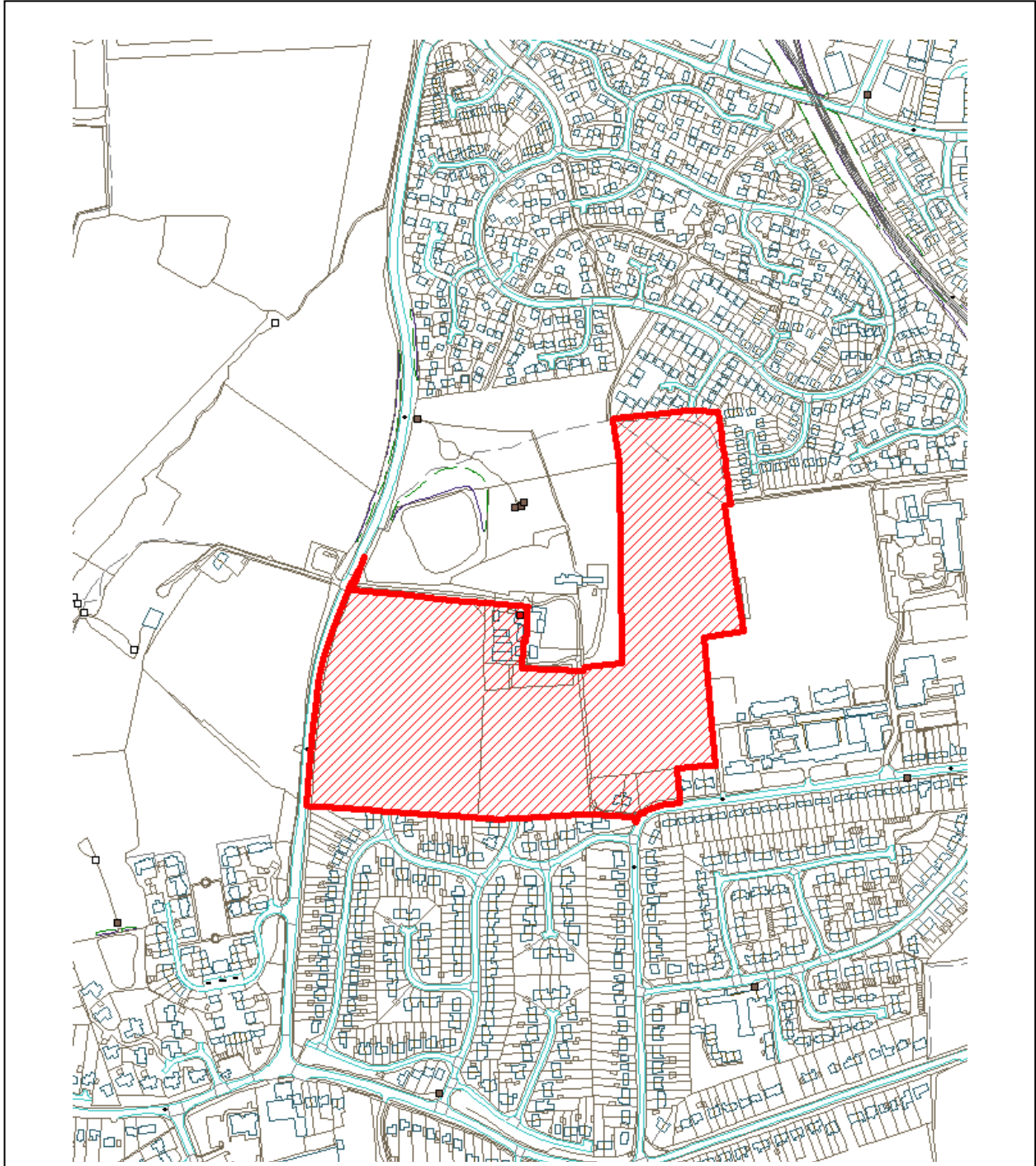


PLANNING COMMITTEE

17th September 2013

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 13/00452/OUT - LAND AT DALE HALL COXS HILL, LAWFORD, MANNINGTREE, CO11 2LA



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Application: 13/00452/OUT **Town / Parish:** Lawford Parish Council

Applicant: Rose Builders (Properties) Limited

Address: Land at Dale Hall Coxs Hill Lawford CO11 2LA

Development: The erection of 150 houses with associated garages on 7.45 hectares with two vehicle access points, site roads, parking for school buses, footpaths/cycle routes and boundary landscaping. The erection of 'approximately 700m²' of B1 use buildings on 0.2 ha of land and 2.6 ha of Community Open Space to include a children's playground.

1. Executive Summary

- 1.1 The site forms part of an allocation within the local plan and as a result it is considered that the principle of development is acceptable. This is an outline application with matters of scale, layout, appearance and landscaping reserved for later consideration while the matter of access has been assessed with regard to the two main access points to the application site. Details in this regard have been found acceptable.
- 1.2 The proposal is for the construction of a 150 residential dwellings, the provision of 2.6 hectares of public open space and an element of B1 use. This mixture of uses on the site is in keeping with the aims and objectives of the National Planning Policy Framework, together with the Tendring District Local Plan Proposed Submission Draft (2012).
- 1.3 This report concludes that there are no material conflicts with planning policy and since no material objections have been raised that outweigh the benefits of the proposed development the application is recommended for approval.

Recommendation: Approve subject to a legal agreement relating to the following matters:

- (a) Highways contribution
- (b) Upgrading of the four bus stops in Colchester Road which would serve the proposal site to current ECC specification to include but may not be limited to real time passenger information
- (c) For the B1 element of the proposal, a non-residential travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan
- (d) Affordable Housing
- (e) Public Open Space Management

Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters")
2. Application for approval of the reserved matters
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
4. Existing and proposed site and finished floor levels
5. Development Brief, incorporating Design Codes
6. Design Code contents
7. Layout plan and phasing programme
8. Samples of the materials
9. Hard and soft landscaping
10. All hard and soft landscaping implementation
11. Landscaping - Five year clause
12. A management plan

13. Wheel cleaning facility
14. Priority junction off Cox's Hill
15. Priority junction off Colchester Road
16. Shared footway/cycleway along Cox's Hill
17. Footpath/cyclepath connections between Meadway, Long Road and Cox's Hill
18. Residential travel plan
19. No vehicular connection between Cox's Hill and Colchester Road
20. Pedestrian and cycle link
21. Designated car parking spaces and covered cycle store(s)
22. Phasing, for the provision of mains foul water drainage on and off site
23. Scheme to provide recycling facilities
24. Sustainability Report for reserved matters
25. Archaeological work
26. Mitigation measures set out in the Environmental Statement Ecology section
27. Construction Method Statement
28. Hours of construction
29. Development to be carried out in accordance with approved plans

2. **Planning Policy**

National Policy:

National Planning Policy Framework

Local Plan Policy:

Tendring District Local Plan 2007

QL2 - Promoting Transport Choice

QL3 - Minimising and Managing Flood Risk

QL9 - Design of New Development

QL10 - Designing New Development to Meet Functional Needs

QL11 - Environmental Impacts and Compatibility of Uses

QL12 - Planning Obligations

HG1 - Housing Provision

HG3A - Mixed Communities

HG4 - Affordable Housing in New Developments

HG6 - Dwelling Size and Type

HG7 - Residential Densities

COM6 - Provision of Recreational Open Space for New Residential Development

EN1 - Landscape Character

EN5 - Areas of Outstanding Natural Beauty (AONB's)

EN6 - Biodiversity

EN6A - Protected Species

EN23 - Development Within the Proximity of a Listed Building

EN29 - Archaeology

TR1A - Development Affecting Highways

TR3A - Provision for Walking

TR5 - Provision for Cycling

TR6 - Provision for Public Transport Use

TR7 - Vehicle Parking at New Development

Tendring District Local Plan - Proposed Submission Draft (2012)

