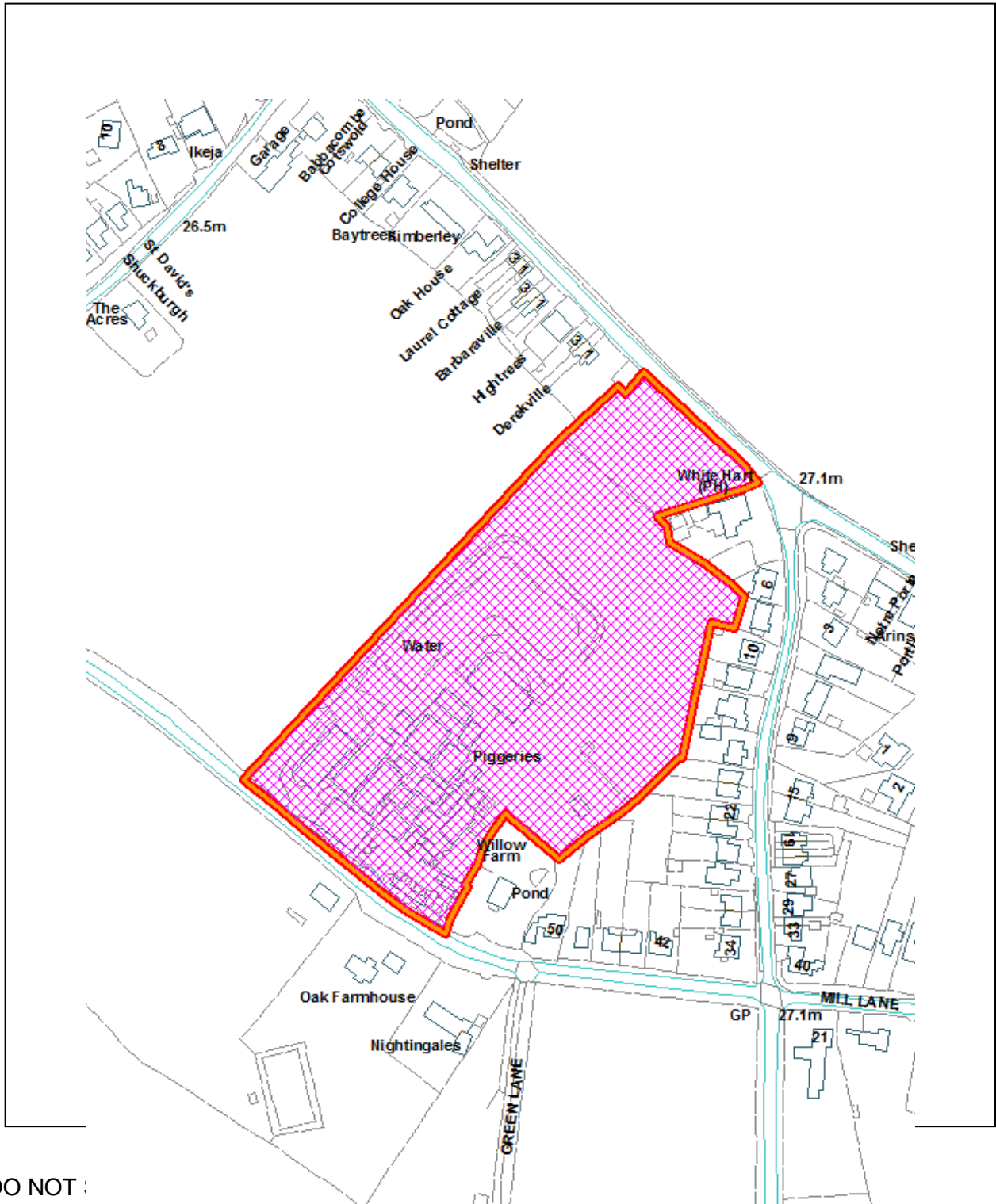


PLANNING COMMITTEE

22 September 2015

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATION - 15/00541/OUT - Land adjacent Willow Farm, Mill Lane, Weeley Heath,



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Agenda Item No.**Application:** 15/00541/OUT **Town / Parish:** Weeley Parish**Applicant:** Rose Builders**Address:** Land adjacent Willow Farm, Mill Lane, Weeley Heath,**Development:** Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.**1. Executive Summary**

