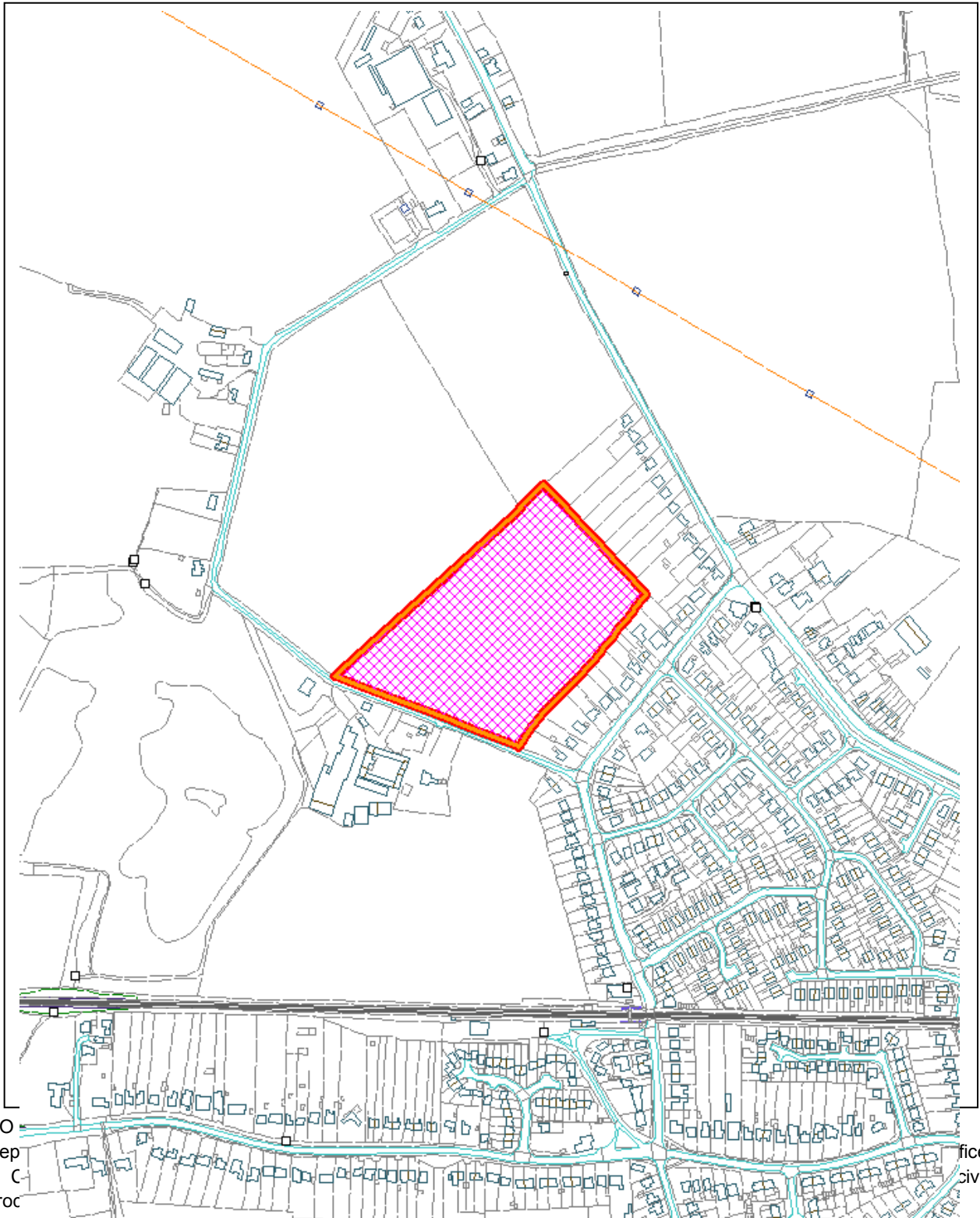


PLANNING COMMITTEE

20<sup>TH</sup> OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATIONS - 15/00120/OUT - LAND NORTH OF COCKAYNES LANE, ALRESFORD, CO7 8BT**



<b>Application:</b>	15/00120/OUT	<b>Town / Parish:</b> Alresford Parish Council
<b>Applicant:</b>	Mr E Fox	
<b>Address:</b>	Land North of Cockaynes Lane Alresford	
<b>Development:</b>	Outline application for up to 60 dwellings on land north of Cockaynes Lane, Alresford.	

