

# *Tendring* *District Council*



**Independent Examination of Section 2 of the Tendring  
District Local Plan '2013-2033 and Beyond'**

**HEARING STATEMENT FROM THE LOCAL PLANNING  
AUTHORITY**

**Matter 3: Housing Allocations**

**January 2021**

### **Matter 3 – Policies and Allocations for Housing Development (Delivering Places)**

*Policy SAMU1 – EDME Maltings*

*Policy SAMU2-Hartley Gardens*

*Policy SAMU3 – Oakwood Park*

*Policy SAMU4 – Rouses Farm*

*Policy SAMU5 – Thorpe Road, Weeley*

*Policy SAH1 – Greenfield Farm Dovercourt*

*Policy SAH2 – Low Road, Dovercourt*

*Policy SAH3 – Robinson Road Brightlingsea*

For this matter, the Council's hearing statement is split into three parts:

**PART 1:** Responds to Questions 3.1 to 3.5 for all of the above listed allocated sites apart from SAMU2: Hartley Gardens and SAMU3: Oakwood Park. Many of these sites have either already begun construction; have planning permission or a Committee resolution to grant consent; or are no longer relied upon by the Council to meet the district housing requirement to 2021.

**PART 2:** Responds to Questions 3.1 to 3.5 specifically in relation to site SAMU2: Hartley Gardens – the largest residential and mixed-use allocation in the Section 2 Local Plan.

**PART 3:** Responds to Questions 3.1 to 3.5 specifically in relation to site SAMU3: Oakwood Park – the second largest residential and mixed-use allocation remaining in the Section 2 Local Plan.

## **PART 1: All sites apart from SAMU2 & SAMU3**

**3.1 Are the above allocations for new development soundly-based; are the criteria set out in the relevant policies justified and effective; is there appropriate evidence that the development of the allocations is viable and developable during the plan period?**

3.1.1 As explained in the Council's Housing Topic Paper [TP2](#), sites SAMU4, SAMU5, SAH1, SAH2 and SAH3 are all either already under construction or have obtained the grant, or a resolution to grant, planning permission. Because of this, it is the Council's view that any questions over the planning justification for allocating these sites have already been resolved through the more detailed and thorough Development Management process. This includes a resolution to the concerns raised in objections to these developments – including the many comments on Site SAMU5 in Thorpe Road, Weeley which attracted the highest number of public objections. See the Council's response to the representations on pages 22-35 of document [RR10](#).

3.1.2 The relevant planning references are:

- SAMU4 – Rouses Farm: 17/01229/OUT (see Committee report, resolution and indicative masterplan [EB9.4.1](#)).
- SAMU5 – Thorpe Road (Barleyfields), Weeley: 19/00524/OUT (see planning decision and drawings [EB9.4.2](#)).
- SAH1 – Greenfield Farm: 17/019090/OUT (see planning decision and drawings [EB9.4.3](#)).
- SAH2 – Low Road: 17/02168/OUT (see planning decision and drawings [EB9.4.4](#)).
- SAH3 – Robinson Road (Colne Gardens – Phase 2): 17/01318/FUL (see planning decision and drawings [EB9.4.5](#)) – site under construction.

3.1.3 Viability was a consideration in the determination of the relevant planning applications and related negotiations on s106 legal agreements, as detailed in the Council's updated 2020 Strategic Housing Land Availability Assessment (SHLAA) [EB5.3.1](#). Furthermore, the trajectory assumptions for each of these sites, as set out in Appendix 4 of the SHLAA, is based on generally conservative assumptions, informed through communication with the relevant developers and making an allowance for the potential economic impacts of the COVID-19 coronavirus pandemic.

3.1.4 For Policy SAMU1 and the EDME Maltings site, the Council's Topic Paper [TP2](#) and the 2020 SHLAA [EB5.3.1](#) explain that whilst the Council supports an appropriate mixed-use development on the site following the existing

company's relocation to Horsley Cross (expected within the next two years), determining the dwelling capacity and timescales for development is more difficult than originally assumed due to the complex nature of the site and the varying significance and sensitivity of its various heritage assets. For these reasons, the Council no longer places any reliance on the 150 dwellings coming forward on this site within the remainder of the plan-period for the purposes of meeting the housing requirement to 2033. A scheme of 45 dwellings has however obtained planning permission 12/00427/FUL on the northern part of the site (the Thorn Quay Warehouse site which has been demolished in readiness for development and now forms part of the committed supply).

