.

- 3.16 After examining the highways evidence of all parties' present at the Public Inquiry, the 2020 Inspector was also clear when he said "I consider that when all of the foregoing factors are taken into account the assessment of the effects of the operation of the development's junction with St John's Road alone and in conjunction with the operation of the Rouses Farm junction has been undertaken on a reasonable and robust basis, with the traffic generation predictions for the development being subject to some double counting and overestimation" (para 58). (E3 emphasis). He also said, "I consider the available evidence has not demonstrated that the use of the development's access would adversely affect highway safety in the area" (para 60).
- 3.17 At paragraph 59 he said, "I consider the amount of additional traffic using this part of St John's Road associated with the development would not be so great as to cause unacceptable delays to the entry or exit to the existing nearby dwellings" and at para 65 he said, "I therefore conclude that the proposed development would not adversely affect the safety and free flow of traffic on the local highway network".
- 3.18 At the recent public inquiry the Council also accepted that the larger development proposed would not adversely affect the amenity of neighbouring residents by overlooking or overshadowing homes and gardens, and so where the proposed development adjoins existing homes (principally those in homes fronting St Johns Road) the development remains unchanged.
- 3.19 The design and layout of the development has therefore been revised with the aim of achieving an even higher standard of design and to accord with each of the adopted Local Plan Policies identified by the Inspector as the "most important development plan policies" and other relevant policies. It directly responds to the concerns of the Council and the Inspector and results in very significant changes being made to the number of dwellings, the layout of the site and in particular the relationship with the countryside and the position and number of taller buildings.

- 3.20 The revised application proposes;
- fewer dwellings (180 compared to 195)
  - retention of all mature trees on the countryside boundaries
  - creation of a large area of public open space on the countryside edge
  - significant new planting throughout the site
  - much increased opportunity for net biodiversity gain
  - reduced potential for visual impact beyond the boundaries of the site
  - safe connections to the existing road and footpath network
  - functional, safe level and convenient access routes throughout the site
  - well-designed streets and homes on an appropriate human scale and,
  - new purpose-built business units suitable for local businesses
- 3.21 The removal of the nursery presents an opportunity to significantly improve the landscape character of the site and enhance its bio-diversity value. The development shows a sensitively designed suburban extension with attractive landscaped streets, a landscape buffer around its perimeter, streets designed to limit traffic speeds to 20mph and to offer walking and cycling links through the site and connecting to surrounding areas. The development is of relatively low density (28.89 dw/ha) with a substantial area of open space. It represents a high standard of design that will enhance the appearance of the site as required by development plan policies QL9 and QL10 and policies contained in the NPPF.
- 3.22 The Nursery use comprises a horticultural/agricultural use rather than an employment (B Class) use and so Local Plan Policy ER3 which relates to the protection of employment land does not apply. Despite this however the application proposes the creation of 1064 square metres of commercial space in 8 live/work units which will be a significant boost for local employment.
- Emerging Local Plan
- 3.23 Tendring District Council is in the process of preparing a new Local Plan. Part 1 containing its Strategic Policies was recently adopted with Hearings into Part 2 of the plan having already begun. The Part 1 Plan Policy SP 3 Spatial Strategy for North Essex makes it clear that existing settlements will be the principal focus for additional growth within the Local Plan period with development accommodated within or adjoining settlements.
- 3.24 In Section 2 of Local Plans it says “each local planning authority will identify a hierarchy

of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs" and in response to this objective and since 2012 with the consultation publication of Tendring's proposed submission Local Plan 2012, the settlement boundary for Clacton has been proposed to show the application site to be within the planned settlement boundary for the town and the Council's own publications have described it as being "suitable, available, and achievable for residential development".

- 3.25 The Council's 2014 SHLAA found that "For a development of this potential scale to be deliverable, access to the road network and the provision of new primary schools are major issues. The latter issue is likely to be resolved through development at Rouses Farm." Since then, the Rouses Lane site (UE 1.3) has received its resolution to grant planning permission and the access to the Nursery Site (UE 1.7) has been considered in great detail via a public inquiry and found to be safe, practicable and acceptable.



St John's Nursery Site (SHLAA site UE 1.7)

Rouses Farm Site (SHLAA site UE1.3)

#### Five year housing land supply

- 3.26 With the adoption of the Part 1 Plan in January 2021 the Council is now able to demonstrate that it has a five-year supply of deliverable homes, however this does not mean that other sites suitable for development should not be granted planning permission. The availability of a 5-year supply of deliverable housing sites is a minimum requirement and the availability of other sites such as the St Johns Nursery site will offer choice and competition and improved opportunities for delivery of new homes.

