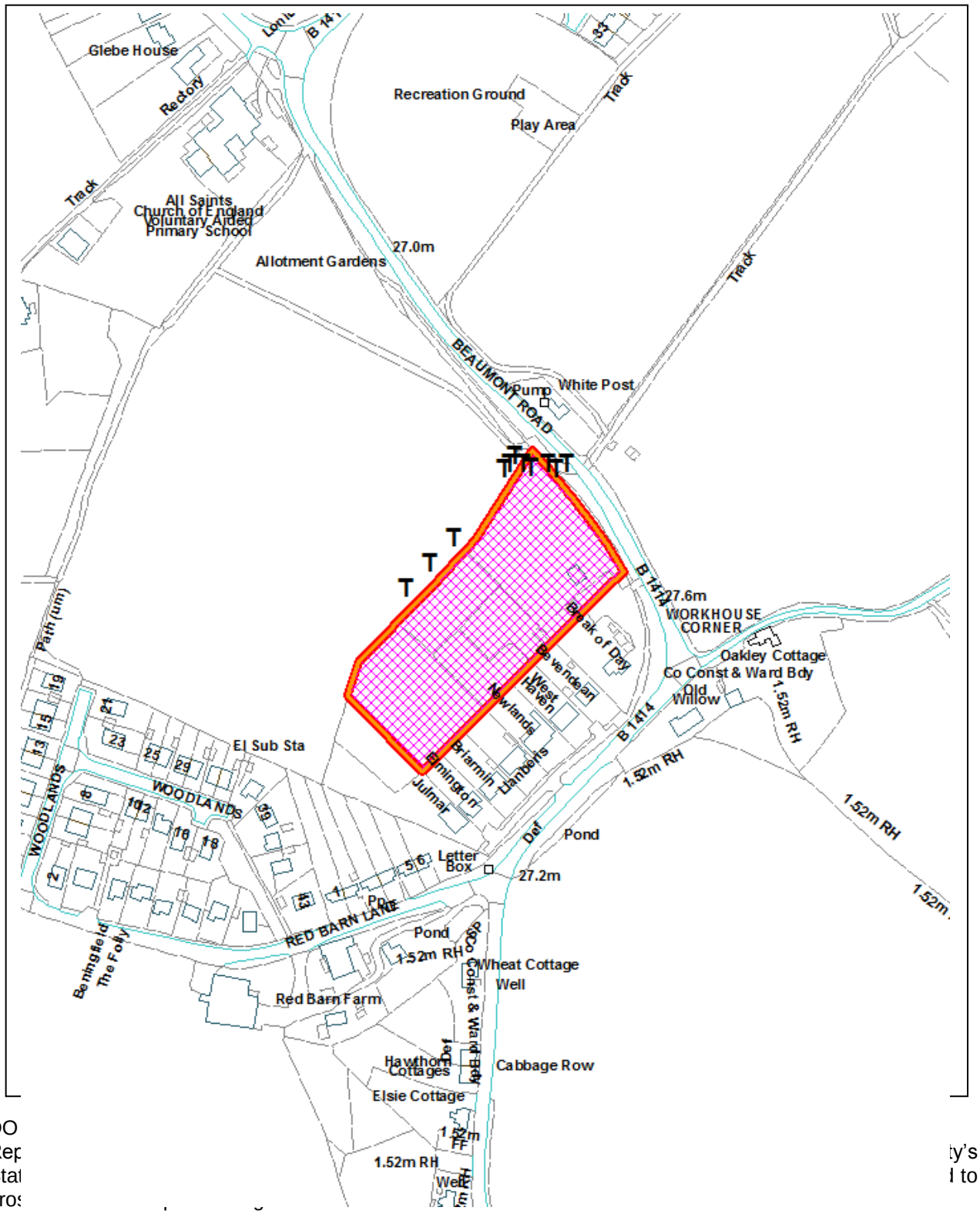
PLANNING COMMITTEE

20TH OCTOBER 2015

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATIONS - 15/00987/OUT - LAND TO NORTH OF BREAK OF DAY AND NEWLANDS BEAUMONT ROAD, GREAT OAKLEY, CO12 5BD



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Application:	15/00987/OUT	**Town / Parish**:	Great Oakley Parish Council
Applicant:	Mr & Mrs Bush / Mrs Baker		
Address:	Land to North of Break of Day and Newlands Beaumont Road Great Oakley		
Development:	Erection of twenty dwellings comprising of 10 x 3 bed houses, 3 x 4 bed houses and 7 x 3 bed bungalows with garages, parking and associated works.		