**3.2 Are the detailed requirements for each of the allocations clear and justified? Have site constraints, development mix and viability considerations been adequately addressed?**

3.2.1 For sites SAMU5, SAH1, SAH2 and SAH3 the Council considers the grant of planning permission in line with the detailed requirements of their corresponding site-specific policies to be evidence enough to demonstrate that these requirements were clear and justified. The grants of planning permission also demonstrate that site constraints, development mix and viability considerations have been addressed and resolved. The Council does however accept that some of the criteria in the site-specific policies did perhaps serve to repeat or reinforce the requirements of other, more general policies in the plan and planning considerations that would have needed to be addressed whether set out in these policies or not.

3.2.2 With that in mind, the Council's suggested amendments for consideration by the Inspector (see documents [SM1](#) and [RR10](#)) include the full deletion from the plan of Policies SAMU5, SAH1, SAH2 and SAH3 and the removal from the relevant policies maps of the corresponding housing or mixed-used notation. The suggested deletion of these policies and removal of the corresponding notation would reflect the movement of these sites into the 'committed supply' and part of the 5,800 dwellings across the district expected to be delivered on large committed sites of 10 or more dwellings between 2020 and 2033. This would also ensure a consistent approach in the Local Plan to sites with planning permission.

3.2.3 For site SAMU1 EDME Maltings, it is suggested that Policy SAMU1 is retained to encourage a suitable redevelopment of the site, but that the Thorn Quay Warehouse site be removed from the allocation and the specific requirements for at least 150 homes and 0.13 hectares of employment land be removed from the policy (see document [SM1](#) and pages 2-5 of the schedule of representations and responses on Chapter 9 [RR10](#))

3.2.4 For Rouses Farm, it is suggested that Policy SAMU4 is retained in the plan with minor amendments (including an update to reflect the 950 homes subject of the

current application) whilst the development still remains the subject of a Planning Committee resolution to grant planning permission, but that the policy could be deleted once the s106 legal agreement is completed and decision notice is issued. See document SM1 and pages 18-21 of [RR10](#)).

### **3.3 Is the approach taken to identify the capacity of these sites appropriate?**

3.3.1 For sites SAMU4, SAMU5, SAH1, SAH2 and SAH3, their appropriate capacities have now been determined and resolved through the Development Management process and either the grant, or resolution to grant, planning permission. These approved capacities are reflected both in the Council's 2020 SHLAA [EB5.3.1](#) and its suggested amendments to relevant figures in Policy LP1 and its associated tables. These are as follows:

- SAMU4 – Rouses Farm: 950 dwellings.
- SAMU5 – Thorpe Road (Barleyfields), Weeley: 280 dwellings.
- SAH1 – Greenfield Farm: 42 dwellings (significantly less than the 164 dwellings originally envisaged through Policy SAH1, following the discovery of significant access and deliverability constraints).
- SAH2 – Low Road: 300 dwellings.
- SAH3 – Robinson Road (Colne Gardens – Phase 2): 115 dwellings (where development is well advanced and where 23 dwellings had already been completed at April 2020).

3.3.2 As explained above, the Council recommends the removal from Policy SAMU1 any reference to the 150 dwellings originally expected on the EDME site pending more detailed consideration of its heritage assets and an appropriate scheme for the site following the relocation of the existing business to Horsley Cross.

### **3.4 Are the assumptions made in relation to the timescale for delivery justified?**

3.4.3 The Council's assumptions for delivery timescales on individual sites are set out in Appendix 4 of the 2020 SHLAA [EB5.3.1](#). As mentioned above, they are considered to be based on generally conservative assumptions, informed through communication with the relevant developers and making an allowance for the potential economic impacts of the COVID-19 coronavirus pandemic.