SD1 - Presumption in Favour of Sustainable Development

SD5 - Managing Growth

SD7 - Securing Facilities and Infrastructure

SD8 - Transport and Accessibility

SD9 - Design of New Development

PRO2 - Improving the Telecommunications Network

PRO3 - Improving Education and Skills

PEO1 - Housing Supply

PEO3 - Housing Density

PEO7 - Housing Choice

PEO10 - Council Housing

PEO18 - Community Facilities

PEO19 - Green Infrastructure

PLA1 - Development and Flood Risk

PLA3 - Water Conservation, Drainage and Sewerage

PLA4 - Nature Conservation and Geo-Diversity

PLA5 - The Countryside Landscape

PLA6 - The Historic Environment

PLA8 - Listed Buildings

MLM4 - Development East of Cox's Hill, Lawford

3. Relevant Planning History

TRE/4/82	Remove deadwood and one branch	Current	25.01.1983
94/00490/LBC	(Dale Hall, Lawford) Demolition of existing Victorian Porch	Refused	23.08.1994

99/00525/FUL	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall manor house.	Approved	11.08.1999
99/00756/LBC	Change of use of outbuildings from workshop and garaging to single family dwelling to be used for staff accommodation in conjunction with Dale Hall Manor House	Approved	11.08.1999

4. **Consultations**

Lawford Parish Council

- 4.1 Lawford Parish Council supports planning application 13/00452/OUT. The council makes the following comments.
- 4.2 a) Lawford Parish Council is concerned regarding the potential split of 80 houses using the Cox's Hill junction and 70 houses using the Colchester Road junction. LPC considers that 70 homes built with their access and exit via Colchester Road is excessive. The view of LPC is that this would exacerbate the existing traffic congestion and contribute further to potential road user conflict near to the two schools and Doctors Surgery. It is the view of LPC that this 80/70 split should be re-examined before development.
- 4.3 b) Parking Restrictions must be provided along Colchester Road and Edgefield Avenue, to provide safe access and exit for residents and children.
- 4.4 c) The Speed Limit on Cox's Hill should be reduced.
- 4.5 d) Safe Pedestrian Crossing areas must be provided on Cox's Hill.
- 4.6 e) TDC planners and Essex County Council Highways Department must meet with their Babergh and Suffolk County counterparts to discuss potential large-scale housing development in Brantham Village. This development has potential to negatively impact on traffic flows in Lawford and Manningtree.
- 4.7 f) Essex County Highways should examine the A137 Railway Bridge vehicular access to identify a permanent solution to traffic congestion at this location.
- 4.8 g) To ensure the excess water dispersal (potential floodwaters) is sufficient to meet the needs of the new development.

Essex County Council Schools

- 4.9 According to our forecasts there should be sufficient primary and secondary school places serving this development. In the case of Early Years and Childcare, however, there is unlikely to be sufficient capacity. The last Childcare Sufficiency census published in November 2012 shows that the Manningtree, Mistley, Little Bentley and Tendring ward had just seven unfilled full day care nursery places. According to our forecasts, 150 homes equates to a demand for 13.5 additional places. The Children's Community Development Officer for Tendring has also confirmed that it is appropriate to seek a contribution to expand provision to serve this development. Since this is an outline application and the precise unit mix is as yet unknown any section 106 agreement should be entered into on a formula basis. Clauses to this effect will be provided by Essex Legal Services at the appropriate juncture based on the relevant adopted County Supplementary Guidance. For information only, should the development consist of one hundred and fifty houses each with two or more bedrooms, the contribution would total £160 178 index linked to April 2013 costs.

Essex County Council Highways

- 4.10 The Highway Authority would not wish to raise an objection to the above application subject to conditions relating to the following:
- Wheel cleaning facility within the site and adjacent to the egress onto the highway.
 - Revised drawings in relation to carriage width, shared footway/cycleways.
 - Priority junctions of off Cox's Hill and Colchester Road to provide access to the proposal site.
 - Three metre wide shared footway/cycleway along Cox's Hill between the proposal site's southern most boundary and Manningtree Rail Station.
 - A minimum access to include uncontrolled crossing facilities with minimum 2 metre wide central islands where necessary.
 - 3no. minimum 3 metre wide footpath/cyclepath connections between Meadway, Long Road and Cox's Hill.
 - Upgrading of the four bus stops in Colchester Road which would serve the proposal site to current ECC specification.
 - For the B1 element of the proposal, a non-residential travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan
 - A residential travel plan.
 - No vehicular connection between Cox's Hill and Colchester Road via the two site accesses with the exception of passenger service vehicles.
 - A pedestrian and cycle link between the proposal site, Springbank Avenue, Cavendish Drive and Cornford Way.

Essex County Council Archaeology

- 4.11 No objection subject to an archaeological condition

English Heritage

- 4.12 We do not wish to comment in detail, but would suggest that the Local Planning Authority should assess the contribution that the site makes, as its immediate setting, to the significance of the hall and the impact the development would have on the hall's significance.

Environment Agency

- 4.13 No objection to the application as submitted.

Essex Wildlife Trust

- 4.14 Will not submit any comments.

Highways Agency

- 4.15 No comments received.

Natural England

- 4.16 No objection.

The Ramblers Association

- 4.17 Object to the proposal on the grounds that The Essex Way will not be attractive to walkers if this development goes ahead.

National Grid

- 4.18 National Grid has identified that it has apparatus in the vicinity of the application site which may be affected by the activities specified.

Anglian Water Services Ltd

4.19 No objection

Essex Bridleways Association

4.20 No comments received.

TDC Regeneration

4.21 The Regeneration Team are broadly supportive of this application, but due to the lack of information on the commercial units, are unable to provide detailed comments on this element without sight of additional demand analysis that suggests that office development is the right provision in this location. It is acknowledged that additional commercial floorspace is expected to be needed in the Lawford/Manningtree areas as the existing town centre and industrial areas are operating at fairly high occupancy levels. But it is expected that this additional demand would not be for offices. It is more likely to be for small workshops, manufacturing space, trade counters or storage, similar to the uses of the existing industrial estate. The application makes no reference to Policies PRO2 or PRO3, both of which we would expect to be delivered as part of any application on this site. We believe that this site has the potential to add real value to the commercial offer in Lawford and would welcome further discussions with the applicant to ensure that the provision matches the identified demand in the area.

TDC Environmental Health

4.22 No comments to make on this application.

TDC Housing Services

4.23 No comments received at the time of writing. An update will be given at the meeting.

5. Representations

5.1 80 representations and a petition containing 175 signatures have been received in objection with regard to the proposed development. The issues raised within the letters of objection can be summarised as follows:

- The application is not “justified” as it is not the most appropriate strategy. There are other non-green gap alternatives in the areas that do not suffer from the same access and AONB issues.
- The application has not been “positively prepared” the various infrastructure requirements highlighted by Lawford Parish Council in April 2009 have not been resolved.
- It is not possible to say if the application is “effective as the plans of the adjoining authority for Brantham are unresolved.
- The application and Policy MLM4 are not consistent with national policy as this now includes Localism: the local community have not been adequately involved in the consultation process. The primary opinion gathering form was compiled by the developer in conjunction with Lawford Parish Council and can only be described as a biased data collection that failed to give those polled a full range of options including rejecting any development on the land.
- Environmental contamination from asbestos present in the existing farm buildings.
- Protected wildlife species on the site.
- Large percentage of local residents is opposed to the development as indicated by the signatures canvassed by the Lawford Residents Group.
- Historical artefacts on the application site would require an archaeological survey.
- Would result in unacceptable increase in traffic on both Cox’s Hill, Colchester Road and the immediate locality.
- Development would put additional pressure on emergency services.

