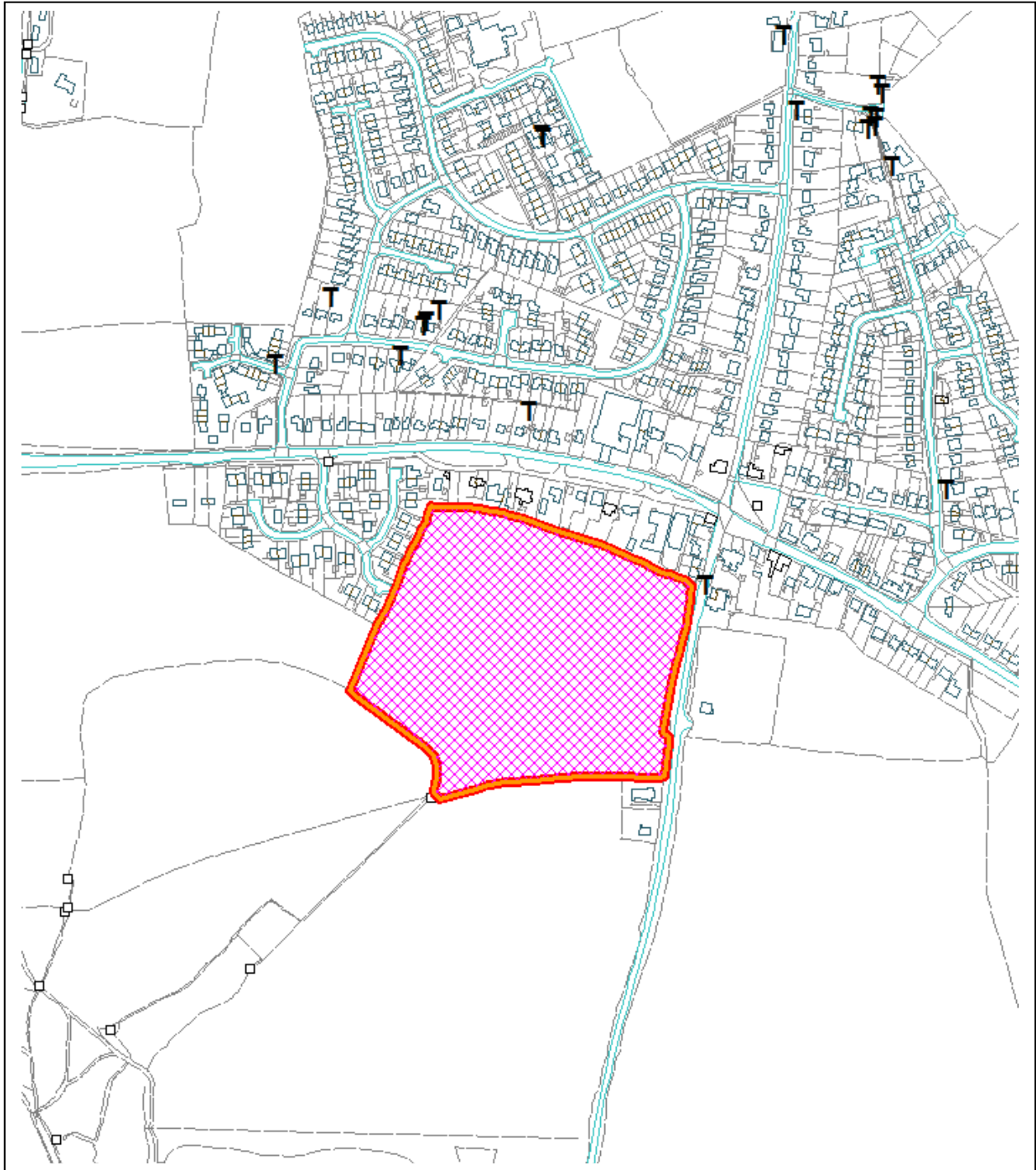


PLANNING COMMITTEE

3<sup>RD</sup> MARCH 2015

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATION - 14/01728/OUT - CHARITY FIELD LAND SOUTH OF COLCHESTER ROAD, ELMSTEAD, CO7 7ET**



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<b>Application:</b>	14/01728/OUT	<b>Town / Parish:</b> Elmstead Market Parish Council
<b>Applicant:</b>	Edward Gittins & Associates - Mr Edward Gittins	
<b>Address:</b>	Charity Field Land South of Colchester Road, Elmstead CO7 7ET	
<b>Development:</b>	Erection of up to 50 dwellings and a new community building, provision of dual-purpose car park, new village allotments and public open space.	

