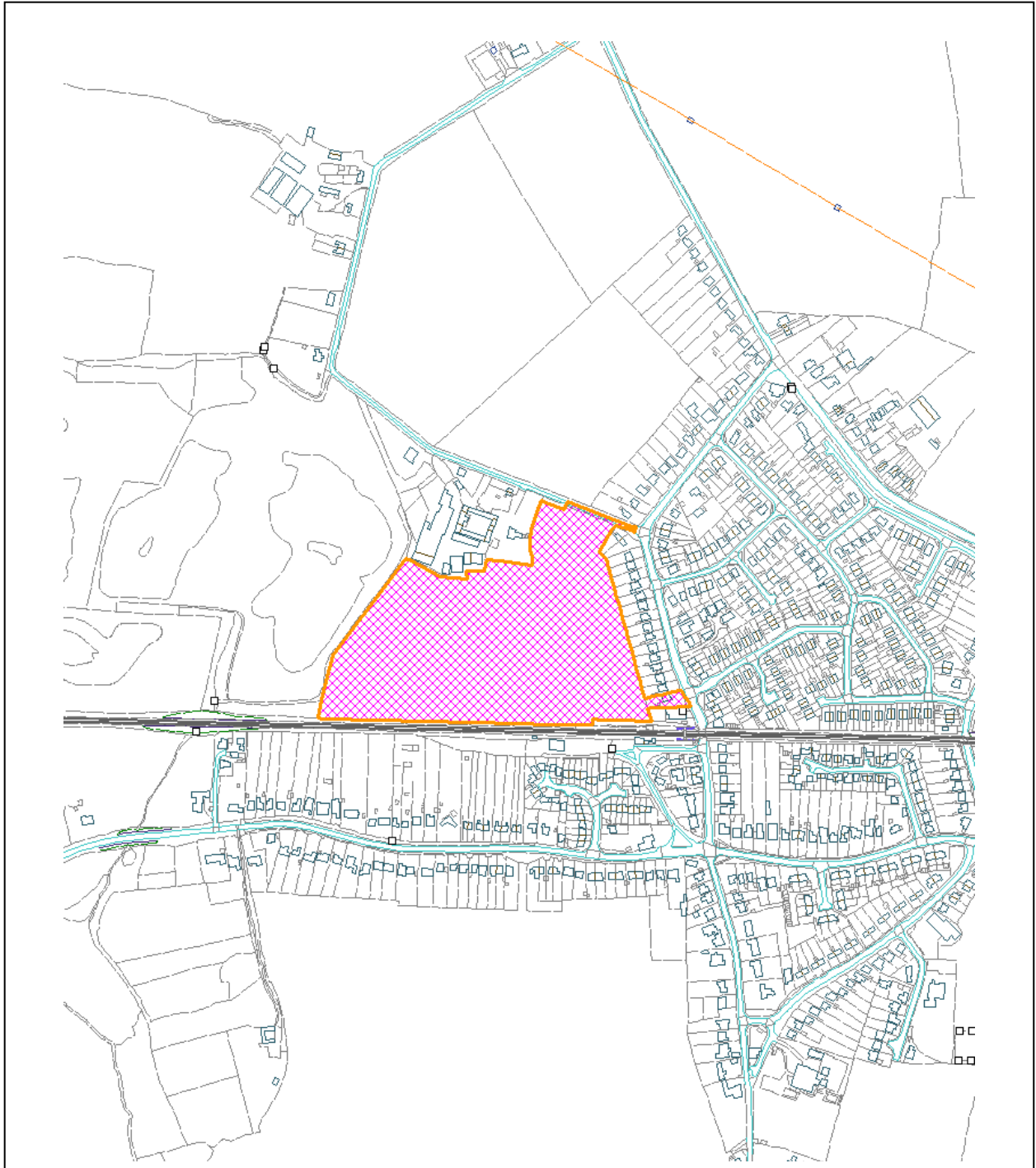


PLANNING COMMITTEE

31 MARCH 2015

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 14/01823/OUT - LAND SOUTH OF COCKAYNES LANE, ALRESFORD, CO7 8BZ



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Application:	14/01823/OUT	Town / Parish: Alresford Parish Council
Applicant:	Taylor Wimpey UK Ltd.	
Address:	Land South of Cockaynes Lane, Alresford, CO7 8BZ	
Development:	Outline application for up to 145 dwellings associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage to no. 56 Station Road.	

1. Executive Summary

- 1.1 This outline application has been referred to Planning Committee as a departure to the development plan for a major residential development within a village location.
- 1.2 The application site lies outside but adjoining the defined settlement development boundary of Alresford as set out in the Tendring District Local Plan (2007) (the “adopted Local Plan”) and the Tendring District Local Plan Proposed Submission Draft (2012) (as amended by the 2014 Focussed Changes) (the “emerging draft Local Plan”). Outside of these boundaries policies in both the adopted and emerging draft Local Plans state that permission is to be refused for new residential development unless justified in relation to other policies.
- 1.3 Alresford has been identified as one of seven ‘Key Rural Service Centres’ within the district through Policy SD3 of the emerging draft Local Plan. These are larger villages containing a reasonable range of local services and facilities and which therefore have the potential to accommodate some limited growth. The site was previously allocated for a mix of uses in the 2012 Draft of the emerging Local Plan but this allocation was removed through the 2014 Focussed Changes due to concerns, at that time, about the deliverability of development, vehicular access and the potential impact of development on the environmental character of Cockaynes Lane.
- 1.4 As set out in the National Planning Policy Framework (“NPPF”), housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, it is accepted that at present the Council cannot demonstrate a 5 year supply of deliverable housing land and as set out in paragraph 49 of the National Planning Policy Framework (“NPPF”) policies relating to housing supply in the adopted or emerging Local Plans cannot be considered up-to-date. As a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.5 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 NPPF as a whole. On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.6 Whilst the proposal has generated 155 letters of objection, there are also 13 letters of support and no unresolvable objections from any of the statutory consultees.
- 1.7 This report considers the proposal against the NPPF presumption in favour of sustainable development in terms of whether it is considered to be economically, socially and environmentally sustainable, using policies in the adopted and emerging Local Plans where

relevant and appropriate. This report concludes that, on balance, the economic and social benefits of development outweigh any environmental concerns, with the previous reasons for de-allocating the site from the emerging Local Plan process now having been considered in greater detail and satisfactorily addressed. The application is therefore recommended for approval subject to a legal agreement relating to the provision of affordable housing, contributions towards education and healthcare and public open space management and compliance with a number of planning conditions.

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;
 - Healthcare contribution; and
 - Public open space facilities and completion and transfer of public open space and allotments.
- 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).

Conditions:

1. Details of the appearance, 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 145 dwellings.
5. The design, layout and landscaping details to include key landscape features and further details to be provided: appropriate landscape buffer along the western boundary, protection of the rural and open character of Cockaynes Lane, appropriate design and screening between the development and properties in Station Road, areas of open space and landscaping within the site (SUDs, swales, allotments, orchard, village green and play area and circular green routes).
6. Layout and phasing plan and programme including the timing of the demolition of garage to number 56 Station Road to facilitate the construction of the shared footway/cycleway into the site.
7. Details of materials.
8. Detailed hard and soft landscaping scheme and specifications.
9. Landscaping – five year clause.
10. All hard and soft landscaping implementation.
11. Measures to be provided in accordance with the Tree Constraints Plan and details of tree protection measures, including during construction.
12. Landscape/public open space/allotment management plan.
13. Details of boundary treatments.
14. Surface water drainage scheme/management strategy.
15. Details of a wheel cleaning facility.
16. Highways (priority junction off Cockaynes Lane, Cockaynes Lane carriageway widened and kerbed, provision of new footway along southern side of Cockaynes

- Lane, provision of shared footpath/cycleway off Station Road, upgrading of 2 bus stops in Wivenhoe Road and residential travel information packs).
17. Scheme to provide renewable energy and energy and water efficiency technologies to be used.
 18. Ecological mitigation scheme and management plan and measures/further surveys to be provided in accordance with the Ecological Assessment.
 19. Site lighting strategy.
 20. Archaeology investigative and report works before commencement of development.
 21. Contaminated land survey before commencement of development.
 22. Construction method statement, including details of hours of operation during construction.
 23. Detailed plans to comply with emerging policies on housing mix, space standards, private amenity space and car parking (adopted car parking standards).
 24. Details of design and construction to be agreed with Network Rail (through an Asset Protection Agreement) prior to commencement.
 25. Details of refuse storage/collection points.
 26. Details of the provision for the storage of bicycles for each dwelling.

- 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 as referred to in a) 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**

The National Planning Policy Framework (NPPF) (2012):

- 2.1 Paragraph 11 of the NPPF states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 13 states that the NPPF should be a material consideration in determining planning applications. Usually, the development plan should be the starting point for decision making but where the development plan is absent, silent or relevant policies are out-of-date, the presumption in favour of sustainable development that runs as a golden thread throughout the NPPF should be applied to decision-taking. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted.
- 2.2 Paragraph 7 of the NPPF sets out three dimensions of sustainable development (economic, social and environmental) which should be taken into account when assessing proposals.
- 2.3 A key objective of the NPPF is to boost significantly the supply of housing. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that 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.