- Loss of the existing green gap separating the two existing high density developments.
- Overdevelopment of the site.
- Residential and commercial use of the site does not justify the loss of high quality farm land.
- Proposed Draft Local Plan has not yet been adopted.
- Proposed access points from Cox's Hill and Colchester Roads are not safe.
- Management of additional parking area for the school would put additional pressure on funding and policing.
- Increased levels of noise disturbance from the proposed development as well as from anti-social behaviour.
- Increase in traffic would result in additional air pollution decreasing air quality for residents.
- Development would result in an increase in waste gasses through the burning fossil fuels for heating.
- Light pollution from additional street lights serving the proposed development.
- Large number of new families could overload the schooling opportunities available.
- Infrastructure (Policing) cannot support additional population growth.
- Proposed development would detract from the AONB.
- Proposed development would result in urban sprawl that would erode the green buffer between upper and lower Lawford.
- The site has not yet come forward for development in the current Local Plan (2007).

5.2 The petition received contained 175 signatures all objecting to the Draft Local Plan attempt to remove the Strategic Green Gap status on the land at Cox's Hill and Tendring District Council's proposed development MLM4 on the application site.

5.3 One letter has been received in support of the application suggesting walk way and cycle path that connects Cox's Hill and the High School as well as connections through the development giving access between Lawford and Manning Tree.

5.4 The issues raised in the letters of objection as well as those put forward within the petition have been considered within the Officer's report.

6. **Assessment**

The main planning considerations are:

- Planning Policy Position
- Layout and design
- Sustainability
- Community involvement
- Highway matters
- Housing
- Biodiversity
- Landscape issues
- Arboriculture
- Heritage
- Site Contamination
- Services
- Drainage and flood risk

Site description

6.1 The southern extent of the Site abuts rear garden associated with Leftleys Estate. Various boundary treatments exist along the length, including close boarded fencing, Leylandii conifer trees, low picket fencing, chain link fencing and no fencing, as well as occasional individual trees and scrub, providing a non-uniform, mixed and untidy appearance to the boundary. Properties generally follow road layout, so the curving street patterns (e.g. Springbank Avenue) dictate the orientation of plot layouts that give rise to a mixture of direct and oblique views of the Site.

- 6.2 The eastern end of the southern boundary borders Colchester Road, a small parcel of rough grassland positioned in between two semi-detached dwellings 137 and 139 Colchester Road and The Manningtree High School. A (secondary) surfaced private access to Dale Hall and Parkview Cottages leads off Colchester Road on this corner behind the Doctors surgery (on the corner of Edgefield Avenue), adjacent to the semi-detached dwellings, and turns to cross the open arable fields. The site boundary at this point is defined by a low chainlink fence, low gappy vegetation, affording views of the site through the gap between properties on Colchester Road.
- 6.3 To the east The Manningtree High School adjoins the Site. The larger scale school buildings and classrooms are all concentrated southwards towards Colchester Road; however the whole site, including playing fields and green space all extends northwards to abut the Dale Hall Estate. The school boundary is defined mostly by metal palisade fencing and there is little vegetation, which allows views in and out.
- 6.4 Traversing the Dedham Vale AONB, the Essex Way heads east to Manningtree and on to Mistley and the Stour Estuary. The long distance recreational route, a Public Right of Way, crosses through Owl's Flight Dell (just north of Dale Hall), along the northern and eastern edge of the site adjacent to residential development, to then pass between the narrow gap between the northern boundary of The Manningtree High School and housing on Lydgate Close and Taylor Drive.
- 6.5 The western part of the Site is defined by its use being under arable cultivation. The fields are small scale and are in part defined by hedgerow boundaries. Overhead power lines criss-cross this part of the site from the south west corner to the north east corner of this parcel, passing through the orchard garden of Dale Hall. A second overhead line crosses Cox's Road from within the AONB to intersect with the first on the Site.
- 6.6 The site boundary with Cox's Hill is defined by various mixed lengths of fence including post and rail and chestnut pale, interspersed with vegetation and occasional small trees, such as oak, maple, beech. The southern end of the site is more vegetated with a group of inappropriate conifer trees set inside the boundary.
- 6.7 The landform falls gently from south-east to north-west on the edge of the plateau. The upper parts of the Site lie at approximately 35m Above Ordnance Datum (AOD) at the Colchester Road boundary, falling evenly to 30-31m AOD on the northern boundary and 33m on the western boundary.
- 6.8 There are views north and north-west from the site across the Stour Estuary to south facing valley slopes in the direction of Brantham, Cattawade, East Bergholt and Dedham. These views however are often limited, being within between gaps in built form or vegetation or disrupted by rooftops/ridgelines, so consequently most site views are short distance views being contained within the Site screened by existing vegetation and residential development.

Proposal

- 6.9 This is an outline application for the development of the site is for 150 residential properties with associated garages on 7.45 hectares of land with two vehicular access points, site roads, parking for school busses, footpaths/cycle routes and boundary landscaping. The development would further result in the erection of around 700sq.m of B1 use buildings on 0.2 hectares of land and 2.6 hectares of community open space to include a children's playground.
- 6.10 All matters in relation to appearance, landscaping, layout and scale have been reserved for later consideration. The matter of access has been partially reserved in so far as it relates to the internal access arrangements of the final layout. The current application will however consider the two main access points to the proposed development site from Colchester Road and Cox's Hill respectively.
- 6.11 The application site would need to be the subject of a future reserved matters application which will contain details of:

Appearance: Aspects of a building or place which affect the way it looks, including the exterior of the development.

Access: (a partial reserved matter) to include vehicular pedestrian and cycle access to the site and the way they link up to roads and pathways outside the site.

Landscaping: The improvement or protection of the amenities of the site and the surrounding area, this could include the planting of trees or hedges as a screen.

Layout: Includes buildings, routes and open spaces within the development and the way they are laid out in relation to the buildings.

Scale: Includes information on the size of the development, including the height, width, and length of each proposed building.

- 6.12 The development would comprise a mixture of residential dwellings types with associated garaging, vehicular and pedestrian access and parking. The housing would be located wholly towards the southern end of the Site.
- 6.13 In addition to the residential element approximately 700sq.m of B1 use buildings would be provided on 0.2 hectares of land currently occupied by various barns and outbuildings.
- 6.14 The residential area would be divided into 2 parts, A and B. Part A would comprise low density housing of 16 dwellings per hectare on the west side of the site (adjacent to Cox's Hill and the AONB). Part B to the east would be higher density to 35 dwellings per hectare.
- 6.15 It is proposed that area A would be accessed from a new junction on Cox's Hill and this would also serve the converted barns as part of the 0.2 hectares employment land at Dale Hall.
- 6.16 Area B would be accessed from Colchester Road. A bus park is also proposed for Manningtree High School and would use the same access.
- 6.17 There could also be an extension to the school grounds for additional recreation space of 0.75 hectares.
- 6.18 The proposal includes 2.6 hectares of Community Open Space provision as part of the final development located primarily to the north of the Site.
- 6.19 Overhead cabling on site would be re-routed underground.
- 6.20 New planting would form an integral part of the scheme developed at reserved matters stage and would include proposals within the streetscape, open space corridors and at significant gateway locations and as part of buffer strips. The proposed layout would be developed with regard to landscape and visual recommendations.

Planning Policy Position

- 6.21 This site is allocated for a residential-led mixed-use development in the Tendring District Local Plan: Proposed Submission Draft (2012) and is covered by the specific Policy MLM4 'Development East of Cox's Hill, Lawford'. It is one of many urban extension sites that have been identified in the Draft Local Plan to address future housing requirements in the district up to 2021 in recognition of the short and ever decreasing supply of previously developed land within established built up areas and the current government's requirement for Councils to boost, significantly, the supply of housing to meet objectively assessed needs.
- 6.22 This site also supports the 'spatial strategy' set out in the Draft Local Plan which aims to achieve a fair and proportionate distribution of housing development across all settlements in the district which equates to a 6% increase in housing stock in each area up to 2021. This approach to distributing housing development was shaped by three rounds of public consultation starting in 2009 which published a series of 'options' for delivering necessary

housing growth, continuing in 2010 when the Council published a draft 'Core Strategy' (in which the application site was first earmarked as a broad location for potential development) and concluding with the 2011 consultation on housing numbers, location and type – from which, notably, the broad consensus of public opinion was to spread development across the district rather than focus it on one or two areas around Clacton-on-Sea.

