



SOUTH CORNER OF FOOTS FARM,
THORPE ROAD, CLACTON-ON-SEA

PLANNING STATEMENT

February 2024

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1. Introduction

This Planning Statement has been prepared in support of the application for planning permission to create 40 no. two and three bedroom bungalows and associated landscaping, roads, parking and drainage infrastructure, an entrance from Thorpe Road and a new area of public open space at the south corner of Footh Farm in Clacton-on-Sea.

The context, parameters and the proposed scheme for the development of the site are described in detail in the Design and Access Statement, while this statement sets out the justification for the scheme from a planning perspective, including a review of applicable planning policies, a note on the principle of development for residential use and a summary of the reports and assessments submitted in support of the proposed scheme. This statement confirms that the proposed scheme is in compliance with the statutory development plan and all key material considerations, meaning that the application for planning permission should be approved without delay.

2. Site context

The site is on the northern edge of Clacton-on-Sea, immediately abutting the built-up area of the town. The site is broadly flat, falling very gently from north to south, and covers an area of 2.4 hectares (5.9 acres). It is currently unused, having been granted outline planning permission for an industrial building in 1997 and left undeveloped pending the outcome of an application for planning permission to create 58 new homes and a medical centre, which was withdrawn in December 2022. A substantial hedge defines the southern and eastern boundaries and remnants of former field boundaries mark the northern and western edges, leaving the centre of the site open and without any features. The site is within Flood Zone 1 (it is at the lowest possible risk of flooding), is not within a conservation area and does not contain any listed buildings, scheduled monuments or non-designated heritage assets.

Existing roads define two sides of the site and provide the main access points. To the south, Centenary Way (B1442) is an important strategic route that links the A133 to the employment and commercial areas to the east of the site and the residential area across the northern side of Clacton, acting as a northern by-pass. The road marks the current edge of the built-up area of the town, with existing development already running up to it that includes the nursery/pre-school and recreation ground at Chingford Avenue, a holiday park, an out-of-town supermarket and the scheme for 122 new homes opposite the site (application reference 20/01130/FUL). Hedges mark both sides of the road, emphasising that it is a through route between the roundabouts at the Morrisons supermarket and the junction with Thorpe Road and Stephenson Road. Further to the east, the employment-generating land uses at the Oakwood Industrial Estate and Gorse Lane Industrial Estate are separated from one another by the commercial uses within the Clacton Factory Outlet, with the Oakwood Park scheme to create residential-led mixed-use development wrapping around behind it, delivering more than 1150 new homes, a new primary school, a neighbourhood centre, healthcare facility up to 2033, with space left for future expansion when the local plan is reviewed.

To the south, the northern suburbs of the town stretch away towards the town centre, mainly comprising the residential streets off Farmleigh Avenue and Redbridge Road to the south and Gorse Lane and Lymington Avenue to the south east. Schools, convenience stores and small areas of open space can be found within the urban grain, serving the day-to-day needs of the community. As noted above, the site on the opposite side of Centenary Way will accommodate 122 new homes and further residential development and employment uses have been approved on the land to the east, with construction now complete on the site immediately to the east to create 47 new bungalows, with work continuing on the land to the north that benefits from outline planning permission and the approval of the reserved matters for the creation of up to 250 new homes and employment uses.

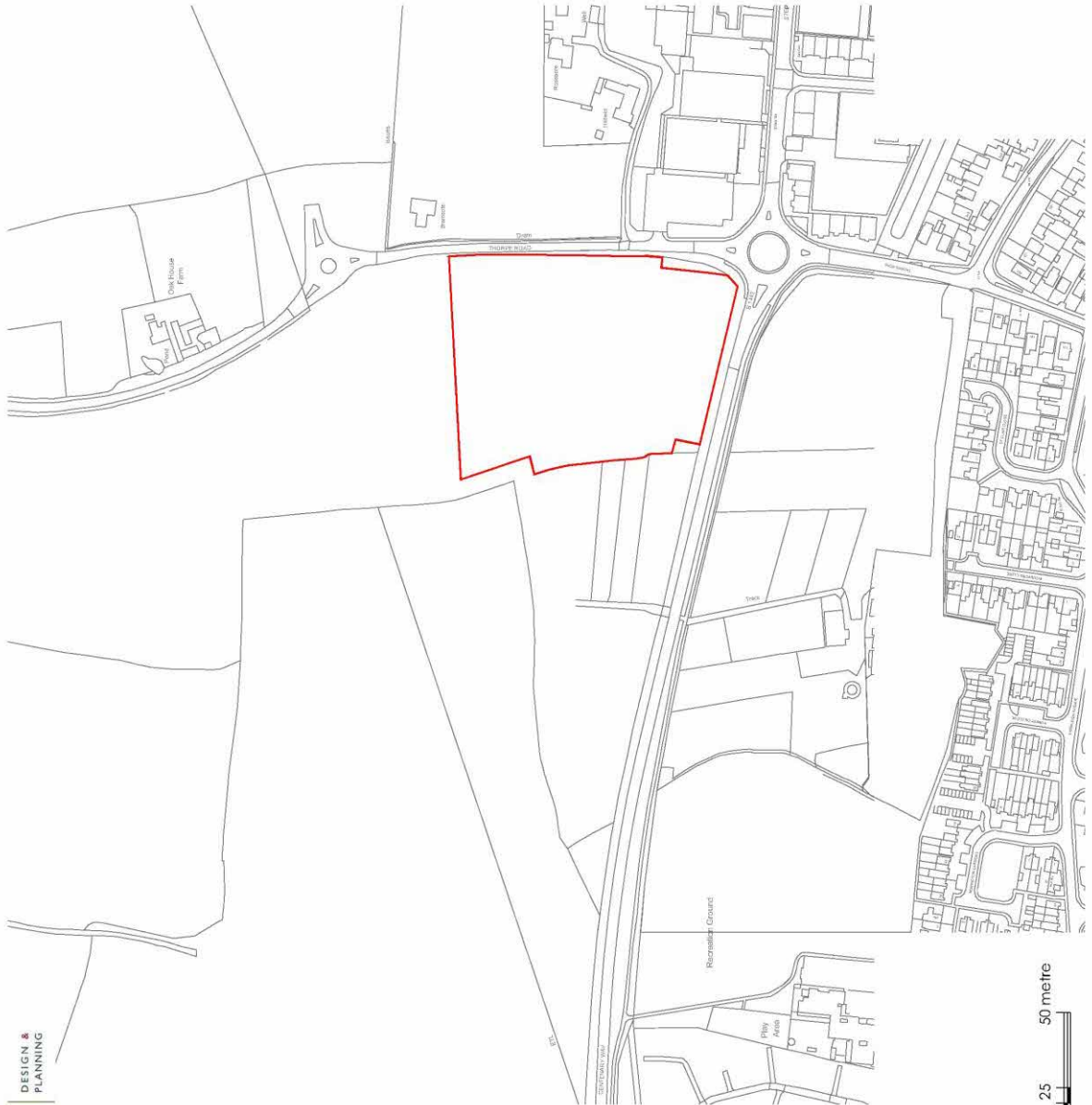
Opposite page: Location Plan submitted with the application for planning permission (not to scale), showing the site edged in red. The relationship with the existing built-up area of the town to the south, together with the ongoing development to the east places the site in a specific context where built development would not read as expansion into the countryside.



Project:
**Land at Fools Farm,
Thorpe Road,
Clacton on Sea,
Essex**

Description:
Location Plan

Date: October 2023
Drawing scale: 1:500 @ A3
Drawing number: MAD/P/PL/01
Revision: DD
[WWW.JCNDESIGN.CO.UK](http://www.jcn-design.co.uk)



3. Proposed scheme

This application for planning permission proposes the creation of 40 no. two and three bedroom bungalows and associated landscaping, roads, parking and drainage infrastructure, an entrance from Thorpe Road and a new area of public open space. The whole site will be in residential use or uses ancillary to the new homes.