- 1.1 As an outline application, approval is being sought only for the principle of developing up to 46 dwellings with associated open space and infrastructure, with all other matters reserved (apart from access) for approval through a detailed application at a later date.
- 1.2 The site comprises approximately 3.1 hectares of agricultural land (currently used as a pig farm) and a former vehicle repair garage on the western edge of Weeley Heath fronting Clacton Road and Mill Lane.
- 1.3 In the 2012 version of the Draft Local Plan, land at Willow Farm (albeit a smaller site) was allocated through draft Policy KEY4 for a development of purely Aspirational Housing. Furthermore, permission for 10 no. aspirational houses has been granted on this site (13/00412/OUT) refers; therefore the principle of residential development on this section of the site is accepted. The northern section of the site fronting Clacton Road is located within the Settlement Development Boundary for Weeley Heath in the emerging Local Plan but is located outside of the Settlement Development Boundary in the adopted Local Plan (2007). Because the middle section of the site lies outside of the Settlement Development Boundary and is not allocated for development in either the adopted or emerging Local Plans, part of this proposal is contrary to local planning policy. However, because the Council is currently unable to identify a five-year supply of deliverable housing sites along with a 20% 'buffer', as required by the National Planning Policy Framework. The Council's housing policies are out of date application fails to be determined on its merits in line with the government's 'presumption in favour of sustainable development'.
- 1.4 In the emerging Local Plan, Weeley and Weeley Heath is identified as one of the district's 'Key Rural Service Centres' which is served by a reasonable range of, services, facilities and infrastructure, where a proportionate level of housing development could be considered sustainable, subject to addressing relevant technical matters such as highways, landscape and visual impact and infrastructure capacity.
- 1.5 The proposal has attracted objections from individual members of the public and Weeley Parish Council has highlighted a number of concerns relating mainly to the cumulative impact of further housing development on local infrastructure and the impact on the character of the village. 6 letters have been received in support of the application. There are no outstanding objections from any of the statutory consultees or other technical bodies.
- 1.6 The Highways Authority has no objection to the scheme subject to conditions and the Education Authority has no objection subject to securing a financial contribution toward early years and child care and primary school provision. Anglian Water and Essex County Council SUDS Team has no objection to the scheme. TDC Officers advising on open

space, housing, environmental health and trees and landscapes have commented on the application and have no objections to the proposal subject to appropriate conditions or legal agreements being put in place to secure an appropriate level of Council/affordable housing, to secure long-term maintenance for the proposed open space and to retain and enhance important trees and landscape features.

- 1.7 The landscape and the visual impact of the development is expected to be low and the proximity to the nearby residents in terms of loss of amenity has been considered, but the potential impacts are not considered significant enough to justify the refusal of outline planning permission and will be considered in detail at the reserved matters stage.
- 1.8 Officers consider that the proposal satisfies the three dimensions of 'sustainable development' as set out in national planning policy (economic, social and environmental) and the application is therefore recommended for approval subject to the satisfactory completion of a Section 106 planning obligation to secure affordable housing, public open space, play provision and a financial contribution toward educational facilities to make the development acceptable, as well as a number of planning conditions.

Recommendation: Approve

That the Head of Planning be authorised to grant planning permission for the development subject to:-

a) Within 6 (six) 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 relevant):

- On-site Council Housing/Affordable Housing;
- Education contribution;
- Contribution toward play provision; and
- Completion and transfer of public open space

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 in their discretion considers appropriate).

(i) Conditions:

1. Standard 3 year time limit for submission of reserved matters application;
2. Standard 2 year limit for commencement of development following approval of reserved matters;
3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
4. Highways conditions (as recommended by the Highway Authority);
5. SUDS conditions;
6. Surface water drainage scheme;
7. Hard and soft landscaping plan/implementation;
8. Tree retention plan;
9. Ecological mitigation/tree protection measures;
10. As recommended by Environmental Health;
11. Broadband connection; and
12. Details of water, energy and resource efficiency measures.

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been

secured through a s106 planning obligation.

2. **Planning Policy**

National Policy:

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

The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.

Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused - unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In anyone year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

Local Plan

Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) - as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy

Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice

Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development

Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs

Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts

Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations

States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision

Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities

Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space

Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety

Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution

States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision

Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities

Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements

Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SD1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SD3: Key Rural Service Centres

Identifies Elmstead Market as a 'Key Rural Service Centre' where a fair and proportionate increase in housing stock is proposed with no single housing development exceeding 50 dwellings.