1. Executive Summary

1.1 This application has been referred to Planning Committee for a decision at the request of Cllr. Howard.

1.2 This application seeks outline planning permission for the erection of 20 no. dwellings on land to the north of Break of Day and Newlands, Beaumont Road, Great Oakley. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application. However, as the description refers to 10 no. 3 bed houses; 3 no. 4 bed houses and 7 no. 3 bed bungalows, the mix and type of dwelling proposed is known and is therefore what is being considered as part of this application.

1.3 The application site is situated to the north of Beaumont Road, behind a row of dwellings which includes Break of Day and Newlands. These properties are predominately detached bungalows with the exception of Break of Day which is two storey detached property. The application site has an area of approx. 0.96 hectares. It comprises of land which is used as additional garden space for the adjacent properties Newlands and Break of Day. It is predominately set to grass with shrubs and small trees. There are a number of mature (which are now subject to Tree Preservation Orders) in the north-east corner of the site and along the rear boundary of the site. To the north of the site an agricultural field which is the subject of a current application (15/01080/FUL) for 51 dwellings, a village hall, doctor's surgery, village ship and public open space including a village green & children's play area. The two applications are completely separate and therefore can be determined separately.

1.4 Whilst Great Oakley is considered to be a socially sustainable location for new dwellings and the proposal would bring some economic benefits, it is considered that the proposal fails to meet the definition of sustainable development as set out in paragraph 7 of the NPPF as it is considered that that the site would not be capable of accommodating the number of dwellings proposed without resulting in a development that it out of character and poorly related to the surrounding development.

1.5 Furthermore, it is considered that insufficient information has been provided to demonstrate that a suitable site access can be achieve and the proposal would not result in any adverse impact on the trees subject to the Tree Preservation Order. Also, the required S106 agreement has not been finalised which results in the proposal failing to make provision for open space, education needs and affordable housing.

1.6 Accordingly the application is recommended for refusal.

Recommendation: Refuse

Summary of Refusal:

1. It is considered that the site would not be capable of accommodating the number of dwellings proposed without resulting in a development that it out of character and poorly related to the surrounding development. It is therefore considered that the proposal fails to meet the environmental aspect of the definition of sustainable development as set out in paragraph 7 of the NPPF.

2. The proposal fails to provide sufficient information to demonstrate that it would not result in any harm to the trees subject to Tree Preservation Order 15/00008/TPO, contrary to Paragraph 109 of the NPPF and Policy EN1 of the Tendring District Local Plan 2007.

3. Insufficient information has been provided to demonstrate that a safe access which would not be detrimental to highway safety can be provided, contrary to Policy QL10 of the Tendring District Local Plan 2007 and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

4. A completed Section 106 has not been provided prior to the determination of the application. The proposal therefore fails to make the necessary provision towards open space, education needs and affordable housing, contrary to Policies HG4, COM6 and COM26 of the Tendring District Local Plan 2007 and Policies PEO10, PEO22 and SD7 of the Tendring District Local Plan Proposed Submission Draft 2012 as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014)

2. Planning Policy

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan 2007

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG4	Affordable Housing in New Developments

HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
COM26	Contributions to Education Provision
EN1	Landscape Character
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
SD4	Smaller Rural Settlements
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
PEO1	Housing Supply
PEO3	Housing Density
PEO4	Standards for New Housing
PEO5	Housing Layout in Tendring
PEO10	Council Housing
PEO22	Green Infrastructure in New Residential Development
PLA1	Development and Flood Risk

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. Relevant Planning History

None.

4. Consultations

4.1 **Housing** – There is currently a high demand for housing in Great Oakley, the applicant has accounted for 6 x 3 bed houses to be affordable on this site, this provision is welcome. However, at present the Council is currently deciding its development priorities and therefore cannot commit at this stage to purchase the affordable units on this site. The Department would have no objection to, and would be supportive of, another registered provided purchasing the units.

4.2 **Anglian Water** – advises that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. They also confirm that with regards to the wastewater treatment and sewerage system there is available capacity within the area for the proposed flows.

4.3 **Pollution and Environmental Control** – request that in order to minimise potential nuisance to nearby existing residents caused by construction works the following is conditioned:

- Prior to the commencement of any site works, the applicant (or their contractors) shall submit a full method statement to the Local Planning Authority, and receive written approval.
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday and from 0800- 13:00 on Saturday with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in the latest version of British Standard 5228:as amended.
- Mobile plant to be resident on site during works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

4.4 **Regeneration** - have no comments to make on this application. However, ask that the landowner/developer should clarify the provision of broadband to the site as per the requirements of Policy PRO2 to ensure the development is adequately served.