- 2.4 The NPPF encourages the use of sustainable transport and Paragraph 34 states that decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Decisions should take into account of whether the opportunities for sustainable transport modes have been taken up, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Where practical, key facilities such as primary schools and local shops should be located within walking distance of most properties.
- 2.5 Paragraph 50 of the NPPF encourages Local Planning Authorities to encourage the delivery of a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local Planning Authorities should plan for a mix of housing; identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where it is identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 2.6 Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that development is well designed, functions well and adds to the overall quality of the area.
- 2.7 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Decision-takers should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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
HG3a	Mixed Communities

HG4	Affordable Housing in new Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
COM28	Safeguarding of Civil Technical Sites
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6a	Protected Species
EN6b	Habitat Creation
EN13	Sustainable Drainage Systems
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012) (as amended by the 2014 Focussed Changes)

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
PR01a	Improving the Public Transport Network
PRO2	Improving the Telecommunications Network
PRO3	Improving Education and Skills
PEO1	Housing Supply
PEO2	Housing Trajectory

PEO3	Housing Density
PEO4	Standards for New Housing
PEO7	Housing Choice
PEO10	Council Housing
PEO22	Green Infrastructure in New Residential Development
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape

3. Relevant Planning History

14/30314/PREAPP – Screening opinion and pre application for proposed development for up to 145 dwellings together with associated amenity and open space provision, landscaping and access.

4. Consultations

- 4.1 Please see below for a summary of the consultation responses relating to application 14/01823/OUT.
- 4.2 TDC Building Control - No comments at this time.
- 4.3 TDC Trees and Landscapes Officer -_The main body of the land is being used for agricultural purposes and apart from a single Oak in the south western corner has no significant trees or other vegetation except on the perimeter of the land.
- 4.4 The applicant has submitted a full Tree Survey and Report to demonstrate that the works associated with the development of the land will not have an adverse impact on the long term health and viability of the trees situated on the application site and on adjacent land; they have also provided a Tree Constraints Plan. This information is in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction and shows that the development of the land could take place without causing harm to the trees and other vegetation situated on the boundary of the land.
- 4.5 Additional information will need to be provided, as a reserved matter to show how trees will be protected for the duration of the construction phase of any consent that may be granted. This information should also be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction and will need to include method statement and a Tree Protection Plan that will be based on the information already provided on the Tree Constraints Plan.
- 4.6 The applicant has also submitted a Landscape and Visual Impact Appraisal which gives an accurate description of the application site, its setting and the impact of the proposed development on the character of the area. It demonstrates that the development proposal will not cause significant harm to the local landscape character.
- 4.7 Should consent be granted then the applicant will need to provide a detailed soft landscaping plan and specification. Special attention will need to be given to the planting of

a hedgerow, comprising indigenous species, on the boundary of the application site with Cockaynes Lane: either side of the proposed new access road.

- 4.8 TDC Environmental Health -_Having looked at this application and the Environment Agency's website, the site is classed as a groundwater NVZ (Nitrate Vulnerable Zone). In terms of our comments, we have none to make on NVZ's and would direct you to the Environment Agency for further clarification on this. It would be recommended that a full contaminated land survey is carried out to determine likely sources of contamination and remediation.
- 4.9 TDC Housing - The applicant has already committed to providing affordable housing on this site (36 dwellings) and this service would support the need for on-site provision. Although it is proposed to develop up to 145 houses on the site, we have no further information on the size of properties that will be built. In terms of current demand on the housing register, the number of applicants seeking affordable rented housing in Alresford is as follows:
- 1 bedroom - 102 households
 - 2 bedroom - 46 households
 - 3 bedroom - 17 households
 - 4 bedroom - 8 households
- 4.10 TDC Public Experience (Open Space and Play) -_On the assumption that this application does not differ from the pre-application information previously given regarding provision of both open space and play equipped areas, and on the basis that this provision is provided and if this land is transferred to the Council with a commuted sum to cover 25 years maintenance costs no additional contribution should be requested.
- 4.11 Anglian Water - The following condition should be imposed: No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.
- Reason - to prevent environmental and amenity problems arising from flooding.
- 4.12 ECC Flood and Water Management - A drainage scheme is proposed which demonstrates surface water management is achievable in principle, without causing flooding on-site or elsewhere.
- 4.13 The fishing lakes to the west of the site are at a lower ground level than the proposed site and therefore do not pose as a flood risk to the development. The infiltration test results show that surface water from this site can infiltrate.
- 4.14 We consider that outline planning permission can be granted to the proposed development subject to the following of the condition set out below.

Condition

- 4.15 No development approved by this planning permission shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 14-017 and subsequent email dated 08 January.

Reason - To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

4.16 ECC Highways - From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

2. No occupation of the development shall take place until the following have been provided or completed:

- a) A priority junction off Cockaynes Lane to provide access to the proposal site as shown in principle on the planning application drawings with the exception of the visibility splay which shall be a minimum of 90 x 2.4 x 90 metres
- b) Cockaynes Lane carriageway widened and kerbed to a minimum 4.8 metres wide between Station Road and a suitable point west of the proposal site access as shown in principle on the planning application drawings
- c) A minimum 2 metre wide footway along the south side of the widened carriageway mentioned above between Station Road and the proposal site access as shown in principle on the planning application drawings
- d) A minimum 3 metre wide shared footpath/cyclepath (in a minimum 5.2 metre wide space free of any obstructions) into the proposal site off Station Road immediately south of 56, Station Road and any amendments to the existing Station Road footway necessary to accommodate cyclists
- e) Upgrading to current Essex County Council specification of the two bus stops located in Wivenhoe Road immediately west of its junction with Station Road to include but not limited to infrastructure for the future installation of real time passenger information
- f) Residential Travel Information Packs

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

4.17 ECC Schools It is assumed that all of the units will have two or more bedrooms. All early years and childcare facilities are at 100% capacity and therefore could not accommodate children from this development. With regard to primary school provision the Priority Admissions Schools for the development would be Alresford Primary School. The school has a capacity of 120 places. The school is forecast to have a surplus of 3 places by school year 2018/19.

4.18 Forecasts indicate that there is likely to be sufficient places at secondary school level to meet the needs of secondary school children generated by this development, however the secondary school is in excess of the statutory walking distance from the proposed development and therefore ECC is obliged to provide free transport to the school resulting in long term cost to ECC. The cost is estimated £3.90 per pupil for secondary school

transport for 195 days per year; an academic year. It is the practice of ECC to seek costs for a 5 year period.

- 4.19 In view of the above we request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. I also request that the s106 agreement include a contribution towards secondary school transport costs as outlined above. For information purposes only, on the mix referred to above, the early years and childcare contribution would be £161,194, the primary school contribution would be £471,236 and the secondary school transport sum would be £110,272.50, giving a total of £742,702.50 index linked to April 2014 costs.
- 4.20 If your council were minded to turn down the application, I would be grateful if the lack of education provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appear of further information relating to the site.
- 4.21 Alresford Primary School has the site capacity to expand from its current capacity of 120 places to 210 places on its current site. It has operated as a 1 form of entry primary school (admitting up to 30 pupils a year) in the past, prior to the removal of temporary class bases from the site a number of years ago.
- 4.22 Environment Agency -_Drainage to soakaway or surface watercourse from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater.
- 4.23 Natural England -_Internationally and nationally designated sites – No objection
- 4.24 The application site is in close proximity to two European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 2km of the Colne Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and the Essex Estuaries SAC (at their closest point).
- 4.25 The Colne Estuary is also listed as a Ramsar site and notified at a national level as a Site of Special Scientific Interest (SSSI). Note that the site actually contains two SSSIs, the Colne Estuary SSSI and Upper Colne Marshes SSSI, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended). The Colne Estuary SPA, SAC, Ramsar, SSSI and Upper Colne Marshes SSSI are susceptible to damage caused by increasing recreational pressure and therefore any development planned in the vicinity of the site needs to be carefully considered in terms of in combination effects to the above designated sites. Of particular concern are loss or damage to important habitats and disturbance to birds associated with the SPA. We have provided further advice on this matter below.
- 4.26 In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Recreational Impacts and Green Infrastructure

- 4.27 We welcome the Desk-based Review of Likely Significant Effects on the Colne Estuary which has provides a reasonably comprehensive summary on the issue of recreational pressure on the above sites. We note that the proposed site is approximately 1.1km from both the Upper Colne Marshes SSSI and the Colne Estuary SSSI. It is also approximately 1.8km from the closest access point on the SPA, Alresford Creek, and within 2.3km of three potential entrance points/car parks (at Alresford Creek, Cook's Shipyard and Fingringhoe Wick Visitor Centre).
- 4.28 Whilst we agree that research has shown that people will predominantly travel by car to sites, note that it is also likely that a proportion will walk to the sites at those distances. We are aware that there are public footpaths that run alongside the estuary along the north side of Alresford Creek and north to Wivenhoe (adjacent to the development) but note that these paths are already quite heavily used by people from Wivenhoe and therefore are not of particular concern to Natural England at present in terms of bird disturbance. The main high tide bird roost nearby is on the large area of saltmarsh on the main channel just south of Alresford Creek. Whilst in our view this roost is more likely to be affected by extra housing around Brightlingsea, we would expect the development to include sufficient green infrastructure to retain the majority of frequent walks /outdoor activity within the immediate locality of the development site.
- 4.29 The application should therefore include appropriate green infrastructure e.g. dog walking routes and landscaping sufficient to encourage residents to avoid use of specific access points between the site and the SPA. We would recommend that, should the development be granted permission, a green infrastructure strategy should be secured by planning condition. The strategy should give further consideration to how the green infrastructure has been designed to meet day to day open space requirements within the application site in view of our advice above.
- 4.30 Taking all the above into account it is Natural England's view that, providing appropriately designed green infrastructure is included with this development, the proposed development will be unlikely, alone, to cause significant recreational pressure to any of the above sites. However that is not to say it will not have potential to cause recreational pressure in combination with other residential sites near the SPA in future.