## 1. Executive Summary

- 1.1 The application site lies outside of the defined settlement development boundary of Elmstead Market as set out in the Tendring District Local Plan (2007), and the Tendring District Local Plan Proposed Submission Draft (2012) (as amended).
- 1.2 Outside of these boundaries Policy QL1 of the Tendring District Local Plan (2007) and Policy SD5 of the Tendring District Local Plan Proposed Submission Draft (2012) states that permission is to be refused for new residential development subject to specified exceptions.
- 1.3 Elmstead Market has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of village centres public transport facilities and other community facilities.
- 1.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.6 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 1.7 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.8 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' whilst also being able to achieve a development that would comply with Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) as well as Policies SD3 and SD9 of the Tendring District Local Plan Proposed Submission Draft (2012).

### **Recommendation: Approve**

That the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to:-

a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):

- Affordable Housing on-site
- Education contribution
- Public open space contribution/facilities
- Completion and transfer of public open space, allotments and community facilities

b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
2. Application for approval of the reserved matters to be made within three years
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. Development to contain up to 50 dwellings
5. Layout and Phasing Plan and Programme
6. Details of materials
7. Hard and soft landscaping
8. All hard and soft landscaping implementation
9. Tree protection measures
10. Landscaping – Five year clause
11. Landscape/Public open space management plan
12. Ecological mitigation scheme and management plan
13. Details of boundary treatments
14. Details of refuse storage/collection points
15. Archaeology investigative and report works
16. Site lighting strategy
17. Construction Method Statement, including details of hours of operation during construction.
18. Parking in line with adopted Parking Standards
19. Details of a surface water drainage scheme
20. Details of wheel cleaning facility
21. No vehicular connection between Alfells Road/Pauls Crescent/Laurence Close and sole vehicular access shall be taken from School Road.
22. Proposed estate road, at its bellmouth junction with School Road, shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
23. Vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity clear to ground.
24. A footway no less than 2m in width northwards across the sites frontage to School Road and southerly to connect to the Market Field School Main pedestrian entrance together with pedestrian crossing facilities (pram crossings on both sides of School Road).

25. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary and single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.
  26. All footways to be provided at no less than 2m in width.
  27. Any proposed shared footways and cycle ways being provided at no less than 3.5m in width.
  28. Carriageways shall be provided at no less than 6m in width without accompanying footways and no less than 5.5m in width together with footways.
  29. Residential vehicular accesses shall be provided at 3.7m in width.
  30. No unbound materials shall be used in the surface treatment of the proposed residential vehicular accesses within 6m of the highway boundary or proposed highway boundary.
  31. Vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
  32. All internal road junctions shall be provided with a 25m x 2.4m x 25m visibility splay with no obstructions clear to ground.
  33. Details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage).
  34. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s).
  35. Details of the provision for the storage of bicycles for each dwelling.
  36. Details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse.
  37. Prior to the occupation of the proposed development the developer shall provide bus stop improvements to: a) The Westbound bus stop on Clacton Road opposite the old Kings Arms PH, by the provision of level entry kerbing, new post and flag and any adjustments in levels and accommodation works, to the specifications of the Highway Authority b) The Eastbound bus stop on Clacton Road shall be improved by the provision of level entry kerbing, new post and flag together with any adjustments in levels and accommodation works, to the specifications and designs to be agreed with the Highway Authority.
  38. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies HG4, COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO22 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

## 2. Planning Policy

### National Policy:

National Planning Policy Framework (2012)

National Planning Practice Guidance (2014)

Local Plan Policy:

*Tendring District Local Plan 2007*

QL1	Spatial Strategy
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
HG3	Residential Development Within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM1	Access for All
COM4	New Community Facilities (Including Built Sports and Recreation Facilities)
COM6	Provision of Recreational Open Space for New Residential Development
COM26	Contributions to Education Provision
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN13	Sustainable Drainage Systems
EN29	Archaeology

TR1A	Development Affecting Highways
TR1	Transport Assessment
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) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)*

SD1	Presumption in Favour of Sustainable Development
SD3	Key Rural Service Centres
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PRO2	Improving the Telecommunications Network
PRO3	Improving Education and Skills
PEO1	Housing Supply
PEO2	Housing Trajectory
PEO3	Housing Density
PEO4	Standards for New Housing
PEO5	Housing Layout in Tendring
PEO7	Housing Choice
PEO8	Aspirational Housing
PEO9	Family Housing
PEO10	Council Housing
PEO18	Community Facilities
PEO19	Green Infrastructure
PEO22	Green Infrastructure in New Residential Development

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

Other guidance:

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

**3. Relevant Planning History**

None

**4. Consultations**

4.1 Elmstead Parish Council has no objections but make the following observations:

- The PC thinks 50 houses for this site is too many, especially in light of the Church Road outline application (14/01292/OUT). The number of houses should be reduced.
- If permission granted, the PC would like to see a proportion of the houses being bungalows.
- The layout of the development should be reversed so that the houses are at the southern end of the development. Boarding and neighbouring property owners feel that this would be more acceptable than the layout as it is at present, as they feel they will be overlooked with loss of privacy as the layout is now.
- Considerable investment is required (in the opinion of the PC) on modifications at the junction of School Road, Colchester Road, and Church Road, even more so given that the development features a new community building, allotments and a playing field/public open space.
- This is also the same road junction potentially affected by the Church Road development, which currently has an outline application outstanding and features a new community building and football pitch.
- With both of these outline applications on the table, the PC believe that without careful consideration the volume of additional traffic generated, in tandem with traffic from the new households from both developments, will not be safety manageable within the existing highway infrastructure.
- A roundabout, controlled traffic lights, filters etc need to be given serious consideration for this junction with Colchester Road. It is already extremely difficult to get across the junction in peak times (including school drop off/collection times).

- In para. 3.8 of the Transport Assessment it says that with a five year growth period the additional daily number of vehicular movements generated by this development and the new Budgens store on the corner of School Road/Colchester Road could total 1144. This junction needs to be carefully considered by ECC Highways and have someone come and monitor the junction and talk to local people who know the road junction very well.
- The entrance proposed is opposite Market Field School, which gets very busy during term time. Market Field School is currently undergoing major improvements, which does include more parking for the school. The PC are concerned that, although more parking is being provided by the School and the Charity Field development, people will continue to park on School Road making the traffic situation worse than it already is due to the fact there will be a new junction in play (entrance to the Charity Field development).
- If the development was to be given approval then some parking restrictions on School Road would need to be put in place to maximise traffic and minimise congestion.
- The Transport Assessment states at para. 2.6 “There is a bus stop on the A133 opposite to the Kings Arms PH (150m to the north of the site). The First Group provide an hourly service (76/76x) Monday to Friday between Colchester and Clacton. Additional services are provided by New Horizon Travel (including a stop by Route 77 at the national rail station in Colchester). The nearest national rail station is at Alresford, approx. 3.1km to the south of the site”. The above is a true statement, but what needs to be taken into account is the fact that the bus services have been cut recently and the services that are supplied by New Horizon have also been cut.
- The PC are concerned by the lack of infrastructure throughout the village. There are already a lot of power cuts affecting nearby Pauls Crescent, Alfells Close and Colchester Road which usually occurs in bad weather along with the occasional loss of water/low water pressure. These problems exist now and need to be taken into consideration.
- There is one doctor’s surgery in Elmstead and it cannot cope with the amount of patients it already has. If the Charity Field application and Church Road application are granted permission then it must be considered that NHS England be approached for the community building on the site to be a doctor’s surgery.
- There is concern that Elmstead Primary School is full and that there is no room for any additional intake of children. This applies to all development in Elmstead. If the Charity Field application is granted outline permission, then the existing primary school would need to either expand or provisions for a new school be made. Monies should be asked for if this application gets approval, for improving and meeting the educational needs of the village.
- The PC would like to record that if the planning application is permitted they would like to be consulted in all reserved matters relating to the following:
  - All footways;
  - Management of construction traffic and parking;
  - Site landscaping;
  - Traffic calming;
  - Church Road junction measures – including modifying for pedestrian safety
  - Street lighting

4.2 TDC Open Spaces and Play – Request Public Open Space Contributions

4.3 TDC Housing – Support the provision of on-site affordable housing



4.4 TDC Public Experience (Environmental Services) – Require a condition to control working hours on the site as well as dust and noise mitigation method statements

4.5 ECC Highways Dept – The Highway Authority raises no objection subject to:-

1. There being no vehicular connection between Alfells Road/Pauls Crescent/Laurence Close and sole vehicular access shall be taken from School Road.
2. Prior to occupation of the development, the proposed estate road, at its bellmouth junction with School Road, shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
3. Prior to the proposed access being brought into use, vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity clear to ground.
4. Prior to the occupation of the proposed development the applicant shall provide a footway no less than 2m in width northwards across the sites frontage to School Road and southerly to connect to the Market Field School Main pedestrian entrance together with pedestrian crossing facilities (pram crossings on both sides of School Road).
5. All off street parking shall be in precise accord with the details contained within the current Parking Standards.
6. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary and single garages shall have minimum internal dimensions of 7m. x 3m and shall be provided with vehicular doors a minimum width of 2.3m.
7. All footways to be provided at no less than 2m in width.
8. Any proposed shared footways and cycle ways being provided at no less than 3.5m in width.
9. Carriageways shall be provided at no less than 6m in width without accompanying footways and no less than 5.5m in width together with footways.
10. Residential vehicular accesses shall be provided at 3.7m in width.
11. No unbound materials shall be used in the surface treatment of the proposed residential vehicular accesses within 6m of the highway boundary or proposed highway boundary.
12. Prior to commencement of the proposed development, sufficient vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
13. All internal road junctions shall be provided with a 25m x 2.4m x 25m visibility splay with no obstructions clear to ground.

14. Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
  15. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front of each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.
  16. Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.
  17. Prior to the proposed access being brought into use, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council).
  18. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Plan including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Residential Travel Plan to include a commitment to provide a Travel Plan co-ordinator within the residential sales office to give advice to the new residents of the development.
  19. Prior to the occupation of the proposed development the developer shall provide bus stop improvements to: a) The Westbound bus stop on Clacton Road opposite the old Kings Arms PH, by the provision of level entry kerbing, new post and flag and any adjustments in levels and accommodation works, to the specifications of the Highway Authority b) The Eastbound bus stop on Clacton Road shall be improved by the provision of level entry kerbing, new post and flag together with any adjustments in levels and accommodation works, to the specifications and designs to be agreed with the Highway Authority.
- 
- 4.6 ECC Archaeological Services – Request condition requiring a programme of archaeological trial trenching and written scheme of investigation.
  - 4.7 ECC Education Services – Request s106 contributions
  - 4.8 Environment Agency – No objection subject to condition
  - 4.9 Natural England – Advisory comments
  - 4.10 Anglian Water Services – No comments received
  - 4.11 UK Power Networks – No comments received
  - 4.12 ECC SUDs Advisory Body – Advisory comments received.

- 4.13 Essex Wildlife Trust – No comments received
- 4.14 Police Architectural Services – No comments received
- 4.15 NHS England – No comments received

## 5. **Representations**

5.1 A pro-forma letter sent from 5 properties objecting to the application has been received. The comments raised are summarised below:

- Infrastructure unable to cope
- Insufficient roads to facilitate extra vehicles through village
- Doctors and Schools already over stretched
- Alfells Road unable to cope with additional traffic
- Access to Colchester Road from Alfells Road already difficult
- Dwellings should be situated at Southern end of Charity Field – not adjacent existing properties
- Devalue of existing properties
- Plans should be reversed so existing residents outlook is retained of playing fields
- No to all building on site or anywhere else in Elmstead Market
- Development too big for such a small village
- Electric supply cuts out at times
- Access not suitable
- Development closer to school seems better choice
- Why are there no homes along the road like existing ones
- Parking problem already with people opposite the school
- School Road used as rat run

5.2 A total of 6 individual letters of objection have been received. The comments raised have been summarised below:

- Transport Assessment inaccurate
- Main junction has had 2 serious accidents since 2004 on Colchester Road
- New supermarket on junction with Colchester/School Road will generate significant traffic issues at junction
- Parking on main road and pavement adj school – extra traffic will create significant pedestrian risk
- Why is the entry/exit to this site in School Rd opposite the school
- School increasing pupils by 25% in 2015 – another reason why site is inadequately positioned – further risk to pedestrians
- Junction at Church/School/Colchester Roads is inadequate with poor visibility
- Planning submission not considered recent developments (in Elmstead market)
- Proposal would cause overshadowing, loss of light and poor appearance
- Proposal would push new amenity space further away from the hub of the village
- The Church Road development provide the amenity space closer to the village with housing the other side
- Landscaping buffer only increased from 17m to 25m
- More financially viable to build 3-4 bedroomed houses on south of site with views over mature farmland
- Section 106 agreement required to fund improvements to junction with Colchester Rd/School Rd
- Public transport for EM is described as adequate at best. Only one bus service through village
- Site not earmarked for development

- Doctors and Schools already over stretched. Colchester Hospital in crisis
- Devalue our properties
- Plans should be reversed to lessen impact on properties and not blight their outlook
- Due to proposed cycleway and inadequate parking spaces – envisage parking problems in Laurence Road, Alfells Road, and Pauls Crescent
- Reversing proposal would not form hard edge to surrounding countryside
- Concern over lack of properties consulted
- No objection to development on south side of Charity Field
- 50 houses too many, original plans was for 40.
- Impact on character and appearance of village
- Planning submission confusing as three different layouts
- Future of existing community centre/hall is not clear, and why additional community facility is required
- Loss of view
- Concerned that Parish Council has been in negotiations with applicant before application submitted. Concerned over not being informed of proposal
- DAS inaccurate – only one mainstream school and only one restaurant. Minimal public transport

5.3 1 letter of observation (neither objecting to or supporting) has been received. The comments raised have been summarised below:

- Saddened to see field built on as enjoyed the view
- Aware for the need to build more housing in the area
- Concerned over privacy
- However Illustrative layout well designed scheme
- Although open space next to property adjoin School Road should be preserved

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway and Parking Issues;
- Impact on Heritage Assets;
- Biodiversity;
- Drainage and Flood Risk;
- Other Material Considerations (Section 106 Obligations); and,
- Other Issues.