- 3.4.4 For site SAMU4: Rouses Farm, the 2020 SHLAA trajectory forecasts that only 540 of the total 950 dwellings subject of application 17/01229/OUT will be built in the remainder of the plan to 2033. These timescales are based on assumptions previously agreed with the developers Persimmon Homes about the time required to complete the s106 legal agreement and grant outline consent, to approve reserved matters and discharge of conditions and to deliver the dwellings. Persimmon Homes has confirmed that the trajectory in the SHLAA remains in line with its expectations for delivery and that it is aiming to sign and return the s106 legal agreement in February 2021 enabling outline permission to be granted. A reserved matters application has already been prepared and is expected to be submitted to the Council in April or May 2021 along with applications to discharge a number of the planning conditions.
- 3.4.5 For Site SAMU5: Barleyfields in Weeley, all 280 homes are expected to be built before 2033 with first completions expected in 2022/23. The Council has received an update from Rose Builders, the developers for this site, confirming their intention to submit a reserved matters application in July 2021, start on site in January 2022 and deliver 5 dwellings in 2022, 20 per annum in 2023 and 2024 and 30 per annum thereafter until completion – thus still achieving all 280 dwelling completions before 2033, broadly in line with the Council’s trajectory.
- 3.4.6 For site SAH1: Greenfield Farm, the much reduced development of 42 dwellings is comfortably achievable within the period to 2033 with development anticipated to take place from 2025. The site has not been included in the ‘deliverable’ five year supply as there is currently understood that no housebuilder has acquired the site from the owners. However, with the principal of development established, the site is considered ‘developable’ with a reasonable prospect of delivery before 2033.
- 3.4.7 For Site SAH2: Low Road, the Council’s trajectory indicates delivery of all 300 dwellings within the plan period up to 2033 based on the advice of NEEB Holdings who control the site. The Council has received an update from NEEB Holdings re-affirming its commitment to delivering the scheme with the archaeological conditions discharged and a reserved matters application being prepared for submission in 2021/22. The aim is to deliver 20 dwellings in 2022/23, 30 dwellings in 2023/24, increasing to 40-25 per annum thereafter for the remainder of the build period with completion still anticipated in 2029/30, in line with Council’s trajectory.
- 3.4.8 For site SAH3: Robinson Road/Colne Gardens, the development by Hopkins Homes is clearly well advanced and completion is expected by 2024 if not earlier.

### **3.5 Are the Council's proposed modifications to these policies and supporting text necessary for soundness?**

- 3.5.1 Through its suggested amendments in document SM1, the Council recommends the deletion of Policies SAMU5, SAH1, SAH2 and SAH3 from the plan on the basis that these sites have now succeeded in obtaining planning permission and therefore form part of the 'committed supply' which includes various sites across the district not the subject of a specific policy or an allocation. The Council does not consider the deletion of these policies and relevant support text to be strictly necessary for the soundness of the plan, but in updating its content to reflect the most current position and for consistency of approach, these deletions are considered practical.

## **PART 2: Site SAMU2: Hartley Gardens**

### **3.1 Is the [Hartley Gardens] allocation soundly-based; are the criteria set out in the relevant policy justified and effective; is there appropriate evidence that the development of the allocation is viable and developable during the plan period?**

- 3.1.1 Yes. The proposed allocation at Hartley Gardens is soundly based and represents the most logical and suitable location for the long-term expansion of Clacton on Sea as part of an overall sustainable strategy for growth in Tendring. The Hartley Gardens allocation is the subject of specific Topic Paper 6 'Hartley Gardens' ([TP6](#)) which provides more detail on the justification for identifying the site for strategic housing growth above other reasonable alternatives along with information on its suitability, availability and deliverability.
- 3.1.2 A strategy that focusses growth on Clacton as the largest urban settlement in the highest tier of the Policy SPL1 settlement hierarchy (see the Council's hearing statement for Matter 2 TP2 for more details) is entirely consistent with the core planning principles in national planning policy of actively managing patterns of growth to make the fullest use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable (paragraph 17, 2012 NPPF [EB1.1.2](#)). Expansion of Clacton also reflects the evidence of housing need and the potential for housing-driven economic growth, as advocated in the Council's Economic Strategy ([EB6.1.1](#)).
- 3.1.3 The suitability of the site has been considered throughout the different stages of the plan-making process within the Sustainability Appraisal ([CD5.2](#)) and assessed, as the most suitable location for the expansion of Clacton and for development on this scale, against reasonable alternatives.
- 3.1.4 It is also worth noting that whereas the Sustainability Appraisal ([SA](#)) for the Section 2 Local Plan considers a variety of alternative options, there are no alternative sites of a comparable scale performing notably stronger against the sustainability criteria. For this reason, the Council considers the long-term need for housing to override the need to maintain the current extent of the green gap. Another reason is that with the exception of the Tendring Colchester Borders Garden Community and the Oakwood Park allocation, there are no other sites of the size proposed that could deliver a comparable level of housing or employment land in a comprehensive long-term manner.
- 3.1.5 As set out in more detail in the Topic Paper 5 ([TP5](#)) on Strategic Green Gaps, peripheral expansion of a comparable scale in other parts of Clacton would breach the overriding purpose of green gap policy, which is to retain separation between settlements and neighbourhoods to maintain their distinctive characters and to protect their individual landscape settings.

