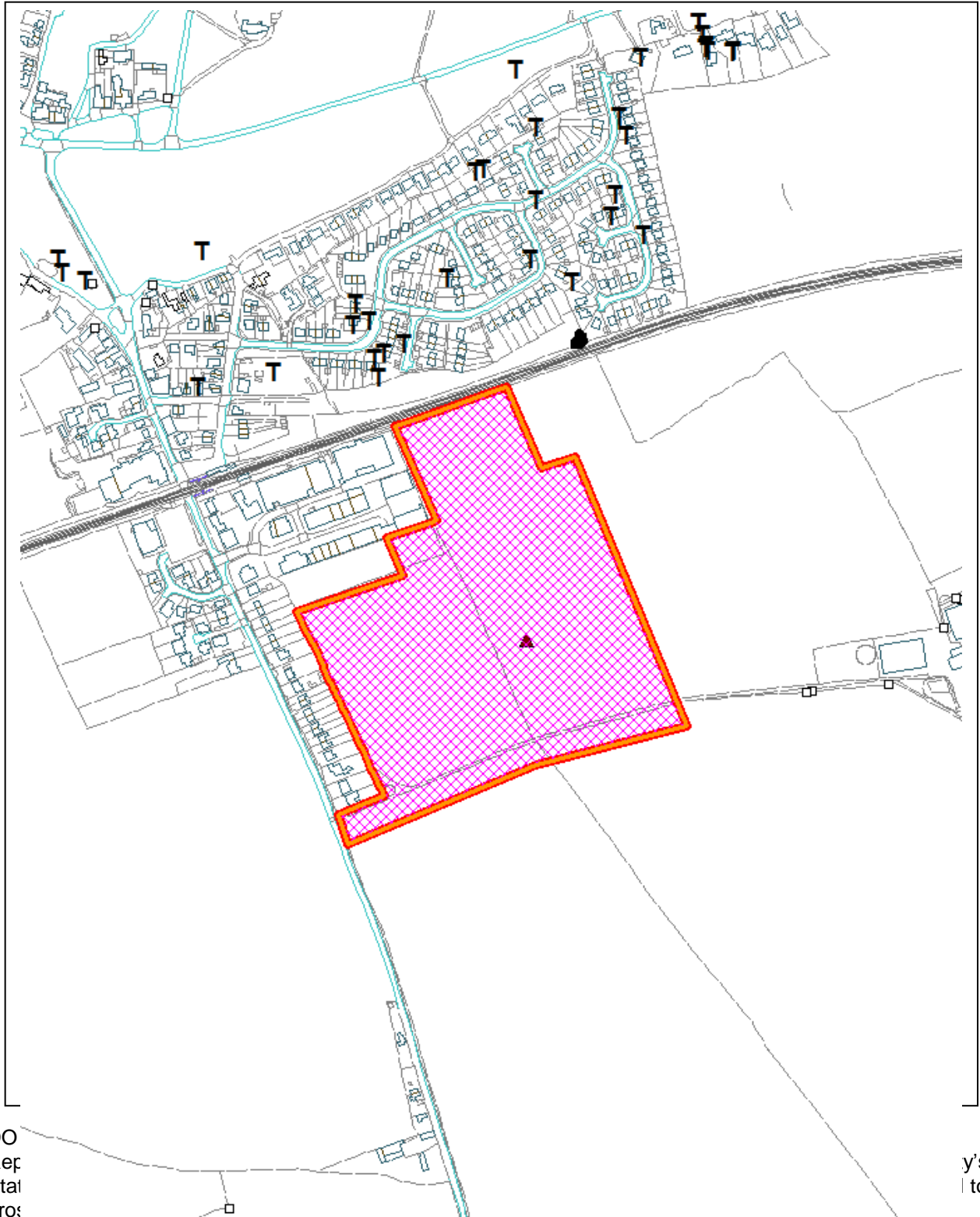


PLANNING COMMITTEE

20<sup>TH</sup> OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATIONS - 14/01750/OUT - LAND AT STATION FIELD  
PLOUGH ROAD, GREAT BENTLEY, CO7 8LG**



<b>Application:</b>	14/01750/OUT	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	Moonlight Limited - Mr A Irwin	
<b>Address:</b>	Land at Station Field Plough Road Great Bentley	
<b>Development:</b>	Outline application for a mixed use scheme comprising up to 150 dwellings and open space, a class B1 employment area and structural landscaping.	