## 1. Executive Summary

- 1.1 As an outline application, approval is being sought only for the principle of developing up to 60 dwellings with associated open space and infrastructure, with all other matters reserved for approval through a detailed application at a later date. The applicant has however submitted supporting information that demonstrates how a scheme of detached and link-detached properties could potentially be achieved on the site in question.
- 1.2 The site comprises just less than 4 hectares of agricultural land on the western edge of Alresford and lies to the rear of established village housing which front Station Road. It lies outside of the settlement development boundaries, as defined in both the Council's adopted and emerging Local Plans. 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along with a 20% 'buffer', as required by the National Planning Policy Framework, the Council's housing policies are out of date and Officers have had to consider the application on its merits in line with the government's 'presumption in favour of sustainable development'.
- 1.3 Alresford is one of the district's 'Key Rural Service Centres' which is served by a reasonable range of shops, 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.
- 1.4 The proposal has attracted significant objections from individual members of the public and Alresford Parish Council highlighting 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. There are however no outstanding objections from any of the statutory consultees or other technical bodies.
- 1.5 On the 31st March 2015 Planning Committee considered an outline planning application (Ref: 14/01823/OUT) for development including up to 145 dwellings on land south of Cockaynes Lane, on the opposite side of the lane from this proposal. The Committee resolved to refuse that application on the basis that scale of development would be too large to represent a sustainable, fair and proportionate increase in housing stock and that it would have a damaging urbanising effect on that locality by damaging the appearance of Cockaynes Lane which makes a significant positive contribution to the area's distinctive rural character. That application is now the subject of an appeal against the refusal of planning permission for which a Public Inquiry will take place in February 2016.
- 1.6 This development proposal raises the same concerns as the application for development south of Cockaynes Lane and would have a similar negative impact on the area and, for this reason, the application is recommended for refusal.

### **Recommendation: Refuse**

That the Head of Planning be authorised to refuse planning permission for the development for

the following reasons:

- 1) The scale of development would not represent a sustainable, fair and proportionate increase in housing stock for Alresford; and
- 2) The development would have a damaging urbanising effect on Cockaynes Lane which currently makes a positive contribution to the distinctive rural character of this part of Alresford.

## 2. **Planning Policy**

### National Policy:

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

- 2.1 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.
- 2.2 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.
- 2.3 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.
- 2.4 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

- 2.5 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:

- 2.6 QL1: Spatial Strategy  
Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.
- 2.7 QL2: Promoting Transport Choice  
Requires developments to be located and designed to avoid reliance on the use of the private car.
- 2.8 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.
- 2.9 QL9: Design of New Development  
Provides general criteria against which the design of new development will be judged.
- 2.10 QL10: Designing New Development to Meet Functional Needs  
Requires development to meet functional requirements relating to access, community safety and infrastructure provision.
- 2.11 QL11: Environmental Impacts  
Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.
- 2.12 QL12: Planning Obligations  
States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.
- 2.13 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).
- 2.14 HG3: Residential Development Within Defined Settlements  
Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.
- 2.15 HG3a: Mixed Communities  
Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.
- 2.16 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.
- 2.17 HG6: Dwellings Size and Type  
Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.
- 2.18 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.

- 2.19 HG9: Private Amenity Space  
Requires a minimum level of private amenity. space (garden space) for new homes depending on how many bedrooms they have.
- 2.20 COM2: Community Safety  
Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.
- 2.21 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.
- 2.22 COM21: Light Pollution  
Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.
- 2.23 COM23: General Pollution  
States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.
- 2.24 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.
- 2.25 COM29: Utilities  
Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.
- 2.26 COM31a: Sewerage and Sewage Disposal  
Seeks to ensure that new development is able to deal with waste water and effluent.
- 2.27 EN1: Landscape Character  
Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.
- 2.28 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.
- 2.29 EN6: Biodiversity  
Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.
- 2.30 EN6a: Protected Species  
Ensures protected species including badgers are not adversely impacted by new development.
- 2.31 EN6b: Habitat Creation  
Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.
- 2.32 EN12: Design and Access Statements  
Requires Design and Access Statements to be submitted with most planning applications.
- 2.33 EN13: Sustainable Drainage Systems  
Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

- 2.34 TR1a: Development Affecting Highways  
Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.
- 2.35 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.
- 2.36 TR5: Provision for Cycling  
Requires all major developments to provide appropriate facilities for cyclists.
- 2.37 TR6: Provision for Public Transport Use  
Requires developments to make provision for bus and/or rail where transport assessment identifies a need.
- 2.38 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:

- 2.39 SD1: Presumption in Favour of Sustainable Development  
Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.
- 2.40 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.
- 2.41 SD5: Managing Growth  
Seeks to direct new development to sites within settlement development boundaries.
- 2.42 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.
- 2.43 SD8: Transport and Accessibility  
Requires the transport implications of development to be considered and appropriately addressed.
- 2.44 SD9: Design of New Development  
Sets out the criteria against which the design of new development will be judged.
- 2.45 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.
- 2.46 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.

- 2.47 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.
- 2.48 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.
- 2.49 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.
- 2.50 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.
- 2.51 PEO5: Housing Layout in Tendring  
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
- 2.52 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.
- 2.53 PEO9: Family Housing  
Promotes the construction of family homes within new housing developments.
- 2.54 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.
- 2.55 PEO19: Green Infrastructure  
Requires new developments to contribute, where possible, toward the district's green infrastructure network.
- 2.56 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.
- 2.57 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.
- 2.58 PEO23: Children's Play Areas  
Requires new children's play areas as an integral part of residential and mixed-use developments.

- 2.59 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.
- 2.60 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.
- 2.61 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.
- 2.62 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.

### **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**

- 3.1 No relevant history for this site in question, however outline application 14/01823/OUT for up to 145 dwellings; associated landscaping; public open space; allotments together with access from Cockaynes Lane and a pedestrian/cycle link from Station Road, and demolition of the garage at 56 Station Road on land south of Cockaynes Lane was refused planning permission following the resolution of the Planning Committee on 31<sup>st</sup> March 2015. That application is now the subject of an appeal against the refusal of planning permission for which a Public Inquiry is scheduled for February 2016.