- 3.1.6 Whilst Hartley Gardens is clearly justified as a sustainable location for growth, the expected timescales for delivery have needed to be revised in light of a number of outstanding matters relating to multiple land ownership and the need to achieve a coordinated approach to planning and infrastructure delivery. Resolution of these matters is taking longer than had been anticipated at the time of submitting the Local Plan for examination.
- 3.1.7 However, due to significant changes in the housing supply situation, since the Local Plan was submitted in 2017, the Council is no longer reliant on delivery of the Hartley Gardens development within the plan period to 2033 to meet the district's residual housing requirement. See Topic Paper 2 ([TP2](#)) for more details. Notwithstanding this, the Council maintains that the Hartley Gardens site, along with Oakwood Park, represent the optimal locations for the long-term peripheral expansion of Clacton and the proposal should remain part of the Local Plan, albeit with a longer-term timeframe for delivery extending into the next plan period.
- 3.1.8 Because there are outstanding matters to resolve and the timescales for development are considered to be longer-term, the Council is proposing that amendments are considered, by the Inspector, to Policy SAMU2 to re-define the Hartley Gardens site as a 'broad location' for future development, as well as to set out the guiding principles that will carry forward into a more detailed Development Plan Document (DPD) or masterplan to guide a comprehensive approach to development the site. It is the Councils view that there is appropriate evidence that the site is viable and developable in the longer term.
- 3.1.9 The Council and the main developers and landowners with an interest in the Hartley Gardens proposal are engaged in ongoing work to explore and resolve some of the landownership issues as well as to establish the supporting infrastructure required to bring the site forward. For example, Strutt & Parker are now instructed by Greenwich Hospital (who control a large portion of the site) to actively undertake technical landscape and transport work in support of the allocation and to help inform the development going forward. There have also been positive discussions with Britton Construction Ltd and MRPP about the role that land north of the Brook Park West development could play in bringing the scheme forward and discussions with Penland Estates and DLP about bringing forward the land at the western end of the site in a phased approach.
- 3.2 Are the detailed requirements for the [Hartley Gardens] allocation clear and justified? Have site constraints, development mix and viability considerations been adequately addressed?**
- 3.2.1 As explained in Topic Paper 6 ([TP6](#)), the Council is proposing amendments to Policy SAMU2 to re-define the Hartley Gardens site as a 'broad location' for future development as well as to revisit the detailed requirements and guiding

principles that will carry forward into a more detailed Development Plan Document (DPD) or masterplan for the long-term development of the site.

- 3.2.2 It is also important to note that the Council, through its 2020 [SHLAA](#), has revisited its expectations for housing delivery on this site and the latest trajectory now anticipates only around 200 dwellings being deliverable from Hartley Gardens before 2033. Additionally, ongoing discussions with Essex County Council have indicated that further work is required to determine the need for a strategic link road and/or to confirm the nature and likely cost of the supporting infrastructure required.
- 3.2.3 Through the above approach, there will be an opportunity for the Council to work collaboratively to a more realistic timescale. For example, this will allow Tendring District Council and Essex County Council to agree the transportation requirements, exploring the creation of a sustainable movement network. Also, ongoing work will include making principal points of highway access clear, identifying an effective hierarchy of streets, and facilitating greater use of public transport, walking, and cycling routes within and beyond the site. More importantly, it is the Council's view that a long-term approach is required to inform the Hartley Gardens DPD with a more detailed approach to the masterplanning of the site.
- 3.2.4 Notwithstanding, Topic Paper 6 ([TP6](#)) includes suggested changes to the site boundary to provide a looser and more indicative western edge pending a more detailed review and formalisation through the proposed site-specific DPD. This will allow site constraints, development mix and viability considerations to be adequately addressed in more detail in moving the scheme forward. Finally, the above approach will ensure that the detailed requirements for Policy SAMU2 are robust, transparent, and justified.
- 3.2.5 In line with the Council's view and Topic Paper 6 ([TP6](#)), the Tendring Viability Study (2017) and the follow-up Economic Viability Study Addendum (2019) [EB9.1.1](#) have shown that the Hartley Gardens site, is viable and deliverable. In addition, the Council's Infrastructure Delivery Plan, (IDP) Review June 2019 also confirms the Council's approach – recommending that further work is required to establish and refine the infrastructure requirements to support the delivery of Hartley Gardens.
- 3.2.6 The IDP is in the process of being updated for 2021 and Essex County Council has been providing updated information on future educational requirements. The Council has advised that, as well as one 56 place Early Years and Child Care (EYCC) facility provided as part of a co-located new primary school, the Hartley Gardens Development is likely to require an additional 56 place stand-alone EYCC facility on 0.13 hectares of land. For this reason, there is a need to consider a further amendment to criterion c. of Policy SAMU2 in addition to the current amendments being suggested in document [SM1](#).