SD5: Managing Growth

Seeks to direct new development to sites within settlement development boundaries.

SD7: Securing Facilities and Infrastructure

Requires developments to address their individual or cumulative infrastructure impacts and states that the Council will use planning obligations and/or CIL (when it is in place), where necessary, to ensure this happens.

SD8: Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

SD9: Design of New Development

Sets out the criteria against which the design of new development will be judged.

SD10: Sustainable Construction

Requires development to maximise measures to reduce energy consumption and reduce carbon emissions and other forms of pollution both during construction and during use.

PRO2: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

PRO3: Improving Education and Skills

Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PEO1: Housing Supply

Sets out the proposed growth in new housing for the district, but is subject to considerable change to ensure compliance with the NPPF, as being overseen by the new Local Plan Committee.

PEO3: Housing Density

Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

PEO4: Standards for New Housing

Sets out proposed minimum standards for the internal floor area and gardens for new homes. Internal floor standards have however now been superseded by national standards to be imposed through building regulations.

PEO5: Housing Layout in Tending

Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour, ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient

PEO7: Housing Choice

Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

PEO9: Family Housing

Promotes the construction of family homes within new housing developments.

PEO10: Council Housing

Requires up to 25% of new homes on large development sites to be made available to the Council, at a discounted price, for use as Council Housing.

PEO19: Green Infrastructure

Requires new developments to contribute, where possible, toward the district's green infrastructure network.

PEO20: Playing Pitches and Outdoor Sports Facilities

Requires new developments to contribute where possible to the district's provision of playing pitches and outdoor sports facilities.

PEO22: Green Infrastructure in New Residential Developments

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

PEO23: Children's Play Areas

Requires new children's play areas as an integral part of residential and mixed-use developments.

PLA 1: Development and Flood Risk

Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PLA3: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PLA4: Nature Conservation and Geo-Diversity

Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PLA5: The Countryside Landscape

Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

KEY 4: Development at Willow's Farm, Weeley Heath

Allocates land at Willow's Farm for a development of aspirational housing.

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice
Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

98/00531/OUT	(Site adjacent The White Hart Public House, Clacton Road, Weeley) Proposed dwelling	Refused	02.06.1998
13/00412/OUT	Outline application for 10 No. aspiration houses together with new road junction.	Approved	15.07.2013
13/30144/PRE APP	Residential development for 27 units.	Refused	06.03.2014
15/00541/OUT	Redevelopment of existing Pig Farm, removal of existing buildings and associated structures. Remediation of contaminated land. Provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road, garages and associated works.	Current	
90/01351/FUL	Agricultural dwelling	Approved	29.10.1991
92/00263/FUL	(Land at Willow Farm, Mill Lane, Weeley Heath) Finishing House for Pigs	Approved	22.04.1992
92/00509/FUL	(Land at Willow Farm, Mill Lane, Weeley Heath) Variation to siting of agricultural dwelling as approved under planning application TEN/90/1351	Approved	01.06.1992
92/01243/FUL	(Willow Farm, Mill Lane, Weeley Heath) Variation to design and setting of agricultural workers dwelling as approved under planning permission TEN/90/1351	Approved	18.12.1992
92/01269/FUL	(Willow Farm, Mill Lane, Weeley Heath) Temporary mobile home for use while dwelling is being built (under TEN/92/1243)	Approved	15.12.1992
98/00485/FUL	(Land at Willow Farm, Mill Lane, Weeley) New Sow House	Approved	02.06.1998
98/00486/FUL	(Land at Willow Farm, Mill Lane, Weeley) New Sow House	Approved	02.06.1998

06/00943/FUL	Installation of new dirty water lagoon to serve pig unit	Approved	20.07.2006
13/00412/OUT	Outline application for 10 No. aspiration houses together with new road junction.	Approved	15.07.2013
13/30144/PRE APP	Residential development for 27 units.	Refused	06.03.2014
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4. **Consultations**

Leisure Services

- 4.1 There is currently a deficit of -2.22 hectares of equipped play in Little Clacton. However, there is adequate formal open space in the area to cope with some future development.
- 4.2 Although the development site is located in Weeley Heath, the closest play area is in the nearby village of Little Clacton. There is one play area in Little Clacton which is located along London Road. This play area is designated a Local Equipped Area for Play, but is limited in size. Due to the rural location, there are no other play areas in the vicinity of the development site and it is likely the biggest impact would be felt in Little Clacton.
- 4.3 Whilst overall there is surplus of open space in Little Clacton, the size of this development requires open space provision of at least 10% on site. This space should incorporate LAP standard play facilities. Should the developer wish to transfer the open space provision to the Council for future maintenance it is anticipated that the value of the commuted sum would be approximately £15,000.