## **4. Consultations**

### **4.1 Essex County Highways**

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

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

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

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

a) A priority junction off Cockaynes Lane to provide access to the proposal site. Junction shall have as a minimum 2no. 6 metre kerbed radii, 1no. 2 metre footway and a 90 x 2.4 x 90 metre visibility splay



- b) Cockaynes Lane carriageway widened and kerbed to a minimum 4.8 metres wide between Station Road and a suitable point west of the proposal site access
- c) A minimum 2 metre wide footway along the north side of the widened carriageway mentioned above between Station Road and the proposal site access
- d) Upgrading to current Essex County Council specification of the two bus stops located in Wivenhoe Road immediately west of its junction with Station Road to include but not limited to infrastructure for the future installation of real time passenger information
- e) Residential Travel Information Packs

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

The Highways Authority has no objection to the revised layout.

#### 4.2 Open Space

There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford. This is broken down as follows:

	Local Plan Requirement	Local Provision
Play Areas	1.70	0.09
Formal Open Space	<u>3.40</u>	<u>3.10</u>
	5.10	3.19

Any additional development in Alresford will increase demand on already stretched play facilities. The closest play area and recreation ground to the development site is located just off St. Andrews Close, Alresford. This play area is designated as a Local Equipped Area for Play.

To cope with additional usage, it would be necessary to increase the size of this play area. The Parish Council does has plans in place to increase the number of play items should further development take place in the village.

#### Recommendation

Due to the significant lack of play facilities and formal open space in the area it is felt a contribution towards both play and formal open space is justified and relevant to this planning application.

#### 4.3 Environment Agency

Foul Water Disposal – The application form states the proposed method of foul drainage onsite is 'unknown'. Our maps show the site is approximately 80m from a foul sewer. If our maps are correct, the use of mains drainage, given the scale of the proposed development, would therefore appear to be appropriate in this case. Anglian Water Services should be consulted regarding the availability capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

#### 4.4 Housing

There are currently 173 households on the housing register seeking accommodation in the village of Alresford. The numbers by bedroom size required are as follows:

- 1 bed – 102 households
- 2 bed - 46 households
- 3 bed - 17 households
- 4 bed - 8 households

At present, the Housing Department is deciding what its priorities should be for development and acquisitions and there is a possibility that there may not be funding available to purchase 15 units even at a discounted value. To this end and as an alternative, the Housing Department would be prepared to accept 3 gifted properties at the site (this being 20% of the 15 units that should be available to purchase).

#### 4.5 Environmental Health

The land has been in agricultural use and falls within the Environment Agencies groundwater NVZ. We would not comment on this aspect so you should consult the EA for their comments.

I would recommend that a contaminated land survey is undertaken to determine any pollution, sources and if necessary remediation methods given the previous use and location of the site.

A Construction Method Statement should be included with future applications and include hours of operations, storage and disposal of waste, alarm systems and siting of vehicles and dust suppression methods etc.

#### 4.6 NHS – Health

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

Table 1: Capital Cost Calculation for the provision of additional health services arising from the development proposal and developer contribution required.

Premises	Weighted List Size <sup>1</sup>	NIA (m <sup>2</sup> ) <sup>2</sup>	Capacity <sup>3</sup>	Spare Capacity (NIA m <sup>2</sup> ) <sup>4</sup>	Additional Population Growth (60 dwellings) <sup>5</sup>	Additional floorspace required to meet growth (m <sup>2</sup> ) <sup>6</sup>	Capital required to create additional floor space (£) <sup>7</sup>
Colne Medical Centre (including branch: Coach Road Surgery)	10,544	548.45	7,998	-174.56	132	9.05	18,100
<b>Total</b>	<b>10,544</b>	<b>548.45</b>	<b>7,998</b>	<b>-174.56</b>	<b>132</b>	<b>9.05</b>	<b>18,100</b>

**Notes:**

1. The weighted list size of the Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.

2. Current Net Internal Area occupied by the Practice
3. Patient Capacity based on the Existing NIA of the Practice
4. Based on existing weighted list size
5. Calculated using the Tendring District Average household size of 2.2 taken from the 2011 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number).
6. Based on 120m<sup>2</sup> per GP (with an optimal list size of 1750 patients) as set out in the NHSE approved business case incorporating DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
7. Based on standard m<sup>2</sup> cost multiplier for primary healthcare in the East Anglia Region from the BCIS Q1 2014 price Index, adjusted for professional fees, fit out and contingencies budget (£2,000/m<sup>2</sup>), rounded to nearest £.
8. As shown in Table 1, there is a capacity deficit in the catchment practice and a developer contribution of **£18,100** is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal.
9. NHS England, therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.
10. In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution of £18,100 is sought, which would be payable before the development is first occupied.
11. Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development.
12. NHS England is satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF which require the obligation to be a) necessary to make the development acceptable in planning terms, b) directly related to the development and C) fairly and reasonably related in scale and kind to the development

#### 4.7 Principal Tree & Landscape Officer

The main body of the land is being used for agricultural purposes.