### **Site Context**

6.2 The application site comprises a 6.24 hectare parcel of undeveloped agricultural land situated to the south of Colchester Road (A133) and to the west of School Road. The site is a single agricultural field with an existing field access on to School Road.

6.3 The site's eastern, southern and part western boundaries are bordered by a mature tree lined hedgerow. The northern boundary comprises a mixture of fences, vegetation and open boundaries to residential properties fronting onto Colchester Road, but with rear gardens facing the application site. These properties are a mixture of single-storey and two-storey. The remaining western boundary comprises a mixture of fences and open

boundaries to residential properties fronting onto Pauls Crescent and Alfells Road, but with rear gardens facing the application site. These properties are single-storey.

- 6.4 The site falls slightly in a southerly direction. Overhead power lines sail above the site in a north-east to south-west direction towards a power sub-station adjacent to the north-east corner of the application site, with a spur off towards the eastern boundary of the site. Further overhead power lines sail above the northern boundary of the site.
- 6.5 A drainage ditch emerges along the southern frontage of the site and flows in a south westerly direction towards Sixpenny Brook.
- 6.6 To the east of the application site and located off School Road is the Market Field School, which is undergoing redevelopment with the building of a new school for children with special needs (14/00684/CMTR refers). Also located adjacent this school is the Elmstead Community centre building with associated car-park. School Road in this location is 30 MPH.
- 6.7 The site measures approximately 270 metres by 260 metres, and equates to approx. 6.24 hectares.
- 6.8 The application site lies outside of the defined settlement development boundary of Elmstead Market as set out in the Tendring District Local Plan (2007), and the Tendring District Local Plan Proposed Submission Draft (2012) (as amended), but abutting the defined settlement development boundary within both Local Plans. Policies within these plans seek to restrict development to within the settlement development boundaries.

### **Proposal**

- 6.9 The application seeks outline consent with all matters reserved for the construction of up to 50 dwellings and a new building for community/indoor recreation uses, the provision of dual-purpose car park for visitors to the community building and the Market Field School, new village allotments and public open space.
- 6.10 The applicant has indicated that whilst all matters are reserved for later consideration, an indicative layout drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing shows vehicular access off School Road opposite the Market Field School, and footpath/cycle links to the west onto Alfells Road. Residential development is located within the northern section of the application site, separated from the existing residential development by a 25 metre landscaping buffer. The residential development is indicated to be landscaped with new tree planting and accessed from the new internal road onto a shared surface road types 1 and 2.
- 6.11 The southern portion of the application site would provide the public open space, allotments, new building for community facilities/indoor recreation, and a dual-use car park. The community building is envisaged to have multiple uses. The community facility building, allotments and car parking would be funded by the development. The indicative layout drawing also shows the construction of a dry detention basin (for surface water run-off).
- 6.12 With regards to accommodation types, again whilst all matters are reserved, the applicant has provided an indicative accommodation scheme, which provides for 6 x 2-bed dwellings, 31 x 3-bed dwellings, and 13 x 4-bed dwellings.
- 6.13 In terms of ground coverage, the indicative layout scheme provides for approx. 1.91 hectares of net development area, 3.5 hectares of public open space, 0.28 hectares of community facilities, and 0.41 hectares of allotments.

6.14 The application is supported by:

- Design and Access Statement
- Transport Assessment
- Phase 1 Habitat Survey
- Flood Risk Assessment
- Illustrative Layout

### **Principle of Development**

6.15 The main issues for consideration are:

1. whether the site would be suitable for housing having regard to the principles of sustainable development.
2. the effect of the proposed development on the character and appearance of the surrounding area.

6.16 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan, 2007 which aims to direct new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

6.17 Elmstead Market is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

6.18 Elmstead Market is identified within Policy SD3 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014) as a Key Rural Service Centre, where such settlements will be the focus for small-scale employment and tourism related development that reflects their unique rural character, local housing and employment needs and physical, environmental and infrastructure constraints. In addition, these settlements will accommodate a sustainable, fair and proportionate increase in housing stock that will support the overall housing growth proposed for the district.

6.19 Given the weight that can be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the NPPF.

6.20 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

6.21 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.

6.22 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.

- 6.23 Members should note that whilst the Council has published the Tendring District Local Plan Proposed Submission Draft (2012), the document is yet to be submitted to the Secretary of State and formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may possibly be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.
- 6.24 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.25 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
  - social and
  - environmental roles.
- 6.26 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

#### Economic

- 6.27 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

#### Social

- 6.28 In terms of the social role, the site is within close proximity of the local amenities within Elmstead Market such as a new village convenience store, post office, restaurant, take-aways and petrol filling station within walking distance of the site. The site is also within walking and cycling distance of the local primary school and recreational area at Old School Lane. Elmstead Market is also on a bus route and there is a bus shelter on Colchester Road within walking distance of the site, with services to Clacton and Colchester.
- 6.29 It is noted that Elmstead Market has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of village centres, public transport facilities and other community facilities. Whilst the policy has limited weight at this stage, it goes some way to illustrate the sustainability credentials for the village and the site.
- 6.30 Overall officers consider that the application site performs reasonably well in terms of the social role within the definition of sustainability.