A single point of vehicle access is proposed, staggered to the south of the junction with Oaks Drive that serves the recently completed scheme of 47 bungalows and two houses on the opposite side of Thorpe Road. A short avenue runs into the centre of the site, with cul-de-sac streets splitting off to the north and south to serve the perimeter block form – four blocks are proposed so that the new homes face outwards in all directions, creating a “public face” when viewed from the adjoining streets and from the open space and landscaping that loops around the outside of the site. The public open space is laid out as a circular walking route, with new trees and hedges on the boundaries to address the potential visual impact of the bungalows and the help integrate the scheme into the wider setting of the northern edge of Clacton-on-Sea.

Across a net site area of 2.4 hectares (5.9 acres), the proposed scheme of 40 new homes equates to a density of 16.7 dwellings per hectare (6.8 dwellings per acre).

Opposite page: proposed Development Layout (not to scale), with scheme coloured – this includes retention of the existing landscaping to the east, west and south sides and the creation of a new junction on Thorpe Road to serve the site, as well as the new public open space focussed on the eastern edge (including a children’s play area) and the 40 new bungalows.

4. Planning policy

Section 38 of the Planning and Compulsory Purchase Act 2004 requires local authorities to determine an application for planning permission in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for the Clacton-on-Sea area of Tendring District is:

- National Planning Policy Framework
- National Planning Practice Guidance
- Essex Minerals Local Plan 2014
- Essex and Southend-on-Sea Waste Local Plan 2017
- Tendring District Local Plan 2013 – 2033 and Beyond: North Essex Authorities' Shared Strategic Section 1
- Tendring District Local Plan 2013 – 2033 and Beyond: Section 2

The National Planning Policy Framework and National Planning Practice Guidance are material considerations in the determination of an application for planning permission, along with the council's suite of supplementary planning guidance notes.

National Planning Policy Framework

The latest version of the National Planning Policy Framework (NPPF) was issued in December 2023 and all planning policies at a local level should be in accordance with it. However, where policies pre-date the framework, the relationship between national and local planning policy is fluid, with the level of weight given to policies being dependent on their consistency with the NPPF – in other words, the better the policy reflects the NPPF, the greater the weight that it will be given. *Paragraph 224* confirms that the policies in the framework are material considerations in the determination of applications for planning permission but *paragraph 225* clarifies that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

Paragraph 10 states that at the heart of the NPPF is a presumption in favour of sustainable development, which is explained in *paragraph 11*. At the decision-taking (development management) stage, this means approving applications for planning permission that accord with an up-to-date development plan without delay, or where the policies which are most important for determining the application are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole.

Achieving sustainable development means that the planning system has three overarching objectives, which are described in *paragraph 8* as follows:

- a) *Economic* – helping to build a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity.

- b) *Social* – supporting strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by fostering a well-designed and safe built environment.
- c) *Environmental* – contributing to protecting and enhancing our natural, built and historic environment, including making effective use of land; helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.

Paragraph 38 goes on to confirm that decision-makers at every level should seek to approve applications for sustainable development where possible and that local planning authorities should approach decisions on proposed development in a positive and creative way. *Paragraph 47* highlights that decisions on applications should be made as quickly as possible.

The NPPF states at *paragraph 60* that in order to support central government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that to determine the minimum number of new homes needed, strategic policies should be informed by a local housing need assessment (*paragraph 61*) and a strategic housing land availability assessment (*paragraph 69*), whilst *paragraph 126* confirms that decisions need to reflect changes in the demand for land, informed by regular reviews of the land allocated for development in plans and land availability. *Paragraph 63* also confirms that planning policies should assess and reflect the size, type and tenure of housing needed for different groups in the community.

Paragraph 96 encourages the creation of healthy, inclusive and safe places, including:

- a) the promotion of social interaction through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods and through the active street frontages.
- b) Creation of safe and accessible places through the use of clear and legible public routes, and through the creation of high quality public space that encourages active and continual use.
- c) Enabling and supporting healthy lifestyles, through the provision of safe and accessible green infrastructure and through layouts that encourage walking and cycling.

Paragraph 131 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development, creating better places in which to live. *Paragraph 135* sets out six standards where planning policies and decisions should ensure that developments:

- a) Function well and add to the overall quality of the area, over the lifetime of the development.
- b) Are visually attractive as a result of good architecture, layout and landscaping.

- c) Are sympathetic to local character, including the surrounding built environment and landscape setting, while not discouraging innovation or change.
- d) Establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) Optimise the potential of the site to accommodate an appropriate amount and mix of development, supporting local facilities and transport networks.
- f) Create places that are safe, inclusive and accessible, with a high standard of amenity and where crime and disorder does not undermine the quality of life or community cohesion.

Paragraph 139 confirms that permission should be refused for development that is not well designed but that, conversely, significant weight should be given to outstanding or innovative designs that promote high levels of sustainability or help raise the standard of design in an area so long as they fit in with the overall form and layout of their surroundings.

There is a requirement for policies and decision making to promote effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions, set out in *paragraph 119*. *Paragraph 124* goes on to confirm that decisions should encourage multiple benefits from land, opportunities to achieve net environmental gains (including the creation of new habitats), supporting appropriate opportunities to remediate degraded and derelict land, and redeveloping under-used land. *Paragraph 125* states that local planning authorities should take a proactive role in bringing forward land suitable for meeting development needs. Decision-making should support development that makes efficient use of land, as set out in *paragraph 128*, taking account of the need for different types of housing, the availability of land suitable to accommodate it, market conditions and viability, availability and capacity of infrastructure and services (both existing and proposed), scope to promote sustainable travel choices, the desirability of maintaining the character and setting of an area versus promoting regeneration and change, and the importance of securing well-designed, attractive and healthy places. *Paragraph 129* makes clear that it is important that sites are not developed at low densities and that the use of land is optimised.

The promotion of sustainable transport is an important element of the NPPF, with *paragraph 108* stating that transport issues should be considered from the earliest stages of development proposals and patterns of movement are integral to the design of schemes, contributing to making high quality spaces. Furthermore, the planning system should actively manage patterns of growth to actively support the promotion of sustainable transport, with a focus on locations that are or can be made sustainable, through limiting the need to travel or offering a genuine choice of transport modes (*paragraph 109*), planning policies that support an appropriate mix of uses across an area (*paragraph 110*) and ensuring that planning applications promote sustainable transport modes (*paragraph 114*). *Paragraph 116* notes that applications for development should give priority first to pedestrian and cycle movements, followed by facilitating access to high quality public transport and maximising the catchment area for bus and other public transport services.

Care is also needed to contribute to and enhance the natural and local environment, with *paragraph 180* noting that decision making should recognise the wider benefits from natural capital and ecosystem services (including trees and woodland), the need to provide net gains for biodiversity, the requirement for new development to avoid contributing to and being put at risk from unacceptable levels of soil, air, water or noise pollution, and the benefit of remediating and mitigating despoiled, degraded, derelict and contaminated land. Securing measurable net gains for biodiversity via planning policies is also mentioned in *paragraph 185*. In addition, *paragraph 136* seeks the inclusion of trees in urban areas, identifying that they make a contribution to the character and quality of urban environments, as well as mitigating and adapting to climate change. It requires that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in new developments, as well as ensuring that existing trees are retained wherever possible.

Paragraph 159 goes on to note that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change and should help to reduce greenhouse gas emissions, such as through location, orientation and design. The same principle is applied by *paragraph 162* and the expectation that new development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. *Paragraph 173* states that schemes should ensure that flood risk is not increased elsewhere and *paragraph 175* confirms that major developments should incorporate sustainable drainage systems.

Early, proactive and effective engagement is supported by *paragraph 137* and it states that design quality should be considered throughout the evolution and assessment of individual proposals. Reference is also made to early discussions about the design and style of emerging schemes, which is important for clarifying expectations and reconciling local interests and commercial requirements, and to working closely with those affected by proposals to evolve designs to take account of the views of the community. *Paragraph 138* encourages local planning authorities to use tools and processes for assessing and improving the design of proposed schemes, which should be used as early as possible in the evolution of schemes.

Planning Practice Guidance

The NPPF is backed up by the Planning Practice Guidance, an online resource of planning guidance in the form of questions and answers, intended to simplify the suite of separate documents that it replaced. It is actively managed and updated as soon as ministerial statements or a new central government position is issued.