3.2.7 The Council's suggestion is that c. is revised as follows:

c. 2.1 hectares of land for a new two-form entry primary school with co-located 56 place early years and childcare facility, 1.3 hectares of land for a second 56 place stand-alone early years and childcare nursery (D1 use) and/or financial contributions towards primary school provision as required by the Local Education Authority based on evidenced need through ~~Section 106 Planning Obligations~~;

### **3.3 Is the approach taken to identify the capacity of the [Hartley Gardens] site appropriate?**

3.3.1 The site is a greenfield urban extension on the north western edge of Clacton-on-Sea. The Hartley Gardens 'Site Allocation' is approximately 125 hectares. However, the evidence base work for the boundary shown in the emerging Local Plan and the suggested 'broad location' (Figure 6) consider the full extent of land within defined field boundaries as opposed to the superficial boundary that had been defined in the Local Plan (2007) to reflect the original indicative route for the proposed link road.

3.3.2 Nonetheless, the Proposed Policy modification to Policy SAMU 2 proposes the full indicative capacity of the site (1,700 units and 7 hectares of employment land) for inclusion as a 'broad location' within the emerging local plan (instead of the existing 800-1,000 units over the plan period). In addition, Topic Paper 6 ([TP6](#), Page 13) provides further information on the detailed capacity as well as the key infrastructure requirements for the long-term delivery of the site.

3.3.3 Furthermore Figure 18 on page 36 of Topic Paper [TP6](#) includes an indicative land use budget which identifies the various constraints affecting the site and confirms that approximately 1,700 dwellings can be accommodated in this location.

3.3.4 The proposed policy amendments outlined in Topic Paper 6, ([TP6](#)) are in conformity with the NPPF 2012, Para. 58 ([EB.1.1.2](#)) requiring the policy to seek to optimise the full potential of the site to accommodate development.

### **3.4 Are the assumptions made in relation to the timescale for delivery justified?**

3.4.1 As explained above and detailed in Topic Paper TP6, the assumptions in relation to the timescale for delivery of the Hartley Gardens development have needed to be revised from those originally set out in the Local Plan. For example, the Council's trajectory within the 2020 SHLAA, confirms that only

210 dwellings are expected to be delivered in the plan period to 2033 with the majority of development taking place beyond 2033.

- 3.4.2 In addition, a longer-term delivery will allow the Council to continue to explore, with the Highways Authority and Homes England possible solutions and sources of funding to accelerate the delivery of the site and supporting infrastructure where feasible.
- 3.4.3 Regardless of the policy route, the Council is committed to working in partnership with the landowners and their representatives to help guide and steer a shared vision and programme of activity moving forward.
- 3.4.4 Based on new evidence and because of the outstanding issues that need to be resolved, the assumptions for delivery set out in the submitted Local Plan cannot be justified going forward. The issues surrounding multiple ownership across the site and the complexities involved in delivering a comprehensive approach to planning and infrastructure delivery mean that the site is unlikely to come forward within the timescales that were originally envisaged.
- 3.4.5 These outstanding issues are some of the reasons why the Council is proposing the allocation of the site as a 'broad location' in the emerging plan.

### **3.5 Are the Council's proposed modifications to Policy SAMU2 and supporting text necessary for soundness?**

- 3.5.1 For all of the above reasons, the Council's proposed modifications to Policy SAMU 2, and supporting text, are necessary to ensure the soundness of the emerging Section 2 Plan.
- 3.5.2 The current expectations for development at the Hartley Gardens site, as set out in the Local Plan as submitted, are no longer considered to be realistic given the outstanding issues that need to be resolved. The Council's suggested modifications are therefore considered necessary for the soundness of the plan as they will enable the scheme to be brought forward in a sustainable location and in comprehensive manner working to what the Council considers to be a more realistic timeframe.
- 3.5.3 The Council is however open to the prospect of the site remaining as an allocation as opposed to a 'broad location' as currently suggested if there is evidence from the relevant landowners and developers that the site can deliver on an earlier timescale than indicated in the Council's revised trajectory. With that in mind, Appendix 11 to Topic Paper [TP6](#) shows an alternative allocation boundary that could be included in the plan.

