



## **Tendring Local Plan**

### **Examination Hearing Statement**

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Matter 3 – Policies and Allocations for Housing Development  
(Delivering Places)  
SAMU3 – Oakwood Park

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**Prepared by Strutt & Parker on behalf of M Scott Properties Ltd**

**January 2021**

## 1. Introduction

- 1.1 M Scott Properties Ltd ('Scott Properties') made representations on the Tendring District Local Plan Publication (Regulation 19) Draft ('the eLP') in 2017. These representations (Comment ID LPPuD 409) were duly made
- 1.2 This Hearing Statement concerns Matter 3 of the Tendring Local Plan Examination, and questions pertaining to SAMU3 (Oakwood Park). Scott Properties
- 1.3 Clearly, considerable time has elapsed since the most recent opportunity to make formal representation on the eLP (the Regulation 19 consultation, which ended on 28 July 2017). This Hearing Statement seeks to provide an overview in respect of the latest position with Oakwood Park, and work undertaken to support its development.
- 1.4 Land south of Holland Road, Clacton-on-Sea 'the Site' forms the majority (approximately 94%) of the SAMU3 allocation. The Site is in single ownership and is in its entirety under promotion agreement with Scott Properties. Scott Properties are actively promoting development of the Site, and Scott Residential will deliver the first phase of development.
- 1.5 We note that Tendring District Council ('the Council') now propose modifications to Policy SAMU3. We are broadly supportive of these, but consider that some further main modifications are required to ensure Policy SAMU3 is sound.
- 1.6 We wish to stress we are working positively collaboratively with the Council and other stakeholders to bring forward the sustainable development of the Site.
- 1.7 As per the NPPF 2019 transitional arrangements, the eLP is being examined in relation to the NPPF 2012. As such, unless stated otherwise, where reference is made to the NPPF, this refers to the NPPF 2012. Similarly, reference to PPG is to that which accompanied the NPPF 2012 unless otherwise stated.

## 2. Site description

- 2.1 The site is an area of agricultural land on the northern edge of Clacton-on-Sea. It occupies land between the Stephenson Road commercial and industrial area on the edge of Clacton and Holland Road, which is around 800m to the north.
- 2.2 The whole site area is approximately 45ha. The land here is at approximately 20m AOD, but gently falls to approximately 10m AOD towards the north-eastern extent of the site. The Site is essentially broken down into two large adjacent field parcels and one smaller one directly adjacent to the north-west of the other two. The fields are separated by established field boundary vegetation, with a public bridleway separating the two larger fields. Established hedgerows demarcate the Site's boundaries.
- 2.3 The adjacent Stephenson Road area of commercial and light industrial units incorporates the Clacton Factory Outlet shopping village. These form a band of commercial warehouses and sheds which lie to the north of the residential centre of Clacton. Where industrial and commercial units back onto the southern site boundary, these urban edge influences have a dominating presence across the Site.
- 2.4 Other edges of the site face away from the urban area of Clacton. However, the site area is contained within an area of countryside enclosed by Thorpe Road to the west, Holland Road to the north and the Clacton railway line to the east. Though essentially rural roads, Thorpe Road and Clacton Road are punctuated by clusters of development and a further group of large buildings associated with Cookgreen Farm. There are also clusters of houses such as those on Thorpe Road near Parkgate Corner.
- 2.5 In 2015, outline planning permission was granted on land immediately to the west of the Site for inter alia of up to 250 dwellings and B1c floorspace. Following reserved matters consent in 2019, the development is now being delivered and in due course the western boundary of the Site will adjoin this residential development.
- 2.6 Other planning permissions for residential development have been granted within the locality, as described within TP7.

### 3. Response to Matter 3

**Question 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?**

#### Site suitability

- 3.1 The proposed allocation of SAMU3 is justified; consistent with national policy; effective (it is deliverable); and provides a significant contribution towards the eLP being positively prepared.
- 3.2 The eLP's evidence base demonstrates the sustainability and deliverability of SAMU3, as summarised within Topic Paper 7 (TP7).
- 3.3 We do not intend to repeat the points set out in TP7, which set out that the selection of this site is clearly justified, but we do wish to add / emphasis the following.
- 3.4 Clacton is by far the largest settlement in the District, and benefits from a host of services, facilities, and employment opportunities. A spatial strategy which directs a significant proportion of growth to this settlement is clearly appropriate.
- 3.5 Notwithstanding the eminent sustainability of Clacton as a location for growth, opportunities to accommodate such development are somewhat limited by a number of environmental and physical constraints; as well as the policy constraint which seeks to ensure separation of settlements.
- 3.6 On this latter point, much of the land which surrounds Clacton is located within the Local Green Gap (as per the current Development Plan). This seeks to ensure that future development does not engender the coalescence of settlements, to the detriment of such settlements' identities, and is proposed to be carried forward in the eLP as Strategic Green Gap. SAMU3 is not located within the Local / Strategic Green Gap.
- 3.7 SAMU3 is not subject to any significant constraints to development, and is not located in an area which is sensitive in landscape or visual terms.