- 6.23 The Council's Adopted Local Plan (2007) shows this land as outside of Settlement Development Boundaries and protected as a 'Local Green Gap' aimed at retaining separation between the two substantial housing estates in Lawford; 'Lawford Dale' and the 'Leftleys' Estate. However, the Adopted Local Plan was only designed to cover the period up to 2011 and there are various elements of its policies and proposals which are now either out of date or at odds with government policy. The change in the relative 'weight' that can be afforded to policies in the Adopted Local Plan and the emerging Draft Local Plan is explained below.
- 6.24 The Adopted Local Plan was prepared in conformity with the Essex and Southend-on-Sea Replacement Structure Plan (2001) which set a minimum housing target of 6,250 dwellings between 1996 and 2011 and which advocated a 'sequential approach' to identifying housing sites. That approach required the Council to prioritise the use of previously developed land within built up areas and, if any further land was required to meet the residual housing target, Greenfield sites on the edge of either Clacton or Harwich, as the district's principle settlements, would be identified before considering sites on the edge of smaller urban settlements such as Manningtree, Lawford and Mistley.
- 6.25 Because it was possible to identify sufficient land to deliver the necessary housing target on previously developed land and through a single Greenfield urban extension to Clacton, there was no pressure to consider sites on the edge of other settlements and therefore no need to review designations, such as local green gaps, on land around Lawford and other settlements.
- 6.26 Circumstances have changed considerably since the adoption of the 2007 Local Plan. In 2008, the Essex and Southend-on-Sea Replacement Structure Plan was superseded by the East of England Plan (RSS14) which set out revised housing targets for an extended period up to 2021 (equating to a further 425 dwellings per annum over that period). The Council was then expected to allocate additional land to meet these longer term requirements through a new Local Plan or Local Development Framework (LDF). Unlike the Essex Structure Plan, the East of England Plan did not advocate directing Greenfield development solely toward Clacton and Harwich and therefore if Greenfield land was required to meet the new housing targets, sites around other settlements such as Lawford could be considered.
- 6.27 Since then, the current Coalition Government has made further significant changes to the planning system – most notably the introduction of a single 'National Planning Policy Framework' in March 2012 and the abolition of the East of England Plan in January 2013. One of the key objectives of the National Planning Policy Framework is for Councils to boost, significantly, the supply of housing to meet 'objectively assessed needs', as determined through studies prepared by Councils themselves, rather than targets dictated by an upper-tier authority. This change in approach has put the Council under even greater pressure to plan for additional housing development and to proceed quickly with putting a new Local Plan in place.
- 6.28 One of the key principles contained in the National Planning Policy Framework is the 'presumption in favour of sustainable development' which encourages Councils to treat proposals for housing and employment positively and, where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits. To avoid such instances, the National Planning Policy Framework also encourages Councils to proceed quickly with the preparation of new Local Plans that conform to the requirements of national policy.
- 6.29 On publication of the National Planning Policy Framework in 2012, Councils were given a 12 month period up to 27th March 2013 within which policies in adopted albeit out of date Local Plans could continue to be afforded full weight in making planning decisions. This

allowed a period of time for new plans to be prepared or for current plans to be updated. In that time, the Council prepared and consulted upon the 2012 Draft Local Plan with the intention that it will replace the Adopted Local Plan in full. Because that 12 month period has now passed, the Council can no longer legitimately attach full weight to the policies and proposals in the 2007 Adopted Local Plan, particularly where they are out of date or contrary to the National Planning Policy Framework. Critically this includes the policies on housing supply which were only designed to cover the period up to 2011. Paragraph 47 of the National Planning Framework in particular requires Councils to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional 5-20% buffer to ensure choice and competition in the market for land. If the Council were to rely solely on the policies and sites allocated in the 2007 Adopted Local Plan, it would fall foul of this requirement.

6.30 For authorities such as Tendring where adopted policies are out of date, paragraph 216 of the National Planning Policy Framework allows Councils to give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework (the greater the weight that may be given).

6.31 The 2012 Draft Local Plan was approved at the Full Council meeting of 11th September 2012 and subsequently published for consultation between 9th November 2012 and 7th January 2013 having followed previous consultation on issues and options in 2009, a draft Core Strategy in 2010 and housing numbers, locations and type in 2011. Officers therefore consider that the Draft Local Plan has reached an advanced level of preparation and can be given considerable weight.

6.32 When the Draft Local Plan was published for consultation, the proposal for development on this land and the corresponding Policy MLM5 attracted 16 objections from individual residents and an objection from the Steering Committee of the Lawford Residents Group which included a 175-name petition. These objections raised the following concerns:

- the loss of the established green gap designation;
- the impact on the village atmosphere of the area;
- the use of agricultural land for development;
- the high concentration of development proposed for Lawford when compared to that proposed for neighbouring Mistley and other villages in the surrounding area;
- the impact of additional traffic on the capacity of the surrounding highway network and pedestrian safety when considered alongside the proposal for a new food store which has obtained planning permission;
- the potential use of Hunters Drive, Cavendish Drive and Springbank Avenue for access which would create a 'rat-run' through the residential estate;
- lack of capacity in local schools and doctors surgery to accommodate additional residents;
- lack of pedestrian access to the nearby industrial estate, railway station and retail area;
- impact of noise and exhaust emissions as a result of development and additional cars;
- lack of sufficient local policing and fire services;
- visual impact on the setting of Lawford Church and the Dedham Vale Area of Outstanding Natural Beauty (AONB);
- lack of evidence to justify the need for office units, particularly with vacant property in the town centre;
- the potential for additional people parking in the roads to access the railway station;
- the potential to devalue existing property;
- an increase in crime as a result of affordable or Council housing being provided;
- potential loss of views for existing residents;
- impact on the gas main running along the boundary of the site; and
- the possibility of increased surface-water flooding.

- 6.33 The Council also received representations from the Environment Agency which encouraged the retention of wildlife corridors within the scheme and the carrying out of an ecological survey; Suffolk County Council which encouraged ongoing cooperation with Babergh District Council to explore ways to improve connectivity across the Stour; English Heritage which encouraged that the impact on the setting of Lawford Church be carefully considered; Essex County Council which advised that archaeological assessment take place and financial contributions toward school provision be secured; Dedham Vale and Suffolk Coast and Heaths AONB which encouraged the safeguarding views in and out of the AONB in publically accessible places; Sport England which encouraged the community access to Manningtree School playing fields; and Lawford Parish Council which expressed support for the development subject to meeting certain criteria.
- 6.34 Of the comments received, the only true objections to development in this location, on matters of principle, are from residents suggesting that the local green gap designation should be retained, development on agricultural land should be avoided and the development in this location would damage the rural character of the area.
- 6.35 All of the other concerns relate to matters of detail which the applicant has sought to address through the documentation in support of the planning application, informed by considerable public consultation and active engagement with local stakeholders including the Parish Council and local schools.
- 6.36 Objections, in principle, to development on agricultural Greenfield land are weak because such sites are necessary to address the objectively assessed need for housing given the short and diminishing supply of previously developed land.
- 6.37 Arguments against such developments therefore fall foul of the National Planning Policy Framework which does not preclude development on Greenfield land. Objections to potential impact of development on the rural character of the area is also a weak argument given the fact that the development will be nestled between two major housing estates which are very much urban in their character. The only genuine 'unresolved' objections to the principle of development in this location therefore relate to the loss of the local green gap designation that protected the site from development in the 2007 Adopted Local Plan.
- 6.38 As explained above, when the Adopted Local Plan was being prepared, there was no pressure to release any Greenfield land for housing development in locations outside of Clacton and Harwich because the policies in the (then) Essex and Southend-on-Sea Replacement Structure Plan set out a sequential approach for the identification of housing sites and only included housing building targets for the period up to 2011. There was consequently no need to substantially alter any Settlement Development Boundaries or review any local green gaps around smaller settlements like Lawford. However, now that there is more pressure to allocate Greenfield land for development to meet rolled-forward housing requirements given the limited supply of previously developed land, the push from government to boost the supply of housing and the Council's preferred strategy to spread development amongst all settlements (shaped by consultation with residents), it is clear that such designations have to be reviewed with a view toward allowing development.
- 6.39 Furthermore, the local green gap designation is very much at the Council's discretion and is not underpinned by the National Planning Policy Framework or any other higher-level strategy or policy. Even districts and boroughs affected by the metropolitan 'Green Belt', a designation carrying much greater weight, are being encouraged by government to review boundaries with a view to release land for housing development such is the government's strong emphasis on house building and economic growth. Therefore if this application were refused on the basis of the local green gap designation in the 2007 Adopted Local Plan, there is a strong likelihood that this would be overturned, on appeal, by a Planning Inspector.
- 6.40 In conclusion, officers consider that in applying the presumption in favour of sustainable development set out in the National Planning Policy Framework, more weight should be attached to the policies in the 2012 Draft Local Plan with respect to this application because