## 1. Executive Summary

- 1.1 The residential element of the application site lies outside of the defined settlement development boundary of Great Bentley as set out in both the Tendring District Local Plan (2007) and the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Pre-submission Focussed Changes (2014). The outline proposal also includes an employment element which is located within the defined settlement boundaries of both the Tendring District Local Plan (2007) and the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Pre-submission Focussed Changes (2014).
- 1.2 Outside of these boundaries Policy QL1 of the Tendring District Local Plan (2007) and Policy SD5 of the Tendring District Local Plan Proposed Submission Draft (2012) states that permission is to be refused for new residential development subject to specified exceptions.
- 1.3 Great Bentley has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of village centres public transport facilities and other community facilities.
- 1.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.6 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 1.7 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.
- 1.8 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' whilst also being able to achieve a development that would comply with Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) as well

as Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Pre-submission Focussed Changes (2014).

**Recommendation:**

**That the Head of Planning 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 (subject to viability report)**
- **Pedestrian bridge and off-site pedestrian links**
- **£3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan.**
- **Education contribution (subject to viability report)**
- **Open space contribution**

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

**(i) Conditions:**

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
2. Application for approval of the reserved matters to be made within three years
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters
4. Development to contain a maximum of 150 dwellings and B1 uses with a Gross Floor Area of no more than 2700sq.m.
5. Construction Method Statement to include:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) wheel and under-body washing facilities
  - v) hours of construction
6. Samples of the materials.
7. Hard and soft landscaping details including tree protection measures.
8. Implementation of all hard and soft landscaping
9. Landscaping - Five year clause.
10. Boundary treatments and rails.
11. Details of refuse storage/collection areas.
12. Permeable surfacing.
13. Landscape/Public open space management plan
14. Ecological mitigation scheme and management plan
15. Parking in line with adopted Parking Standards
16. Details of a surface water drainage scheme, including surface water swales
17. No dwellings/premises to be occupied until the surface water drainage strategy is carried out
18. Details of a foul water strategy
19. Residential travel plan
20. Details of the estate road(s) and footways
21. Construction of carriageway(s) of the proposed estate road(s)
22. Internal estate road junction visibility splays

23. Vehicular turning facility for service and delivery vehicles
24. Details of new driveways and parking areas for residential and commercial properties
25. Scheme for provision and implementation of water, energy and resource efficiency measures, during construction
26. Employment area shall be restricted to Class B1 uses
27. Opening hours for commercial properties
28. Highway improvement works
29. A priority junction off Plough Road
30. Widening of Heckfords Road at its junction with the A133
31. Two traffic islands with illuminated bollards and high level beacons
32. Two new bus stops/upgrading of existing bus stops

c) That the Head of Planning be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies QL2, HG4, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO10 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

## 2. Planning Policy

### National Policy:

NPPF National Planning Policy Framework (2012)

### 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
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

EN1 Landscape Character

EN3 Employment sites

EN6 Biodiversity

EN29 Archaeology

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SD1 Presumption in Favour of Sustainable Development