The PPG on design includes a section stating that local authorities are advised that design can be considered at an early stage to “assist community engagement” and “provide a framework for the preparation and submission of reserved matters proposals”. The guidance states that councils can agree a design code with applicants that will inform decisions on applications, although a code has already been prepared as part of the emerging neighbourhood plan and is discussed in more detail below. Guidance is also provided on how to ensure post-consent design quality is maintained as schemes progress towards completion.

National Design Guide

In January 2021, central government updated the inaugural National Design Guide (NDG) that sits alongside the PPG on design. The government said the new guide “illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice”. According to the guide, it is intended to underpin paragraph 139 of the National Planning Policy Framework (paragraph 130 when the NDG was published), which states that permission should be refused for development of poor design.

The guide summarises the government’s priorities for well-designed places in the form of ten considerations:

- 1) Context – the guide states that good design enhances the surroundings.
- 2) Identity – good design will be attractive and distinctive.
- 3) Built form – a coherent pattern of development will deliver places that are walkable and make efficient use of land with an amount and mix of development and open space that optimises density.
- 4) Movement – well-designed places should be accessible and easy to move around.
- 5) Nature – good design should see nature enhanced and optimised.
- 6) Public spaces – should be safe, social and inclusive so that the public realm feels safe, secure and attractive for all to use.
- 7) Uses – sustainable places should include a mix of uses that support everyday activities, including to live, work and play. Developments should be “mixed and integrated” and neighbourhoods need to include an integrated mix of tenures and housing types that reflect local housing need and market demand.
- 8) Homes and buildings – well-designed homes and buildings will be functional, accessible and sustainable.
- 9) Resources – well-designed places and buildings will be efficient and resilient and they will conserve natural resources including land, water, energy and materials.
- 10) Lifespan – developments should be made to last.

Tendring District Local Plan 2013 – 2033 and Beyond

The Proposals Map shows that the site is outside the Settlement Development Boundary that encloses Clacton, although the boundary line runs along the southern (Centenary Way) and eastern (Thorpe Road) edges of the site and the application site is therefore directly adjacent to the defined built-up area of the town. The Settlement Development Boundary has been expanded to accommodate the forthcoming housing scheme to the south, the recently completed residential development to the east and the strategic development allocation at Oakwood Park, placing them all inside the extent of the built-up area of the town even though some parts have not yet been constructed.

The site is inside the designation of a Strategic Green Gap, stretching from Holland Road, Thorpe Road and Centenary Way on the east side to Little Clacton to the north west and the A133 and the strategic allocation at Hartley Gardens to the south west. The gaps are intended to prevent the coalescence of settlements so that they retain their distinct identity, as described in Policy PPL 6 Strategic Green Gaps:

“ The Strategic Green Gaps as shown on the Policies Maps and Local Maps will be protected in order to retain the separate identity and prevent coalescence of settlements. Any development permitted must be consistent with other policies in the plan and must not (individually or cumulatively) lead to the coalescence of settlements.”

The purpose of the gap that includes the application site is to ensure that Little Clacton does not merge into its much larger neighbour at Clacton-on-Sea, with identified characteristics that include the open and undeveloped character of the land, forming a visual break between settlements, boundaries that follow physical features on the ground floor and with the land only required to secure the objectives of a Strategic Green Gap included. Furthermore, *Policy PPL 3 The Rural Landscape* states that planning permission will be refused for development that would cause overriding harm to the character and appearance of the rural landscape, including skylines and prominent views, traditional buildings and settlement settings, and hedgerows and trees. It also notes that new development within the rural landscape should minimise the impact of light pollution to protect both rural amenity and biodiversity.

There are no other designations applied to the site, and it is confirmed that it does not form part of an Area of Special Character, a conservation area, safeguarded open space or ancient woodland, an area of outstanding natural beauty, safeguarding for the extraction of minerals, safeguarding as a holiday park, the Coastal Protection Belt or Flood Zones 2 and 3 and it is not subject to any statutory designation for its wildlife value.

Policy SPL 2 Settlement Development Boundaries states that to encourage sustainable patterns of growth and to carefully control urban sprawl, there will be a general presumption in favour of new development inside Settlement Development Boundaries – the supporting text states that development outside Settlement Development Boundaries “will be the subject of strict control to protect and enhance the character and openness of the countryside”. Where sites are outside the boundaries, the council will consider any planning application in relation to the pattern and scale of growth promoted through the settlement hierarchy in Policy SPL 1, as well as all other relevant policies. As noted above with regard to paragraph 60 of the NPPF and to support central government’s objective of significantly boosting the supply of homes,

it is important that a sufficient amount and variety of land can come forward where it is needed. *Policy SP 4 Meeting Housing Needs* sets a minimum housing requirement for the period 2013 to 2033 of 11,000 homes, which equates to 550 homes per annum. The review of the district's housing land supply for 2022/23 that was presented to the Planning Policy and Local Plan Committee on 20 December 2023 confirmed that the council can show a 6.44 year supply of deliverable housing sites, meaning that the council is in a strong position to resist proposals for unsustainable development or schemes that are in the wrong location unless there are material benefits that would justify an exceptional departure from the policies in the local plan.

The existing settlements in the district will be the principal focus for additional growth in the district, as set out *Policy SP 3 Spatial Strategy for North Essex*, with an emphasis on development being “accommodated within or adjoining settlements according to their scale, sustainability and existing role”. The policy also notes that future growth will be planned to ensure existing settlements maintain their distinctive character, coalescence between them is avoided and their setting is conserved, in addition to ensuring that development locations are accessible by a choice of means of travel. *Policy SPL 1 Managing Growth* places Clacton at the top of the settlement hierarchy (alongside Harwich/Dovercourt), confirming that the town is considered the most sustainable location for new development and that it should be the focus for growth across the plan period. Placing development in the most sustainable locations is directly addressed by *Policy CP 1 Sustainable Transport and Accessibility*, stating that proposals for new development should include and encourage opportunities for walking, cycling and public transport, including the design of walking and cycling routes, connections to public transport and the delivery of Residential Travel Information Packs to encourage residents to make sustainable transport choices.

In line with guidance from central government, *Policy SP7 Place Shaping Principles* puts great weight on high standards for design across all scales of new development. The policy sets out a list of principles that all new development should follow (although some are more appropriate for strategic scale development) and it reads:

“All new development must meet high standards of urban and architectural design. Development frameworks, masterplans, design codes, and other design guidance documents will be prepared in consultation with stakeholders where they are needed to support this objective.

All new development should reflect the following place shaping principles, where applicable:

Respond positively to local character and context to preserve and enhance the quality of existing places and their environs;

Provide buildings that exhibit individual architectural quality within well-considered public and private realms;

Protect and enhance assets of historical or natural value;

Incorporate biodiversity creation and enhancement measures;

Create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car;

Provide a mix of land uses, services and densities with well-defined public and private spaces to create sustainable well-designed neighbourhoods;

Enhance the public realm through additional landscaping, street furniture and other distinctive features that help to create a sense of place;
Provide streets and spaces that are overlooked and active and promote inclusive access;
Include parking facilities that are well integrated as part of the overall design and are adaptable if levels of private car ownership fall;
Provide an integrated and connected network of biodiverse public open space and green and blue infrastructure, thereby helping to alleviate recreational pressure on designated sites;
Include measures to promote environmental sustainability including addressing energy and water efficiency, and provision of appropriate water and wastewater and flood mitigation measures including the use of open space to provide flora and fauna rich sustainable drainage solutions; and
Protect the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking.”