3.27 It is therefore clear that since the first preapplication discussions relating to this site took place several years ago, when it was confirmed that there would be no ‘policy’ objection to the proposal from a positional point-of-view, that the Council’s position has not changed greatly. The Council’s evidence at the recent public inquiry re-confirmed that it has no in principle objection to development of the nursery site and the site continues to be proposed for inclusion within the planned new settlement development boundary alongside other land already granted planning permission and in the course of being developed (The Glades Caravan Park extension).

#### **4. PROPOSED DEVELOPMENT**

- 4.1 Saved Policy HG13 and the emerging Draft Policy LP8 relates to backland development and whilst this development is situated behind existing frontage development on St Johns Road this does not automatically make it unacceptable, both the Council and the 2020 Planning Inspector’s decision acknowledge that it is suitable for redevelopment and the layout has now been revised, to take account of the recommendations of the Council planning officers, the Council’s written and oral evidence and the Planning Inspector’s comments. This revised proposal would in this case represent a planned expansion of the settlement up to the new settlement boundary by utilising previously developed land, and it would reinforce the landscaped edge of the site with the countryside in accordance with Council wishes.
- 4.2 The removal of the nursery therefore presents an opportunity to significantly improve the landscape character of the site and to enhance its bio-diversity value in accordance with the objectives of Local Plan Policy EN6.
- 4.3 Areas of public open space will be created occupying 17% of the site area, exceeding the Council’s minimum standard (10%).
- 4.4 The visual impact of the new homes and in particular adjacent to the northern boundary are very much reduced.
- 4.5 The access to the site has been confirmed as safe, practicable and acceptable and this revised planning application now proposes fewer homes and consequently a lower level of use such that the highway impacts of the development will be even less than before.
- 4.6 The site roads and paths will enable easy and safe access to all parts of the site and connection to existing walking routes and improvements to existing cycle routes.

- 4.7 The new dwellings have each been designed with care such that individually they will each offer a very good standard of amenity for occupiers with deep gardens and parking in accordance with council standards specified in Local Plan policy HG9. Cumulatively they offer a sensitively designed suburban extension with a landscape buffer around the perimeter, attractive and safe landscaped streets designed to limit traffic speeds and to offer walking and cycling links through the site and connecting to surrounding areas all at a human scale and offering visual interest. It maintains a smaller central area of open space close to the flats within the development as well as a very substantial area of open space on its northern edge. The development therefore represents a high standard of design that will significantly enhance the appearance of the site as required by development plan policies QL9 and QL10 and policies contained in the NPPF.
- 4.8 The application proposes 1064 square metres of commercial space in 8 live/work units to provide a range of uses and activity on the site. Using data from the Homes and Communities Agency Employment Densities Guide 2015, B1(a) use of the units would generate between 60 and 100 full time equivalent jobs.
- 4.9 These 8 live/work units are designed to attract small/medium business to the area with high quality modern space of a kind that is lacking in the town. The units are to be offered as live/work units to enable the operators of small businesses to live close to the office/workshops.
- 4.10 The development proposed is not therefore simply a residential suburb but a development that offers a mix of uses and one which addresses a recognised shortage of good quality modern office space in the area.
- 4.11 17 % of the site area is to be provided as public open space. This open/amenity space will be landscaped, and new planting/landscaping will be undertaken throughout the site to create attractive streets and vistas from the development to the countryside beyond and to enhance the currently low biodiversity value of the site and provide opportunity for healthy walking and cycling routes.
- 4.12 The application provides a broad range of residential accommodation ranging from one-bedroom apartments to five-bedroom houses. An appropriate proportion of dwellings will be provided as affordable housing in accordance with the requirements of emerging Local Plan Policy LP5 (subject to final viability assessment).

<b>Housing Mix</b>								
<b>Tenure</b>	<b>Type</b>	<b>1-bed</b>	<b>2-bed</b>	<b>3-bed</b>	<b>4-bed</b>	<b>5-bed</b>	<b>Total</b>	
All units	House		10	83	24	15	132	
	Apartment	16	24				40	
	Live work unit/office and flat		8				8	
Total		16	42	83	24	15	180	

- 4.13 The applicant acknowledges the Council's policy to secure 30% affordable housing on site in new developments however precise details of the community benefits including affordable housing totals, tenure and mix will be influenced by viability issues which will be determined at the application stage. It is noted that the emerging local policy advises the Council may accept a lesser percentage (no less than 10%) to be provided as Council Housing and a proportionate financial contribution.