The southern boundary of the application site is marked by an established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn. There are old stumps in the hedgerow that are suckering. They are Sweet Chestnut and Ash. There are several trees on the boundary that form part of the hedgerow: six of which are afforded protection by means of Tree Preservation Order TPO/14/10 Cockaynes Lane, Alresford.

In order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that they would be physically protected should consent for development be granted the applicant will need to provide a full Tree Survey and Report to show how works associated with the development of the land will not have an adverse impact on the long term health and viability of the trees situated on the application site: The report will need to contain a Tree Constraints Plan. This information will need to be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction.

The utilisation and possible upgrading of the existing farm access gate may create conflict with the protected trees. This potential conflict needs to be addressed in the Tree report.

The eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees.

Much of the northern boundary is marked by a strong boundary hedgerow abutting the rear

gardens of properties fronting the B0127. The hedgerow contains several mature Oaks and a pollarded Ash that are mature healthy specimens. As the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order; however it would be desirable if they were to be retained.

The western boundary is planted with young but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak. These trees are not threatened by the development proposal.

Details will need to be provided by the applicant to show how the excavation and construction of the proposed pond in the south western corner of the application site can take place without harm being to the trees covered by the existing TPO.

Should consent be granted then the applicant will need to provide a detailed soft landscaping plan and specification. Special attention will need to be given to the retention of the existing boundary hedgerow adjacent to Cockaynes Lane.

In addition to the comments previously submitted, the Councils Principle Tree and Landscape Officer has the following comments to make on the revised layout. In terms of the impact of the development proposal on the trees on the land that are formally protected by the Tree Preservation Order the amended layout showing the new position of the access is an improvement. In simple terms the new access will not affect any of the protected trees. So long as the applicant submits details of the way trees will be protected during the construction phase of any consent to develop the land, it is likely that development can take place without harm being caused to the protected trees.

#### 4.8 Essex County SUDS Team

Further to a series of emails sent in response to our holding objection to the Flood Risk Assessment undertaken by Evans Rivers and Coastal, it is now considered that a drainage scheme has been proposed which demonstrates that surface water management is achievable in principle.

Having reviewed the amended Flood Risk Assessment and the associated documents which accompanied the planning application, we consider that outline planning permission can be granted to the proposed development subject to the following condition.

##### Condition

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. The scheme shall subsequently be implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

The Scheme shall include:

- Infiltration testing in accordance with BRE365.
- Attenuation storage which caters for the 1 in 100 year critical storm plus climate change with surface water discharging off site at the 1 in 1 year greenfield rate.
- For large permeable areas to be landscaped to ensure they do not runoff into attenuation features
- The necessary treatment stages to improve water quality
- Details of any exceedance and conveyance routes

- Details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

#### Reason

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

#### Condition

A scheme to minimise the risk of on and offsite flooding during excavation/construction works should be submitted to, and approved in writing by, the local planning authority prior to works starting on site. The scheme shall be implemented as approved.

#### Reason

To prevent flooding on the proposed site and the local area by ensuring the satisfactory storage of/disposal of surface water and groundwater during construction.

We also have the following advisory comments which should be addressed at any detailed design stage:

- 5.2.2- Up to date sewer flooding records should be sought from Anglian Water
- 5.2.3- Up to date surface water flooding records should be sought from Essex County Council (please contact floods@essex.gov.uk)
- 6.1.3- As current standards for drainage standards are that storage should be provided for all volumes generated up to the 1 in 100 plus climate change event, we would consider exceedance events to be anything above this.
- 6.3.3- Infiltration SuDS should not be ruled out at this stage until site-specific infiltration testing has been carried out and the results can be evidenced. However, this is suitable to demonstrate a conservative approach to the amount of storage provided as some volumes may be able to infiltrate once the detailed strategy is devised.
- 6.6.1- An attenuation basin would be equivalent to a detention basin in the CIRIA SuDS Manual; these do not provide as much betterment in terms of suspended sediment removal etc. as the information given for ponds.
- 6.7.1- these maintenance arrangements will need to be confirmed by Tendring District Council.
- 6.8.1- as mentioned in response to 6.1.3 we do not consider the 1 in 100 year event to be appropriate for checking for exceedance. Current standards require drainage to cater for a 1 in 100 plus 30% event so we wish to see surface runoff routing for events in excess of this.
- It is best practice to include 10% for urban creep when calculating how much storage is needed on site. As the document 'BS 8582:2013 Code of practice for surface water management for development sites' states:  
*"To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority"* (page 32).
- Any works to the ditches surrounding the site which will be deemed to affect the flow will require ordinary watercourse consent.

Any questions raised within this response should be directed to the applicant and the response should be provided to the LLFA for further consideration. If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us.

#### 4.9 Anglia Water

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

#### 4.10 Essex County Council Education

I have reviewed the sufficiency of early years and childcare places and can confirm that all early years and childcare facilities are at 100% capacity and therefore could not accommodate children from this development.