A similar but more detailed list is presented in *Policy SPL 3 Sustainable Design*, which is divided into three parts covering design, practical requirements, and impacts and compatibility. The response in this application for planning permission is presented as a checklist in the Design and Access Statement. Further matters where a scheme is expected to deliver a positive contribution to the district’s “sense of place” are listed in *Policy LP 4 Housing Layout*, including maximising the use of green infrastructure (with 10% of the total site area provided as public open space), making open space safe to use and ensuring that it is overlooked, managing surface water through a sustainable drainage scheme, minimising opportunities for crime and anti-social behaviour, accommodating emergency services and waste collection vehicles, making the streets legible and providing the required level of car parking, delivering new dwellings that are designed to high standards of architecture in a well-considered site layout, and providing private amenity space that meets the needs and expectations of residents. The policy also notes that the council will refer to the Essex Design Guide, Manual for Streets and Building for Life. The importance of the density of development responding to the site and its setting is emphasised by *Policy LP 3 Housing Density and Standards*, including the accessibility to local services, compliance with the Nationally Described Space Standards, the context and character of the development in the immediate area, the need for an appropriate transition between built development and the open countryside, and the incorporation of on-site infrastructure into the layout of the scheme. The policy also notes that 10% of homes for sale should be designed in accordance with Part M4(2) of the Building Regulations, while affordable housing must deliver 10% in accordance with Part M4(2) and a further 5% in accordance with Part M4(3). The site also has a role to play in delivering a mix of dwelling types, sizes and tenures within the district’s wider housing need, as sought by *Policy LP 2 Housing Choice*, which includes confirmation that the council will support schemes of bungalows, starter homes and other forms of residential accommodation aimed at meeting the future needs of older and disabled residents, as well as family housing. *Policy LP 5 Affordable Housing* secures 30% of schemes to be delivered as affordable housing and that it cannot be grouped into areas of more than ten dwellings, should be designed to be “tenure blind” and positively integrated with the homes for sale. The delivery of off-site infrastructure and funding to mitigate the impact of new homes is secured by *Policy DI1 Infrastructure Delivery and Impact Mitigation*, confirming that new development will only be granted planning permission where impacts on infrastructure are shown to be addressed.

In parallel to the creation of the new homes, *Policy HP 3 Green Infrastructure* requires that adaption to and mitigation of the impact of climate change is addressed through the creation of new spaces and habitats. This includes providing shade during higher temperatures, flood mitigation and delivering biodiversity benefits, as well as providing more access to the natural environment. The policy seeks to secure a net gain in green infrastructure, stating that it should incorporate semi-natural habitats and provide a net gain in biodiversity, as well as including access for the widest range of user groups. *Policy HP 5 Open Space, Sports and Recreation Facilities* requires that a minimum of 10% of the gross site area is provided as open space, and that no single area of usable open space should measure less than 0.15 hectares in size. The policy also seeks to address the potential for adverse impacts on designated wildlife sites through recreational activities by creating new natural and semi-natural space to absorb day-to-day recreational activities, including suitably sized open space and circular dog walking routes.

Technical matters are picked up by policies in the Protected Places chapter of the plan, starting with *Policy PPL 1 Development and Flood Risk* which confirms that all development proposals should include appropriate measures to respond to the risk of flooding, both within and outside the site. There is also protection of land with biodiversity value in *Policy PPL 4 Biodiversity and Geodiversity*, which is paralleled by securing mitigation measures in accordance with the Essex Coast RAMS through *Policy SP 2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)* and includes a requirement for proposals for new development to be supported by an appropriate ecological assessment, a scheme to enhance the biodiversity of the site and mitigation of any potential impact on protected species. The archaeological value of the site is protected in a similar manner by *Policy PPL 7 Archaeology*.

Policy PPL 5 Water Conservation, Drainage and Sewerage addresses flood risk and sustainable drainage, pollution and water conservation in a single policy, with a requirement for details to be included within proposed schemes. The same approach is taken by *Policy PPL 10 Renewable Energy Generation and Energy Efficiency Measures*, which requires that all development proposals should demonstrate how renewable energy solutions are included in the scheme and states that planning permission will only be granted where it is demonstrated that all reasonable renewable energy and energy efficiency measures have been fully considered and (where viable) are incorporated into the design, layout and construction.

Perhaps most importantly, *Policy SP 1 Presumption in Favour of Sustainable Development* reflects the NPPF by confirming that the council will take a positive approach when considering development proposals, reflecting the presumption in favour of sustainable development, and that they will always work pro-actively with applicants to find solutions so that proposals can be approved wherever possible.

Supplementary planning guidance

A number of Supplementary Planning Documents and other guidance notes from the local plan (and previous local plans) remain current, although most are site-specific development briefs and do not relate to the site. Those that need to be taken into consideration by the proposed scheme and are therefore of note are:

- Crime Reduction Through Environmental Design (2001)
- Enabling Development and the Conservation of Significant Places (2008)
- Essex Design Guide (2005)
- Essex Historic Towns (1999)
- Parking Standards Design and Good Practice (2009)
- Provision of Recreational Open Space for New Development (2008)
- Tendring District Council Access Guidance (1999)

Neighbourhood Plan

The site and the surrounding area are not subject to the designation of a Neighbourhood Plan Area, therefore there are no local-level policies that need to be addressed as part of this application for planning permission.

5. Planning history

Outline planning permission for the creation of up to 245 dwellings, public open space and supporting infrastructure, together with vehicle access of Thorpe Road and pedestrian access off Centenary Way was sought on the land to the north and east of the site under application reference 18/01499/OUT. The application was submitted in September 2018 and an appeal against the district council's failure to determine the application was dismissed in August 2020. The appeal considered several issues, including the protection of the gap between Clacton-on-Sea and Little Clacton to avoid coalescence of the existing settlements. The Inspector's notes in the appeal decision review character and appearance in depth (paragraphs 15 to 57), accepting the development to the east of Thorpe Road had changed its character and that travelling along it created the experience of passing along the edge of a settlement, but also finding that the closest points between the two settlements would be reduced from 500 metres to 300 metres, creating a perception of them almost becoming joined and therefore harming their distinct and separate identities. To the south, no significant views were identified from Centenary Way, but the Inspector concluded that there is a general perception of open countryside to the north of the road and that the width of the gap would be reduced from 1.4 kilometres to 1.0 kilometres.

Visual impact was not considered to be a reason for refusal, with the existing edge of Clacton found to be visible but not intrusive in the open farmland that forms the gap, whereas development along the length of Thorpe Road was found to intrude into the countryside to the detriment of the character and appearance of the countryside and the function of the gap. A fifteen metre wide planted buffer was not found to fully mitigate the effects of built development and the landscape impacts were deemed to be "adverse", even though the area of the gap would be reduced by only 4%. The Inspector concluded that the overall proposal would harm the settlement pattern, the separation, setting and individual identity of the settlements, and the character and appearance of the countryside between Clacton and Little Clacton.

On the same site as this application, an application for planning permission was submitted in September 2020 (straight after the dismissal of the appeal on the larger site), seeking approval for the creation of 58 no. one, two and three bedroom houses and apartments, a medical centre and associated infrastructure and public open space under application reference 20/01202/FUL. The application was never determined and it was withdrawn in December 2022, after the adoption of Section 2 of the local plan. Although the application was withdrawn, the case officer helpfully provided the agent for the application with a list of four unresolved issues that would have been used as the reasons for refusal. They were:

1. The application site is outside the designated Settlement Development Boundary and therefore within the countryside, as well as falling within the Strategic Green Gap between Clacton-on-Sea and Little Clacton. It was the case officer's view that the development of the site would greatly diminished by the introduction of substantial built form in a largely rural area, creating a clear and very real detrimental effect on the local landscape, eroding the spaciousness along the two adjoining streets and causing a harmful hard edge through a poor layout and a lack of effective landscaping, leading to an incursion into the Strategic Green Gap that would be harmful to the character and appearance of the area.

2. The application did not demonstrate how the proposed scheme could incorporate measures and technology from the outset that would adapt to climate change, and how renewable energy solutions had been incorporated into the scheme.
3. A legal agreement had not been created to secure affordable housing at 30% of the total number of new homes, funding for the Essex Coast RAMS and contributions towards improvements to the infrastructure that would serve the site (eg. education, sports, healthcare).
4. It was not known if the scheme would harm biodiversity or deliver a net gain in the biodiversity value of the site.

This new proposal seeks to address the issues raised by the previous schemes in the Strategic Green Gap, showing that there is no danger of coalescence between the existing settlements and that any harm to the character and appearance of the area can be successfully mitigated. Furthermore, new reports and assessments have been prepared to address the absence of information in relation to biodiversity and adaptation to climate change, and they form part of the pack of information submitted in support of this proposed scheme.