SD3 Key Rural Service Centres

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

SD10 Sustainable Construction

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

PRO14 Employment Sites

Other guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

**3. Relevant Planning History**

None

#### **4. Consultations**

- 4.1 TDC Housing – Affordable housing provision on-site is appropriate in this instance.
- 4.2 TDC Public Experience (Open Space) – Request Section 106 monies (see Assessment below).
- 4.3 TDC Public Experience (Environmental Services) – Request a condition requiring submission of both a noise and air quality assessment for residential dwellings.
- 4.4 Essex County Council Education Services – Request Section 106 monies (see Assessment below)
- 4.5 ECC Highways Dept - The Highway Authority raises no objection subject to two conditions relating to wheel washing facilities and highway improvement works.
- 4.6 Natural England – No objection. Recommend securing measures to enhance biodiversity of the site.
- 4.7 Principle Tree and Landscape Officer - No objection subject to a soft landscaping condition.
- 4.8 Environment Agency – No objection subject to suitable foul drainage capacity (See Anglian Water comments and condition).
- 4.9 Anglian Water – Satisfied that there is sufficient evidence of a feasible foul drainage solution to serve the site and suggest a foul drainage condition.
- 4.10 ECC SuDS Approval Board – Initially raised an objection but the outstanding matters have now been resolved and consequently ECC SuDS have withdrawn their objection to the scheme subject to a condition being attached to any approval dealing with sustainable drainage.
- 4.11 Ramblers Association – Objects on the grounds that the east/west footpath/bridleway will be beside a road possibly on a hard surface. Also the north/west footpath will wind its way on a hard surface through the estate. It is suggested that both footpaths are lined by hedging on both sides. In a later submission it was requested whether the PRoW could be diverted around the perimeter of the development.
- 4.12 Essex Bridleways Association – No comments received
- 4.13 Environment Agency – No comments received
- 4.14 Essex Wildlife Trust – No comments received
- 4.15 Network Rail – As previously discussed Network Rail is concerned at the risk that would result from increased usage of the level crossing as a result of the proposed development. Network Rail is therefore proposing to use all reasonable endeavours to seek extinguishment or diversion of the footpath so that there is no longer any crossing of the railway on the level at this unprotected crossing; all crossings of the railway will then be via the Station level crossing or the station footbridge.

If it is not feasible to either divert or extinguish the right of way, Network Rail has agreed with the developer that an appropriate bridge solution which will be delivered by Network Rail and funded by the developer will be implemented. If this is the case Network Rail and the developer will agree when the bridge will be delivered in relation to the development's occupation levels.

Subject to an appropriate agreement, Network Rail withdraws its objection to the planning application.

4.16 Police (Architectural) – No comments received

4.17 NHS – The National Health Service was consulted with regard to the current proposal. However at the time of writing no response had been received. It is however that a response will be received in due course and Members will be updated with regard to comments received from this statutory consultee.

## 5. **Representations**

5.1 The Parish Council has objected to the application for the following reasons:

- Development too large and would damage character of Great Bentley
- Lack of information to determine impact of development on services and infrastructure
- Development would detract from long views of Great Bentley and the Listed Church from the surrounding footpaths
- Questionable if size of development is sustainable in this location.
- Site was never considered appropriate for development within the Adopted or Emerging Local Plans.
- Concern with foul and surface water drainage.
- Land included as part of application site is outside applicant's control and belongs to Great Bentley Parish Council.
- Concern with regard additional traffic in Plough Road particularly near the school and level crossing.

5.2 A total of 51 representations have been received for this application. The issues raised are summarised below:

- Increased traffic.
- Highway safety and access concerns.
- Loss of a green area.
- Impact on footpath at edge of development.
- General, noise and light pollution.
- Impact on wildlife and loss of habitat.
- Loss of privacy.
- Loss of countryside views from property and footpath.
- Dangerous to pedestrians due to no footpath.
- Will have impact on the saleability of nearby property.
- Thought new builds were affordable housing not 5 bed homes.
- Village infrastructure unable to cope with high density development.
- Impact on schools, doctors, utilities etc.
- Character of village will diminish.
- Adverse impact on residential and visual amenity.
- Mobile telephone reception.
- Consideration should be given to the public footpath and bridleway.
- Development does not provide lower cost housing.
- No social/affordable housing within development.
- Consider TDC overall housing development plan.
- Overlooking and overshadowing.
- Overdevelopment of site.
- Out of character with existing dwellings in vicinity.
- Will open the door for further development.
- Contravenes S106 of Town and Country Planning Act 1990.