With regard to primary school provision the Priority Admissions Schools for the development would be Alresford Primary School. The school has a capacity of 120 places. The school is forecast to have a surplus of 3 places by school year 2018/19

Forecasts indicate that there is likely to be sufficient places at secondary school level to meet the needs of secondary school children generated by this development, however the secondary school is in excess of the statutory walking distance from the proposed development and therefore ECC is obliged to provide free transport to the school resulting in long term cost to ECC. The cost is estimated £3.90 per pupil for secondary school transport for 195 days per year; an academic year. It is the practice of Essex County Council to seek costs for a 5 year period.

In view of the above I request on behalf of Essex County Council that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on education. The formula for calculating education contributions is outlined in our Developers' Guide to Infrastructure Contributions, 2010 Edition. Our standard s106 agreement clauses that give effect to this formula are stated in our Education Contribution Guidelines Supplement, published in July 2010. I also request that the s106 agreement include a contribution towards secondary school transport costs as outlined above. For information purposes only, on the unit mix referred to above the early years and childcare contribution would be £66,701, the primary school contribution would be £194,994 and the secondary school transport sum would be £45,630. Giving a total of £307,325 index linked to April 2014 costs.

If your council were minded to turn down the application, I would be grateful if the lack of education provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

### 5. Representations

#### Alresford Parish Council

5.1 Alresford Parish Council objects to the proposed development and the issues raised are summarised as follows:

#### Sustainability

- The small village of Alresford is sustainable in its current form but cannot sustain an increase in population of the order proposed in this application;

- The Parish Council supports the District Council in its recent refusal of application (14/01823/OUT) for 145 dwellings on land south of Cockaynes Lane by Taylor Wimpey Ltd. The Parish Council consider that the reasons for refusal apply equally to this application; and
- The Parish Council note that Alresford is not considered a suitable option for development within the emerging Local Plan.

#### Social and community sustainability

- Alresford's existing education and health facilities does not have the capacity to cope with new development as set out in this application; and
- A recent visit by the Fire Safety Officer to Alresford raised awareness that the village is already under resourced as regards to fire service response, a large increase in the number of homes without adequate fire safety provisions would be irresponsible. The development lies adjacent to large areas of grassland and woodland with an inherent fire risk.

#### Sustainable planning policy and the NPPF

- This application has failed to demonstrate how the infrastructure could possibly be developed to adequately meet the requirements of such as population increase;
- The size and scale of development proposed is unsustainable in the small rural community of Alresford and would also urbanise the village by virtue of the added traffic and general population activity;
- More sustainable sites are being put forward in other more suitable location elsewhere in the district and Local Plan which is to be published for public consultation in the relative near future and can therefore be considered to be at a fairly advanced stage; and
- All new development sites should be tested through the Local Plan process.

#### Economic considerations

- Temporary construction jobs cannot be advanced as sustainable gains.

#### Community planning and the Parish Council

- Alresford Parish Council has produced a Parish Plan which set out that development should be small-scale development with an emphasis on low cost housing and local residents do not support large scale development.

#### Environmental

- Soakaways are an inadequate solution for surface water disposal as Cockaynes Lane has flooded on many occasions and the existing drains cannot cope;
- The soil will need to be tested to analyse nitrate levels in ground water and other contaminants;
- The ecological survey submitted with the application is inadequate to determine the presence of important habitats and potential species; and
- Cockaynes Lane is the subject of two Tree Preservation Orders and the development threaten the trees in the area.

#### Cockaynes Lane

- The land lies outside the settlement development boundary;
- The access arrangements are not acceptable as the Cockaynes Lane is only one of two ancient lanes to be found in the village;
- The amended site entrance would harm the rural characteristics of the area;

- Cockaynes Lane is very narrow and for most of its length vehicles cannot pass each other;
- Pedestrian safety would be compromised;
- The development would be contrary to the NPPF; and
- The development would result in highway safety concerns and congestion;

### Public Transport

- The proposed development is too far from existing bus stops to be attractive as an alternative to car use. Government recommendations state that 400 metres from a residential estate to a bus stop should be regarded as the maximum distance that bus users should be expected to walk;
- The train service is inadequate and the supporting information fails to acknowledge the absence of a regular, direct, fast train service to London; and
- The development may impact upon the railway level crossing in Station Road.

5.2 204 letters of objection have been received and the issues raised are summarised as follows:

- The development site was originally discounted through the Local Plan Process;
- The site is outside the settlement development boundary for Alresford;
- The application does not provide sufficient detail;
- The proposed development does not provide starter homes, affordable housing and sheltered accommodation;
- The area is at risk of flooding;
- The development will result in European protected species / Wildlife habitats will be destroyed;
- Any access to Cockaynes Lane should be at the point nearest to Station Road;
- New properties along Cockaynes Lane will compromise character of the area;
- Existing hedging should not be removed;
- The proposed development will increase traffic congestion and Cockaynes Lane will be used as a rat run;
- Development in this location will compromise highway safety;
- Grade 2 agricultural land will be lost;
- Alresford does not have sufficient employment opportunities;
- There is insufficient infrastructure in place including health, education, insufficient bus stops and poor railway services;
- The existing sewerage and drainage network is insufficient;
- Cockaynes Lane should be reserved for dog walkers;
- Existing properties in the area will be overlooked by the new development;
- Development which affects the attractive rural nature of the lane is contrary to the NPPF;
- There are more suitable housing sites within Tendring for new housing; and
- There are inaccuracies in the highway report submitted in support of the planning application.