6. Principle of development

One of the core planning principles set out by the National Planning Policy Framework is to encourage the effective use of land, encouraging multiple benefits and taking opportunities to achieve net environmental gains. The site is not allocated for residential development in the Tendring District Local Plan 2013 – 2033 and Beyond but the principle of residential development in the surrounding area has been established by the allocation of strategic-scale residential-led development on the land to the east and the recent and forthcoming planning permissions for new housing schemes on the east side of Thorpe Road (12/01262/OUT and 18/01800/DETAIL, 16/00421/FUL, 19/00143/FUL, 20/00179/FUL, 22/00537/OUT, 23/00365/FUL) and to the south of Centenary Way (20/01130/FUL). Policy SP 3 supports development within or adjoining settlements according to their scale, sustainability and existing role and Clacton-on-Sea sits at the top of the settlement hierarchy (Policy SPL 1), making it the most sustainable location for development in the district. As demonstrated by the significant number of new homes already in place and planned to be created in the near future to the east and south, the application site is in an area that is a focus for housing growth and the proposed scheme will make effective use of land that currently stands unused and will take advantage of the multiple benefits of the infrastructure and facilities that have been and will soon be delivered in the surrounding area.

The scale of the adjoining residential development demonstrates that the site is a sustainable location for development and the submission of detailed reports and assessments as part of this application for planning permission confirms that the proposed scheme either has no negative impacts or that any such impacts can be successfully mitigated. A fresh application for planning permission also provides the opportunity to update the previous proposal in accordance with the latest national guidance, district-level planning policies and SPDs, and recent updates to the standards set by the Building Regulations – for example, all the new homes will deliver accommodation in accordance with the Nationally Defined Space Standards and the zero carbon standard is achieved through the installation of air source heat pumps and solar photovoltaic panels, addressing national requirements in addition to the demonstrating adherence to local plan policies SPL 3, LP 3 and PPL 10. The reports and assessment prepared in support of this application are summarised in Chapter 7 of this statement.

It is acknowledged that the site forms part of the land designated as the Strategic Green Gap which separates Clacton-on-Sea from Little Clacton, and the proposal has been assessed against the potential for it to harm the local landscape, create a hard edge against the countryside and to erode the space between the settlements, with no negative impacts identified. The Landscape and Visual Impact Assessment submitted with the application for planning permission finds that, as a result of the hedgerow boundaries to the east and south sides of the site and within the local landscape, the majority of the residual landscape effects from the development of the site are classed as minor adverse to none. The visual envelope is restricted to the near distance as a result of the undulating topography and layers of mature, dense vegetation, meaning that middle and longer distance views are screened. Neither the site nor the proposed bungalows will be visible from Little Clacton, therefore the separate identity and character of the village are not altered, and the visual separation is maintained. The purpose of the green gap to retain undeveloped land either side of Centenary Way has long since been eroded by the almost continuous development (completed and approved)

along the south side between the Morrisons store and Thorpe Road but, even so, the site is contained within the small scale field pattern and is largely screened from the main road – the extensive hedgerow lining Centenary Way is proposed to be retained as part of the residential development to the south and will be retained and augmented with new planting within the application site. The proposed scheme has been designed to minimise landscape and visual impacts in the green gap, including a landscape strategy that delivers long term landscape and biodiversity benefits.

The Strategic Green Gap has an area of over 120 hectares and the application site comprises less than 2% of it. Furthermore, the site is at the point on the edge of Clacton-on-Sea that is furthest from Little Clacton – measured along Centenary Way, the western edge of the site is 1080 metres from the edge of Little Clacton (the land south of Stonehall Drive with permission for 30 bungalows under reference 17/00790/FUL marks the edge of the green gap and the beginning of the village on the Proposals Map) whereas the western edge of the Morrisons store is 250 metres from the same point. Similarly, Parkgate Corner at the western edge of the strategic residential allocation at Oakwood Park (the planning permission for 81 bungalows under reference 16/00421/FUL sits in the corner) is 520 metres from the eastern edge of Sunbeam Farm whereas the north western corner of the application site is 665 metres from the same point.

At its narrowest point, the green gap measures just 235 metres from the northern tip of the strategic allocation at Hartley Garden (Policy SAMU2) to the gardens of the houses in Hazelwood Crescent (which includes the 100 metre wide roundabout where the A133 meets the B1442 at the entrance to the town) suggesting that the width of the green gap is not an important consideration in assessing its function and that much smaller gaps are deemed to still ensure that the potential for coalescence of settlements is avoided. Instead, the character and appearance of the gap must play a more important role and this is evidenced by elements that are included and excluded: the caravan parks at Firs Park and Highfield Grage are not included in the green gap even though they sit on the edge of the settlements and predominantly contain single storey structures (including the caravans) and therefore suggesting that the use of the land is an important consideration, whereas the tree belt enclosing the north side of the Morrisons store and the field south west of Little Clacton that abuts the A133/B1442 roundabout are included, suggesting that a landscaped edge is deemed to be more important in marking the edges of the green gap. The assessment submitted in support of this application for planning permission confirm that the scheme has been designed to ensure that there is an absence of a visual impact from the built development, that a substantial landscape buffer is created to mark the boundary between the site and the green gap, and that care has been taken to ensure that the layout and landscaping do not cause any harm to the character and appearance of the area. The result is that the changes to the extent of the Strategic Green Gap are minimal and the proposed scheme will not lead to the coalescence of the two settlements, and that the character of the gap will not be harmed by building in the corner furthest from Little Clacton.

As such, the proposed scheme achieves sustainable development by addressing the three overarching objectives of the planning system, using land that is available for development to deliver new homes that will meet the needs of present and future generations and will support a strong and vibrant community, deliver economic growth by creating new homes to facilitate local employment, and contribute to enhancing the natural environment by using redundant land to deliver a scheme that mitigates and adapts to climate change and minimises its visual, ecological and biodiversity impact. Even though the district has an up-to-date local plan and can show a five-year housing land supply, considerable weight should still be given to the benefits created by residential development, including the sustainable location of the site, the provision of homes for sale on the open market and as affordable housing to meet the needs of present and future generations, delivering new and accessible public open space, and offering local construction and employment opportunities in the short term. In short, the proposed scheme uses its sustainable location to deliver new homes without any impact on the Strategic Green Gap or the character and appearance of the area, successfully mitigating all potential harm in order to ensure that there are no outstanding issues that significantly and demonstrably outweigh the considerable benefits that the creation of 40 new homes, affordable housing and public open space will deliver.

7. Other planning considerations

Beyond establishing that the principle of residential development is acceptable, this application for planning permission is supported by reports and assessments which confirm that the proposed scheme comprises sustainable development and that the creation of 40 new homes and public open space will not lead to any material negative impacts.

Affordable housing

Provision will be made in accordance with Policy LP 5, with 30% of the new homes to be designated as affordable housing, which equates to twelve plots. The proposed mix and tenure are set out in the Affordable Housing Statement at Chapter 8 of this statement and it is anticipated that the delivery of the affordable housing will be secured by a Section 106 Agreement attached to the planning permission.

Arboricultural impact assessment and tree survey

One individual tree and three sections of hedgerow were identified by the tree survey, all standing on the periphery of the site. The tree, an ash, was classified as Category C under BS5837:2012, found to be low value with an estimated life expectancy of at less than 10 years, although it was deemed to have landscape value. The hedgerows are all Category B (moderate quality, life expectancy of at least 20 years) and, apart from small section of H1 that needs to be removed to make way for the widened site access, will be retained in full. The report concludes that the tree and hedges provide screening of the proposed bungalows and that they will help reduce the perceptual load of the built development and will provide instant green infrastructure for the scheme.

The report proposes no remedial works to the tree or hedges, confirming that they are all in an acceptable condition and that the hedges should be maintained to the current dimensions, with limited works needed to facilitate the development of the site that mainly comprise raising the crowns to up to 3.0 metres above the ground level. A Tree Protection Plan and exclusion measures for the tree protection works are set out in the report, ensuring that the root protection areas are protected during the construction phase. It is anticipated that a condition will be attached to the planning permission which requires that tree protection measures be implemented prior to the commencement of development.

Archaeology

The desk-based assessment submitted with the 2020 application is used to support this application because there have been no changes to the circumstances surrounding the potential for built development. The report confirms that development of the site will not have any impact on heritage assets within the area surrounding the site, although the site is within a larger area where evidence of historic (and likely medieval) field boundaries have been identified. Although no conditions requiring a pre-development archaeological investigation have been imposed on the construction of new homes on the east side of Thorpe Road, the desk-based assessment suggest that an investigation is carried out at the site before the construction of the new homes can begin.