4.5 **Essex County Council Highways** – consider that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to it being demonstrated that full visibility splays can be provided and the following mitigation and conditions to cover the following:

- Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Beaumont Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m. straight for the first 12m within the site and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
- Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
- Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.
- All footways should be provided at no less than 2.0m in width.
- Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

4.6 **Environment Agency** – have no objection to this application, there are no environmental concerns within their remit and surface water management is a matter for the lead local flood authority (Essex County Council).

4.7 **Essex County Council Schools** – request that any permission for this development is granted subject to a S106 agreement to mitigate its impact on education (early years and childcare). Using the unit mix referred to in the description of development the contribution would be £20,609 to be used towards early years and childcare expansion in the Great and Little Oakley ward or a surrounding ward.

4.8 **Essex County Council Flood & Water Management** – recommend refusal of planning permission until sufficient information has been provided on the flood risk and drainage

strategy for this development. The submitted documents do not provide any details on the surface water drainage strategy to be implemented.

4.9 **Principal Tree and Landscape Officer** – considers that the most significant trees on the land are those situated on the boundary of the application site with the adjacent agricultural land. Several of these trees make a positive and significant contribution to the character and appearance of the area and are subject to a new Tree Preservation Order (TPO/15/08). In order to show the extent of the constraint that the trees are on the development of the land the consent applicant will need to provide a Tree Survey and Report. The report will need to show that the development proposal could be implemented without causing harm to retained trees.

Should consent be likely to be granted then a soft landscaping condition should be attached to secure details of tree, shrub and hedge planting to soften and enhance the appearance of the development.

Boundary treatments should be given special attention as it will not be appropriate for boundaries abutting the countryside to be marked by 2m tall panel or close board fences.

5. Representations

5.1 Great Oakley Parish Council object to the application for the following reasons:

- On top of Mr Thompsons already supported Village Hall/Housing Development (on the adjacent site) (15/01080/OUT), this development far exceeds any possible estimate of the need for new housing in Great Oakley.
- This development was not included in the emerging local plan and is likely to have a detrimental impact on the wide community.
- The proposed access splay, immediately adjacent to Mr Thompsons previously publicised, consulted on and already supported development, could compromise that development and the proposed new Village Hall.
- The density of the proposed development is too high and not in keeping with the character of the village.
- Addition traffic from this development would cause significant congestion and increase the risk of accident and injury in this part of the village.

5.2 5 letters of objection have been received which raise the following concerns:

- The infrastructure is not present and capable of taking any more residents, who with them will bring in more cars, additional pollution, take up spaces in the small pre-school and primary school and in the GP surgery.

- There is no longer a pub in the village

- The proposed development will ruin the area and take away the quaintness and rural part of Great Oakley.

- There is a sewer which runs through the site.

- The planning statement identifies and addresses a wide range of policies but crucially omits to refer to the key policy relating to growth at Great Oakley (COU11: Great Oakley Community Development). The applications failure to address the contents of this key policy stems from the inability of its proposal to comply with policy requirements.

- The application site is outside the draft allocation and is non-contributory to the principal associated community benefits. It therefore constitutes an opportunistic attempt to

increase housing within the village without contributing to the principal community facilities which aim to make Great Oakley more sustainable.

- The proposed estate road access is close to a bend on the B1414 to the south east and an established field access to the north-west. It is considered that the proposed access would create highway safety hazards on the classified road arising from the slowing and turning movements of vehicular traffic at this point.

- The proposed estate road will seriously interfere with the established field access serving Allotment Field and then via internal farm tracks to other fields at Brook Farm south of the village. This heavily used farm access enables farm vehicles and machinery to avoid passing through the village and avoids mud being deposited on the road.

- The site is currently outside the village's main established housing areas and would prejudice the ordered provision of future housing in conjunction with the delivery of new and improved social and recreational facilities. As a stand-alone scheme the proposals cannot be considered to constitute sustainable development as they rely on envisaged new and improved facilities and services being funded via an alternative allocated site. The proposal therefore does not benefit from the NPPF's presumption in favour of sustainable development.

- The development would spoil views that have been enjoyed for over 51 years and would devalue surrounding properties.

- Increase in general noise level created by such a development especially by vehicles of the inhabitants of these dwellings plus light pollution.

- The access is inadequate

- Loss of wildlife (including birds)

- There are little or no employment opportunities in the area

- There a several properties already for sale in the village, so there is obviously no shortage of properties.

5.3 Cllr. Howard has requested that the application be referred to Planning Committee. The reasons for this are set out below:

- This can reasonably be considered to be back land development. The applicants Design and Access Statement even defines the site as "a narrow section of garden/paddock land".

- The existing Doctor's surgery is no longer taking new patients and therefore there is no local Doctor's surgery to take the additional patients resulting from the proposed development.

- The village pub is currently closed and therefore has no pub which is contrary to the claim of the Design and Access Statement.