- Un-neighbourly form of development within fenced boundary.
- Concern over health and safety of trees.
- Construction traffic likely to cause further damage to Sturrrick Lane.
- Better alternative sites.
- Nearby listed building.
- Effect crime rate.
- Cannot see significance of pedestrian link to existing footpath.
- Negative effect on resident's health and well-being.
- Drainage and sewerage concerns.

5.3 3 representations have been received neither objecting to nor supporting the planning application, the points raised are summarised below:

- Existing bridleway to the southern boundary should remain segregated from the proposed access road and the surface of the bridleway should be improved along its entire length to encourage cycle access.
- Dwellings should have suitable storage for cycles.
- B1 units should provide cycle storage.
- Concern with regard to impacts on local surgery due to potential increase in residents.

5.4 One petition with 182 signatures objecting to the scale of the current scheme and the impacts on infrastructure.

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Housing and Density;
- Layout, Scale and Design;
- Residential Amenity
- Highways and Parking Issues;
- Biodiversity;
- Arboriculture/Landscaping;
- Drainage and Flood Risk; and,
- Other Material Considerations (including Section 106 Obligations).

### **Site Context**

6.2 Station Field forms part of St. Mary's Hall Farm and lies on the south eastern edge of Great Bentley.

6.3 The main part of the application site lies to the rear of existing housing fronting the eastern side of Plough Road. Access to this area is to be obtained at the southern end in the vicinity of the existing farm access track and bridleway.

6.4 The site further includes a section of land alongside the railway line which has been allocated in both the adopted and emerging Local Plans for employment as an extension to the Plough Road Industrial Estate. This area would be accessed via the new development.

6.5 The Application site area in total extends to 8.82 hectares.



## **Proposal**

- 6.6 The current application is in outline form with all matters reserved and proposes a mixed use development for up to 150 dwellings as well as an employment site which has been allocated in the Adopted Tendring Local Plan (2007), together with areas of landscaped open space.
- 6.7 Land along the southern and eastern inner edges of the application site will be safeguarded for structural landscaping/open space on the interface with the countryside. Landscaped buffers will also be safeguarded between the new housing areas and the employment area as well as to the rear of housing on Plough Road.
- 6.8 The layout has been designed for a single vehicular access point to be located off Plough Road. The proposed estate road would be located to the south of the line of the public footpath/bridleway and centrally within the structural landscaping. The applicants indicate that this would create an attractive entrance into the development.
- 6.9 The applicants have indicated that the proposed housing areas will contain a mix of housing types and sizes and would include market and affordable dwellings.
- 6.10 The net density equates to approximately 25 dwellings per hectare. There will however be areas of higher and lower density within different sections of the site.
- 6.11 A central open space is proposed while structural landscaping belts and landscaped buffers would be utilised to create soft edges to the scheme.
- 6.12 A network of footpath/cycleway links will be created between the housing areas with external links to the employment areas and village.
- 6.13 The employment area would extend to 0.91 hectares. Access to this area would be limited by existing commercial development at the eastern end of the Plough Road Industrial Estate.
- 6.14 Access to the employment land will be provided via an access road along the outside of the Station Field development. The application is confined to Class B1 uses only and would take the form of a small rural business park.

## **Principle of Development**

- 6.15 The application site is located immediately to the south and east of existing residential development in Great Bentley. The site is adjacent to but outside the village development boundary as defined within the Tendring District Local Plan, 2007 which aims to restrict new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.16 Great Bentley is identified as a village within Policy QL1 of the Tendring District Local Plan (2007). Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries of other towns and villages as defined within the Local Plan.
- 6.17 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

- 6.18 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.19 This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.
- 6.20 The Council has published the Tendring District Local Plan Proposed Submission Draft (2012), but the document is yet to be submitted to the Secretary of State. Formal adoption cannot take place before it has been examined, and found to be sound and until that time the relevant emerging policies may be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.
- 6.21 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.22 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',
- economic,
  - social; and,
  - environmental roles.