Biodiversity

An indicative Biodiversity Net Gain calculation has been prepared as part of the application for planning permission, using the Defra Biodiversity Metric 4.0. The baseline figures for the metric calculation were based on the Preliminary Ecological Appraisal (see below), highlighting that the existing habitat consists of “heathland and scrub” (8.27 biodiversity units, poor habitat condition) and an “individual tree” (0.14 biodiversity units, poor habitat condition). The proposed scheme contains four broad habitat types – urban trees (2.76 biodiversity units), modified grassland (2.54 biodiversity units) and vegetated gardens (1.24 biodiversity units) plus sealed surfaces that do not create biodiversity units. Development of the site means that the loss of the heathland and scrub habitat that has become established while the site sits derelict pending a decision on a future use leads to a net loss in biodiversity value of 19.16% and requires that credits need to be purchased to offset the impact of the proposal – in line with the new national standards, the units must provide ecological equivalence to the existing habitat and be a suitable receptor to attract invertebrates, be covered by a conservation covenant and a management and monitoring plan for at least 30 years. These measures will be secured as a planning obligation through the Section 106 Agreement attached to the planning permission.

Hedgerows are also present, with a baseline of 1.35 biodiversity units and the enhancement of the existing hedgerows also have an important role to play, generating 3.12 biodiversity units and a net gain of in hedgerow units at 130.42%. As such, there is a significant net gain in this element of the biodiversity value of the site, although it cannot be used to mitigate the loss of the habitat units.

Contamination and remediation

A Phase 1 Geo-environmental Desk Study and Preliminary Risk Assessment has been prepared and confirms that no significant on-site or off-site sources of contamination have been identified. This means that pathways cannot be established and receptors identified by the report will remain unaffected. No intrusive investigation is recommended in the future, although a watching brief is deemed to be appropriate at the groundworks stage in case unexpected contamination is discovered and this can be secured by a condition attached to the planning permission.

Design and layout

A Design and Access Statement is submitted in support of the application, assessing the character of the surrounding area and considering the opportunities and influences set by the site, reflecting the principles set by planning policies which relate to design at both national and local levels. Furthermore, the application seeks to address the unresolved issues that were identified as part of the previous proposal for the development of the site to create 58 no. one, two and three bedroom houses and apartments, a medical centre and associated infrastructure and public open space (reference 20/01202/FUL), ensuring that the spaciousness of the adjoining streets is not eroded and that there is no hard edge to the scheme that would be read as an incursion into the Strategic Green Gap.

The space around the boundaries of the site that addresses the potential visual impact of the new homes is also used to deliver 10% of the gross site area as public open space and to secure a significant net gain in the biodiversity value of the hedgerow that surrounds the site (see above), giving the landscaped edge greater ecology value than leaving it in its current unused state. The response to these design issues is set out in the Design and Access Statement, which confirms that the proposed scheme is to be a well-designed place that will be beautiful, enduring and successful.

The statement also includes a checklist to respond to Policy SPL 3 Sustainable Design and the proposed scheme includes a set of bungalow designs that have been prepared specifically for the site so that a zero carbon scheme can be delivered, all new homes meet Part M4(2) of the Building Regulations, accommodation meets the Nationally Described Space Standards and the provision of affordable housing is tenure blind.

Ecology

A Preliminary Ecological Assessment is submitted in support of the application for planning permission, confirming the ecological constraints that need to be considered. It confirms that the site is not designated for its importance for nature conservation at a national or county level and evaluates habitats for protected species in terms of their likelihood of providing shelter, roosting, foraging, basking and nesting. It concludes that the site does not provide suitable habitat for Eurasian otter, barn owl, invertebrates, white clawed crayfish, water vole, hazel dormouse, badger, hedgehog or reptiles and that no further consideration or survey work is needed. However, it also concludes that further consideration is needed with regard to breeding birds, bats and great crested newts.

In each case, it is anticipated that conditions will be attached to the planning permission which require survey works to be undertaken prior to the commencement of development, identifying if the protected species in question is present and, if so, securing measures to ensure that they are not harmed. In the case of breeding birds (birds were observed at the site) and bats (there is potential for commuting and foraging) mitigations measures such as bird boxes and bat-friendly lighting can be added to the scheme, whereas great crested newts using the pond within the site would need to be translocated before construction works can begin.

Energy and sustainability

In response to the climate emergency, the proposed scheme takes a progressive approach to set a high standard of sustainable development and delivers all 40 new homes as zero carbon. This substantially exceeds the new regulatory aims introduced in the most recent update to Part L of the Building Regulations and is a standard that is far better than the existing homes in the surrounding area.

Details are set out in the Energy and Sustainability Strategy that is submitted in support of the application for planning permission and many issues are considered, ranging from sustainable travel choices to low carbon living and from adding to the biodiversity value of the site to dealing with waste and recycling when the new homes are occupied. Energy efficiency is delivered through a “fabric first” approach, including high efficiency heating technology, electrical efficiency and heat recovery, that is paired with air source heat pumps and solar photovoltaic panels – the new homes will be zero carbon and zero fossil-fuel, delivering a 103% saving on energy use compared to the current Part L of the Building Regulations (-0.2 kgCO₂/m² versus 66.7 kgCO₂/m² of a typical existing dwelling), meaning that the new bungalows will return more energy to the electricity grid than they use. In short, the proposed scheme will set a strong lead for other developments in the district to follow.

Flood risk and drainage strategy

A Flood Risk Assessment is submitted in support of the application, confirming that the whole site is in Flood Zone 1 and therefore satisfies the sequential test for the location of a “more vulnerable” land use. The existing greenfield runoff rate for a 1 in 1 year rainfall event is calculated at 2.9 litres per second, but that the ground conditions are not suitable for the use of infiltration as a method to dispose of the surface water. To address a 1 in 100 year critical storm event with an additional 40% allowance for climate change and a further 10% allowance for urban creep, the scheme proposes the creation of high strength buried cellular attenuation tanks with a hydrobrake to control the outflow to no more than three litres per second. The tanks will be placed on the eastern edge of the site so that they sit next to the existing Anglian Water surface water sewer that will be used to drain the site. Water quality will be protected through the use of a Storm Shark (or a similar product) to remove suspended solids, metals and hydrocarbons that are washed into the system from roofs and roads.

Anglian Water has confirmed that there is capacity to serve the new homes in the existing foul water sewer that passes the south eastern corner of the site. The distance and topography mean that a pumping station is needed and this will be placed in the south western corner of the site, with space left for a 15 metre *cordon sanitaire* to protect the amenity of the residents. Foul water from the new homes will drain by gravity to the pumping station.

Landscape and visual impact

A Landscape and Visual Impact Assessment has been prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) to demonstrate how the proposed scheme, including aspects embedded into its design as primary mitigation, will complement the landscape character and setting of the application site. The visual impact of the development of the site was an important consideration in the dismissal of the appeal for the site that enclosed the application site, stretching along Thorpe Road and Centenary Way (reference 18/01499/OUT) with the Inspector concluding that the visual impact would be adverse, but not specifying it as a direct reason for refusal. Similarly, the introduction of built development in a rural area, effects on the local landscape and a lack of effective landscaping were part of the potential reasons for refusal of the subsequent scheme (reference 20/01202/FUL) but there was no direct reference to adverse visual impact.

The Landscape and Visual Impact Assessment submitted with the application for planning permission finds that, as a result of the hedgerow boundaries to the east and south sides of the site and within the local landscape, the majority of the residual landscape effects from the development of the site are classed as minor adverse to none. The visual envelope is restricted to the near distance as a result of the undulating topography and layers of mature, dense vegetation, meaning that middle and longer distance views are screened. There are glimpsed views of the site from Centenary Way and Thorpe Road over the tops of the mature and dense hedgerow vegetation that surrounds the site, but the new homes would be read as an extension of the residential typology already present to the east side of Thorpe Road. In the long term, although the entrance to the application site will remain visible, the built form will be heavily filtered. Eighteen viewpoints were assessed and only two, both in close proximity to the site, were found to have visual effects of minor adverse significance 15 years after the completion of the scheme, with the remaining 16 all assessed as negligible or no impact, and 10 confirmed to have no change in view.