## **6. Assessment**

### **Site location**

6.1 The Application site is an agricultural field defined by boundary hedgerows on the western outskirts of Alresford. It extends to 3.9 hectares and lies to the rear of established village housing which front Station Road to the east and the B1027 at Elmstead Row to the north. The undeveloped southern boundary runs along Cockaynes Lane for a distance of 188 metres. A large cluster of development comprising residential, equestrian and commercial buildings lies immediately to the south, whilst the western boundary adjoins open



countryside. The site is flat, with a small gradient from north to south towards a drainage ditch running along the Cockaynes Lane frontage.

- 6.2 Cockaynes Lane is currently a single lane road with no pavements but has wide verges (with drainage ditches either side). The northern edge of Cockaynes Lane is comprised of a wooden fence boundary that is approximately 1.5 m high with low hedgerow in front. The southern side of Cockaynes Lane is comprised of a denser hedgerow approximately 2.5m high. Further along Cockaynes Lane to the west beyond the application site area, there are mature trees and denser hedgerow vegetation. An overhead telegraph line/electricity power line runs along the northern boundary of the site along Cockaynes Lane.
- 6.3 The application site lies outside of the Settlement Development Boundary of Alresford as set out in the 2007 Adopted Local Plan and the 2012 emerging draft Local Plan (as amended by the 2014 Focussed Changes) but immediately abuts the boundary as shown in both plans.

### **The Proposal**

- 6.4 This outline planning application seeks the approval for the principle of up to 60 dwellings with associated open space and infrastructure. Whilst all matters are reserved for later consideration, an indicative layout has been submitted which demonstrate, indicatively, how such a development could be achieved within the application site.
- 6.5 The indicative material suggests a scheme of two storey properties arranged around a central area of public open space and a substantial reinforced landscape buffer all around the site. Some of the properties would look out over the proposed open space which would help to provide a soft edge to the extended settlement. Vehicular access would be from Cockaynes Lane. In order to address concerns that the proposed access would impact negatively upon existing trees (protected by a TPO), the applicant has submitted a revised illustrative layout amending the location of the access closer to Station Road. The application is supported by the following documentation:
- Planning Statement;
  - Flood Risk Assessment;
  - Ecological Report;
  - Highway and Transport Appraisal; and
  - Indicative layout.
- 6.6 The main planning considerations are as follows:
- Principle of development;
  - Highways, transport and accessibility;
  - Flood risk and drainage;
  - Infrastructure Impact;
  - Landscape, visual impact and trees;
  - Open space;
  - Ecology;
  - Impact upon neighbours;
  - Council housing / affordable housing;
  - Indicative design and layout; and
  - Other issues

### **Principle of residential development**

- 6.7 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material

considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

- 6.8 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.
- 6.9 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 in early 2016.
- 6.10 The site is not allocated for housing or mixed use development in either the adopted or emerging Local Plans. The site also lies completely outside of the 'settlement development boundary' in both the adopted and emerging Local Plan but immediately adjoins the boundary in the emerging plan.
- 6.11 Because the site lies outside of the settlement development boundary and is not allocated for development in either the adopted or emerging Local Plans, this proposal for residential development is contrary to local policy. 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 October 2015, the Council was only able to identify a 3.29 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.
- 6.12 '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.
- 6.13 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.
- 6.14 Alresford is categorised, along with six other villages, as a 'Key Rural Service Centre' in recognition of its size and range of services and facilities. 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.

- 6.15 In the emerging Local Plan, land south of Cockaynes Lane was allocated for a mix of residential development, business use and public open space (Policy KEY1), however, in response to concerns over deliverability, vehicular access and concerns about the likely impact on the character of Cockaynes Lane this site was removed and replaced with an alternative site at St. Andrew's Close in the Pre-submission Focussed Changes document (2014) – a site that is now the subject of an outline planning application for residential development, yet to be determined.
- 6.16 On the 31<sup>st</sup> March 2015 Planning Committee considered application (14/01823/OUT) for up to 145 dwellings on land south of Cockaynes Lane and unanimously resolved to refuse, outline planning permission for the development on the grounds that it would not be environmentally sustainable as it would be out of scale and character with the village and would have a damaging urbanising effect on that locality contrary to the National Planning Policy Framework; Policy QL1 of the Adopted Tendring District Local Plan and Policies SD2, SD3 and SD4 of the emerging Tendring District Local Plan. These matters apply equally to this development proposal and it is therefore recommended that this application be refused for the same reasons.

#### **Highways, transport and accessibility**

- 6.17 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;
  - safe a 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.
- 6.18 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 within walking distance of the convenience store, the primary school and bus stops with services to and from Colchester. For a rural location, the site offers a reasonable level of accessibility which is reflected in Alresford categorisation as a Key Rural Service Centre in the emerging Local Plan.
- 6.19 Policy TR1a 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.
- 6.20 Alresford Parish and local residents Council has objected to the proposal with concerns about the developments impact on Cockaynes Lane, general road safety and road capacities in the village. Essex County Council, in its capacity as the Local Highways Authority, has considered the proposal and the revised plans which amends the position of

the access and concluded that it would be acceptable from a highways perspective subject to a number of conditions.