### **Economic**

- 6.23 Officers consider that the proposal would contribute economically to the area as the scheme would allow access to and help facilitate the development of the employment land to the rear of the Plough Road Industrial Estate which when developed would likely result in the generation of additional employment opportunities within Great Bentley.
- 6.24 Additionally it is considered that an increase in the local population could contribute to local services and economy while also providing employment during the construction of the development.
- 6.25 Based on the above it is considered that the current scheme would meet the economic arm of sustainable development.

### **Social**

- 6.26 In terms of the social role, the site is within close proximity of various community services all within walking distance of the site. Great Bentley is also on a bus route with services to Colchester.
- 6.27 Furthermore, Great Bentley train station is within walking distance of the site, which connects the village to Clacton and Colchester, and further afield into London.
- 6.28 In addition, Great Bentley has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of village centres public transport facilities and other community facilities.

Whilst the policy has limited weight at this stage, it goes some way to illustrate the sustainability credentials for the village.

- 6.29 Overall officers consider that the application site performs reasonably in terms of the social role within the definition of sustainability.

### **Environmental**

- 6.30 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site immediately adjoins the Settlement Development Boundary in the 2012 Draft Local Plan with a number of residential dwellings to the north and west of the site, and a small industrial estate also to the north of the site.

- 6.31 As a result, development would be comparable with existing development in the locality.

### **Housing and Density**

- 6.32 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph 49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with a degree of flexibility to promote choice and competition in the market for land.

- 6.33 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land.

- 6.34 In the absence of a five year supply of deliverable housing sites, the Council is expected to comply with the NPPF's 'presumption in favour of sustainable development' and, where possible, support proposals for housing development.

- 6.35 One of the key issues in considering this outline proposal is whether the site can accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy PEO3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal equates to 25 dwellings per hectare. This is considered to be comparable to the character of development in the immediate area.

- 6.36 It should however be noted that this density would be achieved should the site yield a maximum of a 150 dwellings. The final density could however be lower as the actual number of dwellings would be derived from careful consideration of the various policies in the draft Local Plan during the reserved matters stage of the application. This would include consideration of the policies on housing choice, space standards, density, layout and open space requirements.

- 6.37 Policy PEO7 of the draft Local Plan supports the objectives of the NPPF by promoting a mix of housing size, type and tenure on new development sites. The Council will expect all residential and mixed-use developments involving the creation of 10 or more (net) dwellings to achieve the following broad mix of housing size, type and tenure unless there are specific housing mix requirements for a particular site, as set out in policies within the 'Area Chapters' of this Local Plan, or genuine physical or economic viability reasons why this mix cannot be achieved:

- At least 10% of dwellings to be private housing with 4 or more bedrooms;
- At least 40% of dwellings to be private housing with 3 bedrooms;
- Between 10% and 25% of dwellings to be Council Housing or Affordable Housing (see Policy PEO10); and
- Between 25% and 40% to be determined by developers in responding to market demand.

6.38 As previously stated, the application as submitted is in outline form with all matters reserved and the figures stated in Policy PEO7 would form a basis for taking forward any final residential scheme as part of the reserved matters stage. Whilst limited weight can be afforded to Policy PEO7 it is concluded that a final scheme could be achieved that would reflect the character of the area and deliver an appropriate mix of housing size, type and tenure.

### **Layout, Scale and Design**

6.39 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

6.40 With regard to decision taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

6.41 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.

6.42 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Council's commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.

6.43 The submitted details show that the development site covers an area of approximately 8.82 hectares. The development would of the site with 150 dwellings would result in an average housing density of 25 dwellings per hectare, which is considered to be acceptable in this location.