Housing

- 4.4 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Weeley and Weeley Heath on evidence from the local housing register. It has been suggested that, as an alternative to transferring 11 properties to the Council at a discounted value, the Council would be prepared to accept 2 properties 'gifted' (i.e. transferred to the Council at zero cost).

Principle Tree and Landscape Officer

- 4.5 The application site benefits from a reasonable level of screening comprising existing established Oak, Hawthorn and conifer hedges on the boundary with Mill Lane. This vegetation should be partly retained but could be improved by the removal of the existing conifer and subsequent replacement with new Hawthorn hedging to enhance the rural setting of the development site.
- 4.6 The use of the existing access points from Mill Lane will enable the trees on the boundary with the highway to be retained. The north western boundary of the land is planted with a reasonably well established Hawthorn hedgerow. This feature acts as a good screen and could be strengthened and enhanced by additional planting and appropriate maintenance.
- 4.7 The main body of the land is not populated with trees although a group, including Oak can be seen from Clacton Road. These trees have reasonable visual amenity value and the proposed road layout appears to make provision for their retention. The trees, hedgerows and other vegetation on the land are not at risk of being removed as they are likely to improve the development potential of the land. Should consent be likely to be granted then details of tree retention, protection and soft landscaping should be secured as a reserved matter.

Anglian Water

- 4.8 Anglian Water request that the following condition is imposed *“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”*
- 4.9 The foul drainage from this development is in the catchment of Clacton Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.

Environment Agency

- 4.10 No objection.

Essex Wildlife Trust

- 4.11 No consultation response received.

Natural England

- 4.12 No objection.

Regeneration

- 4.13 The Regeneration Team has no specific comments to make on this application. However, we would ask that the landowner/developer should clarify the provision of broadband to the site as per the requirements of Policy PRO2 to ensure the development is adequately served.

Essex County Council Schools Services

- 4.14 Essex County Council Schools Services has requested a financial contribution of £57,455 towards early years and childcare expansion in the Clacton and Weeley ward and £167,974 towards primary school provision at Weeley St Andrew's CE Primary School.

Essex County Council SUDS

4.15 Essex County Council SUDS Team have recommended the following conditions:

Condition 1

Before each phase of development approved by this planning permission, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, should be submitted to and approved in writing by the local planning authority. It shall be based on sustainable drainage principles as outlined in the approved Flood Risk Assessment (FRA) referenced Job 10797, dated March 2015. The scheme shall include:

1. surface water run-off generated by the 1 in 100 year + 30% climate Change critical storm limited to the 1 in 1 year greenfield run off rate or equivalent greenfield rates with the provision of long term storage .
2. A storage volume that contains the 1 in 100 year event inclusive of climate change and the effect of urban creep.
3. The appropriate level of treatment for all runoff leaving the site, in line with table 3.3 of the CIRIA SuDS guide.
4. Investigation into the current condition of the ditches on site to ensure that they are not blocked and causing flooding.
5. Details of any exceedance and conveyance routes.
6. A maintenance schedule for all aspects of the drainage scheme.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To prevent the increased risk of flooding, both onsite and offsite, and minimize the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

Condition 2

The development hereby permitted shall not be commenced until such time as a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoil's during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate against increased flood risk during construction therefore, there needs to be

satisfactory storage of/disposal of surface water and groundwater during construction which needs to be agreed before commencement of the development.

Environmental Health

4.16 The Council's Environmental Health has requested the following conditions:

- The old structures should be removed and prior to any further development of the site;
- A further full contaminated land assessment is carried out and a remediation method statement is submitted in accordance with those findings and recommendations;
- The submission of an asbestos survey detailing methods of removal and disposal; and
- A full method statement for the demolition and construction phase.