### **PART 3: Site SAMU3: Oakwood Park**

**3.1 Is the [Oakwood Park] allocation soundly-based; are the criteria set out in the relevant policy justified and effective; is there appropriate evidence that the development of the allocation is viable and developable during the plan period?**

3.1.1 Yes. The proposed allocation for Oakwood Park is soundly based. The criteria set out in Policy SAMU3 (with the Council's suggested amendments) are justified and effective and the evidence shows the allocation is viable and developable. This allocation is the subject of specific Topic Paper 7 'Oakwood Park' ([TP7](#)) which provides more detail on the justification for identifying the site for strategic housing growth above other reasonable alternatives along with information on its suitability, availability and deliverability.

3.1.2 The site is an urban extension on the north east periphery of Clacton, the largest town in Tendring in the highest category of the Policy SPL1 settlement hierarchy with the greatest housing need and potential, with the right action, for housing-driven economic growth (see the Council's hearing statement for Matter 2).

3.1.3 The suitability of the site has been considered throughout the different stages of the plan-making process within the Sustainability Appraisal and assessed against reasonable alternatives and the principle of expansion in this location is already well established through residential developments east of Thorpe Road including the completed Bramwood development, the Flint Grange development under construction and other planning consents. The site falls outside of the designated 'Strategic Green Gaps' (see Topic Paper [TP5](#)) designed to maintain physical separation between Clacton and surrounding settlements and is land of relatively low environmental value compared to other greenfield sites.

3.1.4 The Sustainability Appraisal ([CD5.2](#) page 175) concluded:

*“that the site forms a sustainable extension of Clacton, with the ability to meet infrastructure thresholds for new education and healthcare provision. The allocation supports the Spatial Strategies of both Sections One and Two of the Plan in focussing proportionate growth to existing settlements in order to meet OAN requirements and supporting employment opportunities, and is suitable in response to the lack of available brownfield land within Clacton and the wider plan area.”*

3.1.5 Policy SAMU3 attracted a minimal number of objections for a major development site of this scale. Of the eight representations received (see pages schedule of representations and responses [RR10](#)), only one (Land Logic ref: [LPPuD233](#)) objected to the principle of development on landscape impact and viability grounds. They argue that the development would result in far-reaching

landscape and visual implications for Clacton's landscape setting and question to ability of the development to fund and deliver a new primary school and early years and childcare facility, healthcare facilities and a new "Local Centre".

- 3.1.6 The allocation of Oakwood was informed by a Landscape Character Assessment which supports development on the urban fringe and states that 'the strategy should be to conserve the low density settlement pattern in rural areas, maintain the distinctive identity of individual settlements, and enhance the character of the urban fringe'. The Sustainability Appraisal states (p175) that 'the Policy can be seen to sufficiently address the uncertain and negative impacts raised in the appraisal of the site in Appendix 1, surrounding accessibility, and landscape concerns. The Policy also ensures that the positive impacts associated with the location of the site are maximised to offer sustainability benefits' and concludes 'the site forms a sustainable extension of Clacton, with the ability to meet infrastructure thresholds for new education and healthcare provision.' The Economic Viability Study concluded that the infrastructure associated with the development was viable and deliverable.
- 3.1.7 Mifield Ltd (ref:[LPPuD301](#)) supported the allocation of the site but call for the addition of land east of the allocated site development (up to the railway line) as part of the SAMU3 allocation which is in their control. The Council believe this land does have merit in terms of its development potential. However, the land was excluded from the specific allocation because it is a natural progression of the allocated site with access to the west. The land is considered most likely to come forward beyond the end of the plan period in 2033.
- 3.1.8 The majority (94%) of the proposed allocation of land is under the control of a single developer, Scott Properties via promotion/ option agreements. There has been continuous engagement with Scott Properties throughout the plan process and this will continue in formulating the planning applications. The Council and Scott Properties have also been working on a Statement of Common Ground showing how the the Council and the lead developer have been cooperating in progressing the site through the planning process. The remaining land, located in the north east corner of the allocation, is the subject of a planning application (and a current appeal) by Sole Bay Developments for 81 dwellings.
- 3.1.9 A financial viability appraisal (Tendring Addendum to 2017 Economic Viability Study 2019, Three Dragons and Troy Planning and Design [EB9.1.1](#)) was undertaken which assessed the viability of the site as a whole to deliver the required development. This was undertaken concurrently with the Infrastructure Delivery Plan Review. Both studies concluded that the site was viable and deliverable with the infrastructure requirements included alongside 30% affordable housing.