## Environmental

- 6.31 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site immediately adjoins the Settlement Development Boundary in the 2012 Draft Local Plan with a number of residential dwellings to the west and north of the site, and would be well contained by existing mature vegetation. It is also noted further development is ongoing to the east of the application site with the redevelopment of the Market Field School.
- 6.32 As a result, development would be comparable with existing development in the locality. On this basis Officers consider that a more pragmatic approach is justified in this instance to development, as the development of this site can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

## Character and Appearance

- 6.33 The application is in outline with all matters reserved. However, the indicative drawing submitted with the application suggests that the development would comprise up to 50 detached and semi-detached residential dwellings, presumably two-storey in height. Given that the net development area is approx 1.91 hectares, this would equate to a density of 26 dwellings per hectare, which is comparable with the existing settlement pattern and grain of the area.
- 6.34 The indicative layout illustrates that 50 dwellings would comply with the Councils requirements with regard to parking provision and amenity space as set out in Saved Policy HG9 of the 2007 Local Plan, and the 2009 Parking Standards.
- 6.35 It is considered that the development as shown on the indicative layout drawing would broadly follow the character and appearance of existing development in the locality. The development would act as a natural termination for development in this area of Elmstead Market, given the containment from existing mature vegetation. The properties at two-storey in height would be seen in context with existing two-storey development that exists to the north of the application site.
- 6.36 It is noted that many objectors, including the Parish Council, have questioned the position of the residential element of the scheme and the public open space, and that this should be reversed. These comments are mainly on the grounds of impact on existing residential amenity (see next section). However, whilst such matters of layout are reserved for future consideration, officers consider that in terms of impact on the character and appearance of the area, the residential element of the scheme is best contained to the northern section of the site as it addresses the shape and form of the existing settlement in a more satisfactory manner. Therefore, the public open space and allotments would integrate with the existing undeveloped areas to the south, south-east and south-west of the site.
- 6.37 Although design and appearance do not form part of the consideration of this outline application, it is considered that the site is capable of accommodating up to 50 dwellings in a way that would not result in any adverse impact on the character and appearance of the surrounding area and therefore, Officers conclude that the proposed development can be considered as fulfilling the environmental role of sustainable development and consequently does comply with the presumption in favour of sustainable development anticipated in paragraph 14 of the NPPF.



### **Neighbouring Amenity**

- 6.38 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.39 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.40 It is noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows. In this instance, the indicative layout submitted indicates the frontage and side elevations of those properties to the north of the site would be located approx 34 metres away from the northern boundary of the application site, with a 25 metre landscaping buffer proposed between existing and proposed dwellings. Likewise, the side elevations of those properties to the west of the application site (shown as plots 45 and 50) would be located approx 25 metres away from the western boundary of the application site. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties.
- 6.41 Therefore in this instance the minimum distances are achieved, and Officers consider that whilst the layout plans are indicative, the development of the site is unlikely to result in any adverse impact upon existing residential amenity by way of overlooking to the existing properties to the north and west of the site.
- 6.42 Comments have been received with regards to a loss of views and outlook. The loss of a view is not a material planning consideration, and therefore does not need to be addressed as a planning consideration.

### **Highway and Parking Issues**

- 6.43 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 draft Local Plan.
- 6.44 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.
- 6.45 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.

6.46 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.

6.47 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SD9 of the Draft Plan.

6.48 In this regard and in support of the application, the applicants have submitted a Transport Assessment (TA), produced by GH Bullard & Associates LLP, which identifies that the site is in a location suitable for development in accordance with national and local planning policy. It is within walking and cycling distance of local bus stops served by routes providing links to surrounding towns. The TA can be reviewed in full by members on the planning pages of the Council's website.

6.49 The TA has examined the existing highway conditions, and the accident data over the previous 3 years (from when the TA was produced in October 2014).

6.50 The TA concludes that:-

- The site would be served by an existing bus stop on the A133 (multiple routes). The nearest mainline train station is Alresford, and the mainline train station at Colchester is a stop on the Route 77 bus.
- It is estimated that the proposed development will generate, overall 40 vehicular trips in the AM peak hour (08:00-09:00), 40 trips in the PM peak hour (17:00-18:00) and 542 trips over a 24 hour period.
- The developer should ensure a robust construction management plan is put in place that will alleviate the potential for construction traffic through the industrial estate. Adequate provision should be made on site for parking, deliveries and turning throughout the construction phase.
- A managed travel plan will reduce the need for reliance on private motor vehicles throughout residential occupation.
- This development will provide residential growth to Elmstead Market, making the fullest possible use of public transport, walking and cycling options. Elmstead market has sufficient amenities to be considered a sustainable location.