### Access

- 4.14 Essex County Council has confirmed the access details are acceptable and this view has been reinforced by the 2020 Appeal Inspectors decision.
- 4.15 The Transport Statement that accompanies this application demonstrates that the proposal can be comfortably delivered without adverse impacts on the highway network and delivers improved connectivity to the rights of way network. Use of the existing substandard access on Earls Hall Drive will be significantly reduced and the traffic congestion problems associated with the use of the nursery site that have been the cause of past complaint will be eliminated.
- 4.16 Connections to the existing public footpath PROW 167 on Earls Hall Drive will be provided at two points (north west and south west corners of the site) to improve accessibility and links with surrounding areas and countryside.
- 4.17 The homes furthest from St Johns Road will be approximately 400m from the existing bus stops on St John's Road so all residents will be within walking distance of existing bus

services and the emerging development adjacent to Rouses Lane with its new community facilities.

- 4.18 The council has already acknowledged that the site is in a sustainable location but as a result of the development there will be further improvements to public transport facilities in the area and improvements to the cycle network.

### **Flood Risk and Drainage**

- 4.19 The application is accompanied by a Flood Risk Assessment (FRA) and a Drainage Strategy. The FRA confirms that the proposal site is in flood zone 1, where the risk of all forms of flooding is low and the development will not increase flood risk on or off the site.

### **Foul Drainage**

- 4.20 Foul flows will outfall at an unrestricted rate to the nearest public foul sewer. An agreement in principle will be carried out with Anglian Water at detailed design, when more site-specific information will be available.

- 4.21 The scheme allows for this to be addressed by this proposal and is explained in more detail in the drainage strategy that accompanies this application.

### **Surface Water Drainage**

- 4.22 The site is presently covered by a very substantial area of glass houses and concrete hardstandings. The proposal to remove this impermeable covering and redevelop for housing, with substantial areas of open space will therefore result in a very considerable improvement in permeability such that run-off rates will be reduced with a 20% betterment to the brownfield runoff rates applied. This is a considerable benefit to the local area and accords with the current Sustainable Urban Drainage Systems (SUDS) policies for this area.

- 4.23 The strategy that has been developed is one that involves infiltration and on-site attenuation prior to discharge at a controlled rate.

- 4.24 The attenuation areas will take the form of ponds and swales in the open space areas and adjacent to the roads and pathways.

### **Legal Agreement**

- 4.25 It is anticipated that a legal agreement will be required to secure the following legal obligations:

- Provision of on-site affordable housing.
- Management arrangements for the landscaped and open space areas of the site (including the play space) and any appropriate management contributions.
- Provision of a financial contribution towards enhanced primary and secondary school provision in the area made necessary by the development.
- Provision of a financial contribution toward enhanced health services in the area made necessary by the development.
- Provision for a financial contribution towards the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS)
- Contribution to bus services operating along St. John's Road
- Off site highway improvements to cycle route on St. Johns Road

4.26 The scope of this list is to be the subject of further negotiation with officers during the application process and will be subject to the scheme's financial viability.

## **5. AFFORDABLE HOUSING STATEMENT**

5.1 This section provides an overview of the affordable housing element of the scheme.

### **Council Requirements**

5.2 Emerging Policy LP5 sets a requirement of 30% affordable housing provision, subject to viability testing. Alternatively, the Council will accept a minimum 10% of new dwellings to be made available for use as Council Housing, with financial contributions towards the construction and acquisition of new council housing equivalent to delivering the remainder of the 30% requirement. The precise level of affordable housing to be provided at this site will be confirmed through the negotiation of this application and a better understanding of the on-site requirements of the Council.

## **6. PLANNING ASSESSMENT**

- 6.1 S38(6) of the Planning and Compulsory Purchase Act 2004 says that if regard is to be had to the development plan the determination must be made in accordance with the plan unless material considerations indicate otherwise. The planning assessment below addresses these matters in the context of the Development Plan (as detailed in Section 3 of this statement), the Framework and the Planning Practice Guidance.