- 3.8 The eLP Sustainability Appraisal (SA)<sup>1</sup> is also of particular importance in demonstrating the suitability of the Site and the justification for its allocation. The NPPF confirms the importance of SA in the plan-making process<sup>2</sup>, and it is a requirement of the SEA Regulations<sup>3</sup> that it set out the reason for the selection of options and the rejection of reasonable alternatives. The eLP is supported by SA which provides a robust appraisal of SAMU3 against the SA framework. It concludes SAMU3 will have significant positive impacts in relation to a number of sustainability objectives. The SA clearly articulates the reasons for the selection of SAMU3, summarised at Section 6.3, and the rejection of reasonable alternatives.
- 3.9 The suitability of this area is further confirmed by the fact that development within this location has been granted planning permission relatively recently, or has been refused but not on matters of the principle of development, as explained within TP7.
- 3.10 In addition, we consider it a further benefit of this Site is that it is available for a proportion of the development to come forward as accommodation designed specifically to meet the needs of older residents, in addition to an element for care and extra care facilities. Whilst we appreciate this is not an express requirement of the NPPF 2012 or its PPG, it is a requirement of the NPPF 2019 and its accompanying PPG. As such, we consider it is still relevant.

### Justification and effectiveness of SAMU3 policy requirements

- 3.11 We broadly support the detailed policy requirements of SMAU3 as per the submitted eLP, but do have some concerns relating to matters of detail. In particular we consider that the reference to exact number of homes; exact number of homes designed to meet the accommodation needs of older residents; and the setting out areas of land for specific uses in absolute terms and to 0.01 of a hectare is unjustified and inconsistent with national policy. The NPPF makes clear on the need for Local Plans to be sufficiently flexible to respond to rapid change<sup>4</sup>; and to allocate sites to promote development and flexible use of land<sup>5</sup>. Providing flexibility in respect of the areas of land to be used for specific uses will ensure the Site is better placed to be able to respond to changing circumstances, development requirements, requests from service providers, and feedback from

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<sup>1</sup> Examination Document Reference SDTDC/019

<sup>2</sup> NPPF paragraph 165

<sup>3</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

<sup>4</sup> NPPF paragraph 14

<sup>5</sup> NPPF paragraph 157

stakeholders as proposals are progressed to greater levels of detail. As such, we consider requirements should be expressed as approximates.

3.12 Accordingly, we welcome that modifications are proposed to provide additional flexibility, as set out in TP7. We discuss our views on these in further detail in response to Question 3.5.

3.13 Notwithstanding concerns as to how these requirements have been articulated in an overly precise manner in the submitted eLP, we consider it is justified for the policy to seek provision of:

- care and extra care facilities;
- new primary school;
- local centre;
- healthcare facilities; and
- public open space

3.14 In respect of the planning obligations suggested in Policy SAMU3, we do not object to these in principle, but do have some concerns with how this aspect of the policy has been worded. These can be readily addressed through modifications, and are discussed further in our response to Question 3.5.

### Viability and Deliverability

3.15 A Delivery Statement has been prepared and accompanies this Hearing Statement (**Appendix A**). This confirms the Site deliverability, consistent with SAMU3.

3.16 The Site – which comprises the vast majority of SAMU3 – is in single ownership and all under promotion agreement with Scott Properties.

3.17 An agreement is in place between Scott Properties and the landowner to the west in order to achieve access to the Site.

3.18 Scott Properties is an established promoter and developer with a proven track record of delivery.

3.19 Scott Residential will deliver the first phase of development.

3.20 As per the Delivery Statement, the Site is subject to few constraints to its development. There are no legal or ownership constraints to its delivery.

3.21 The Council's June 2019 Economic Viability Study provides clear evidence of SAMU3 viability, and Scott Properties concur that is a viable site for development.