Essex County Council Highways

4.17 Essex County Council Highways do not object to the proposed development and recommend the following conditions:

1 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Clacton Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. straight for the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the proposed access being brought into use, minimum vehicular visibility splays of 81m north westerly by 2.4m by 83m north easterly as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 Prior to the first occupation of the proposed dwellings, each of the proposed vehicular accesses shall be constructed to a width of 5.5m. for at least the first 6m. and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 Prior to the proposed accesses being brought into use, vehicular visibility splays of site maximum by 2.4m by site maximum, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6 Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7 Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

8 Prior to first occupation of the proposed development, the proposed single vehicular accesses shall be constructed at right angles to the proposed highway boundary and to a width of 3.7m, each shared vehicular access shall be constructed at right angles to the proposed highway boundary and to a width of 5.5 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

9 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

10 All off street parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

11 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

12 Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted site and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

13 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction in perpetuity.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

14 Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

15 The gradient of the proposed vehicular access /garage drive/ hardstanding shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

Reason: To ensure that vehicles using the access both enter and leave the highway in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

16 All carriageways should be provided at no less than 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

17 All footways should be provided at no less than 2.0m in width.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Informative2: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

5. Representations

Weeley Parish Council objects to this development for the following reasons:

- The proposed development constitutes an over development of the site and a loss of prime agricultural land;
- The proposed development will result in increased levels of traffic (noise and pollution) and there are serious concerns over the access to and from Mill Lane;
- The speed and volume survey which was carried out before the recent changes to the speed limit should be re-tested;
- The proposed development will result in flooding and have a detrimental impact on local infrastructure;
- The proposed development will have a detrimental impact on the countryside; and
- The developer should have submitted an indicative layout.

Three letters of objection have been received and the issues raised are summarised as follows:

Objection

- The proposals represent over-development of the site;
- New housing in this location will result in the loss of prime agricultural land;
- The development will generate noise and pollution and will have a detrimental effect on the countryside;
- Development in this location will increase traffic movements and congestion;
- Weeley Parish Council requests that the speed and volume survey, which was done before the recent changes to the speed limit, should be carried out again;
- There are concerns from local residents about potential flooding;
- There are concerns from local residents new development placing additional pressure on existing infrastructure in particular local school places;
- This development would change the nature of Weeley Heath by increasing the number of houses to a disproportionate extent;
- New houses should not be built on contaminated land;
- The planning application does not make it clear if a housing association will be involved; and

- Local residents are concerned about the close proximity of the new development to existing residential boundaries.

Support

Six letters of support have been received and the issues raised are summarised as follows:

- The planning application is well thought through and its implementation would greatly benefit the locality;
- The pig farm has been a blot on the landscape for many years and local residents would have the quality of their lives improved with the removal of the noxious smells, with their attendant harmful chemicals;
- Many more houses are needed and this small development will have a negligible impact on the community and will be in keeping with the semi-rural nature of the area. This area between Clacton and Weeley is not countryside, there is room for small housing developments and the proposal is not ribbon development; and
- The exit from 36 houses onto Clacton Rd will be in a position of good visibility onto a road with a 30MPH speed limit and will present no additional hazard. Vehicles exiting from the other 10 houses will be shared between Mill lane, Rectory Rd and Bentley Rd and will represent very little extra use of these junctions. There will also be a reduction in the heavy vehicle traffic at present accessing the farm.

7. Assessment

Site location

- 7.1 The site comprises approximately 3.1 hectares of agricultural land (currently used as a pig farm) and a former vehicle repair garage on the western edge of Weeley Heath fronting Clacton Road and Mill Lane.
- 7.2 The northern part of the application site was formerly a vehicle repair garage when the B1441 was the main road into Clacton prior to the construction of the A133. Although the buildings have been removed the contamination study which accompanies this application has revealed pollution from the garage use still remains and is scheduled to be cleaned up as part of the development proposal. The pig farm on the remainder of the site was first started in 1953 and gradually expanded its business over the years.

Proposal

- 7.3 This outline planning application seeks approval for the redevelopment of the existing pig farm, removal of the existing buildings and associated structures, remediation of contaminated land, provision of a new residential development providing 10 dwellings accessed via Mill Lane and 36 dwellings accessed via Clacton Road with garages and associated works.
- 7.4 As this is an outline planning application, all matters (apart from access) are reserved for consideration at the reserved matters stage. The application documents are:
- The applications forms;
 - Site Location Plan;
 - Topographical Survey;
 - Existing Site Plan;
 - Highway junction plans;

- Transport Assessment;
- Flood Risk Assessment and sustainable drainage report;
- Phase 1 Ecology Report; and
- Investigation and Contamination Assessment.