### **Principle**

- 6.2 The application site lies close to the town's current development boundary. In this location policy QL1 of the adopted development plan applies. The proposed development is not consistent with those countryside policies and therefore is in conflict with policy QL1 however, the Council has repeatedly stated in evidence that it has no 'in principle' objection to redevelopment of the nursery site and has also resolved to grant planning permission for hundreds of new homes nearby on land which is also outside of the Town's development boundary.
- 6.3 However, the site does lay wholly within the settlement development boundary proposed in the emerging local plan. This inclusion within the draft settlement development boundary and repeated statements made by the Council make it clear the Council considers this to be a sustainable location for growth on the edge of the urban settlement of Clacton-on-Sea.

### **Site Location**

- 6.4 The sites' location accords with the strategic aims of the Part 1 Local Plan which encourages the location of new homes in and adjacent to existing main settlements and so the sustainable location of the site is also an important material consideration that weighs in favour of the proposal. It is close to a range of existing facilities and services which can be reached easily by foot or cycle and by public transport.
- 6.5 As such, the proposed development is located so that it can take advantage of existing local services and transport links as encouraged within the Framework and Part 1 Local Plan. In addition, it can support the provision of new facilities and open space to serve the existing community.

### **Detailed Design & Layout**

- 6.6 Good design is a key aspect of sustainable development and Adopted Local Plan Policies QL9 and QL10 require that development proposals make a positive contribution to the

quality of the local environment by virtue of good urban design, and address functional considerations such as residential amenity, servicing and access.

- 6.7 The layout has been shaped through consultation with council officers and latterly through the detailed process of a public inquiry where the Planning Inspector identified only a limited range of criticisms of the design and layout. The Inspector's comments have been addressed in this current application. It significantly reduces the visual impact of development on the northern boundary with the countryside which was the Inspector's main concern, and creates a large area of planted open space as a buffer with the countryside. The height of the tallest building on site is reduced by one storey and the height and location of taller homes is reviewed throughout the site. The result is a development with 15 fewer homes, a larger area of planted open space on the northern boundary and a generally lower profile of new homes.
- 6.8 The proposed new access road between numbers 698 and 702 St John's Road which was considered acceptable by the 2020 Inspector will continue to provide the principal access to the site and development within. The entire internal road network which also was considered acceptable is unchanged and is designed to current standards to limit speeds within the development and to offer safe and convenient access to all users. A secondary route suitable for pedestrians and cyclists is provided adjacent to Earls Hall Drive and a further link to the footpath on Earls Hall Drive at the north west corner of the site is to be provided also. A network of footpaths and cycleways will ensure that attractive and safe walking and cycling routes are available throughout the site. The entire site is within easy reach of existing bus stops on St John's Road.

### Density

- 6.9 The new NPPF requires that developments make effective use of land and requires that decision makers "give substantial weight to the value of using suitable brownfield land within settlements for homes" and "optimise the use of land in their area and meet as much of the identified need for housing as possible". The net density of development on site remains very similar to the previous application where adopted policy HG7 sets the expectation that a minimum density of 30 dwellings per hectare will be achieved. Emerging policy LP3 does not set a target density but advises that an appropriate density should be achieved with regard to accessibility to local services, the character of surrounding development, the on-site infrastructure and the need to achieve an appropriate transition between built development and the open countryside.

6.10 The density of development proposed is 28.89 per hectare.

### **Housing Mix**

6.11 Adopted policy HG6 explains that an ‘appropriate’ mix of housing is sought for residential developments; adopted policy HG3a expects developments to provide a mix of types, sizes and tenures. Emerging policy LP2 advises that the mix of housing to be provided should ‘broadly reflect’ the housing needs identified in the SHMA.

6.12 The housing mix is shown in the table above.

6.13 The proposals achieve an appropriate housing mix which complies with adopted and emerging local policy.

### **Open Space and Play Provision**

6.14 Policy COM6 of the adopted Local Plan and emerging policy LP4 both require at least 10% of the site area of large development sites to be set aside as open space. This level of provision is exceeded with a large and usable area of open space that offers children’s play and recreation space as well as ecological benefits and an attractive visual outlook for a significant number of the homes proposed.

6.15 The development also makes possible a number of walking routes and accessible pockets of open space dispersed around the development and connections with the existing rights of way network. This provision will help in meeting the needs of new residents as well as existing residents in the local area and will promote walking and cycling to encourage healthy activity for residents of the area, promoting healthy lifestyles.

### **Landscape**

6.16 Adopted Policy EN1 seeks to protect landscape character, including the setting and character of settlements. Emerging policy LP3 requires residential development to have regard to the character of surrounding development and the need for an appropriate transition between built form and the open countryside.