Cumulative Recreational Impacts

- 4.31 Note that in the Habitats Regulations Assessment of Tendring District Council's draft Core Strategy (2010) it was agreed that, in view of the proposed increase in residential development surrounding the SPA, a programme of SPA monitoring would be undertaken in combination with Colchester and Braintree District Councils, with mitigation provided if any significant damage to the SPA was apparent during survey. We welcome this approach and also remind your authority that providing suitable green space/recreational facilities in the district should help divert residents away from the SPA, for example by providing adequate areas for dog walking, cycling and other activities. It would also be useful if developments of this size, if not able to provide adequate green infrastructure and paths on their own site due to the size or position of the development, were able to contribute to a wider strategic green infrastructure strategy/fund.

Protected species

- 4.32 We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a

protected species survey and mitigation strategy. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

Landscape

- 4.33 This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.
- 4.34 Network Rail - After reviewing the information provided within the applicant's Technical Note we can confirm that Network Rail has no objection to the proposed development.
- 4.35 As the application site is located adjacent to Network Rail's boundary and operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection Anglia team prior to any works commencing on site and signs up to an Asset Protection Agreement with us. This will enable Network Rail engineers to review the developments design and construction details, which in turn will help to ensure the safety of the operational railway.
- 4.36 The applicant must ensure that their proposal, both during construction and after completion of works on site, does not:
- encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Construction

- 4.37 Any scaffold, cranes or other mechanical plant must be constructed and operated in a "fail safe" manner that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
- 4.38 Any cranes or other mechanical plant equipment involved during construction should be positioned so that their loads or jibs do not over-sail Network Rail's land.

Piling

- 4.39 Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Drainage

- 4.40 Storm/surface water and effluent must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage.
- 4.41 Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Fencing

- 4.42 In the interests of promoting public safety and reducing the risk of trespass and vandalism on the railway, the applicant should ensure that a suitable trespass resistant fence is located along the southern side of the site (adjacent to the railway). Any new fencing must be independent of existing Network Rail fencing and should leave sufficient distance to allow for future maintenance and renewal.

Lighting

- 4.43 Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

- 4.44 The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which holds relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Landscaping

- 4.45 Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

- 4.46 Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

Permitted:

- 4.47 Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrs Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"

Not Permitted:

- 4.48 Alder (Alnus Glutinosa), Aspen – Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica).

- 4.49 A comprehensive list of permitted tree species is available upon request.

- 4.50 NHS England - The proposal is likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
- 4.51 The planning application does not include a Healthcare Impact Assessment of the proposed development or propose any mitigation of the healthcare impacts arising from the proposed development. NHS England has recently carried out a review of GP services to identify capacity issues throughout Essex. This development is likely to have an impact on the services of 1 GP branch surgery within Alresford. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.

Healthcare Impact Assessment
The Capital Funding Implications of the Proposed Development

- 4.52 Table 1 provides a summary of the capacity provision for the GP Catchment Practice once the additional floorspace requirements arising from the development proposal are factored in, including an estimate of the costs for providing new floorspace and/or related facilities. The costs for additional car parking capacity are not addressed in the table as NHS England has yet to undertake a detailed audit of the transportation position.
- 4.53 Table 1: Capital cost calculation for the provision of additional health services arising from the development proposal and developer contribution required.

Premises	Weighted List Size	NIA (m2)	Capacity	Spare Capacity (NIA m2)	Additional Population Growth (145 dwellings)	Additional floorspace required to meet growth (m2)	Capital required to create additional floor space (£)
Coach Road, Alresford (including its main surgery at Colne Medical Centre)	10,548	548.45	7,998	-174.84	319	21.87	43,740
Total	10,548	548.45	7,998	-174.84	319	21.87	43,740

- 4.54 As shown in Table 1, there is a capacity deficit in the catchment practice and a developer contribution of £43,740 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.
- 4.55 NHS England, therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.

Developer contribution required to meet the cost of additional capital funding for health service provision arising

- 4.56 In line with the Government's presumption in favour for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution of £43,740 is sought, which would be payable before the development is first occupied.
- 4.57 Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.
- 4.58 NHS England is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF which require the obligation to be a) necessary to make the development acceptable in planning terms, b) fairly related to the development and c) fairly and reasonably related in scale and kind to the development.

5. Representations

- 5.1 155 letters of objection have been received and the issues raised are summarised as follows:
- Proposal will destroy the natural environment and landscape character and will not complement or enhance the local distinctiveness of the area.
 - Development will result in loss of local wildlife and their habitats and would impact the nearby woodland. Protected bats are present in the vicinity and development would destroy flight patterns.
 - The site is not identified in the Council's emerging Local Plan due to poor vehicular access and negative impact on the character of Cockaynes Lane and it is outside the village envelope.
 - Risk assessments show contaminations on the site. Site has been designated as a nitrate vulnerable zone and will require treatment, which could also impact the adjoining fishing lakes and wildlife areas.
 - Opposed to 2 / 3 storey properties backing onto existing single storey properties in Station Road, which might cause problems with overlooking and loss of sunlight and privacy. The tree planting proposed would be inadequate.
 - Opposed to development which would represent an 18% increase in properties in Alresford – which is more than the 50 previously stated as being suitable and would constitute over-development.
 - There is more suitable land elsewhere in the village for housing.
 - 145 homes would generate a significant amount of traffic, particularly around the station and it will be difficult to restrict cars using the remainder of Cockaynes Lane, which would be used as a rat run. Measures should be put in place to avoid this.
 - Opposed to a road opening close to the railway crossing.
 - The junction of Cockaynes Lane with Station Road can be a dangerous blind spot and there are resident's driveways in close proximity to this junction.
 - Access from Station Road would be preferable.
 - Cockaynes Lane must be protected as an important local amenity and remain as it is unchanged for future generations. It is one of two green lanes in the village that is used daily by dog walkers leading to nearby Alresford Woods. Additional traffic would make it difficult for people to continue using this lane and access from this lane to the B1027 would be dangerous. Recent appeal dismissed due to impact the proposed development would have on the character of Cockaynes Lane.
 - Existing mains sewage pipes cannot take any further increase from such a large development.
 - Potential flood risk by removing drainage ditches in Cockaynes Lane.

- Development would cause surface water issues on site as there is a high ground water table.
- Opposed to development due to the impact it would have on services, schooling and GP services. There is no evidence with the application as to how new infrastructure investment would be achieved. New infrastructure should be put in place first.
- Development would result in the loss of some Grade II agricultural land – DEFRA should be consulted.
- Development would change the character of the village.
- Opposed to the permanent loss of a section of hedgerow in Cockaynes Lane and replacement with planting juvenile replacements elsewhere.
- Concerned about impact of light pollution from development on surrounding countryside and habitats.
- Development of a modern housing estate will destroy the rural character of this part of the village.
- Widening of Cockaynes Lane would lead to further development on land north of the lane.
- Development should include a mix of retirement bungalows or sheltered accommodation to meet the needs of the village's existing and future elderly residents. The likely mix of properties does not relate to the existing mix of properties in the village.
- The development does not provide any employment opportunities, which will cause more people having to commute.
- Whilst Alresford has a railway station there are few trains that stop there and there is a lack of parking spaces.
- There is concern about the large, deep fishing lakes to the west, which would be unsafe for children.
- Development would be affected by the existing industrial development to the north and the burning of toxic materials.
- Current indicative proposals do not show car parking spaces or any areas of greensward or gardens.
- The proposed development would generate noise pollution and affect the amenity of existing residents.
- Development will affect the value of existing properties.
- Granting planning permission because of a lack of a five supply of housing is not a sound reason to warrant this site being lost to development.
- Opposed to the provision of on-street parking. There should be adequate provision per property.
- Green space within the development would be adopted by the Parish Council and unfunded – this has financial implications on the whole village.
- The development is poorly designed with houses crammed in to small footprints and would consist of standard house types with no thought to the local architecture or environment.
- Development in this location would be widely visible by existing houses to the north, east and south and would be a blot on the landscape.
- Properties are difficult to sell in the village and there are many empty properties in the district that should be used before further development takes place.
- The development should make a contribution towards the provision of a foot and cycle crossing at Alresford Creek to make it easier to travel to Brightlingsea and Wivenhoe by bike and on foot.
- The open space is not large enough – less houses would give more open space.
- Opposed to any dwellings over 2 storeys.
- The road network on the new estate would be too narrow.
- The proposal is contrary to a number of NPPF policies on the natural environment and protection of agricultural land.