3.1.10 Initially the site was envisaged to deliver approximately 750 dwellings with 500 dwellings within the plan period. Following discussions with the lead developer, Scott Properties, the Council is now estimating that circa 900 dwellings could be delivered from the site with a more conservative delivery rate than the developer envisages of circa 435 dwellings being delivered within the plan period. The access and new roundabout on Thorpe Road has been completed by virtue of the Persimmon development and the access roads to the site are under construction.

3.1.11 Scott Properties has produced an indicative development framework and phasing plan which is part of the Oakwood Park Delivery Statement and can be found in the Examination Library ([EB9.3.4](#)). This demonstrates the site can be delivered, with the associate infrastructure, within the time period outlined in the Local Plan.

**3.2 Are the detailed requirements for the [Oakwood Park] allocation clear and justified? Have site constraints, development mix and viability considerations been adequately addressed?**

3.2.1 Yes, subject to the Council's suggested amendments to the wording of Policy SAMU3, the detailed requirements are clear and justified. The site constraints, development mix and viability considerations have been adequately addressed. The Council's suggested amendments respond to representations and aim to improve the effectiveness of the policy by building in a level of flexibility and ensuring factual correctness.

3.2.2 The detailed requirements in the revised Policy SAMU3 are based on evidence contained in supporting background documents and consultation with key stakeholder and statutory authorities. In particular, the requirement for affordable housing is contained in the Strategic Housing Market Assessment and the infrastructure requirements to facilitate and physically develop the site are contained in the Infrastructure Delivery Plan (IDP). The latter was reviewed in 2019 [EB10.1.1](#) and a detailed list of infrastructure requirements is listed in Table 12.3 of the document. This corresponds with the criteria contained in the policy, although some minor modifications are being suggested following the review and representations received at publication stage.

3.2.3 There are very few constraints in relation to the site. It is not protected by either statutory or non-statutory ecological designations. However, the site does fall within the zone on influence of European designated sites which will require on site mitigation and financial payments to support management measures. The site is not shown as being at flood risk according to the Environment Agency Mapping and the Tendring Strategic Flood Risk Assessment; the Environment Agency do not object to the allocation of the site. Access to the site will be via land to the west; the roundabout to serve the development has been constructed and the internal road network is under construction. Scott

Properties has an agreement with the landowner/ Persimmon Homes to access the road network.

- 3.2.4 The site does not contain any Registered Parks and Gardens; designated Areas of Archaeological Importance; Scheduled Ancient Monuments or Conservation Areas within its boundaries. However, there are a number of listed buildings within 1 km of the site which the development may need to take account of in terms of their setting. All the main utilities can be connected to the site and there are no properties within the site boundary.
- 3.2.5 Policy LP2 seeks to ensure an appropriate development mix taking into account evidence from the Strategic Housing Market Assessment (SHMA) [EB5.2.3](#). The development will include affordable housing and development to address the needs of older residents including land for care and extra care facilities. The Economic Viability Study assumed 918 units and 30% affordable housing. The appraisal has used the infrastructure requirements set out in the Tendring Infrastructure Delivery Plan Review, June 2019 (Navigus Planning) [EB10.1.1](#). The viability testing assumes a full policy on scenario with a 26.65 dph average across the site and an infrastructure and s106 costs of £20,000 per unit. Based on the appraisal, benchmark values per hectare are recorded at £440,000 per hectare. The residual value per hectare minus benchmark value is recorded at circa £800,000. As stated above, the study concluded the site is viable to develop with the infrastructure requirements alongside 30% affordable housing.