it will deliver housing and commercial development that will contribute toward supporting economic growth and meeting objectively assessed needs for housing

Layout and design

- 6.41 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.42 With regard to decision taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.
- 6.43 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.
- 6.44 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Councils commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.45 The submitted details show that the total development site covers an area of 10.43ha. This includes the School Bus Park, employment area and boundary landscaping. Of this total area 2.6ha is designated as Community Open Space. The remaining residential land covers an area of is 7.45ha which when development would result in an average housing density is 20.13 dwellings per hectare.
- 6.46 Changes to the content of outline planning applications which came into effect on the 31st of January 2013 means that the application documents no longer need to indicate the approximate location of buildings, routes or open space areas. Similarly, as scale is also a reserved matter, no information needs to be submitted at this stage regarding the upper and lower limit for height, width and length of each building.
- 6.47 Whilst the matters of layout and scale are for later consideration the applicants have given a general indication of the likely layout of the site. The Landscape Report submitted as part of the application and forming addendum 7 to the Design and access statement sets out that the development of 150 residential properties on would account for 7.45 hectares of land. This would comprise a mix of one and two storey dwellings with associated garaging, vehicular and pedestrian access and parking. The housing would be located wholly located towards the southern end of the Site.
- 6.48 The residential area would be divided into 2 parts, A and B.
- 6.49 Part A would comprise low density housing of 16 dwellings per hectare on the west side of the site where it faces onto the AONB (adjacent to Cox's Hill and the AONB).
- 6.50 Part B to the east adjoining Manningtree High School would be higher density, up to 35 dwellings per hectare.
- 6.51 It is proposed that area A would be accessed from a new junction on Cox's Hill and this would also serve the converted barns as part of the 0.2 hectares employment land at Dale Hall while area B would be accessed from Colchester Road. In addition a bus park is proposed for Manningtree High School and would use this access from Colchester Road.

- 6.52 There could also be an extension to the school grounds for additional recreation space of 0.75 hectares while 2.6 hectares of Community Open Space provision would be located primarily to the north of the site.
- 6.53 To further enhance the appearance of the site existing overhead cabling would be re-routed underground. In addition new planting would form an integral part of the scheme developed at reserved matters stage and would include proposals within the streetscape, open space corridors and at significant gateway locations and as part of buffer strips. The proposed layout would be developed to ensure landscape and visual amenities would be protected.
- 6.54 In terms of the Draft Local Plan (2012) Manningtree, Lawford and Mistley are classed as a single settlement as set out in Policy SD2 and can expect to deliver some 230 new homes. There are 20 dwellings with outstanding permissions which leave 210 dwellings to be built within this area over the plan period.
- 6.55 Based on the land available for development and having regard to local constraints it is considered that developing this site for 150 residential units with associated public open space could be successfully achieved.

Sustainability

- 6.56 The government has set out, at the heart of the National Planning Policy Framework (NPPF), the concept of a 'presumption in favour of sustainable development' which should be seen as a golden thread running through both plan-making and decision taking.
- 6.57 Paragraph 6 of NPPF states that "the purpose of planning system is to contribute to the achievement of sustainable development" and paragraph 7 goes on to identify the three fundamental roles that the planning system should play in seeking to achieve that goal – an 'economic role', a 'social role' and an 'environmental role'.
- 6.58 The NPPF makes it clear that gains in each of these respects are necessary for a proposal to contribute toward, and be classed as sustainable development.
- 6.59 To address each of these roles, the applicant has firstly made provision for an employment area within the wider mixed-use scheme to support economic and housing growth. Secondly, to help fulfil the social role, the proposal seeks to locate new housing into the heart of the community within close proximity to existing homes, public transport services, schools, open space and community facilities. Thirdly, in addressing the environmental role, the proposal includes a significant increase in 'Community Open Space', protection of the setting of the Listed Dale Hall Farmhouse and the creation of appropriate landscaping to respect the setting of the adjacent Dedham Vale Area of Outstanding Natural Beauty (AONB).
- 6.60 As this is an outline application with matters of appearance, landscaping, layout and scale being reserved no details with regard to design or layout are provided at this stage. For this reason, the sustainability of the proposal has been considered in three different ways based on the level of information provided to fulfil this stage of the outline planning process:

Sustainable location

- 6.61 Manningtree, Lawford and Mistley is identified as an 'Urban Settlement' in the 2012 Draft Local Plan – the most sustainable category of settlement owing to the range of infrastructure, job opportunities, shops, services and facilities that larger settlements have. Such settlements are better placed to accommodate larger scale development than smaller rural villages where access to such benefits is more limited.
- 6.62 In addition, this location has been identified for potential development for a number of years, initially through the Council's 2009 consultation on 'Issues and Possible Options', then through its 2010 Core Strategy and Development Policies Document (Proposed Submission Document) and the 2011 consultation exercise on possible housing numbers, locations, sites and type. These exercises lead to the formulation of the 2012 Local Plan Proposed Submission Draft which specifically allocates the site in question for mixed-use

development. Sustainability Appraisals were carried out to inform the 2009, 2010 and 2012 exercises to assess the relative sustainability of different options, sites and policies and these appraisals have helped to underpin the decision to allocate this site, as well as others, as a preference to other less sustainable alternatives.

- 6.63 Partly because of its sustainable credentials, particularly access to mainline rail services to London, this location is a popular area to live and there is expected to be ongoing pressure to increase the supply of housing to alleviate demand. Unlike the larger urban settlements of Clacton and, in particular, Harwich, there are no undeveloped areas of land within the built up area to accommodate any significant level of housing development to help address this demand and contribute toward the overall increase in housing stock in the District. The nearby town centre of Manningtree has a wide range of shops and services which will be expanded through the approved planning consent for a further large food store. Increased housing provision will help to support and sustain these existing and proposed businesses. These developments and this proposal demonstrate that Lawford is a location where people want to live, work and invest.

Community Involvement

- 6.64 It is noted that objections have been raised from local interest groups questioning the adequacy of the consultation process and concerns over a lack of community involvement. However, the concept of development in this location was the subject of consultation exercises relating to the preparation of the Local Plan in 2009, 2010, 2011 and 2012. The 2009, 2010 and 2012 exercises also involved exhibitions in the Manningtree and Lawford area and the latter resulted in a number of comments being submitted in relation to the proposal in the Draft Local Plan. On top of this, the applicant has undertaken considerable stakeholder engagement both with local bodies including the Parish Council and local schools and held a well-attended public exhibition where residents were given the chance to express their views directly to the developer and the Parish Council.
- 6.65 The views expressed throughout these consultation exercises have demonstrably shaped the proposal and the developer has prepared a master plan for the site which seeks to address local concerns. This master plan forms part of the documentation in support of this outline planning application.
- 6.66 In Appendix 3 (Statement of Community Involvement) of the Design and Access Statement, the applicant has demonstrated how they have sought to comply with the requirements of the Government's Localism Act which advocate 'early stage' public consultation on proposals of the scale and nature proposed. The Act requires consultation to be carried out in such a way that local people who may be affected by the proposal are informed of the proposal and are given an appropriate period of time to express their views. Finally, the applicant has been required to demonstrate how the comments made by local people have been taken into account in formulating the final proposal.
- 6.67 The approach to stakeholder engagement that this applicant has taken has met and exceeded expected requirements and has embraced the spirit of the Localism Act.