5.2 The local MP for the Alresford area objects to the proposal for the following reasons:

- 5.3 The scale of this proposal is beyond any reasonable expectation for a suitable development in Alresford. Such a large, single development would entirely change the character of the area and is at odds with local wishes.
- 5.4 Concern has been expressed regarding the absence of an approved local plan. In particular, there is concern that this will result in a greater chance of the proposal being approved. I understand the draft local plan states the area is not suitable for development, especially on such a large scale. As the Council will be aware, a draft local plan in fact can be used to determine planning applications, as explained in the National Planning Policy Framework (paragraph 216).
- 5.5 The scale of this proposal and the impact it would have on Alresford justifies its needed to be in line with the draft plan. As it clearly does not meet the suggested future development potential outlined in the draft plan, I am formally objecting to this application.
- 5.6 Alresford Parish Council objects to the proposal for the following reasons:
- Alresford Parish Council objects to the application. There is no need for this kind of open market housing development in the village. Tendring District Council has more than five years' supply of housing land to meet the requirements of its emerging Local Plan. The only identified need in Alresford is for affordable housing for residents who work locally and for sheltered housing for the elderly. The size and scale of the development and the subsequent impact on the rural character of the settlement would not offset any potential benefits that an increase in housing stock might bring.
- 5.7 Alresford Parish Council does not support the application and wishes to object to the proposed development on the following planning grounds:
- A) General and local Sustainability
 - B) Environmental
 - C) Transport
- A) General and local Sustainability:
- 5.8 International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Taking the UN definition it is felt that the small village of Alresford is a sustainable village in its current form but cannot sustain an increase in population of the order planned with this proposed introduction of 145 additional homes. The local infrastructure simply will not support the planned increase – indeed the developers have indicated that they themselves are aware of this issue and appear to be relying on as yet unspecified s106 agreement contributions and possibly via other negotiated contributions for health, education, community facilities, children's centres/nurseries and general transport etc - apparently outside the guaranteed scope of an open and legally binding agreement under the planning acts (i.e. s106). It is unclear as to with whom these negotiations will take place as the Local Planning Authority have outlined in their emerging Local Plan that Alresford is not now being considered a suitable option for development within the emerging Tendring Local Plan as housing will be allocated in areas where sustainability can be planned for.
- 5.9 Education and health are two, of many, concerns. The small Doctors surgery in Alresford does not have the capacity to deal with any increase in patients and in addition there are not the trained General Practitioners available in the area or even from other areas to serve an increase in population of potentially an additional 400 patients. Infant health facilities are

particularly limited and there is practically no scope for additional patient treatments (e.g. minor surgical procedures or District Nurse treatments such as wound re-dressing etc.) which should properly avoid trips to Colchester's under pressure out-patient and emergency services. The NPPF lays stress at a number of sections (e.g. Para's 7 and 17 on the need to build, "strong, vibrant and healthy communities" and the requirement to, "support....improve health, social and cultural well-being". Clearly, this development offers nothing towards dealing with current short-comings, let alone the additional demands inherent in the proposed extra 147 dwellings. A new medical centre would be needed.

- 5.10 School places at all levels could not be found for the increase from 145 households and the building project for a new school would take many years to plan and implement. Again, the developer's claim that the scheme meets necessary sustainability criteria is overly simplistic and disregarding of the social dimensions. Para 72 of the NPPF refers (amongst others) in stressing the need to meet local educational needs, at the same time as car-born journeys are minimised.
- 5.11 A recent visit by the Fire Service Safety Officer to Alresford raised awareness that the village is already under resourced as regards fire service response, a large increase in the number of homes without adequate fire safety provisions would be irresponsible. The development lies adjacent to large areas of grassland and woodland with an inherent fire risk.
- 5.12 The NPPF is very clear about the need for core planning principles to be in evidence – section 17 emphasises the need for positive planning as regards infrastructure and paragraph 171 refers to the issues of, "health and well-being". This outline application has failed to demonstrate how the infrastructure could possibly be developed to adequately meet the requirements of such a dramatic population increase.
- 5.13 Alresford Parish Council are of the opinion that the size and scale of the development is unsustainable in the small rural community of Alresford and would also urbanise the village centre. In a draft Local Plan compiled two years ago by the Local Planning Authority the land in question was put forward as a possible site for 48 homes, certainly no more development than that was felt to be a sustainable number. The emerging Local Plan has now ruled out Alresford as having any suitable sites. Sites have been found in other, more suitable locations.
- 5.14 Alresford Parish Council are concerned that a most unwelcome precedent would be set if development were to occur in an unplanned and unregulated way as would be the case with this development.
- 5.15 APC have widely consulted residents over a number of years regarding a planned approach to any development in Alresford. At various village fetes a consultation stall manned by Councillors was available and the Council listened to what residents wanted. A Parish Plan was also produced from an independent group who surveyed every home and business in the village. The results of consultations, surveys and the Parish Plan were that any development in the village must be sustainable and be in the form of mainly low cost homes together with the availability of sheltered accommodation for the ageing population. Aspirational homes were not to be entirely discouraged from being built but low cost (affordable) homes for local people were mentioned time and time again. It was also felt that there should not be any major housing developments in the village due to sustainability issues, including highways management problems. The Parish Plan won a major RCCE award for the way it was conducted and the importance of the rural environment was noted in the introduction notes to the plan. Alresford was designated Essex Village of the Year 2013 and best kept village 2014.

- 5.16 A development of the size and scale put forward in the outline planning application, is, in the view of the Parish Council highly speculative. In the neighbouring town of Colchester with all the resources and infrastructure of a large market town the total number of new properties built between April 2013 and 1st March 2014 was 725. To assimilate the occupants of 145 homes (so 1/5th of the annual growth of a town like Colchester) into an established and already developed village such as Alresford would surely be irresponsible and unsustainable planning, contrary to a basic tenet of the NPPF, at paragraph 9, which describes that sustainable development involves, “seeking positive improvements”.
- 5.17 The proposed site is outside of the settlement development boundary and although the weight of the existing Local Plan has been questioned by Taylor Wimpey (quoting selectively from the National Planning Policy Framework (NPPF)) the criteria for development under the existing plan has not been met. This month (December 2014) a planning application for one detached dwelling in Cockaynes Lane was refused at the appeal stage by the planning inspectorate – would an application for 145 homes fare better with the inherent sustainability issues?

B) Environmental:

- 5.18 Alresford Parish Council has additional objections to this development on environmental grounds. Protecting and enhancing local environments – landscape, heritage (built and natural), water etc., etc. is a recurring theme in the NPPF, stressed at multiple paragraphs throughout that document.
- 5.19 The housing minister recently said in the House of Commons “It is up to the local authority to work out its housing needs and to look at the evidence base to see what it can provide locally, taking into account any environmental constraints.”
- 5.20 The proposal from Taylor Wimpey is that surface water is dissipated on-site via (in the main) individual soak-aways and porous paved areas. The Parish Council feel that this is an inadequate solution to surface water disposal and are concerned about a flood risk. The proximity of the large fishing lake adds to these concerns and it is felt that inadequate provision to deal with these issues puts the area in general at risk of flooding.
- 5.21 Cockaynes Lane has flooded on many occasions and near the junction with Station Road there is often substantial standing water following heavy rain. The existing drains cannot cope (even with regular clearing and maintenance).
- 5.22 The previous use of the land has been documented as being mainly agricultural however there are recollections from residents of mineral extraction and subsequent in-filling on parts of the land. The Parish Council would need reassurances that extensive soil analysis is carried out prior to any form of planning consent. The Nitrite levels in ground water and other containments in the soil itself such as asbestos must be assessed and evaluated in greater detail.
- 5.23 The land lies outside of the settlement development boundary. The plan from the developer is that the site is accessed via Cockaynes Lane. The access arrangements are not acceptable to the Parish Council as Cockaynes Lane is one of only two ancient lanes to be found in the village. The site entrance would harm the rural characteristics of the area resulting in a loss of an important amenity for the village.
- 5.24 A desktop archaeological survey is inadequate to determine the presence or not of important artefacts and potential settlements from mainly the Roman period.
- 5.25 The loss of protected hedgerow would not be compensated by similar indigenous hedging being planted nearby, the whole environmental character of the lane would be diminished.