Neither the site nor the proposed bungalows will be visible from Little Clacton, therefore the separate identity and character of the village are not altered, and the visual separation is maintained. The purpose of the green gap to retain undeveloped land either side of Centenary Way has long since been eroded by the almost continuous development (completed and approved) along the south side between the Morrisons store and Thorpe Road but, even so, the site is contained within the small scale field pattern and is largely screened from the main road – the extensive hedgerow lining Centenary Way is proposed to be retained as part of the residential development to the south and will be retained and augmented with new planting within the application site. It is important to note that traffic speeds on Centenary Way are fast and that it is considered to be of low sensitivity and that the urbanisation of the industrial area beyond the Thorpe Road roundabout draws attention from the site and would be the main receptor when approaching from the west.

Primary mitigation measures are already “designed-in” to the scheme, including the retention of existing landscape features (including additional planting to strengthen the features where needed), well-sited buildings and spaces to ensure that there is room for strategic landscaping and the new homes are kept away from the boundaries of the site, and reinforcing a continuous line of vegetation along all site boundaries to deliver ecological connectivity and to establish a sensitive and visually interesting landscape-led development that integrates the site into the wider rural character on the edge of the town. Secondary mitigation measures are also proposed, which are expected to be secured through conditions attached to the planning permission, including finished floor levels that broadly follow the existing ground levels, selection of materials that minimise visual effects, external lighting that minimises light pollution, protection of the hedgerows during the construction stage and a comprehensive landscape management scheme that incorporates the 30-year diversity management plan.

The proposed scheme has been designed to minimise landscape and visual impacts in the green gap, including a landscape strategy that delivers long term landscape and biodiversity benefits. The result is that there will be minimal visual and landscape effects and these will be successfully mitigated by the proposed scheme through a sensitively designed layout, strategic landscape infrastructure and retained open space. There are no overriding landscape or visual effects that would prevent the development of the site.

Open space

Policy HP 5 Open Space, Sports and Recreation Facilities requires that a minimum of 10% of the gross site area is provided as open space, and that no single area of usable open space should measure less than 0.15 hectares in size. The policy also seeks to address the potential for adverse impacts on designated wildlife sites through recreational activities by creating new natural and semi-natural space to absorb day-to-day recreational activities, including suitably sized open space and circular dog walking routes. In response, the scheme proposes that the new homes are enclosed by the open space, laid out as a ring so that it creates a continuous walking route around the new homes and brings the buffer of landscaping into the public realm, ensuring that it serves a purpose for the amenity of the residents and is not treated as a sterile edge to the site that solely addresses the need to mitigate the visual impact of the built development.

Transport

The application for planning permission is supported by a Transport Statement which confirms that the new access from Thorpe Road, in the form of a priority junction, delivers the required levels of visibility, has capacity to serve the new homes and would be safe to use. The report also confirms that the site is within walking distance of bus services that provide access to the town centre and railway station, and that the site is well-placed to encourage trips on foot or by cycle to local educational, retail, community and leisure facilities. The assessment of accessibility by alternative modes also demonstrates that most of the key facilities and amenities that residents will need are within the 1.6 kilometre distance sought by the Department for Transport and therefore that 80% of trips to them will be made on foot, meaning that the need to travel is limited and a genuine choice of transport modes is offered, in accordance with paragraph 105 of the NPPF.

8. Affordable housing statement

Provision of affordable housing is secured by *Policy LP 5 Affordable Housing* in the Tendring District Local Plan 2013 – 2033 and Beyond (adopted January 2022). It states:

“ To promote a mix of housing tenure in the District and address the housing needs of people and families with lower incomes who cannot afford to buy or rent housing on the open market, the Council will work with the development industry to provide new affordable housing.

For development proposals outside of the Tendring Colchester Borders Garden Community, involving the creation of 11 or more (net) homes, the Council will expect 30% of new dwellings, (including conversions) to be made available to Tendring District Council (subject to viability testing) or its nominated partner(s) to acquire at a proportionate discounted value for use as affordable housing.

To avoid an over-concentration of affordable housing in one location, no single group of affordable housing will exceed ten dwellings and to ensure positive integration between the residents of affordable housing and market housing, there should be no material difference in the appearance or quality between dwellings to be sold on the open market and those to be acquired and managed by the Council or its nominated partner(s).

The size and type of affordable housing will be specified by the Council on a case-by-case basis having regard to the latest Strategic Housing Market Assessment (SHMA) and housing needs register and will be the subject of negotiation between the Council and the developer or applicant.”

The proposed scheme comprises 40 new homes, therefore 30% provision for affordable housing equates to 12 plots.

The mix of accommodation is also considered by *Policy LP 2 Housing Choice* but while the supporting text looks at the tenure profile, it only sets dwelling sizes for owner occupied and private rented properties. However, it does confirm the council's support for schemes aimed at meeting the future needs of older and disabled residents, including bungalows. Figure 7.4 of the *Strategic Housing Market Assessment Update* (December 2015) sets out the annual requirement for housing types within the district, showing that 96% of affordable housing provision should be designated as affordable rent or social rent, with just 4% delivered through the shared ownership model, and all of these should be one bedroom properties. The mix of accommodation for rent comprises:

Bedrooms	Requirement (%)	Number
1	7	1
2	48	6
3	31	4
4 or more	14	1
Total		12

Source – Figure 7.4, *Strategic Housing Market Assessment Update* (December 2015).

No bungalows are proposed with one bedroom or four more bedrooms therefore the scheme will comprise a 55/45 split between two bedroom and three bedroom properties.

Policy LP 3 Housing Density and Standards notes that within the provision of affordable housing, 10% of properties should be designed in accordance with Part M4(2) of the building Regulations, with a further 5% designed to meet Part M4(3). The policy also requires that all new homes, regardless of tenure, are designed in accordance with the *Technical Housing Standards – Nationally Described Space Standard*. All the proposed bungalows, including those for sale on the open market, meet the standards set by Part M4(2) of the Building Regulations and one plot is upgraded to comply with Part M4(3).

As such, to deliver compliance with policies LP 2, LP 3 and LP 5, the proposed mix of accommodation for the affordable housing within the proposed scheme comprises:

Type	Accommodation	Rent	Shared ownership	Total
A	2 bedroom 3 person	6	1	7
B	3 bedroom 4 person	4	0	4
D	3 bedroom 5 person	1	0	1
Total		11	1	12

9. Planning obligations

Site-specific planning obligations are expected to be secured as part of the grant of planning permission, addressing the requirements of paragraphs 55 to 58 of the National Planning Policy Framework and *Policy D11 Infrastructure Delivery and Impact Mitigation* in the local plan, addressing the potential impacts of the proposed scheme and delivering mitigation where it is required. A draft legal agreement is not included with the initial application for planning permission but, at this stage, it is anticipated that the planning obligations to address the following broad headings will be secured by a Section 106 Agreement attached to the planning permission for the development of the site:

- Affordable housing, at 30% of the total number of new homes and in accordance with the mix and tenure set out in the Affordable Housing Statement
- Delivery of the on-site open space, including a specification for ongoing maintenance
- Financial contribution towards the expansion of existing healthcare facilities
- Funding for improvements to education facilities (the potential reasons for refusal of application 20/01202/FUL anticipated contributions towards early years and childcare, secondary education and school transport)
- Funding for implementation of the Essex Coast RAMS
- Provision of residential travel packs

Should other measures to mitigate the impact of the new homes be identified, they will be added to the heads of terms. It is intended that a draft of the legal agreement will be submitted in support of this application for planning permission before it is presented to the council's Planning Committee.

10. Conclusion

This application for planning permission proposes the creation of 40 no. two and three bedroom bungalows and associated landscaping, roads, parking and drainage infrastructure, an entrance from Thorpe Road and a new area of public open space at the south corner of Foots Farm in Clacton-on-Sea. The application is accompanied by a suite of reports and assessments that confirm the proposed scheme does not lead to any negative impacts and that it is sustainable development.