Housing

- 6.68 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph 49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with a degree of flexibility to promote choice and competition in the market for land.
- 6.69 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land. In applying weight to the emerging 2012 Draft Local Plan however,

the Council is demonstrating its intention to comply with this requirement by identifying additional sites for the period up to 2021, of which one is the application site.

- 6.70 In the absence of a five year supply of deliverable housing sites in the 2007 Adopted Local Plan, the Council is expected to comply with NPPF's 'presumption in favour of sustainable development' and, where possible, support proposals for housing development. Because the application site is the subject of an allocation in the emerging 2012 Draft Local Plan that has been approved by Full Council, there is already an acceptance that development in this location could be supported. The fact that the Draft Local Plan has also been published for consultation and the applicant has actively sought to address the comments raised, both during consultation on the Draft Local Plan and through their own consultation efforts adds further weight to the argument that this application should be approved to ensure compliance with the NPPF and the presumption in favour of sustainable development.
- 6.71 Policy PEO7 of the Tendring District Local Plan supports the objectives of the NPPF by promoting a mix of housing size, type and tenure on new development sites. The applicant's proposal indicates the intention to comply with the preferred mix of housing by delivering:
- 45 units (30%) of aspirational housing with 4 or more bedrooms meeting larger standards of internal floor area and amenity space;
 - 60 units (40%) of family housing with 3 or more bedrooms;
 - 15 units (10%) of Council Housing to be delivered in the form of community housing managed by a local trust; and
 - 30 units (20%) providing a mix of housing to be determined by the developer in addressing market demand.
- 6.72 The applicant proposes 150 dwellings on the site which is more than the 100 dwellings indicated in Appendix 3 of the Draft Local Plan. The indicative figures in the Local Plan are simply a guide to assist the Council in ensuring that sufficient land is identified to meet future requirements and are not an impediment to schemes promoting higher numbers of homes, so long as the proposal addresses other policy requirements of the Local Plan.
- 6.73 With regard to affordable housing there is an agreement in place for the applicants to provide 8 dwellings within residential land Area B to the east of the site. The dwellings would consist of 4 pairs of semi-detached 2 storey properties.
- 6.74 Officers consider that the above would be compliant with the requirements of Policy PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012).

Highway matters

- 6.75 Paragraph 4 of the NPPF sets out the criteria for promoting sustainable transport and in this regard stipulates in Paragraphs 34 to 36 how this should be approached. The overall aims and objectives of the NPPF are supported by Policies contained within Chapter 7 of the Tendring District Local Plan (2007) as well as by Policies SD8 and PEO4 of the Tendring District Local Plan Proposed Submission Draft (2012).
- 6.76 Paragraph 34 indicates that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 6.77 Paragraph 35 further requires that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
- accommodate the efficient delivery of goods and supplies;
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
 - incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
 - consider the needs of people with disabilities by all modes of transport.

- 6.78 Paragraph 37 stipulates that there should be a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 6.79 In this regard and in support the outline application the applicants have submitted a Transport Assessment (TA) which identifies that the site is in a location suitable for development in accordance with national and local planning policy, with Lawford/Manningtree being identified within both the adopted and emerging Replacement Local Plans as one of the most suitable settlements for this within Tendring. It is within walking distance of shops, schools, employment opportunities and community facilities within Lawford and Manningtree, and of bus stops served by routes providing links to surrounding towns, and of Manningtree railway station on the Great Eastern Main Line.

Pedestrian facilities

- 6.80 There are footways along both sides of all roads around the perimeter of the site including Cox's Hill, Colchester Road and the residential estate roads to the south (Springbank Avenue, Cavendish Drive and Edgfield Avenue). There is a zebra crossing on Station Road to the east of the Colchester Road junction and on High Street within the shopping area.
- 6.81 The Essex Way public footpath runs east-west through the northern part of the site and crosses Cox's Hill to continue east.

Cycling facilities

- 6.82 There are no existing formal cycle routes in the vicinity of Manningtree or Lawford.

Public Transport

- 6.83 There are bus stops on Colchester Road within 100m (a 2-minute walk) of the eastern boundary of the application site, which are served by the 2 and 102/103/104 routes, and on Station Road and High Street within 700-1110m (a 10-15 minute walk) which are served by the 96 route.

Trains

- 6.84 The site is located within 900-1300m (an approximate 10-15 minute walk, via Cox's Hill) of Manningtree station, which is on the Great Eastern Main Line linking London Liverpool Street and Norwich via Chelmsford, Colchester and Ipswich, at the point where the branch line to Harwich diverges.
- 6.85 Based on the above it is considered that the application site would comply with the aims and objectives of the NPPF as well as Local Plan Policies with regard to sustainable transport.

Access

- 6.86 This is a partial reserved matter with the current application in so far that the application is only considering the suitability of the two main access points to the site taken from Colchester Road and Cox's Hill, and not the internal access ways as this point. It is proposed that 80 dwellings plus the B1 buildings will be accessed from Cox's Hill and the remaining 70 dwellings accessed from Colchester Road, with a drop-off/pick-up facility provided for the adjacent school.
- 6.87 With regard to these two proposed access points the applicants have submitted full junction designs and details of these areas. Essex County Council Highways were consulted on the suitability of the submitted details. The Highways Authority subject to conditions raised no objection to the creation of the two access points as set out on drawings K291-001F and K291-003A.

- 6.88 It is noted that one of the conditions suggested by The Highways Authority requires the provision of a 3m wide shared footpath/cyclepath along Cox's Hill between the proposal site's southern most boundary and Manningtree Railway Station.
- 6.89 Policy EN5 of the Tendring District Local Plan (2007) as well as Policy PLA5 of the Tendring District Local Plan Proposed Submission Draft (2013) identifies the countryside in the district is one of its key assets both in terms of tourism and the living environment of residents. The district is diverse in its landscape character and appearance and certain areas are particularly sensitive to development and change most notably the countryside landscape included within the Dedham Vale Area of Outstanding Natural Beauty (AONB). In order to protect these critically important areas these policies seek to ensure the continued protection of the Dedham Vale Area of Outstanding Natural Beauty (AONB) and sets out that planning permission will be refused for any development that would harm or otherwise fail to conserve its natural beauty, including views towards it from the outside.
- 6.90 The provision of the footpath/cyclepath along Cox's Hill as suggested by the Highways Authority is likely to result in the loss of a large number of trees and hedgerows while an extensive section of retaining wall would also be required. As a result it is considered that the provision of the suggested footpath/cyclepath would result in the destruction of trees and wildlife habitat within the Dedham Vale Area of Outstanding Natural Beauty while the effect of replacing trees with significant extent and provision of a retaining wall would change the rural context of the road into an urban one contrary to the objectives of the above stated Local Plan Policies.
- 6.91 In addition your officers consider that the objectives of the Highways Authority in support of the proposed Cox's Hill footpath / Cycleway can be met by the inclusion of these facilities within the proposed development as set out in the Design and Access Statement. The proposed additional works are therefore not required to support the current development proposal. Furthermore the provision of the additional works would cause significant harm to nature and may not be possible to implement without harming protected wildlife.
- 6.92 Based on the above as well as the requirements, set out in the National Planning Policy Framework, for planning authorities to aim to conserve and protect biodiversity it is considered that when balancing the harm to nature against the importance of the development, the additional footpath / cycleway is not necessary to make this development acceptable as the application scheme is able to meet requirements for a north-south link. As such officers consider that it would be unreasonable to impose the suggested planning condition.