5.26 Bats, a protected species, are in evidence and further investigation is felt necessary.

C) Transport:

5.27 The Parish Council are most concerned that a development of the size planned would cause immense traffic problems for not only the pinch point of Cockaynes Lane at its junction with Station Road but across the wider local road network.

5.28 One particular factor is that the junction of Cockaynes Lane and the main B1027 route will see a large increase in turning traffic as a result of the planned access arrangements. This junction is inadequate for any increase in traffic flow.

5.29 The railway level crossing in Station Road is another issue that requires further investigation as to the impact of a large increase in road traffic. It would be wrong to assume, as outlined in the TW report that schoolchildren will walk to the local primary school. It can be observed that many children are currently taken by car to the school by parents on their way to work and that situation would likely continue.

5.30 Cockaynes Lane is a very narrow lane and for most of its length vehicles cannot pass without pulling over into driveways or other unofficial passing places. An increase in traffic would exacerbate the problem.

5.31 The lane is used by walkers and dog walkers who make their way to Cockaynes Wood nature reserve, the limited pathway arrangement suggested by the developer is completely inadequate for pedestrians' safety as it terminates several hundred metres before the entrance to the nature reserve.

5.32 Large Service and delivery vehicles accessing the development via Cockaynes Lane would cause problems due to the narrowness of both the lane and the development access road.

5.33 The road network generally is inadequate to safely manage large increases in traffic volume. The B1027 is the subject of an ongoing investigation due to the number of KSI incidents.

5.34 The argument raised by the developer that the nearby provision of Alresford Railway Station makes this a sustainable site (as regards to transport issues) is flawed. There is no evidence that the proximity of a railway station in a village can be interpreted as indicating that home-owners will not be owners and drivers of motor vehicles. In rural communities the car is used greatly for shopping, social uses and commuting. The cost of rail travel is high and motor vehicles are often the preferred means of transport. The Rail operator has no plans to change the railway timetable to allow more London bound trains to halt at Alresford. The Alresford Parish Plan commissioned by Alresford Parish Council revealed that the majority of existing residents only used the rail service on an occasional basis. A minority of residents use the railway for regular business commuting.

5.35 More specifically, the potential to address the relatively poor rail service is disregarded by the developer. At the pre-submission exhibition, a Taylor Wimpey spokesperson commented that, "most local rail users travelled to Wivenhoe, where there was dedicated car parking". This can hardly be described as a sustainable approach; particularly given the limited capacity at Wivenhoe. Yet the application site immediately abuts the Northern side of the station platform. But despite this, no effort has been made to provide direct access to the station (surely a simple matter), or some dedicated, secure and properly lit car parking which would overcome the current need to park on-street in the village. Such an added facility would represent a sustainable "positive improvement" as well as enabling a meaningful dialogue to be opened, aimed at increasing the number of stopping services. As

with other concerns raised by the Parish Council, this matter goes to the heart of sustainable development considerations as espoused throughout the NPPF and further exposes the developer's hollow claim to sustainable credibility.

5.36 13 letters of support for the proposed development have been received.

6. **Assessment**

6.1 The main planning considerations are as follows:

- Status of the Local Plan
- Principle of development
- Impact on infrastructure
- Highways, access and parking
- Flood risk and drainage
- Impact on landscape character and character of Cockaynes Lane
- Loss of agricultural land
- Impact on wildlife and biodiversity
- Indicative layout and design
- Public open space
- Section 106 contributions
- Other issues

Site location

6.2 The application site comprises a 6.38 hectare agricultural field located to the north-west of the village of Alresford; to the south of Cockaynes Lane, a narrow country lane, and to the west of Station Road. The site is located close to the village centre and the railway station, which are at the heart of the village and would be a 30 second walk away from the proposed pedestrian access. The land is generally flat, arable land, with a gentle slope downwards towards the west. The site is generally bordered by trees and hedgerows. The site is bounded to the east by bungalows in Station Road, the railway line to the south, fishing lakes to the west and Cockaynes Lane to the north, which has some residential and commercial development.

6.3 Cockaynes Lane is currently a single lane road with no pavements but has wide verges (with drainage ditches either side). The northern edge of Cockaynes Lane is comprised of a wooden fence boundary that is approximately 1.5 m high with low hedgerow in front. The southern side of Cockaynes Lane is comprised of a denser hedgerow approximately 2.5m high. Further along Cockaynes Lane to the west beyond the application site area, there are mature trees and denser hedgerow vegetation. An overhead telegraph line/electricity power line runs along the northern boundary of the site along Cockaynes Lane.

6.4 The application site lies outside of the Settlement Development Boundary of Alresford as set out in the 2007 Adopted Local Plan and the 2012 emerging draft Local Plan (as amended by the 2014 Focussed Changes) but immediately abuts the boundary as shown in both plans.

The proposal

6.5 This outline planning application is for the erection of up to 145 dwellings, associated landscaping, public open space and allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road (through the demolition of the garage to No. 56 Station Road) on land south of Cockaynes Lane and west of Station Road, Alresford.

6.6 As this is an outline planning application, all matters (apart from access) are reserved for consideration at a later stage. The applicant has however submitted an indicative layout showing how the development could be achieved in terms of layout, areas of open space and landscaping. In terms of ground coverage, the indicative layout scheme provides for approximately 4.58 hectares of net development area, 1.55 hectares of public open space, which includes 0.09 hectares of allotments and a 0.14 hectare public green and children's play area at the heart of the development.

6.7 The application is supported by the following documentation:

- Design and Access Statement
- Planning Statement
- Illustrative Masterplan, Parameters Plan and Landscape Strategy
- Transport Assessment
- Flood Risk Assessment and Preliminary Surface Water Drainage Strategy
- Preliminary Services Appraisal
- Ecological Assessment
- Arboricultural Assessment, Arboricultural Report and Tree Constraints Plan
- Landscape and Visual Assessment
- Geoenvironmental Desk Study
- Preliminary Risk Assessment
- Archaeological Desk Based Assessment
- Noise Assessment
- Statement of Community Involvement

Status of the Local Plan

6.8 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

6.9 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, remains as the Council's 'emerging' Local Plan.

6.10 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it can be submitted to the Secretary of State to be examined by a Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply. A new Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation later in 2015.

Principle of development

6.11 The application site is not allocated for development in the Council's 2007 adopted Local Plan but was allocated for a mix of uses in the Council's 2012 version of the emerging Local Plan in recognition of the site's sustainable location close to the heart of the village and in accordance with that plan's fair and proportionate approach to housing growth, following the

promotion of the site by the developers. However, the allocation was removed through the 2014 'Focussed Changes' to the plan following further consideration of the suitability, availability and deliverability of the site, particularly in response to local concerns over vehicular access and the potential adverse impact of development on the environmental character of Cockaynes Lane.

- 6.12 The issue of housing development in Alresford has generated significant local interest through the Local Plan process and this planning application has attracted a high number of representations from local residents (155 letters of objection have been received but it is also noted that 13 letters of support have also been received).
- 6.13 Because the site lies outside of the settlement development boundary and is not allocated for development in either the adopted or emerging Local Plans, this proposal is contrary to local planning policy. However, the Council accepts that both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed future need for housing and cannot identify a deliverable five year supply of housing sites toward meeting that requirement. Therefore, in accordance with paragraph 49 of the NPPF, relevant development policies for the supply of housing should not be considered as up to date and the 'presumption in favour of sustainable development' as set out in the NPPF should apply to housing proposals.
- 6.14 The NPPF (at paragraph 14) identifies three dimensions to 'sustainable development': economic, social and environmental and as far as the NPPF is concerned, where development accords with the 'presumption in favour of sustainable development', local planning authorities are expected to grant planning permission for housing proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

Economic sustainability

- 6.15 With regards to the economic dimension of sustainable development, development of the site for residential use could limit opportunities for the expansion of the existing adjoining employment area in Cockaynes Lane (which is occupied by a number of commercial units) and so a mixed-use development in this location, as originally envisaged in the 2012 Draft of the Local Plan would be preferred and would be more economically beneficial to the village than just housing alone. However, it is accepted that even with a purely residential scheme there is likely to be an overall economic benefit through the construction of 145 dwellings and the contribution their inhabitants are likely to make to the local economy (in particular the local village centre, which would likely benefit from an increase in population in the immediate catchment area) and through generating demand for goods and services in the wider district economy. The economic impact of the development is therefore expected to be positive overall.

Social sustainability

- 6.16 In terms of its social impact, the provision of new housing is a benefit that must carry considerable weight in the assessment of sustainable development, particularly when considered against the government's policy to boost, significantly the supply of housing to meet objectively assessed future needs.
- 6.17 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable". With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most

sustainable locations. In the emerging Local Plan, Alresford is categorised, along with six other villages, as a 'Key Rural Service Centre' in recognition of its size and range of services and facilities, including its own railway station. This is the second most sustainable category of settlement following 'urban settlements' which are the primary focus for development. It is therefore considered that Alresford is not an unsustainable location, in principle, for some housing development.