6.44 The applicants have indicated that any future scheme would contain a mix of attached and detached housing of various types and sizes and include market and affordable dwellings.

6.45 With regards to the design and building form of any future properties these are matters that have been reserved for later consideration. Officers are however of the opinion that given the space available any future residential scheme could be achieved that would be sympathetic to the design and layout of the local pattern as well as in accordance with The Essex Design Guide, whereby the traditional buildings of Essex are normally made up of rectangular (not square) plan forms, with pitched roofs spanning the narrower plan dimension.

### **Residential Amenity**

- 6.46 Policy QL11 of the Tendring District Local Plan (2007) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012) states that new development will only be permitted if, amongst other things, the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.
- 6.47 Officers are confident that given the space available within the application site as well as the presence of a 10m wide buffer to the rear boundaries of the residential dwellings facing onto Plough Road that a final scheme could be achieved that would not have a materially harmful effect upon the residential amenity of occupiers of adjoining properties and within close vicinity of the site.
- 6.48 At present the site is vacant and it has not been occupied as residential development in the past. Existing properties, particularly those to the west facing onto Plough Road, would need to be afforded a greater degree of privacy as part of any final scheme that might come forward.
- 6.49 In this regard it should be noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of new windows. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties.
- 6.50 Officers are of the view that the above stated distances could be achieved within the context of those properties facing Plough Road and that a final scheme would not result in any adverse impact upon existing residential amenity by way of overlooking.

### **Highway and Parking Issues**

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

- 6.54 Paragraph 37 stipulates that there should be a balance of land uses within the area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
- 6.55 In this regard and in support of the application, the applicants have submitted a Transport Assessment (TA) produced by Intermodal Transportation Ltd (ITL), which identifies that the site is in a location suitable for development in accordance with national and local planning policy. It is within walking and cycling distance of local bus stops served by routes providing links to surrounding towns, and of Great Bentley railway station on the National Express East Anglia line.
- 6.56 Furthermore, Essex County Council as the Highway Authority has been consulted on the proposed development, and they raise no objection subject to standard conditions as outlined above.
- 6.57 Concerns have been raised with regards to vehicular movement over Plough Road. The Highway Authority having been consulted on the traffic assessment submitted by the applicants in support of the application raised no objection to the proposed means of access or increased levels of traffic. In any event the means of access is a matter reserved for later consideration and final details will be agreed at reserved matter stage.
- 6.58 With regards to parking, the adopted 2009 parking standards require residential units with one bedroom to be provided with at least one parking space, whilst residential units with 2 bedrooms or more, to be provided with at least two parking spaces. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. Officers consider that the site could achieve these standards for residential parking.
- 6.59 For B1 employment use the Essex County Council parking standards call for a maximum of 1 space per 30m<sup>2</sup> of floor space. Thus, on the basis of a total Gross Floor Area (GFA) of 2,700sq.m, a maximum of 90 car parking spaces should be provided for the use of the employment aspect of the proposal. Again it is considered that the site is of an adequate size to accommodate this level of parking.
- 6.60 Based on the above it is considered that the application site could comply with the aims and objectives of the NPPF as well as Local Plan Policies with regard to highway safety and parking requirements.

### **Biodiversity**

- 6.61 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.
- 6.62 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.63 In support of the application a Phase 1 Habitat Survey prepared by Skilled Ecology Consultancy Ltd has been submitted. The report concluded:
- Whilst a high risk of presence and potential impact to reptiles was expected the full presence/absence reptile survey failed to find reptiles using the site.
  - There is a low risk of presence of ground nesting birds.

- That further ecological surveys and mitigation were considered unnecessary.
- That to prevent harm to ground nesting birds, precautionary measures, should be followed ( a condition to this effect would be included in any approval).

6.64 Furthermore, Natural England has been consulted on the application, and has raised no objections.

6.65 However, given the site's edge of village location in proximity to the wider countryside, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities would be secured by condition.