7.5 The main planning considerations are as follows:

- Principle of development;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Impact on infrastructure;
- Open space;
- Ecology;
- Contamination;
- Impact upon neighbours;
- Council Housing / Affordable Housing;
- Viability; and
- Other issues.

Principle of residential development

- 7.6 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.
- 7.7 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, is the Council's 'emerging' Local Plan.
- 7.8 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is 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. The separate Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation later in 2015.
- 7.9 In the 2012 version of the Draft Local Plan, land at Willow Farm (albeit a smaller site) was allocated through draft Policy KEY4 for a development of purely Aspirational Housing. Furthermore, permission for 10 no. aspirational houses has been granted on this site (13/00412/OUT); therefore the principle of residential development on this section of the site is accepted.
- 7.10 The northern section of the site fronting Clacton Road is located within the Settlement Development Boundary for Weeley Heath in the emerging Local Plan but is located outside of the Settlement Development Boundary in the adopted Local Plan (2007). Because the middle section of the site lies outside of the Settlement Development Boundary and is not allocated for development in either the adopted or emerging Local Plans, part of this proposal is contrary to local planning policy.
- 7.11 However, as it stands, both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed need for housing and, as a result, the Council is unable to identify a five-year supply of deliverable housing sites as

required by paragraph 47 of the NPPF. In July 2015, the Council was only able to identify a 2.9 year supply. In line with paragraph 49 of the NPPF, housing policies are considered to be 'out-of-date' and therefore the government's 'presumption in favour of sustainable development' is engaged. The Council would not be justified therefore in refusing this planning application, at this time, purely on the basis that it lies outside of the settlement development boundary.

- 7.12 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant 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.
- 7.13 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.
- 7.14 Weeley and Weeley Heath is categorised, along with six other villages, as a 'Key Rural Service Centre' in recognition of its size and range of services and facilities. This is the second most sustainable category of settlement following 'urban settlements' which are the primary focus for development. The approach to growth in Key Rural Service Centres in Policy SD3 of the emerging Local Plan is to specifically allocate land for development to help achieve a fair and proportionate distribution of growth across the district. The policy limits residential development in Key Rural Service Centres to 50 dwellings or fewer to minimise the urbanising effect of development on the rural character of villages.
- 7.15 The density of development proposed is approximately 15 dwellings per hectare. Policy PEO3 in the emerging Local Plan sets out the factors that should be taking into account when assessing the density of a scheme. These are:
- a) Accessibility to local services;
 - b) Minimum internal floor area and private amenity space standards (as set out in emerging Policy PEO4);
 - c) The required mix of housing;
 - d) The character of development in the immediate area; and
 - e) On-site infrastructure requirements (such as green infrastructure and highways).
- 7.16 The general character of Weeley and Weeley Heath is mixed with some areas of historic ribbon development and other areas of post-war estate development. Given the site's village location, the density proposed for the application site is acceptable for this location.
- 7.17 Bearing in mind the current lack of a five-year supply of housing sites to meet objectively-assessed needs in Tendring, the status of Weeley and Weeley Heath as a Key Rural Service Centre and the density of development proposed, it is considered that, in principle, residential development on this site is acceptable and would make a positive contribution toward housing supply and addressing the social dimension of sustainable development.

Highways, transport and accessibility

- 7.18 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - A safe suitable access to the site can be achieved for all people; 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.
- 7.19 Policy QL2 in the adopted Local Plan and Policy SD8 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site is approximately 1,500 metres walking distance of the convenience store, the primary school and bus stops on a bus route with services to and from Colchester and Clacton. For a rural location, the site offers a reasonable level of accessibility which is reflected in Weeley / Weeley Heaths categorisation as a Key Rural Service Centre in the emerging Local Plan.
- 7.20 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 7.21 Some local residents have expressed concern about the proposed access and potential congestion that may arise from this development. 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 in its capacity as the Highway Authority has considered the proposals and concluded that it would be acceptable from a highways perspective subject to a number of conditions.
- 7.22 In conclusion, for a village location, the site is reasonably accessible, by foot and cycle, to local services and facilities and public transport and the vehicular access and highways matters have been considered and deemed acceptable by the Highway Authority. The transport impacts of the development are not considered to be severe and, from this perspective, Officers consider the proposal to be acceptable.