Biodiversity

- 6.93 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of the Environment Agency and other appropriate authorities.
- 6.94 Officers note that no part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.95 In support of the application an Ecological Assessment prepared by Eco-Planning has been submitted. The report include a number of surveys with regard to protected and endangered species and contains sections on bats, reptiles, badgers, amphibians (frogs and newts), water vole, nesting birds and barn owls.
- 6.96 With regard to the species surveyed the report found the following:
- Bats - No evidence of the presence of bats was found and as a result a European Protected Species Licence will not be required for this project. Although no evidence of bats was found, it is probable that bats from nearby roosts forage in the gardens of

Dale Hall, the surrounding farmyard, along the drive and over the lake to the north. Assuming that there will be no artificial lighting illuminating such foraging areas, this behaviour would be expected to continue after the redevelopment of the site and therefore it is considered that this project will not have a detrimental effect on the local bat population.

- Reptiles - The site does not from the survey results support three or more reptile species or two snake species. However it does with an average daily score of > than 20 Common Lizards per survey effort have an exceptional reptile population and as such is a key reptile site.
- While both Common Lizard and Grass Snake are protected under schedule 5 of the Wildlife and Countryside Act (1981 and amendments) against killing, injury and sale this protection does not extend to their habitat and only relates to the individual animal.
- Badger - No badger sett of any type was found within or adjacent to any part of the proposed development site. Foraging within the Owls Dell nature area will not be affected by the proposed development. A small area of existing badger foraging habitat will be reduced around the reservoir, however this is not a regularly used area and will not be a significant loss.

- 6.97 Based on the above the report concluded that no further badger related assessments or surveys are required.
- 6.98 Amphibians - There is no amphibian of any species associated with the two ponds or the surrounding terrestrial habitat. No further amphibian survey or assessment required.
- 6.99 Water Vole - Water Voles are not present and no further Water Vole related survey works are required.
- 6.100 Nesting birds – The survey found that five pairs of Skylark were nesting in the open agricultural arable field while a Yellow Hammer pair along with a pair of Dunnock are resident in the remnant hedge within the site. A number of more common avian species were found on the reservoir as well as within the mixed scrub and trees to the rear of the reservoir.
- 6.101 Skylarks and Yellow Hammers are RSPB Red List and Essex BAP species while Dunnock are a RSPB amber list species. The remaining species are all green listed. With regard to the Yellow Hammers and the Dunningtons the report concluded that hedge retention/improvement could help retain the Yellow Hammer and Dunnock nesting pairs. This matter would be dealt with in more detail as part of the future reserved matters application.
- 6.102 The report however concluded that the Skylarks will all be lost from site with the development of their habitat and mitigation will not be possible. In this regard Officers note that whilst Skylarks are protected from wilful killing or disturbance of active nests the bird's habitat only receive some protection if it was part of some designated site such as a SSSI. The application site does not form part of any designated site and as a result the habitat is not protected. It is further considered the site can be cleared for development outside of the nesting season i.e. from September to end of February inclusive without any Skylark constraint/consideration. Based on the above it is concluded that the skylark has no "special" protection and as a result the presence of a Skylarks on the site does not constitutes sufficient reason to refuse a planning consent. In order to avoid nesting disturbance a planning condition will be imposed to ensure clearing of the site occurs outside of the nesting season as suggested within the Ecology Report.
- 6.103 Barn Owls - No active or past Barn Owl nest site was present in any part of the various onsite buildings.
- 6.104 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or geo-diversity

interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Landscape issues

- 6.105 Policy PLA5 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the countryside in the district is one of its key assets both in terms of tourism and the living environment of local residents. The district is diverse in its landscape character and appearance and certain areas are particularly sensitive to development and change.
- 6.106 In this regard the Plan recognises that the most notable countryside landscapes include the Dedham Vale Area of Outstanding Natural Beauty (AONB) in the north west of the district. The applicants have identified that the most notable landscape issues that should be considered as part of the outline application is the Dedham Vale Area of Natural Beauty (AONB) which lies to the west of the site on the other side of Cox's Hill road.
- 6.107 With regard to the above the Councils Landscape and Tree Officer was consulted. The Officer commented that the application site is currently being used for agricultural purposes. There are no trees or other significant vegetation in the main body of the land. The Landscape and Visual Appraisal Report accurately describes the extent of vegetation situated on the perimeter of the land and identifies areas where new soft landscaping, including tree planting could be carried out.
- 6.108 New planting opportunities should be maximised to ensure satisfactory screening between new and existing properties and to enhance the appearance of the development. If the measures set out in the above report are fully implemented then the potential adverse impact on views into and out of the Dedham Vale Area can be minimised and will be unlikely to cause any significant harm. It will be particularly important to secure the landscape belt on the part of the site adjacent to Cox's Hill.
- 6.109 With regard to the proposed access from Cox's Hill the Landscape and Trees Officer noted that the Arboricultural Survey and Report adequately demonstrates that the proposed new vehicular access from Cox's Hill can be created without causing harm to the mature Oak situated at the top of Cox's Hill, and protected by Tree Preservation Order 77/33.
- 6.110 If it is intended that the new Community Space, Woodland and Children's Play Area forming part of the development proposals, are likely to be adopted by Tendring District Council for ongoing management and maintenance then The Head of Public Experience should be consulted to obtain their departments views.
- 6.111 It is further also noted that there are no designated footpaths running across the site, but a section of the Essex Way runs inside the site's northern boundary. The applicants have indicated that this area will form part of the Community Open Space. As part of the scheme the proposed Cox's Hill access will incorporate an improved and safer crossing point over Cox's Hill for the Essex Way. As a result officers considered that the Essex Way will not be materially affected by the proposed development.
- 6.112 To the north west of the Farmhouse there is an area of land which falls outside the application site which contains a disused farm reservoir with an existing area of public open space, Owls Flight Dell immediately to the north of the reservoir. Residential estates and Manningtree High School can be found to the north east and south of the application site. The applicants have indicated that these areas would be linked to the 2.6ha of Community Open Space provided as part of this development within the application site resulting in a green gap which would separate Lawford from Manningtree ensuring the individual identities of the two settlements.

Arboriculture

- 6.113 The application site is currently being used for agricultural purposes. There are no trees or other significant vegetation in the main body of the land. The Landscape and Visual Appraisal Report accurately describes the extent of vegetation situated on the perimeter of

the land and identifies areas where new soft landscaping, including tree planting could be carried out.

- 6.114 With regard to the proposed access from Cox's Hill, the submitted Arboricultural Survey and Report adequately demonstrates that the proposed new vehicular access from Cox's Hill can be created without causing harm to the mature Oak situated at the top of Cox's Hill, and protected by Tree Preservation Order 77/33.