The proposed scheme achieves sustainable development by addressing the three overarching objectives of the planning system, using land that is available for development to deliver new homes that will meet the needs of present and future generations and support a strong and vibrant community, supporting economic growth by creating new homes to facilitate local employment, and contributing to enhancing the natural environment through a scheme that minimises its visual, ecological and biodiversity impacts and mitigates and adapts to climate change by adopting a zero carbon approach to heating and hot water. Although the site is not allocated for development in the local plan, *Policy SP 3 Spatial Strategy for North Essex* supports development within or adjoining settlements according to their scale, sustainability and existing role and Clacton-on-Sea sits at the top of the settlement hierarchy (as defined by Policy SPL 1), making it the most sustainable location for development in the district. Furthermore, the principle of residential development on the northern edge of Clacton-on-Sea is already established by the allocations of strategic-scale residential-led development on the land to the east and the recent and forthcoming planning permissions for new housing schemes on the east side of Thorpe Road and to the south of Centenary Way. The scale of the adjoining residential development demonstrates that the site is a sustainable location for development and the submission of detailed reports and assessments as part of this application for planning permission confirms that the proposed scheme either has no negative impacts or that any such impacts can be successfully mitigated.

A fresh application for planning permission also provides the opportunity to update the previous proposal in accordance with the latest national guidance, district-level planning policies and SPDs, and recent updates to the standards set by the Building Regulations – for example, all the new homes will deliver accommodation in accordance with the Nationally Defined Space Standards and the zero carbon standard is achieved through the installation of air source heat pumps and solar photovoltaic panels, addressing national requirements in addition to the demonstrating adherence to local plan policies SPL 3, LP 3 and PPL 10. Considerable weight should also be given to the benefits created by residential development, including the sustainable location of the site, the provision of homes for sale on the open market and as affordable housing to meet the needs of present and future generations (including a focus on the elderly and less mobile through the provision of bungalows), delivering new and accessible public open space, and offering local construction and employment opportunities in the short term.

It is acknowledged that the site forms part of the land designated as the Strategic Green Gap which separates Clacton-on-Sea from Little Clacton, and the proposal has been assessed against the potential for it to harm the local landscape, create a hard edge against the countryside and to erode the space between the settlements, with no negative impacts identified. Furthermore, the Strategic Green Gap has an area of over 120 hectares and the application site comprises less than 2% of it and is at the point on the edge of Clacton-on-Sea that is furthest from Little Clacton. The Landscape and Visual Impact Assessment finds that the hedgerow boundaries to the east and south sides of the site and within the local landscape mean that the majority of the residual landscape effects from the development of the site are classed as minor adverse to none, and that the visual envelope is restricted to the near distance as a result of the undulating topography and layers of mature, dense vegetation, meaning that middle and longer distance views are screened. Neither the site nor the proposed bungalows will be visible from Little Clacton, therefore the separate identity and character of the village are not altered, and the visual separation is maintained. The purpose of the green gap to retain undeveloped land either side of Centenary Way has long since been eroded to the south of the road and the site is contained within the small scale field pattern and is largely screened from the main road, with the extensive hedgerow lining Centenary Way proposed to be retained as part of the residential development to the south and will be retained and augmented with new planting within the application site to the north. The proposed scheme has been designed to minimise landscape and visual impacts in the green gap, including a landscape strategy that delivers long term landscape and biodiversity benefits. The result is that there will be minimal visual and landscape effects and these will be successfully mitigated by the proposed scheme through a sensitively designed layout, strategic landscape infrastructure and retained open space. There are no overriding landscape or visual effects that would prevent the development of the site.

The proposed scheme will comply with all relevant development management policies in the *Tendring District Local Plan 2013 – 2033 and Beyond*, addressing the twelve criteria in *Policy SP7 Place Shaping Principles* and picking up elements that are specific to the site in terms of design, practical requirements and impacts and compatibility in *Policy SPL 3 Sustainable Design*. The reports and assessments submitted in support of this application confirm that the proposal is designed in accordance with *Policy CP 1 Sustainable Transport and Accessibility*, *Policy LP 3 Housing Density and Standards*, *Policy LP 4 Housing Layout*, *Policy LP 5 Affordable Housing*, *Policy HP 3 Green Infrastructure*, *Policy HP 5 Open Space, Sports and Recreation Facilities*, *Policy PPL 1 Development and Flood Risk*, *Policy PPL 4 Biodiversity and Geodiversity*, *Policy PPL 5 Water Conservation, Drainage and Sewerage*, *Policy PPL 7 Archaeology* and *Policy PPL 10 Renewable Energy Generation and Energy Efficiency Measures*. In parallel, a set of planning obligations will be secured through a Section 106 Agreement, mitigating off-site impacts created by residential development that cannot be addressed inside the application site, as required by *Policy DI1 Infrastructure Delivery and Impact Mitigation*. Perhaps most significantly, *Policy SP 1 Presumption in Favour of Sustainable Development* reflects the NPPF by confirming that the council will take a positive approach when considering development proposals, reflecting the presumption in favour of sustainable development, and that they will always work pro-actively with applicants to find solutions so that proposals can be approved wherever possible.

In short, the proposed scheme is available now, a suitable location and an achievable site for residential development, therefore it is deliverable and the applicant is pleased to confirm that construction can begin in the short term. The proposed scheme comprises sustainable development and should therefore be considered favourably in light of the presumption in favour of sustainable development for the following reasons:

- i. There is a requirement for new homes in Clacton-on-Sea (which is at the top of the settlement hierarchy) and *Policy SP 3 Spatial Strategy for North Essex* supports development within or adjoining settlements, therefore the scheme to create 40 new two and three bedroom bungalows in a location supported by local services and facilities will play a role in meeting the demand for sites for residential use boosting the district's housing supply as described in paragraph 60 of the NPPF.
- ii. The proposal is a deliverable site for residential development, as defined by Annex 2 of the National Planning Policy Framework and reflects the council's strategy of delivering growth on the north side of Clacton-on-Sea.
- iii. The creation of 40 new two and three bedroom homes will create additional demand that helps to maintain existing services and facilities in the surrounding area, in accordance with the NPPF's paragraphs 96 and 97, and can take advantage of the proximity of the local services and facilities without increasing the need to travel by private car. Impacts on nearby infrastructure can be addressed through planning obligations attached to the planning permission, with a list of expected works and financial contributions submitted with this application for planning permission.
- iv. Development of the site will not cause harm to any land subject to statutory designations, including those intended to protect landscape, wildlife and heritage assets; there are no constraints imposed by the site that will restrict the delivery of a new home.
- v. The bungalows and the proposed layout are designed to minimise the impact of built development on the local landscape and the character of the Strategic Green Gap between the site and Little Clacton, ensuring that the issues that would have led to the refusal of planning permission for application 20/01202/FUL are addressed, including the delivery of an effective landscaped edge to the site, maintaining the spaciousness of Thorpe Road and Centenary Way, and mitigating any harm to the character and appearance of the area so that there is no damaging incursion into the strategic gap between the settlements.
- vi. Conditions or planning obligations can be used to ensure that the proposed scheme delivers the latest standards for residential design, including efficiency measures that reduce the consumption of energy and water to achieve the zero carbon standard, sustainable construction methods to reduce the impact of the building stage, ongoing management of the biodiversity enhancements and landscaping and open space that will soften the new edge to the built-up area of the town.

- vii. The proposed scheme has been designed to be in accordance with all relevant development management policies in the local plan, and the required standards for amenity space, car parking and relationships between properties are delivered at the same time as facilitating new open space to meet the needs of the residents and landscaping to mitigate potential visual impact on the green gap that separates Clacton-on-Sea from Little Clacton. Furthermore, the scheme has been designed to deliver zero carbon development so that it has no material impact on the environment and addresses the ongoing climate emergency.

In short, this application for planning permission comprises sustainable development and the presumption in favour of it applies. Residential development on the site meets the three overarching objectives of the planning system in the NPPF and because there are no material considerations or adverse impacts that significantly and demonstrably outweigh the benefits of the scheme, planning permission for the creation of 40 no. two and three bedroom bungalows and associated landscaping, roads, parking and drainage infrastructure, an entrance from Thorpe Road and a new area of public open space should be granted without delay.