6.51 Essex County Council as the Highway Authority has been consulted on the application. They raise no objection to the principle of the development and vehicular access from School Road in this location, subject to conditions including provision of a 2 metre footway across the site's frontage together with pedestrian crossing facilities (pram crossings on both sides of School Road).

6.52 The Councils Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garage, if being relied on to provide a parking space should measure 7 metres by 3 metres internally. Furthermore, development sites should provide

unallocated visitor spaces at 0.25 spaces per residential unit. It is considered that the site is capable of accommodating this level of parking.

- 6.53 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 highway safety and parking requirements.

### **Impact on Heritage Assets**

- 6.54 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible.
- 6.55 Policy PLA6 of the draft Local Plan states that the Council will work with its partners to understand, protect and enhance the district's historic environment by, amongst other things, requiring archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Furthermore, Policy PLA7 of the draft Local Plan states within a conservation area, development will not be permitted unless the proposal (inter alia), is of a design and/or scale that preserves or enhances the special character or appearance of the area and is compatible with neighbouring buildings and spaces; and uses building materials, finishes, and building techniques, including those for features such as walls, railings, gates and hard surfacing, that are appropriate to the local context. These sentiments are echoed in policies EN17 and EN29 of the 2007 Local Plan.
- 6.56 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.57 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.
- 6.58 In this instance, whilst the applicant has not submitted a heritage statement, given the size of the site which is undeveloped, the Senior Historic Environment Consultant at Essex County Council has been consulted and has advised a programme of trial trenching followed by open area excavation to be imposed as a condition if outline planning permission is granted. This is due to the Tendring Historic Environment Characterisation project which shows that the proposed development site lies within a wider area with good potential for below ground archaeological deposits. As no previous archaeological work has been undertaken within the proposed development site, but the Historic Environment Record contains information on adjacent areas that highlight the potential for archaeological remains to be present; in particular prehistoric activity evidenced by cropmarks of field systems, double ditched track-way and a pit, a programme of archaeological work is considered to be justified, and in accordance with the aims and objectives of National and Local Plan Policies as set out above.
- 6.59 It is further noted that four listed buildings are located adjacent to the northern boundary of the site, fronting onto Colchester Road within the linear development of housing along this stretch of road. These being:
- Glen Cottage – Grade II Listed, C18
  - Lime Cottages – Grade II Listed, C18
  - The Limes – Grade II Listed, C17/C18

- The Thatch – Grade II Listed, C17

- 6.60 These cottages have modern residential development either side and the issue is whether further development to the rear will materially harm their setting. It is considered that the separation of the cottages from new built form together with the proposed landscaping along the common boundary with the site will remove any harm to their setting.
- 6.61 Based on the above it is considered that the development of this site can be achieved without harm to heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Biodiversity**

- 6.62 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA4 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. The benefits of the development should clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate Authorities.
- 6.63 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.64 The application site whilst devoid of any species rich habitat (the site being an agricultural field), the site is largely surrounded by trees and hedgerows with ditches and a pond to the eastern boundary (dry at the time of the officer's site visit). As a result the applicant has submitted a Phase 1 Habitat Survey with the application submission, produced by Skilled Ecology Consultancy Ltd. The report concluded:
- The construction zone was considered low in ecological value with the boundary vegetation the primary feature of interests and ecological value. The boundary vegetation would be retained and protected within the development and new green space provided in the form of allotments and a playing field. A pond may also be included in the project.
  - The risk of presence or significant impact to protected, priority or rare species or habitats was low.
  - Further ecological surveys or mitigation were considered unnecessary.
  - Impact avoidance precautionary measures for bats, birds, reptiles and amphibians are included in the report.
  - With the recommendations followed as described in the report the proposed development could proceed with a minimal risk of impact to protected, priority or rare species or habitats.
  - Furthermore, by following some or all of the suggested enhancements, the proposed development could be enhanced for the benefit of local wildlife in accordance with national planning policy.
- 6.65 As suggested, given the site's edge of settlement location in proximity to the wider countryside, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife. For example, roosting opportunities for bats and/or the installation of bird nest boxes could be secured by condition. Furthermore, to maximise the ecological value of new landscaping plants should be native and/or wildlife attracting with a high proportion of fruit production varieties.