Heritage

- 6.115 The NPPF in Chapter 12 sets out how Local Planning Authorities should assess and deal with planning applications that would affect heritage assets. In this regard Policies in Chapter 6 of the Tendring District Local Plan (2007) and Chapter 5 of the Tendring District Local Plan Proposed Submission Draft (2013) support Governments objectives and set out that the historic environment within the District has a powerful influence on people's quality of life generally giving them a sense of identity and civic pride. Its enduring physical presence contributes significantly to the character and 'sense of place' of rural and urban environments.
- 6.116 As a result relevant policies seek to protect or enhance the district's historic assets but also make best use of its rich heritage to help promote the district as a visitor destination and an attractive place to live and work.
- 6.117 In order to comply with National and Local Plan Policies the applicants have submitted a Heritage Statement to support the application. The Heritage Statement identifies three groups of assets around Dale Hall:
- Dale Hall and associated buildings,
 - Heritage assets within the application site,
 - Heritage assets beyond the application site, which provide an archaeological and historical context for those within the application site.
- 6.118 The Hall is a Grade II listed brick house with surviving fabric dating to the 15th century or earlier. While the Statement concludes that Dale Hall is unaffected by the proposed development it does suggest that care is needed not to adversely affect the Listed Building's setting.
- 6.119 As this is an outline application with matters of layout, scale and design reserved for later consideration it would not be possible to come to a final conclusion on the actual impact of the development on the setting of the Grade II Listed Building. Officers however consider that with careful consideration of details regarding layout, scale and design during the reserved matters application a development of this site in the manner proposed could be achieved without having a materially harmful effect upon the character and appearance, or setting of the Listed Building, therefore compliant with relevant National and Local Plan Policies.
- 6.120 In addition to the Listed Building there are two archaeological sites within the 10.4 ha application site area. The first is a prehistoric pit excavated during laying of a pipeline along Cox's Hill, and the second is an undated crop mark. The Heritage Statement concludes that the site of the prehistoric pit is unaffected by the proposed development, since it coincides with a 20-m wide protected strip along the east side of Cox's Hill. With regard to the Archaeological importance of the site both English Heritage and Essex County Council were consulted on the proposed development.
- 6.121 English Heritage commented that the application should be assessed having regard to relevant National and Local plan Policies and should pay particular attention to the role the development site plays as part of the setting of the Listed Building. In this regard it is considered that The Hall's substantial grounds (which lie outside the development site), the existing mature trees which enhance the Hall's setting, and its enclosed garden and lawn are unaffected.

- 6.122 Essex County Council Archaeology confirmed that the application site has the potential for having archaeological implications. The County Council did not raise an objection to the application subject to the inclusion of a full Archaeological Condition with any approval. The applicants acknowledge that the application site is in an area where important prehistoric remains are known and that there is therefore sufficient reason for the Local Planning Authority (taking advice from specialist Historic Environment officers at Essex County Council) to request an archaeological evaluation of the site prior to development, in line with current legislation and planning guidance.
- 6.123 Based on the above it is considered that the proposed development of the site can be achieved without causing harm to any of the identified Heritage Assets in keeping with the aims and objectives of National and Local Plan Policies identified above.

Site Contamination

- 6.124 Policy QL11 of the Tendring District Local Plan (2007) and SD9 Part C of the Tendring District Local Plan Proposed Submission Draft (2102) seek to ensure that any potential impacts on surrounding uses and/or the local environment are identified and measures are put in place to ensure any adverse impacts are minimised.
- 6.125 The Contamination Report submitted as part of this application found no evidence of significant surface contamination within the site. However the report did identify minor sources of potential contamination on site particularly as some of the buildings associated with Dale Hall appear to have asbestos cement cladding/roof sheets. It should be noted that the area of the buildings associated with Dale Hall is included within a proposed employment area rather than within the more sensitive residential development. Furthermore, some potential sources identified appear localised such as the small fuel tank, the bonfire, the storage of vehicles and buildings materials at the house in the southern part of the site and the asbestos associated with the buildings at Dale Hall. No evidence of site-wide contamination has been uncovered during this desk study other than possibly associated with historical agricultural practices.
- 6.126 Based on the assessment detailed above some intrusive investigation is deemed necessary to confirm the assumptions highlighted in the Contamination Report and to fully assess risks to and users, construction workers and other identified receptors and as a result it is proposed to attach a condition to any approval requiring the submission of a Scheme of Contamination.

Drainage and flood risk

- 6.127 The National Planning Policy Framework makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.128 The applicants have submitted a Flood Risk Assessment as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps the site is located entirely within Zone 1 – at low risk of flooding, as defined by Table 1 of the Technical Guidance to the National Planning Policy Framework (having a less than 1 in 1000 annual probability of river or sea flooding in any year).
- 6.129 The Flood Risk Assessment (FRA) further also considers flooding from other sources as required by Local Plan Policies for development sites exceeding 1 hectare in size. In this regard the following sources were identified:

Flooding from Rivers – There are no significant watercourses within the vicinity of the site.

Flooding from the Sea – Ordnance Survey maps show the site to lay generally between the 25 and 35m contours. Therefore flooding by the sea is not considered a risk

Flooding from Land – From site inspection, topographical survey and Ordnance Survey mapping it can be seen that the surrounding land generally falls in a north-westerly direction. Some potential for overland flow from the south-east exists, however this is considered too small a risk to warrant land drainage. The FRA does however identify that there is a slight risk of flooding near the south-west corner of the site. In this regard it is considered that when considering details submitted during the reserved matters stage of the application care should be taken to ensure that finished ground and floor levels are carefully considered in this area to avoid potential problems. This would generally require dwellings to be sited sufficiently high above surrounding ground levels that any overland flow will be routed away from buildings. Based on the forgoing it is considered that flooding from adjacent land is not considered a risk.

Flooding from Groundwater – The FRA concludes on this matter that due to the mostly granular nature of the ground conditions across the site, the topography and site layout, groundwater is not considered a flood risk to the development.

Flooding from Sewers – The site lies within the existing urban environment and the Water Authority have confirmed that foul and surface water sewers exist within the vicinity of the site and that there are no capacity issues at present.

Flooding from Reservoirs, Canals and Other Artificial Sources - There are no known artificial sources of potential flooding.

- 6.130 Based on the details contained within the FRA it is considered that the application site could be development in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Education

- 6.131 Local Plan Policies QL12 of the Tendring District Local Plan (2007) and SD7 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the Council will seek planning obligations wherever they are fairly and reasonably related in scale and kind to the proposed development.
- 6.132 Having regard to the overall scale of the current proposal Essex County Council Sustainable Environment and Enterprise have stated that forecasts show that there should be sufficient primary and secondary school places serving this proposed development.
- 6.133 In the case of Early Years and Childcare, however there is unlikely to be sufficient capacity. As a result, based on adopted County Supplement Guidance, an education contribution would total £160,178. While the applicants have acknowledged the requirement for an Early Years and Childcare contribution, it is stated that this contribution would need to be reduced by the reasonable cost of providing the Bus Park for the Benefit of Manningtree High School compliant with the requirements of Policy MLM4 of the Tendring District Local Plan Proposed Submission Draft (2012). Officers however considered that due to the fact that no specific projects have been identified by Essex County Council that would benefit from the proposed education contribution it would be unreasonable to formally request this as a planning obligation.

B1 Use Class Buildings

- 6.134 Policy MLM4 (d) of the Tendring District Local Plan Proposed Submission Draft (2012) existing buildings at Dale Hall shall be converted or re-used for the provision of sympathetically designed B1(a) office units with access via Cox's Hill. It is however noted that the Councils Regeneration Team did not support the inclusion of this element of the proposed development as there was no evidence of an identified demand for these types of units.
- 6.135 The applicants have indicated that further to discussions with local stakeholders, the consensus was that there should be an element of employment within the overall scheme.

This together with the input of commercial agent Nicholas Percival has identified this form of employment property for this site, as the most suitable and appropriate for the scheme.

- 6.136 In addition it is considered that due to the fact that the whole scheme is primarily residential it is essential that any employment uses must not affect the quiet amenity value of the residential occupiers in addition the site is adjacent to a listed building and must not impact on the character or setting of this Heritage asset. As a result it is considered that the proposed re-use of the existing farm buildings as B1 use buildings would help preserve the historic feel of a “working “ farmyard and will retain a sense of former use/ history within the overall scheme.
- 6.137 Based on the above and subsequent to a condition restricting the proposed B1 use buildings for office use only it is considered that this element of the proposed scheme could be delivered without detracting from the character and appearance or setting of the Listed Building while also resulting in minimal harm to the amenities of any future residential properties that might about this section of the site.

Conclusion

- 6.138 is considered that the development of the application site in the manner proposed for 150 residential dwellings as well as an element of B1 use could be achieved in compliance with the National and Local Plan Policies identified above and approval is recommended on this basis.

Background Papers

None.