- 6.18 The approach to growth in Key Rural Service Centres in the emerging Local Plan is to specifically allocate land for development to help achieve a fair and proportionate distribution of growth across the district and the relevant policy in the emerging Local Plan seeks to limit residential developments to 50 dwellings or fewer to minimise the urbanising effect of development on the rural character of villages. This proposal for 145 dwellings is nearly three times this amount and is therefore contrary to emerging policy. However, the level of weight that can be attached to the emerging Local Plan is limited and therefore non-compliance with this policy is not sufficient on its own to justify refusal. With the Council unable to identify a five-year supply of deliverable housing land, the proposal must be considered on its individual merits alongside the NPPF presumption in favour of sustainable development.
- 6.19 In considering the scale of the development, scheme of 145 dwellings would represent an 18% increase in the housing stock of the village. The objectively-assessed need for housing in the whole of Tendring, based on evidence contained within the Council's 2013 Strategic Housing Market Assessment (SHMA) is 12,120 dwellings between 2014 and 2031 which represents an approximate housing stock increase of 18% for the whole district. This proposal for 145 dwellings can be argued to be proportionate for Alresford although it is considerably more than envisaged in the emerging Local Plan for a village in the second tier of the settlement hierarchy. In assessing the suitability of the proposal against the social dimension of sustainable development, the main consideration is whether the scale of development proposed can be supported by existing infrastructure or otherwise whether provision can be made to ensure the necessary infrastructure is put in place. It is considered, as explained below, that the proposed scale of development can be supported by the necessary infrastructure subject to securing financial contributions towards education and healthcare provision. The site is also well located adjacent to the existing built up area and forms a logical extension to the village that would be accessible to the village centre and its range of shops, services and facilities, in particular the railway station. Essex County Council as the Highways Authority has raised no objection to the proposal on accessibility grounds.
- 6.20 On balance, whilst the proposal is much larger than envisaged for Alresford in the emerging Local Plan and has attracted considerable local opposition, the proposal does satisfy the social dimension of sustainable development by virtue of its significant contribution toward addressing objectively-assessed future housing needs, its accessible location close to a village centre and a railway station and its ability to be supported by necessary infrastructure, subject to securing financial contributions toward mitigating the impact of the development on health and education provision.

Environmental sustainability

- 6.21 In terms of its environmental sustainability, there are no overriding environmental designations affecting the site and as demonstrated in the Ecology Appraisal accompanying the application, residential development would not have any significant ecological impact, subject to the agreement and implementation of recommended mitigation/avoidance measures, protection of retained boundary habitats and creation of new habitats and in particular hedgerow habitats. Landscape impact is also considered to be minimal, as set out in more detail below.

- 6.22 One of the primary reasons why the site was removed as an allocation in the emerging Local Plan was due to the potential adverse impact that development in this location could have on the rural character and appearance of Cockaynes Lane - a quiet rural lane considered by the local community to be an important local feature worthy of protection. However, as considered in more detail below, whilst there will be some environmental impact caused by the proposed development on the character of part of this lane by virtue of the loss of some hedgerow to provide access and widening of the lane, this harm is limited and would not outweigh the considerable economic and social benefits of development identified above. It is also accepted that the proposal will result in the permanent loss of some Grade 2/3 agricultural land but given the scale of projected housing need in Tendring and the high likelihood that high grade agricultural land will need to be developed in some parts of the district to meet this need, the social and economic benefits still outweigh this loss. Furthermore, whilst Natural England has raised issues regarding protected species and the impact of recreational activities on the nearby protected areas, these have been considered by the submitted Ecological Assessment that has also suggested mitigation measures to deal with the identified impacts. These mitigation measures are suggested to be controlled by conditions 5 and 18 above.

Conclusion

- 6.23 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations and the considerable economic and social benefits of the scheme are likely to outweigh the relatively limited environmental harm.

Impact on infrastructure

- 6.24 As already considered above, the proposal would represent an 18% increase in housing stock for the village, which has generated concern from the local community who are opposed to the scale of development proposed and its potential impact on existing infrastructure. It is important to consider the impact that new development at the scale proposed would have on its locality, in terms of infrastructure, particularly where the settlement concerned is a village where the capacity of infrastructure will typically be more limited than that in urban areas.
- 6.25 In assessing the proposal on its merits and against the NPPF presumption in favour of sustainable development, a key consideration is the degree to which the scale of development proposed can be accommodated within the area's existing infrastructure.
- 6.26 The primary infrastructure concerns for a development of this scale are education provision and impact on health care provision. Essex County Council as the Education Authority has advised that the local primary school is capable of physical expansion to accommodate the number of pupils likely to be generated by the proposed development and the level of financial contribution that would be required to achieve this. Financial contributions are also requested for early years and childcare provision and secondary school transport. NHS England has advised that a financial contribution would be required to mitigate the development's impact on local healthcare services. The applicant has agreed, in principle, to making these contributions toward education and health and this is reflected in the s106 agreement terms.
- 6.27 With regards to other forms of infrastructure, such as services and utilities, a 'Utility Services Appraisal' has been prepared in support of the planning application concludes that utility services for all major supplies are located close to the site and subject to appropriate capacity assessments once full development details and loadings are known, should be

available to serve the development. Further investigation into cost and potential local upgrades should be undertaken at the detailed design stage.

- 6.28 Residents have raised concerns about the potential impact development would have on the existing sewerage network but Anglian Water has been consulted and does not object to the proposed development, stating that the existing foul sewerage network has capacity to accommodate the additional waste water likely to be generated by the proposed development.

Highways, access and parking

- 6.29 The only point of vehicular access in and out of the development is proposed via Cockaynes Lane, which is currently a narrow rural lane that connects Station Road to the B1027. The application proposes the creation of a new junction onto Cockaynes Lane from the proposed development site and the widening of a portion of Cockaynes Lane for an approximate distance of 85 metres from its junction with Station Road. The proposal also includes the continuation of the existing public footpath along the southern edge of Cockaynes Lane from Station Road into the development site.
- 6.30 Aside from the impact of the development on the character of this lane (see below), a key consideration for this application is whether the proposed means of vehicular access is suitable in terms of highway capacity and safety, whether there will be any impacts on highway capacity and safety terms on the surrounding highway network and whether the site would be easily accessed by public transport, cycle and on foot.
- 6.31 A key reason why the site was removed as a potential housing allocation during the preparation of the emerging draft Local Plan was over concerns at the time about the principle of a satisfactory vehicular access being achieved. In considering this proposal as a departure from Local Plan policy, the onus has been on the applicant to demonstrate how vehicular access could be achieved through their application.
- 6.32 A detailed Transport Assessment has been provided with the application that demonstrates that vehicular access is physically possible and that the site is accessible. Essex County Council as the Highway Authority has been consulted and does not have any objections to the development subject to a number of requirements being met which can be secured through planning conditions. These requirements include the provision of a wheel cleaning facility, provision of a priority junction off Cockaynes Lane, the widening and kerbing of the Cockaynes Lane carriageway and provision of a footway along the south side of the widened carriageway between Station Road and the proposed site access, provision of a shared footpath/cyclepath into the proposed site off Station Road immediately south of 56 Station Road, upgrading of the two bus stops located in Wivenhoe Road and the provision of residential travel information packs. The proposed access is therefore considered to be acceptable from a highway capacity and safety perspective.
- 6.33 The Council's Adopted Parking Standards (Essex Planning Officers Association (EPOA) Parking Standards (2009) document) 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 noted that in the Design and Access Statement it is stated that the proposed scheme will slightly exceed the Council's adopted car parking standards but detailed plans have not been provided at this stage. This issue will therefore need to be considered as part of any future reserved matters application, which will be expected to comply with the adopted car parking standards in terms of number of vehicle parking spaces and their design. If this cannot be complied with the applicant will need to justify this at that stage.