- 6.21 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, refusal of planning permission on such grounds would not be justified.

### **Flood risk and drainage**

- 6.22 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.
- 6.23 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.
- 6.24 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 PLA1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

### **Infrastructure Impact**

- 6.25 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.
- 6.26 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 100% 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.
- 6.27 A financial contribution of £66,701 toward early year and childcare facilities and £194,994 for primary school facilities and the secondary school transport sum would be £45,630 has been requested and could be secured by a Section 106 agreement if the Council was minded to approve the application.
- 6.28 NHS England has been consulted on the planning application and has made representations. NHS England advises that Alresford GP practice does not have capacity for the additional growth as a result of this development and request a contribution of £18,100 to mitigate the cost to NHS England for the provision of additional healthcare

services arising directly as a result of the development proposal and will be secured by a Section 106 agreement. The cumulative impact of development on health provision is however a matter of great importance that the Council will need to address district wide, in cooperation with the NHS, through the Local Plan.

- 6.29 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 60 dwellings and has made no objections to the proposal. In addition, the indicative drawings provided by the applicant show the potential for an attenuation pond so the addition of 60 dwellings is not expected to add significantly to this issue and the Council would not be justified in refusing planning permission for this reason.
- 6.30 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 or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development. If the Council was minded to approve the application, financial contributions towards health and education could be secured through a s106 legal agreement.

### **Landscape, visual impact and trees**

- 6.31 Paragraph 109 of the Framework says that the planning system should contribute to and enhance the natural and local environment, including by protecting and enhancing valued landscapes.
- 6.32 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. Policy QL11 in the adopted Local Plan states that development will only be permitted if it will not lead to a material loss or damage to important environmental assets including landscape value.
- 6.33 In order to address concerns that the proposed access will impact on existing trees protected by a TPO, the applicant submitted a revised illustrative layout amending the location of the access closer to Station Road. The Council's Principal Trees and Landscapes Officer has considered the revised proposal and is satisfied that the development can be implemented without significant harm being caused to any important trees surrounding the site and that the hedgerow along Cockaynes Lane is retained. If the Councils was minded to approve the application a condition could be used to secure soft landscaping proposals for the site.
- 6.34 However, the impact of the development on the distinctive rural character of Cockaynes Lane is an important consideration in the determination of this proposal. Cockaynes Lane makes a significant positive contribution to the distinctive rural character of this part of Alresford. The proposed development would require significant changes to the lane including the loss of hedgerow to create access. The development would also result in increased vehicular usage of Cockaynes Lane. For these reasons, the proposed development would result in significant adverse change to the area's character.

- 6.35 In being consistent with the decision to refuse planning permission for development south of Cockaynes Lane over concerns about the negative impacts on the distinctive rural character of this part of the village, Officers recommend the refusal of planning permission.

### **Open Space**

- 6.36 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. The indicative drawings in support of the planning application show the provision of an area of open space with a potential surface water balancing pond in the eastern corner of the site with properties orientated to look out of that space. The provision of this area would comply with the Council's policy and would offer the opportunity to achieve an attractive transition between the development and the countryside beyond whilst incorporating landscaping features and sustainable drainage facilities.
- 6.37 The Council's Open Space and Bereavement Service Manager has commented on the application and has identified a deficiency of equipped play areas and formal open space in Alresford that would be exacerbated by additional residential development. A financial contribution has been suggested toward off-site play provision and formal open space which could be secured through a s106 legal agreement if the Council was mindful to grant planning permission. Also, if the on-site open space were to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance would also need to be secured through a s106 legal agreement. If the Committee was minded to approve this application, Officers would 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**

- 6.38 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.
- 6.39 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.
- 6.40 The applicant has prepared and submitted a Phase 1 Ecological Survey to establish the potential for protected species presence and the ecological value of the site. The survey concludes that the site has moderate ecological value which is mainly provided by the three native hedgerows. The remaining habitats are of low ecological value and have a low species richness. Protected species considerations concerning bats, reptiles and birds have been identified and appropriate recommendations have been made within the report and are summarised below:
- It is recommended that the native hedgerows are retained on site. Hedgerows are Habitats of Principal Importance in England and Wales under Sections 41 of the Natural Environment and Rural Communities (NERC) Act 2006;