### **Arboriculture/Landscaping**

6.66 Policy PLA5 of the Tendring District Local Plan Proposed Submission Draft (2012) sets out that the countryside in the district is one of its key assets both in terms of tourism and the living environment of local residents. The district is diverse in its landscape character and appearance and certain areas are particularly sensitive to development and change.

6.67 The proposals have been assessed by the Council's Tree and Landscape Officer who offers the following comments:

6.68 The main body of the application site is currently in agricultural use. Consequently there are no trees or other significant vegetation on the main body or the perimeter of the land. Should consent be likely to be granted then soft landscaping should be secured through a condition should permission be granted.

6.69 The soft landscaping details shown on the Illustrative Master Plan give a good indication on the nature and extent of planting that would be required were planning consent to be granted. The soft landscaping scheme should include planting to soften and enhance the appearance of the residential part of the development and the open space as well screening the whole site to minimise its impact on the character and appearance of the countryside.

6.70 Officers note that the indicative plans submitted show the presence and location of structural landscaping, landscape buffers and open space. Officers would suggest that the structural landscaping bordering the southern and eastern flanks of the site and extend to 25.0m in depth should form part of any final scheme in order to provide an adequate landscape feature to screen the development from the open countryside while the structural landscaping on the southern boundary should be provided in order to strengthen the setting of the existing public footpath and bridleway.

6.71 In addition officers would suggest that the landscape buffers of 10.0m in depth that are show to be located immediately to the rear of the existing housing fronting Plough Road and alongside the existing and proposed employment areas to the north should also form part of a final scheme.

6.72 Finally, the central landscaped open space extending to 0.70 hectares should be retained as part of a final scheme to deliver the envisaged 'neighbourhood green' that would serve as an attractive feature within a new development and would benefit the new residential properties.

6.73 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to established existing trees and hedgerows around the site, including those which are protected outside but in close

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

### **Drainage and Flood Risk**

- 6.74 The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere. Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.
- 6.75 The NPPF requires that a site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1. As the application site is over 1 hectare in size and to accord with the requirements set out in the NPPF the applicants have submitted a Flood Risk and Drainage Assessment (including an Infiltration Drainage Strategy Summary) as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps the site is located entirely within Zone 1 – at low risk of flooding.
- 6.76 With regards to the information submitted within the FRA, ECC SuDS raised an initial objection to the details submitted. These details were however not fundamental. Subsequent negotiations between the applicant and ECC SuDS have resolved all outstanding matters of concern and ECC SuDS have withdrawn their objection subject to a sustainable drainage scheme condition being attached to any approval. This scheme would need to be agreed by the Council in consultation with ECC SuDS prior to commencement of works on site should permission be granted for the current scheme.
- 6.77 In addition, Anglian Water has commented upon the application, and confirm that they are satisfied that there is sufficient evidence of a feasible foul drainage solution to serve the site and suggest a foul drainage condition.
- 6.78 Based on the details it is considered that the application site could be developed in the manner proposed without any increased risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

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

- 6.79 Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development on a sites of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. In exceptional cases where the District Council agrees that provision would be best met off-site and where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development a financial contribution in lieu of on-site provision may be made. This must include appropriate equipment, suitably laid out for the specific use intended, which has been agreed in advance with the District Council. This requirement is also set out in Policy PEO22 of the draft Local Plan.
- 6.80 In response to the above the applicants have indicated that an area of open space 0.7hectares in size could be provided centrally within the site.
- 6.81 With regards to public open space contributions, the Public Experience dept has confirmed there is a deficiency of 1.73 hectares of equipped play in Great Bentley, and any further development in Great Bentley will increase demand on already stretched play facilities. Due to the significant deficit of play facilities in the area if it felt that a contribution towards play is justified and relevant to the planning application.