Flood risk and drainage

- 7.23 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 7.24 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 7.25 In conclusion, the applicant has demonstrated through their Flood Risk Assessment that development can, in principle, be achieved without increasing flood risk elsewhere. With the

planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PLA 1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

Infrastructure Impact

- 7.26 Policy QL12 in the adopted Local Plan and Policy SD7 in the emerging Local Plan require that new development is supported by the necessary infrastructure. The Parish Council has raised concern about the impact of the cumulative impact of additional homes on local infrastructure, in particular schools, health services and sewage.
- 7.27 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC advises that early years and childcare facilities in the catchment area are operating at 80% capacity, primary schools in the catchment area are expected to have a deficit in places by 2018 and 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.
- 7.28 A financial contribution of £57,455 toward early year and childcare facilities and £167,974 for primary school facilities and has been requested and will be secured by a Section 106 agreement.
- 7.29 A number of residents have raised concern over sewage capacity, Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme of 46 dwellings and has made no objections to the proposal. The addition of 46 dwellings is not expected to add significantly to this issue and the Council would not be justified in refusing planning permission for this reason.
- 7.30 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of education) or are otherwise not considered to be significant enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.

Landscape, visual impact and trees

- 7.31 Policy QL9 in the adopted Local Plan and Policy SD9 in the emerging Local Plan require developments to respect and enhance views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy EN1 of the adopted Local Plan and Policy PLA5 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SD9 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 7.32 The Council's Principal Trees and Landscapes Officer has considered the proposal and is satisfied that the development can be implemented without significant harm being caused to any important trees and hedgerow surrounding the site. A condition has been requested to secure soft landscaping proposals for the site and it is proposed that such a condition be applied to the grant of planning permission.
- 7.33 In conclusion, the landscape and visual impact of the development is expected to be low and enhancements through additional soft landscaping can be secured through planning conditions. Officers are satisfied that, subject to the landscaping being agreed and implemented, the visual and landscape impacts will be acceptable and the scheme can perform well against the environmental dimension of sustainable development.

Open Space

- 7.34 Policy COM6 in the adopted Local Plan and Policy PE022 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.
- 7.35 The Council's Open Space and Bereavement Service Manager has commented on the application and has identified a deficiency of equipped play areas in the area. The size of this development requires open space provision of at least 10% on site and should incorporate LAP standard play facilities. Also, if the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Committee is minded to approve this application, Officers will engage in negotiations with the applicant to agree the necessary contribution in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

Ecology

- 7.36 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PLA4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for. Policy EN6b in the adopted Local Plan and PLA4 in the emerging Local Plan support the creation of new habitats within developments subject to appropriate management and public access arrangements. Policy EN6a in the adopted Local Plan refers specifically to protected species including badgers.
- 7.37 The application site is not designated as a site of international, national or local importance to nature conservation and Natural England has offered no objection, in principle, to the proposed development. To the north east approximately 350 metres from the development boundary is Weeley Wood S.S.S.I. and A.S.N.W. site, the proposed development will not reduce the area of this site its conservation value or ecological viability.
- 7.38 The applicant has prepared and submitted an Ecological Survey to establish the potential for protected species presence and the ecological value of the site. The survey concludes that although most buildings were illuminated, in use, and internally open to the rafters, some of the older units were not and had some bat roost potential. Protected species considerations concerning bats, reptiles and birds have been identified and appropriate recommendations have been made within the report and are summarised below:
- The front section of the site has a number of existing farm buildings that are in constant use. There is a small number however that as a result of their declining condition are no longer active and in such a state do have some bat roost potential.
 - A bat roost assessment of these less active buildings is required.
 - The second section of the site is through natural ecological succession developing some conservation value.
 - The scrub edge and rank grasslands along with the potential rubble refugia combine to create a potential reptile habitat
 - A multiple visit reptile presence or absence survey is required.

- The hedgerows and increasing scrub habitat provides nesting bird habitat. Any clearance of this woody vegetation associated with a planning consent must only take place between September and February inclusive.
- The on-site ecological assessments and the recommended faunal surveys along with this report meet in full all initial ecological/conservation related issues that could require consideration as part of the planning application process for this site.

7.39 In conclusion, the additional surveys recommended in the Ecology Survey will be submitted in support of the reserved matters application and Officers consider that these measures are acceptable, would ensure compliance with the policies in the Local Plan and the environmental dimension of sustainable development.