- 6.34 In conclusion, whilst it is noted that local residents have expressed concern about the proposed access and there were initial concerns in principle during the preparation of the Local Plan, officers are satisfied that these concerns have been addressed and the proposed access is acceptable in principle (subject to the planning conditions recommended by Essex County Council) and that it 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 landscape character and character of Cockaynes Lane

- 6.35 The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. This is reflected in policies in both the adopted and emerging Local Plans that seek to ensure the district's landscape and its distinctive local character are protected and, wherever possible, enhanced. Local policies go further to state that new development should respect or enhance local important features and important existing site features of the landscape.
- 6.36 Vehicular access in and out of the site is proposed via Cockaynes Lane, which is considered by the local community to be an important local feature worthy of protection, as demonstrated by the number of objections received both to this planning application and during the Local Plan process. The proposed access into the site will require the widening of a portion of Cockaynes Lane between the application site and Station Road to comply with latest highway requirements and the permanent loss of some of the established hedgerow that is considered to contribute to the current rural character of the lane.
- 6.37 A key reason why the site was removed as a potential housing allocation during the preparation of the emerging draft Local Plan was due to concerns at the time about the potential adverse impact of the principle of development on the character of this lane. In considering this proposal as a departure from Local Plan policy, the onus has been on the applicant to demonstrate, through their application, what the impacts would be and how they could be minimised or mitigated.
- 6.38 The vulnerability of Cockaynes Lane to development in terms of impact on environmental character was highlighted in a recent appeal decision relating to two dwellings that were proposed in Cockaynes Lane to the west of this application site. The appeal was dismissed and one of the reasons for dismissal was the impact that the development concerned would have on the rural character of Cockaynes Lane and the surrounding rural area. Whilst this is a material consideration, it is important to bear in mind that the decision relates to just two new dwellings in the countryside that would have been isolated from the main built up area of the settlement, would have offered limited economic and social benefits and would have been contrary to paragraph 55 of the NPPF. This application concerns a comprehensively planned sustainable extension of the built up area in response to a significant housing shortfall which offers significant economic and social benefits. The conclusions reached in the appeal decision have therefore to be considered in context.
- 6.39 From the illustrative masterplan and other supporting information accompanying the application, Officers are satisfied that the necessary measures required to facilitate access and comply with latest highway requirements are unlikely to have a significant adverse impact on the overall character of the lane. Only a relatively short section of carriageway will be widened and only a short section of hedgerow would be permanently lost to provide access into the site and the replacement of this with hedgerow elsewhere within the development is considered to be acceptable mitigation. Furthermore, the portion of the lane that would be widened is not considered to be as important in terms of rural character as the remainder of the lane, beyond the application site, where there are mature (protected) trees and more prominent hedgerows lining either side of the lane which can be argued

contributes more to the rural character of the lane than the more limited vegetation in this eastern portion of the lane. Officers also note that the development will be laid out and designed in such a way to retain an open, spacious and rural character along this part of the lane by positioning the properties at the site entrance some distance from the lane and retaining some hedgerow along the southern edge of the lane. Should outline planning permission be granted, details will be requested as part of any future reserved matters application by way of planning condition as to how the character and appearance of the remainder of the lane will be protected and any adverse impacts are minimised and mitigated.

- 6.40 With regards to wider landscape impact, in the Council's 2001 Landscape Character Assessment, the site falls within the 'Bromley Heaths Heathland Plateau' landscape character area, which is typically characterised as having an extensive arable landscape of large productive fields divided by low, gappy hedgerows, often containing a network of narrow lanes with verges. The application site fits this general description and so the guidance in that document should be taken into consideration, which states that, amongst other things, that due to the large-scale open landscape, care must be taken in siting and design as new development has the potential to be highly visible over long distances. The guidance also goes on to state that the identity of individual villages should be maintained and that areas of new residential development should generally be closely related to existing settlements and there may be opportunities to restore or re-create village greens as a focus for development.
- 6.41 As part of the technical work undertaken to inform the preparation of the emerging Local Plan, further landscape assessments were carried out to assess potential areas where development might take place, which included an assessment of the broad area to the north west of Alresford, where this application site is located. That assessment concluded that the land to the north west of Alresford is of medium landscape character and value with few features of intrinsic landscape value contained within its boundaries and there are few views into or across the area, although there is some overlooking from the bungalows on Station Road, and from the railway station to the south east. The area is therefore considered to be of low to medium landscape sensitivity. The site is reasonably well contained by the existing urban edge, the railway line to the south, the fishing lakes to the west and Cockaynes Lane to the north and it immediately adjoins the existing built up area.
- 6.42 The applicant has submitted a Landscape and Visual Impact Appraisal which gives an accurate description of the application site, its setting and the impact of the proposed development on the character of the area. It reflects the above recommendations of the work carried out through the Local Plan process and demonstrates that the development proposal will not cause significant harm to the local landscape character and adjoins an existing settlement edge. Whilst matters of landscape detail are reserved for consideration at a later stage, the illustrative layout and design seeks to mitigate any adverse impacts of the development by providing some internal landscape structure, together with green buffers to the eastern and southern boundaries of the site. Should consent be granted then the applicant will need to provide a detailed soft landscaping plan and specification. Special attention will need to be given to the planting of a hedgerow, comprising indigenous species, on the boundary of the application site with Cockaynes Lane either side of the proposed new access road.
- 6.43 Apart from a single Oak in the south western corner the site has no significant trees or other vegetation except on the perimeter of the land. The applicant has submitted a full Tree Survey and Report to demonstrate that the works associated with the development of the land will not have an adverse impact on the long term health and viability of the trees situated on the application site and on adjacent land; they have also provided a Tree Constraints Plan that shows that the development of the land could take place without causing harm to the trees and other vegetation situated on the boundary of the land. Should

permission be granted, additional information will need to be provided at reserved matters stage to show how trees will be protected for the duration of the construction phase of any consent that may be granted and will need to include a method statement and a Tree Protection Plan that will be based on the information already provided on the Tree Constraints Plan.

- 6.44 In conclusion, the proposal is considered to be acceptable in landscape impact terms and is not likely to have a significant detrimental impact on the character of Cockaynes Lane. Whilst a vast amount of information about landscaping has been provided, landscaping detail cannot be considered at this stage and it is accepted that such details may change in the future. Consequently, should outline permission be granted, the need to protect or enhance the local character and distinctiveness of this portion of Cockaynes Lane through appropriate design, layout and landscaping will be required through planning condition as being a key requirement of any future reserved matters application.

Loss of agricultural land

- 6.45 The NPPF at paragraph 112 states that areas of poorer quality agricultural land should be used for development in preference to higher quality agricultural land and this is reflected in Policy EN4 in the adopted Local Plan. Using DEFRA's Agricultural Land Classification maps, the application site is part Grade 2 (very good) and part Grade 3 (good to moderate) agricultural quality (although it is noted that these maps are indicative only and can only be used as a general guide). Whilst it is accepted that the proposed development would result in the permanent loss of good/very good quality working agricultural land, this needs to be balanced with the high need for housing that exists in Tendring for new homes, the NPPF requirement to meet those needs and deliver new housing for a growing population and to facilitate economic growth and the NPPF presumption in favour of sustainable development.
- 6.46 During the preparation of the emerging Local Plan it became clear that much of the new housing growth required in Tendring would need to take place on greenfield land around the district's existing settlements due to a lack of suitable or available previously-developed sites within settlements; and that some of the greenfield land that will need to be lost will be higher grade agricultural land. The permanent loss of any agricultural land is not ideal but the projected need for new housing is such that it is unlikely to be avoidable. For this reason it would be unreasonable to refuse the application purely on the basis that it would result in the permanent loss of higher grade agricultural land.
- 6.47 A number of residents have stated that DEFRA ought to have been consulted. However, DEFRA are only need to be consulted where a proposal involves certain types of minerals and waste applications or the site area exceeds 20 hectares (Schedule 5 of the Development Management Procedure Order). In all other circumstances Natural England and the Environment Agency are the statutory consultees and both bodies have been consulted. As the application site is only 6.38 hectares DEFRA were not required to be consulted.

Impact on wildlife and biodiversity

- 6.48 The NPPF states that the planning system should contribute to and enhance the natural and local environment. Policies within both the saved and emerging Local Plans expand on this and 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. The issue of potential impact of the proposed development on wildlife and their habitats has been raised by objectors.

- 6.49 No part of the application site is affected by any wildlife designations but the site lies within close proximity to two European designated sites (The Colne Estuary Special Protection Area (SPA) and Special Area of Conservation (SAC) and the Essex Estuaries SAC), a number of national sites including four Sites of Special Scientific Interest (SSSIs) and one National Nature Reserve (NNR), and a number of Local Wildlife Sites and so the proposal has the potential to affect their interest features.
- 6.50 In support of the application an Ecological Appraisal was carried out and submitted alongside the planning application, following a desk study and extended Phase 1 Habitat survey that were previously carried out, to assess the impact of the proposed development on the nearby designated sites and protected and rare species likely to be found within or close to the site.
- 6.51 The appraisal concludes that whilst the boundaries of the site supports hedgerows and mature trees of ecological value at the local level, the remaining arable and boundary habitats are considered to be of limited ecological value. Recommendations to avoid, or where this is not possible, minimise impacts, have been set out. Broad options for mitigation and enhancement have also been set out. 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 and that it is possible that a net gain in biodiversity may be achieved alongside development, provided the development incorporates the features of nature conservation value currently included within the illustrative layout, including the area of new allotment, orchard, heathland, planting and vegetation along the site boundaries and circular green spaces. This matter will need to be given further consideration at reserved matters stage, where the precise detail of these features will be carefully considered.
- 6.52 Natural England has been consulted on this application and has raised issues regarding protected species and the impact of recreational activities on the nearby protected areas, these have been considered by the submitted Ecological Assessment that has also suggested mitigation measures to deal with the identified impacts. These mitigation measures are suggested to be controlled by conditions 5 and 18 above.
- 6.53 In conclusion, in terms of assessing the principle of the development, the proposal is considered to be acceptable in terms of impact on wildlife and nature conservation, subject to measures being put in place to avoid or mitigate any potential adverse impacts, many of which can be more appropriately addressed at the reserved matters stage.