6.17 In addressing the Inspector’s comments with the significant changes to the layout now proposed, the development incorporates additional landscape planting to reinforce the screening of the site and to achieve an appropriate transition between built form and surrounding countryside, creating a suitable edge to the development which respects the local landscape character.

6.18 The Inspector confirmed the development would have little impact on more distant views.

### Flood risk

- 6.19 The proposed development lies within Flood Zone 1, meaning it is within the area at least risk of flooding (1 flood event in 1000 years or greater) from the sea or rivers. The reduction in hard covered area within the site, and the increased open/permeable land resulting will result in greater absorption of rainfall and a reduced surface water flow rate leaving the site. Sustainable urban drainage principles are designed into the scheme.
- 6.20 The application is accompanied by a Flood Risk Assessment and Drainage Strategy.

### Ecology

- 6.21 Adopted policy EN6 requires that existing biodiversity of a site must be protected and enhanced if planning permission is to be granted. The Framework also requires that opportunities are taken to encourage biodiversity in and around developments.
- 6.22 An Extended Phase 1 Habitat Survey and Bat Risk Assessment reveals that much of the site is of low biodiversity value, with the surrounding boundary habitats (such as the hedgerows bordering the site) having the greatest potential to be of value to protected species.
- 6.23 A series of Phase 2 surveys were carried out confirming that the site is not likely to have roosting bats present and showing that only an invasive species of European lizard is present on site. These lizards will be trapped and removed from the site in accordance with best practice.
- 6.24 The site at present is of limited biodiversity value and as the ecological surveys demonstrate there are opportunities to significantly enhance biodiversity on the site. Existing trees are to be retained, new planting carried out, new links to the countryside created. As such the proposed development can achieve net gains in biodiversity and therefore meet the expectations of adopted policy EN6 and the Framework.

### Highways and transportation

#### *Impact upon the highway network*

- 6.25 The Transport Assessment submitted with both this and the previous application (for a greater scale of development) clearly shows the road network has sufficient capacity for

the development and the proposed new junction and internal access roads are acceptable and accord with ECC design requirements. This issue was examined in detail by the 2020 planning Inspector and he concluded the highway and transport impacts were acceptable.

- 6.26 Correspondingly, the proposed development complies with policies TR1a, TR1 and paragraph 32 of the Framework in respect of highways impact.

### **Encouraging cycling and walking**

- 6.27 The development gives priority to pedestrian and cycle movements and will create a safe and secure layout. Policies TR3 and TR5 require development proposals to make provision for pedestrians and cyclists respectively, to encourage the use of these modes of travel.
- 6.28 Emerging Local Plan policy SAMU4 requires the provision of appropriate pedestrian and cycle routes within the site. The proposed development incorporates routes conducive to cycling and walking. In addition, walking and cycling routes will be provided throughout the open space on site and linked to the wider network.
- 6.29 Correspondingly, the proposed development complies with the Framework and relevant local policies.

### **Access to public transport**

- 6.30 The Framework requires that development is directed towards locations where the need to travel can be minimised and offering a genuine choice of alternative sustainable modes of transport can be maximised. The proposed development lies close to the public footpath network and existing regular bus routes which in turn provide access to the town and bus and rail connections leading further afield.
- 6.31 As such, it is considered that the site is well-located to make good use of the existing public transport network such that residents will not need to rely on use of the private car for day-to-day activities. The scheme therefore accords with the requirements of the Framework and the Local Plan in this regard.

### **Built Heritage**

- 6.32 The application site is not within or close to a conservation area. The nearest listed building is Duchess Farmhouse (Grade II) which lies to the north of St Johns Road, approximately 175m from the application site's eastern edge. The next closest listed building is Earls Hall Lodge 350m north of the site. The Heritage statement accompanying the application confirms the proposed development would have no impact on the setting of the two Grade

II-listed buildings, and their special architectural and historic interest would be preserved. This would therefore meet the tests for sustainable development in the National Planning Policy Framework insofar as they relate to the historic environment; should any 'less than substantial harm' be identified this would be significantly outweighed by the public benefits of providing a range of housing on disused brownfield site.

### **Land contamination**

- 6.33 Local Plan policy COM19 advises that permission will not be granted for development on contaminated land without remediation measures having been implemented. Paragraph 118 of the Framework encourages the remediation of contaminated and despoiled land and at 178 requires that development sites are suitable for their new use in respect of ground conditions.
- 6.34 Given the very substantial coverage of buildings and concrete hardstandings on the site an assessment of ground conditions has not been possible however it is acknowledged that localised contaminants may be present. Appropriate measures (including removal of contaminated soil) can be taken and secured by condition, to mitigate its effects. As such, the proposed development is considered to meet the requirements of policy COM19 and paragraph 121 of the Framework.