### **3.3 Is the approach taken to identify the capacity of the Oakwood Park site appropriate?**

- 3.5.1 The total site area is approximately 47.45 Hectares. This comprises:
- Sole Bay Developments – 2.7 Hectares (6%)
  - Scott properties – 44.75 (94%)
- 3.5.2 The Policy in its submitted form states that the site will develop 750 properties on 21.1 hectares of land within the allocation. This equates to a density of approximately 35.5 dwellings/ hectare. However, the key infrastructure only requires a land take of approximately 10 hectares (as shown in Policy SAMU3) with an additional 5 hectares for sports provision, community facilities and allotments (Policy HP5) and an allowance of 5 hectares for ecological mitigation. This leaves a residual land total of 27 hectares for development. As such, the site could accommodate additional housing. A more realistic capacity, in consultation with the lead developer, is approximately 900 dwellings. This equates to a minimum of 33 dwellings/ hectare which is comfortably within acceptable amenity standards and reflects the suburban context of the locality. This is in conformity with the NPPF 2012 (para. 58) requiring the policy to seek to optimise the potential of the site to accommodate development.

**3.4 Are the assumptions made in relation to the timescale for delivery justified?**

3.4.1 The Council's current estimated delivery rate for the Oakwood Park SAMU allocation, as set out in Appendix 4 of its 2020 SHLAA [EB5.3.1](#) is as follows:

2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Next Plan
35	40	40	80	80	80	80	483

3.4.2 The Council trajectory has adopted a cautionary approach to the timetable for development envisaging that a hybrid planning permission would be obtained within four years and on site works would begin in 2025/26. The first housing would be delivered by a single developer in 2026/27.

3.4.3 Scott Properties, the lead developer, estimate the delivery rate on Oakwood Park as follows:

2023/24	2024/25	2025/26
START	20	40

2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Next Plan
60	90	90	90	90	90	90	225

Source: Oakwood Park Delivery Statement (Scott Properties, December 2020)

3.4.4 Scott Properties estimated delivery rate is significantly in excess of the Council's conservative estimate and state this is 'based on a hybrid application for the first 150 dwellings being submitted by Summer 2021, with determination by April 2022. Assuming commencement on site in 2023, this would enable the first units to be ready for occupation by 2024. Reserved matters applications for subsequent phases will follow thereafter.' (Oakwood Park Delivery Statement, P5). The developer estimates that 258 more dwellings will be built on the site before 2033 than suggested in the Council trajectory.

3.4.5 From discussions with Scott Properties, at least two developers will be operating on the site simultaneously. As such, the Council's estimated rate of housing delivery on Oakwood Park is realistic and deliverable.

**3.5 Are the Council's proposed modifications to Policy SAMU3 and supporting text necessary for soundness?**

3.5.1 The suggested Policy amendment regarding total housing numbers reflects recent discussions with the lead developer and includes an increase in the capacity of the site to deliver circa 900 homes (previously 750) with approximately half being delivered within the Plan period to 2033; the delivery rate being marginally less than the policy had envisaged. This optimises the

use of the land available to build homes and meets the requirement NPPF 2012 (para.58) requiring the policy to seek to optimise the potential of the site to accommodate development. This proposed amendment also incorporates Essex County Council's observation ([LPPuD44](#)) that the housing numbers referred to in the policy are inconsistent with the figures in Table LP2. The amendment meets the tests of soundness as being justified, effective and consistent with national policy.

3.5.2 In response to comments from Scott Properties ([LPPuD409](#)), while retaining the key elements, the Council acknowledges that Policy SAMU3 is too prescriptive. To state that the land use must conform to two decimal places of a hectare, for example, the policy states 2.04 hectares for a care home, is too onerous on the developer and is not conducive to good masterplanning. As such, the Council has modified the policy. This suggested modification will mean that the Policy is positively prepared, justified and effective.

3.5.3 An amendment is also being suggested to clarify the role of the local centre to meet the needs of the nearby residents and not to compete with District or Town Centre Retail offer:

fe. approximately ~~4.93~~ 2 hectares of land for a ~~local~~ neighbourhood centre to include local shops, services and community facilities; and

3.5.4 This clarification is justified, effective and consistent with national policy.

3.5.5 The Council are suggesting a modification to take account of comments by Historic England ([LPPuD143](#)) to ensure the rural character of the bridleway is emphasised:

lk. delivery of opportunities for the protection and enhancement of the historic environment and features and settings including the built and archaeological environment as well as the rural character of the bridleway running through the centre of the site;

3.5.6 The addition of the last sentence meets the test of soundness as being justified based on the evidence.

3.5.7 There are other minor amendments to the policy wording to provide clarity and update the policy on progress since Publication stage.