- 6.66 In addition, it is considered that an ecological management scheme and mitigation plan is sought and secured by condition, to ensure the proposed development follows appropriate impact avoidance precautionary measures, such as minimising the use of external lighting, and any scrub and tree removal is undertaken outside the bird nesting season.
- 6.67 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 biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Drainage and Flood Risk**

- 6.68 The NPPF 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, Saved 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.
- 6.69 The applicants have submitted a Flood Risk Assessment (produced by Evans Rivers and Coastal Ltd) 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.
- 6.70 With regards to the information submitted within the FRA, the Environment Agency has advised that after reviewing the submitted FRA they consider that the proposed development will only meet the requirements of the NPPF if the measures as detailed in the FRA are implemented and secured by way of a planning condition. As a result a planning condition would be imposed upon the planning permission requiring a detailed surface water drainage scheme for the site, based upon sustainable drainage principles.
- 6.71 The EA note that with regards to foul water disposal, the first presumption should be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable. The EA advises that Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure.
- 6.72 Anglian Water Services have been consulted but no consultation response has been received. This notwithstanding, given that the application is in outline with all matters reserved, this is not an issue for which details are required at this stage, but an informative will be added to the outline planning permission to advise the applicant/developer of the EAs requirements.

### **Other Material Considerations (Section 106 Obligations)**

- 6.73 Saved Policy COM6 of the adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. On a site of 1.5 hectares and above proposals for residential development are required to provide at least 10% of the gross site area as public open space.
- 6.74 This requirement is also set out in Policy PEO22 of the draft Local Plan, with 1.5 hectares revised to 10 hectares.

- 6.75 With regards to public open space contributions, the Public Experience dept has confirmed there is a deficiency of 4.51 hectares of equipped play/formal open space in Elmstead Market, and any additional development will increase demand on already stretched play facilities. The only play area in the village is located along Old School Lane. This play area is classified as a Local Equipped Area of Play and provides facilities for various age groups. As this is the only area in Elmstead it is already well used and further development in the village will put added pressure on the facility. Whilst the proposed development indicates the inclusion of a public open space (and the applicant has confirmed this would be available to the public) (approx 3.5 hectares) which will contribute to the significant lack of facilities in the area, it is felt a contribution towards play is justified. Negotiations with regards to the public open space financial contribution are on-going with Officers, and if members are minded to approve the application, this would be subject to the satisfactory resolution of those negotiations.
- 6.76 Policy PEO10 of the draft Local Plan requires for developments of 10 or more dwellings, the Council will expect 25% of new dwellings to be made available to Tendring District Council to acquire at a discounted value for use as Council Housing, or as an alternative, the Council will accept a minimum 10% of new dwellings to be made available to the Council alongside a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement.
- 6.77 In this instance, the applicant has offered (for illustrative purposes only) 7 x 3-bed dwellings, and 6 x 2-bed dwellings as affordable on site dwellings, which equates to 25% of the total unit build. The Council's Housing dept has confirmed that they are in agreement with this provision.
- 6.78 Essex County Council Education Services have confirmed the need for a financial contribution towards education provision. ECC confirm that there Early Years and Childcare Team places in the surrounding wards are at 100% capacity, and could not accommodate the proposed development.
- 6.79 With regards to primary school provision, the proposed development is located in the Tendring primary group 3 (Brightlingsea/Elmstead) forecast planning group. ECC forecasts indicate a deficiency in primary school spaces by the school year 2018-19, therefore the primary schools could not accommodate children from this development.
- 6.80 There is likely to be sufficient places at secondary school level to meet the needs of the secondary school children generated by the proposed development. However the school is over 3 miles from the site, and therefore ECC is obliged to provide transport to the school at a cost to ECC. It is the practice of ECC to seek costs for a 5 year period.
- 6.81 On this basis, ECC have also requested financial contributions towards the provision of early years and childcare places, primary school places, and secondary school transport.
- 6.82 The applicant has indicated a willingness to enter into a planning agreement to secure financial contributions required by the development, and these discussions are ongoing. Members are therefore requested that if there is a resolution to grant outline planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant outline planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of on-site affordable housing provision; education contributions; and public open space contributions/provision; and transfer of allotments, public open space and community hall to Parish Council.

### **Other Issues**

- 6.83 Concerns have been raised with regards to impact on over-subscribed local amenities, such as schools and doctors surgeries. With regards to schools, Essex County Council has acknowledged a forecasted short fall in primary school places and lack of early years and childcare provision, therefore a financial contribution towards education provision will be sought.
- 6.84 With regards to doctor surgeries, the lack of such facilities are not considered to warrant a refusal of outline planning permission. The development proposal is not overly large in the number of proposed residential units, and the requirement of such facilities is not considered to meet the CIL regulations in terms of making this particular development acceptable in planning terms. The requirement of any new doctor's surgeries in this particular instance should be left to market conditions.

### **Background Papers**

None.