### **Community Infrastructure**

- 6.35 The Council's planning service has expressed a clear wish to see the site developed with mixed uses. Whilst the lawful use is an agricultural use rather than an employment use as defined by the Council, the application nevertheless proposes that employment offices also be included within the development to assist in the creation of a mixed and balanced community.

### **Financial Contributions**

- 6.36 Adopted Local Plan policy QL12 explains that the Council will seek financial contributions towards community facilities and infrastructure via a S106 legal obligation .
- 6.37 The likely level of financial contributions will be determined in consultation with relevant service providers to ensure that the infrastructure and community requirements of the development are met. Such discussions will also ensure that all financial contributions and any other obligations secured as part of this application comply with Regulation 122 of the Community Infrastructure Regulations 2010.

### **Assessment Conclusions**

- 6.38 The above assessment and the assessment of the 2020 Planning Inspector demonstrates that the proposal generally complies with the policies of the development plan that remain relevant to the determination of this application. This principle of the redevelopment is consistent with the emerging Local Plan which shows this site included with the settlement boundary.
- 6.39 It achieves the Framework's three dimensions of sustainable development – economic, social and environmental.

### **Economic**

- 6.40 The proposed development will secure significant economic benefits during its construction and occupation. Development of this scale will support jobs in the construction industry while the new homes are built. Once occupied, the residents of the proposed development will increase spending in the local area and expand the local workforce and provide income for the council in the short and longer terms. The proposed business units will directly support job creation within the site and fill an identified gap in the local provision of high quality and modern business space in the area.

### **Social**

- 6.41 New homes are a clear social benefit. The delivery of much-needed housing should carry very significant weight. The development will provide affordable housing to a level that is financially viable in accordance with national and local planning policy. The development will support existing community facilities and assist in their continuing viability and the viability of the community itself by providing homes and jobs for all demographic groups. It will provide safe open/recreational/play space where currently such opportunities are very limited.

### **Environmental**

- 6.42 The proposal involves the removal of extensive glasshouses which are in clear decline. It will see the site cleared and new environments created which will achieve net gains in biodiversity. It includes measures to mitigate its effects on the landscape through its design, the provision of open space and landscaping and it will remove an access and junction which regularly causes congestion and highway risk by effectively closing Earls Hall Drive to all traffic except that required by the farm.

6.43 The site is well-located with regards to public transport services and will promote healthy lifestyles through its walking and cycle friendly layout.

### **The planning balance**

6.44 The adverse impacts identified by the 2020 Planning Inspector have each been addressed.

- Trees on the northern boundary of the site are now to be retained.
- A line of houses previously proposed adjacent then northern boundary are removed and a very substantial area of planted open space is proposed in its place.
- All buildings proposed are now no higher than three storeys.
- House types and heights have been reappraised throughout the site.
- The number of dwellings proposed is reduced by a total of 15.
- The impacts on the local highway network are even further reduced.

6.45 The proposed development achieves substantial economic, social and environmental gains which are not outweighed by adverse impacts. The council has acknowledged that the proposal delivers sustainable development and that, in the context of the Development Plan and the Framework's presumption in favour of sustainable development, the proposed development should be approved at the earliest opportunity.

## **7. SUMMARY & CONCLUSIONS**

7.1 The detailed examination of a previous similar proposal for development on this site identified only a very limited range of criticisms, each of which is addressed by this revised planning application.

7.2 This proposal is consistent with the emerging Local Plan which shows this site included with the Emerging Plan's settlement boundary. It also demonstrates that the proposal accords with many saved policies of the adopted development plan that remain relevant and does not conflict with the development plan or the Framework when they are read as a whole.

7.3 The technical work which supports this application demonstrates the absence of adverse impacts arising from the scheme. It also shows the substantial benefits that come from the scheme such that it can be appropriately described as delivering sustainable development.

7.4 In contrast to other sites the subject of resolutions to permit, as a full application the site can be built quickly once permission is granted to allow for the prompt delivery of the much-needed houses and facilities at this site.

- 7.5 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and taking the development plan and policies contained in the National Planning Policy Framework as a whole, it is considered that the proposed development should be approved without delay.