**Question 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?**

3.22 Detailed assessment work to support development of the Site has been undertaken and fed into the preparation of the Delivery Statement (Appendix A). This includes a review of potential constraints, of which there are few and none fundamental.

3.23 The Delivery Statement demonstrates how the development can be delivered accounting for such constraints, and provides an example of how development could be implemented.

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

3.24 Scott Properties has produced a Draft Emerging Concept Plan for Oakwood Park, within which is an Illustrative Development Framework which demonstrates how a development which accords with emerging policy and which delivers 885 dwellings could be delivered. This is contained within the Delivery Statement provided as Appendix A.

3.25 As per the Delivery Statement, associate infrastructure required to support a development of c.885 dwellings is deliverable.

3.26 In addition, we recognise that part of SAMU3 not under the control of Scott Properties is anticipated to delivery 80 dwellings within the plan period.

3.27 Furthermore, we consider it is relevant to note that the care and extra care facilities that will be provided will also make a contribution towards meeting housing needs in the District, as per the PPG which accompanies the NPPF 2019<sup>6</sup>.

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<sup>6</sup> PPG 2019 paragraph: 035 Reference ID: 68-035-20190722

- 3.28 As such, we consider it entirely appropriate Policy SAMU3 (as proposed to be amended) refers to delivery of 900 dwellings and, importantly, expresses this as an approximate.

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

- 3.29 The Council has estimated (TP7) that the Site will deliver approximately 435 dwellings within the plan period (i.e. by 2033). We consider this to be a conservative estimate, and as per our Delivery Statement, we anticipate delivery of c.660 dwellings by the end of 2032 and c.725 dwellings by the end of 2033.
- 3.30 Considerable technical work has been undertaken in readiness for a planning application, and we anticipate submission of an application in summer 2021.
- 3.31 A hybrid application including proposals for first 150 dwellings is currently being prepared. Taking a cautious approach in allowing for a long determination period, and assuming determination in April 2022, development is anticipated to commence in early 2023. First completions ready for occupation would follow in 2024 (again, a conservative estimate in respect of timescales).
- 3.32 Based on the their considerable experience and detailed knowledge of the local housing market, Scott Properties are anticipating a delivery rate of 40 dpa, which will enable completion of the first 150 dwellings within 5 years of commencement i.e. 2028, with the potential to accelerate to meet market demands. A relatively cautious delivery rate of 50 dpa for the housing developments.

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

- 3.33 As set out in our response to Question 3.1, whilst broadly supportive of Policy SAMU3 and its detailed requirements, our principal concern was the inflexibility it implied in relation to the areas to be utilised for various uses.
- 3.34 One of the key aspects of the proposed modifications as per TP7 is to remove expressions of development quantum / areas as absolutes, and to express these in more flexible terms instead. We consider this to be necessary to ensure the policy is justified and consistent with national policy. As such, in principal these modifications are supported.

- 3.35 However, we note that not all of the land areas for various uses are proposed to be expressed as approximates.
- 3.36 We appreciate that in the case of the primary school, there is a degree of certainty as to the area of land required. As such, and whilst we consider it would be preferable to express this as an approximate to provide some flexibility, we do not consider expressing this in definitive terms renders the policy unsound or unjustified.
- 3.37 However, in the case of healthcare, the area of land required has yet to be confirmed yet is still proposed to be expressed as exactly 1.0 ha. This figure should be expressed as an approximate to ensure appropriate flexibility in order to enable the developer to respond positively to requests from the service provider that may require a different area of land; as well as avoiding prematurely precluding potential alternatives, such as delivering healthcare facilities in combination with other development, for example.
- 3.38 Policy SAMU3 requires development of Oakwood Park to be accompanied by financial contributions to early years and childcare, primary and secondary education provision “*as required by the Local Education Authority*”; and financial contributions towards community facilities such as health provision “*as required by the NHS/CCG*”.
- 3.39 We consider that a requirement to make financial contributions towards early years and childcare, primary and secondary education provision; and to community facilities such as health provision is entirely appropriate, where such contributions are justified and consistent with national policy.
- 3.40 As currently worded, however, we consider there is potential for a decision-maker to infer that the policy allows for a contribution to be demanded regardless of whether such a request is proportionate to the development, directly related to the development, and necessary to make the development acceptable in planning terms (i.e. regardless of whether it would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010).
- 3.41 We consider this can be readily addressed through further modifications to the policy, by adding reference to any contributions being sought being required to be proportionate to the development, directly related to the development, and necessary to make the development acceptable in planning terms.