Flood risk and drainage

- 6.54 The site is not within a Flood Zone, as defined by the Environment Agency but, in accordance with saved Policy QL3 and emerging Policy PLA1, as the site is over 1 hectare in size it must be accompanied by a Flood Risk Assessment to address potential issues regarding surface water flooding and drainage. The site is situated immediately east of a number of former gravel extraction pits that are now used as fishing lakes. Essex County Council as Lead Flood Risk Authority is satisfied that the proposal is accompanied by a drainage scheme which demonstrates that surface water management is achievable, in principle, without causing flooding on site or elsewhere. It is noted that the fishing lakes to the west of the site are at a lower ground level than the proposed site and therefore do not pose as a flood risk to the development. Should planning permission be granted, a condition will be imposed to ensure a sustainable drainage scheme is submitted, and approved, prior to any development.

Indicative layout and design

- 6.55 Whilst the application is an outline planning application only, where all matters relating to design and layout and the details of the proposed landscaping and open space are reserved for consideration at a later stage, the application is accompanied by a number of documents and illustrative plans that help to set out some of the key features that are proposed as part of the development, in terms of basic design and layout, strategic landscaping and open space. From these plans there are some key aspects of the indicative proposal that are considered to be positive and integral to the overall concept of the proposal and their retention in any future reserved matters application will be secured by condition should outline permission be granted.
- 6.56 This includes the need for any future reserved matter application to retain a spacious and open character along the northern edge of the site and the provision of replacement hedgerow along Cockaynes Lane, appropriate landscaping along the eastern boundary of the site to provide a buffer between the new development and the rear gardens of existing properties in Station Road and strategic landscaping and open space along the western boundary of the site to provide a suitable buffer between the new development and the open countryside and fishing lakes beyond.
- 6.57 It is considered that the development as shown on the indicative layout drawing and as described in the Design and Access Statement would be broadly compatible with the wider character and appearance of existing development in the village, which comprises a mix of house types and styles and different designs. The site is well contained within the wider landscape by the railway to the south, fishing lakes to the west and existing development to the north and east and the proposed layout would serve as a natural extension to the built up area of the village without compromising its settlement shape and character. The proposed internal layout and design appears to have been well informed by an understanding of the site and its context.
- 6.58 Residents have expressed concern about 2 / 2.5 storey properties backing onto existing single storey properties in Station Road and the impact this could have on residential amenity. It is noted that the indicative layout proposes deep rear gardens for these properties and screening but these are matters that would need to be considered in detail at the reserved matters stage, where it will need to be demonstrated at that stage that the new development does not have a detrimental impact on the residential amenity of either the proposed new or existing dwellings by virtue of scale and height and does not result in any overlooking or loss of private amenity through inappropriate design or poor landscaping.
- 6.59 Residents have also expressed concern about the indicative layout and lack of off-street car parking. Any future reserved matters application would need to comply with the Council's latest policies regarding private amenity space, space standards, parking and general policies relating to design and will need to be accompanied by a full Design and Access Statement, justifying any design approach taken and that these policies can be complied with. It is therefore not possible to come to a view at this stage in the absence of detailed plans.
- 6.60 Network Rail have been consulted due to the site being adjacent to the railway line and note that no objection is made to the development but the advice that has been provided relating to design, construction, drainage, fencing, lighting, noise and vibration and landscaping should be noted by the applicant in the preparation of any future reserved matters application.
- 6.61 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 145 dwellings in a way that would not result in any unacceptable 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 complies with the presumption in favour of sustainable development anticipated in paragraph 14 of the NPPF.

Public open space

- 6.62 Policy COM6 of the adopted Local Plan states that proposals for residential development on a site of 1.5 hectares or above are required to provide at least 10% of the gross site area as public open space; whereas Policy PEO22 of the emerging Local Plan (as amended by the 2014 Focussed Changes) increases the threshold to sites over 10 hectares in size.
- 6.63 The indicative layout accompanying the application shows the provision of a central area of public open space (including a children's play area) as an integral part of the development. The indicative layout also shows the provision of an area of allotments, new orchard, SUDs and swales and informal areas of open space and landscaping, which will all provide areas of public green space within the development. It is noted that these areas combined would represent 24% of the total site area to be left open and undeveloped for use as public open space and so the proposal would comply with the Council's adopted Local Plan policy to provide 10% of land as public open space on site, meaning no further on-site or financial contribution is required.
- 6.64 However, the application is only an outline planning application only, where all matters relating to design, layout and the details of the proposed landscaping and open space are reserved for consideration at a later stage and so only the principle of the proposed open space features can be considered at this stage in terms of assessing the overall principle of development on the site.
- 6.65 The Council's Open Space & Bereavement Services Manager has been consulted and does not object to the scheme and states that no additional contribution should be requested, on the assumption that the area of open space and play equipped areas as indicated are provided and that this land is transferred to the Council with a commuted sum to cover 25 years maintenance costs. Should permission be granted the provision of a commuted sum to cover future maintenance costs will be secured through a section 106 contribution. The applicants have indicated agreement in principle to provide such contributions and this is reflected in the s106 agreement terms.

Section 106 contributions

- 6.66 Without prejudice to the determination of the application, discussions have been held with the applicant in order to ensure that social and physical infrastructure would be provided in association with the proposed development. These discussions have taken place in line with the provisions of the Community Infrastructure Regulations, 2010 and the Development Plan, in particular Local Plan Policy QL12 relating to the completion of Planning Obligations.
- 6.67 The Community Infrastructure Levy Regulations, 2010 transferred the provisions of Circular 05/05 in relation to the completion of Planning Obligations into law. Circular 05/05 has subsequently been withdrawn following the publication of the National Planning Policy Framework (NPPF). The NPPF advises that Local Planning Authorities "...should consider whether unacceptable development could be made acceptable through the use of conditions or Planning Obligations. Planning Obligations should only be used where it is not possible to address impacts through a planning condition".
- 6.68 Essex County Council as the Education Authority has been consulted on this application and has requested a developer contribution of just over £742,000 (index linked to April 2014 costs) toward early years and childcare provision, additional primary school places and secondary school transport.

- 6.69 NHS England has also been consulted with regard to healthcare provision and has requested a developer contribution of just over £43,000 to mitigate against the provision of additional healthcare services arising directly as a result of the development proposal.
- 6.70 Whilst the proposal is only for outline planning at this stage where all matters relating to the types, tenure and mix of dwellings proposed, the application states that 25% of the proposed dwellings on site would be affordable housing, which would comply with the Council's emerging policy PEO10 on Council Housing. Given the high need for affordable homes within the Tendring District and the requirements of the policy, affordable homes would be secured through the section 106 agreement.
- 6.71 Provision for maintenance of the public open space to be transferred to TDC is also being sought through the section 106 agreement.
- 6.72 The applicants have indicated agreement in principle to enter into a s106 agreement to secure these requirements and this is reflected in the s106 agreement terms.

Other issues

- 6.73 Archaeology: An Archaeological Desk Based Assessment accompanies the planning application which concludes that the site is unlikely to have either a significant or widespread archaeological impact. However, previously unknown archaeological remains of local importance could potentially be encountered and so should planning permission be granted, any further archaeological mitigation measures will be secured through an appropriately worded planning condition.
- 6.74 Contamination: Local residents have raised concerns about potential risks from contamination from previous and current uses and have highlighted that the site lies within a 'nitrate vulnerable zone'. A preliminary risk assessment has been prepared and accompanies the planning application. This report concludes that there may be a low to moderate risk of possible contamination resulting from current or former uses and a site investigation is required to provide further information on actual contaminants present on site. The Council's Environmental Health team were consulted and have requested that a full contaminated land survey is carried out to determine any likely sources of contamination and remediation before development commences, which will be secured through planning condition should the proposed development be supported.
- 6.75 Ground stability: The preliminary risk assessment that accompanies the planning application highlights the potential for there to be issues with stability due to the areas current and former uses. Such matters of design would need to be addressed fully at any future reserved matters stage.
- 6.76 Affordable housing and general housing mix: Adopted Local Plan Policy HG4 requires 40% of new dwellings to be made available to the Council (or nominated partner) to acquire at a proportionate discounted value, for use as Council Housing (normally provided on site). Emerging Local Plan Policy PEO10 states that the Council will expect 25% of new dwellings to be made available for use as Council Housing. The application proposes to provide 25% of the new dwellings on site as affordable housing and so the proposal would be in accordance with the emerging Local Plan, which better reflects up-to-date economic viability considerations than the adopted policy. This provision forms part of the section 106 agreement. The details of affordable housing (in terms of design and layout) and the final mix of housing will be considered at reserved matters stage, where it will be required to demonstrate how the proposal complies with current policies on housing mix.

Background Papers

None