- If the mature oak in the southwest corner requires removal or other works such as pruning etc., the tree will require survey for bats prior to these works. This should be carried out between May and September inclusive, and comprise of two dusk and one dawn survey. If bats are not identified utilising the tree after two surveys and there is limited bat activity within proximity of the tree, roost potential of the tree can be downgraded and no further surveys are deemed necessary. It is recommended that illumination of the tree from artificial lighting is avoided until such time as likelihood of bat roost presence can be eliminated. If a bat roost is identified in this tree, appropriate protection or mitigation will need to be devised;
- No further surveys in relation to great crested newt are considered necessary;
- No further surveys in relation to reptiles are recommended;
- The scrub, hedgerows and trees around the boundary of the site have potential to support nesting birds. The boundary trees and hedgerows should be retained, however any necessary vegetation clearance should be undertaken during the period October to February to avoid the bird nesting season. If this is not possible, prior to commencement a nesting bird check should be undertaken by a suitably experienced ecologist and any active nests will need to be left in situ with a suitable buffer zone. Cutting/grazing of the field should continue to prevent development of suitable habitat for ground nesting birds;
- No evidence of badger *Meles meles* setts was identified on site or within a 30m buffer zone where access permitted. No further surveys in relation to badgers are considered necessary;
- There is no habitat on site or immediately adjacent to the site which is suitable for otters *Lutra lutra* or water voles *Arvicola terrestris*, and it is unlikely that either species are present on site;
- Rabbits *Oryctolagus cuniculus* and burrows were noted onsite. All wild mammals receive some protection by the Wild Mammals (Protection) Act 1996 and this includes offenses of crushing and asphyxiation of any wild mammal with intent to inflict unnecessary suffering. If any animal burrows (such as rabbit or fox *Vulpes vulpes* but excluding burrows used by legally protected mammals such as badgers) are found during works, careful excavation of animals from their burrows before works commence should be sufficient to avoid an offence; and
- Due to a lack of suitable habitats the site is not considered likely to support any other legally protected or notable species.

6.41 In conclusion, the impact on biodiversity is expected to be low and through the recommended mitigation measures, the ecological value of the site could be enhanced. Officers consider that, if the Council was mindful to approve permission, these measures could be secure through conditions and thus ensure compliance with the policies in the Local Plan.

### **Impact upon Neighbours**

- 6.42 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.
- 6.43 The development has the potential to impact upon the residential properties in Cockaynes Lane, Station Road and properties located on the B1027. Objection has been raised to the scheme in relation to overlooking and loss of privacy. At present the site is vacant and it

has not been occupied as residential development in the past, and therefore the existing properties particularly those that bound the site in Cockaynes Lane, Station Road and the properties located on the B1027 have been afforded a greater degree of privacy.

- 6.44 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. There is considered to be sufficient separation distance between the proposed plots as shown on the indicative layout and existing residential properties along the boundaries of the site (Station Road and B1027) with approximately 60 – 70 metres separation distance achieved. Based on the indicative drawings provided, the applicant has demonstrated that an appropriate distance can be achieved in terms of back to back distances which combined with new landscaping will minimise any disturbance to existing properties bounding the site.
- 6.45 In conclusion, if the Council was minded to grant outline planning permission, Officers consider that the impact of the development on neighbours would be low and, subject to detailed consideration of reserved matters such as design and layout at a later stage, could be made acceptable.

### **Council Housing/Affordable Housing**

- 6.46 Policy HG4 in the adopted Local Plan requires 40% of new dwellings on sites of 15 dwellings or more to be provided in the form of affordable housing. Policy PEO10 in the emerging Local Plan reflects more up-to-date evidence on viability and 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 60 dwellings, the 25% requirement would equate to 15 dwellings being acquired by the Council.
- 6.47 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Alresford on evidence from the local housing register. It has been suggested that, as an alternative to transferring 15 properties to the Council at a discounted value, the Council would be prepared to accept 3 properties 'gifted' (i.e. transferred to the Council at zero cost).
- 6.48 If the Council was minded to approve this application, the Council would seek to secure the appropriate level of Council Housing through a s106 legal agreement.

### **Indicative Design and Layout**

- 6.49 As an outline planning application, detailed design and layout is a reserved matter for future consideration but the Council needs to be satisfied that a scheme of up to 60 dwellings with associated open space and infrastructure can be accommodated on the site in an appropriate manner. The indicative material submitted in support of the application; including the indicative layout demonstrate that there is a reasonable prospect of an acceptable scheme being achievable within the site itself.
- 6.50 In order to address concerns that the proposed access will impact on existing trees specifically protected by a TPO, the applicant submitted a revised illustrative layout amending the location of the access closer to Station Road. The Highway Authority does not raise any objection. The general impact of development on the character of Cockaynes Lane however is considered unacceptable, as explained earlier in this report.



- 6.51 Within the site, the suggested layout of the properties comply with general urban design and secured-by-design principles and show how the dwellings could relate well to neighbouring dwellings and the proposed open space.

### **Other issues**

#### **Loss of agricultural land**

- 6.52 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 2 (good) 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.
- 6.53 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.

#### **Contamination**

- 6.54 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 could be secured through planning condition if the Council was minded to grant outline permission. .

### **Conclusion**

- 6.55 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;
  - Council Housing/Affordable Housing; and
  - Indicative design and layout.
- 6.56 In conclusion, in applying the NPPF 'presumption in favour of sustainable development' the proposal addresses the economic and social dimensions of sustainable development but fails in respect of the environmental dimension.

- 6.57 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 and 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 but the scale of development in terms of numbers of dwellings would not represent a sustainable, fair and proportionate increase in housing stock for Alresford. The environmental impacts would however be significantly adverse with the distinctive character of Cockaynes Lane and this part of Alresford Village being altered in a detrimental way.
- 6.58 The adverse impacts of the development would significantly and 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 refusal of outline planning permission. This would be consistent with the Council's decision to refuse outline planning permission for development south of Cockaynes Lane (application ref: 14/01823/OUT), which is directly opposite this site.

#### Background Papers

None.