- 6.82 However, Great Bentley is well provided for in terms of open space and we do not consider that a contribution towards additional formal open space is necessary or relevant to this application.
- 6.83 Saved Policy HG4 sets out that the Council will expect 40% of new dwellings, (including conversions) to be made available in the form of affordable housing to be normally provided on site, in the following cases:
- a. in settlements of over 3,000 population: housing developments for 15 or more dwellings or residential sites of 0.5 hectare or more;
  - b. in settlements with a population of 3,000 or fewer: housing developments which have the potential for 5 or more dwellings or residential sites of 0.15 hectare or more; and
  - c. in respect of sites falling below the relevant site-size threshold where demonstrated to form part of a more substantial development that would, in total, be above that threshold.

Having regard to the above the Council's Housing Department has indicated that an on-site contribution is considered appropriate in this instance.

- 6.84 Essex County Council Education Services have confirmed that according to the latest information available to Essex County Council's Early Years and Childcare Team all places in the surrounding wards are at 100% capacity, and could not accommodate the proposed development.
- 6.85 With regard to primary school provision the proposed development is located in the Tending primary group 3 (Brightlingsea/Elmstead) forecast planning group. The forecast planning group has an overall capacity of 1,286 places, of which 30 places are temporary accommodation, and is forecast to have a deficit of 65 permanent places by the school year 2018-19, therefore could not accommodate children from this development.
- 6.86 With regard to secondary school places, it does appear that there are sufficient places to serve the needs of the development, however the 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.
- 6.87 Network Rail initially indicated that it had some concerns with regard to the likely risk that would result from increased usage of the level crossing as a result of the proposed development. In order to address this matter Network Rail have indicated that they would use all reasonable endeavours to seek extinguishment or diversion of the footpath leading to existing level crossing so that there is no longer any crossing of the railway at this unprotected crossing. It is expected that all crossings of the railway will then be via the Station level crossing or the station footbridge.
- 6.88 If it is not feasible to either divert or extinguish the right of way, Network Rail has agreed in consultation with the applicant that an appropriate bridge solution to be delivered by Network Rail and funded by the applicant will be implemented. If this is the case Network Rail and the applicant will agree when the bridge will be delivered in relation to the development's occupation levels.
- 6.89 Based on the above and subject to an appropriate legal agreement, Network Rail would be prepared to withdraw its objection to the current proposal.
- 6.90 The applicant has indicated a willingness to enter into a planning agreement to secure any financial and infrastructure contributions required by the development, and these discussions are ongoing. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of

the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of off-site affordable housing provision; education provision; and off-site public play space provision.

### **Other Issues**

- 6.91 Concerns have been raised with regards to impact on over-subscribed local amenities, such as schools and doctors surgeries. With regards to schools, Essex County Council has acknowledged a forecasted short fall in primary school places, and subject to viability testing, a financial contribution towards education provision will be sought.
- 6.92 With regards to doctor surgeries, the lack of such facilities are not considered to warrant a refusal of planning permission. The development proposal is not overly large in the number of proposed residential units, and the requirement of such facilities is not considered to meet the CIL regulations in terms of making this particular development acceptable in planning terms. The requirement of any new doctors' surgeries in this particular instance should be left to market conditions.
- 6.93 With regards to section 106 monies sought by the Ramblers and Essex Bridleways Associations in upgrading/redirecting the bridleways and footpaths, Policy SD7 of the draft Local Plan states planning permission will not be granted for new development unless the individual or cumulative impacts of development on infrastructure can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.
- 6.94 In this regard the Council will use appropriate legal agreements or apply CIL to secure one or more of the following, which includes increased capacity for schools, green infrastructure and improvements to the transport network including environmental improvements to pedestrian spaces.
- 6.95 However to secure these the tests of CIL have to be applied. The legal tests for when you can use a s106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. The tests are:
1. Necessary to make the development acceptable in planning terms
  2. Directly related to the development; and
  3. Fairly and reasonably related in scale and kind to the development.
- 6.96 It is considered in this instance the above stated requirements with regard to the footpaths and bridleways and improvements to the existing network does not meet the 3 tests.

### **Background Papers**

None.