Contamination

7.40 The Parish Council have raised concerns about potential risks from contamination. A phase 1& 2 Investigation and Contamination Assessment has been undertaken by consultants and concludes that the contamination can be remediated and the site made safe for housing. The Council's Environmental Health team were consulted and have requested a full contaminated land assessment is carried out and a remediation method statement 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.

Impact upon Neighbours

7.41 Policy QL11 in the adopted Local Plan and Policy SD9 in the emerging Local Plan require that the health, safety or amenity of any occupants or users of a proposed development are not materially harmed by any pollution from an existing or committed use.

7.42 The development has the potential to impact upon the residential properties in Clacton Road, Mill Lane, Bentley Road and Rectory Road. Three letters of objection have been received as well as six letters in support of the development.

7.43 Objections include concerns about the close proximity of the new development to existing residential boundaries and the generation of noise and pollution. This application is an outline, establishing only the principle of residential development. The exact relationship between existing and new dwellings will be considered through the reserved matters application. The density of the development proposed is low giving a good opportunity to design the scheme so as not adversely impact on existing homes.

7.44 Letters of support cite the benefit of the development removing noxious smells and chemicals and suggest that the proposal would benefit the locality. The proposed use of the site for housing should prove to be more compatible with the surrounding houses than the pig farm.

Council Housing/Affordable Housing

7.45 Policy HG4 in the adopted Local Plan (2007) requires 40% of new dwellings on large sites to be made available to the Council to acquire at a discounted value for use as Council Housing. Also, Policy PEO10 in the emerging Local Plan requires 25% of new dwellings on large sites to be made available to the Council to acquire at a discounted value for use as Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement. The application makes provision, in principle, for 25% affordable housing within the scheme which would be secured through a s106 agreement in line with the emerging policy. On a development of 46 dwellings, the 25% requirement would equate to 11 dwellings being acquired by the Council.

- 7.46 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Weeley and Weeley Heath on evidence from the local housing resister. It has been suggested that, as an alternative to transferring 11 properties to the Council at a discounted value, the Council would be prepared to accept 2 properties 'gifted' (i.e. transferred to the Council at zero cost).
- 7.47 If the Committee is minded to approve this application, Officers will negotiate and agree an appropriate level of Council Housing to be secured through a s106 legal agreement.

Viability

- 7.48 Whilst the phase 1 & 2 Investigation and Contamination Assessment submitted in support of this application concludes that the contamination can be remediated and the site made safe for housing, the applicant is concerned that the de-contamination remediation costs in conjunction with the S106 contributions for education and council housing could render the proposed development unviable.
- 7.49 The applicant has agreed to the S106 contributions set out earlier in this report but once further site analysis has been undertaken and the exact de-contamination costs are known, the applicant will be expected to prepare a viability report (to be independently verified by the District Valuers Office) which will identify the level of S106 contributions (taking into consideration the de-contaminations costs) that can realistically be delivered by the development. This will require a review mechanism in the S106 to allow the level contribution sought by the Council to be reduced if necessary to make the development viable.

Other issues

Loss of agricultural land

- 7.50 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 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 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.
- 7.51 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.

8. Conclusion

- 8.1 The application has been assessed in relation to the policies of the NPPF and relevant adopted Local Plan and emerging Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2014. The application has been assessed in relation to the following issues and potential impacts:

- The principle of residential development;
- Highways, transport and accessibility;
- Flood risk and drainage;

- Infrastructure Impact;
- Landscape, visual impact and trees;
- Open space;
- Ecology;
- Impact upon neighbours; and
- Council Housing/Affordable Housing.

- 8.2 In conclusion, in applying the NPPF 'presumption in favour of sustainable development' the proposal addresses the three dimensions of sustainable development. The economic impact of the development would be positive both in terms of temporary construction jobs and the increased demand for goods and services that arises from population growth; the social impacts would be positive in terms of the contribution toward meeting projected housing need, providing public open space and funding additional school places; and the environmental impacts would be limited with the potential for them to be positive subject to securing successful approaches to landscaping, drainage and habitat creation.
- 8.3 The adverse impacts of the development would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and therefore in line with paragraph 14 of the NPPF Officers recommend the approval of outline planning permission subject to the completion of a s 106 legal agreement to secure a financial contribution toward education provision, a financial contribution toward play provision, an appropriate level of on-site Council/Affordable Housing; and an appropriate level of open space with necessary arrangements for long-term maintenance. There are also a number of conditions that would apply to the grant of planning permission, as outlined at the head of this report.

Background Papers

None