- The village does not have a golf range as this in in fact in Little Oakley, contrary to the Design and Access Statement.

- The level of growth is inconsistent with the rural village setting. This proposal is double the level of growth considered acceptable for a smaller rural settlement in the emerging Local Plan.

- This application offers nothing in mitigation of its excessive increase for a smaller rural settlement e.g. It does not contribute to open space, to local health care (given that the Doctor's surgery is not taking on new patients), to the school for a potential increase in capacity resulting from excessive growth etc.

- The proposed access could be considered adequate if the application were viewed in isolation, however it is only slightly offset and indeed overlaps with the proposed entrance for a separate development that is already in the emerging Local Plan. Both applications cannot co-exist as the resulting junction would be unsafe in design to accommodate both sites and would result in an unsafe volume of combined traffic joining a short stretch of the 61414 between two sharp bends.

- It is believed that a sewer runs underneath several of the houses on the outline plan and that even if the site were developed that the number of dwellings that could be located without being built over sewage pipes would result in a significant reduction in the proposed properties on this site.

5.4 The Council has been copied in to a letter to the agent of this application regarding landownership along the north-eastern boundary of the site. The agent has stated in correspondence that this is strongly contested. However, this is a civil matter which does not prejudice the determination of this application.

6. Assessment

6.1 The main planning considerations are:

- Principle of Development;
- Residential Amenity;
- Highway Safety;
- Surface Water Drainage;
- Tree Preservation Orders; and,
- S106 Agreement.

Proposal

6.2 This application seeks outline planning permission for the erection of 20 no. dwellings on land to the north of Break of Day and Newlands, Beaumont Road, Great Oakley. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application. However, as the description refers to 10 no. 3 bed houses; 3 no. 4 bed houses and 7 no. 3 bed bungalows, the mix and type of dwelling proposed is known and is therefore what is being considered as part of this application.

6.3 The proposed layout plan is indicative only; however, it shows the proposed dwellings around the edge of the site facing the proposed access road, which gains access from Beaumont Road.

Site Context

6.4 The application site is situated to the north of Beaumont Road, behind a row of dwellings which includes Break of Day and Newlands. These properties are predominately detached bungalows with the exception of Break of Day which is two storey detached property.

6.5 The application site has an area of approx. 0.96 hectares. It comprises of land which is used as additional garden space for the adjacent properties Newlands and Break of Day. It is predominately set to grass with shrubs and small trees. There are a number of mature (which are now subject to Tree Preservation Orders) in the north-east corner of the site and along the rear boundary of the site.

6.6 To the north of the site an agricultural field which is the subject of a current application (15/01080/FUL) for 51 dwellings, a village hall, doctor's surgery, village ship and public open space including a village green & children's play area. The two applications are completely separate and therefore can be determined separately.

Principle of Development

6.7 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007), but within the Settlement Development Boundary of Great Oakley in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012). The 2014 Focussed Changes does not propose any alteration to this. However, the 2014 Focussed Changes do allocate the adjacent site (15/01080/FUL) for mixed use development including, housing, a new village hall and a car park.

6.8 Given that the Tendring District Local Plan Proposed Submission Draft 2012 is not yet fully adopted and is subject to change, in accordance with a number of appeal decisions, it can only be given limited weight. It is therefore considered that in accordance with the Saved Local Plan the site lies outside any defined Settlement Development Boundary and is contrary to local planning policy.

6.9 However, the Council accepts that both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed future need for housing and cannot identify a deliverable five year supply of housing sites toward meeting that requirement. Therefore, in accordance with paragraph 49 of the NPPF, relevant development policies for the supply of housing should not be considered as up to date and the 'presumption in favour of sustainable development' as set out in the NPPF should apply to housing proposals.

6.10 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; economic, social and environmental and that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

6.11 Economically, the construction and habitation of 20 no. new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents could bring to the local economy.

6.12 Environmentally, it is necessary to consider the impact on the character and appearance of the countryside. Whilst the proposed layout plan submitted is indicative only, it is known from the description that the proposal is for 20 no. dwellings; 10 x 3 bed house, 3 x 4 bed houses and 7 x 3 bed bungalows. It is considered that the site would not be capable of accommodating the number of dwellings proposed without resulting in a development that it out of character and poorly related to the surrounding development. It is therefore considered that the proposal fails to meet the environmental aspect of the definition of sustainable development.

6.13 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. As identified in the Council's 'Establishing a Settlement Hierarchy' Study (July 2014) Great Oakley has a

primary school, a GP and a good bus route with bus stops within walking distance of the site. On this basis it is considered that the site would be socially sustainable, without relying on the facilities proposed by the development of the adjacent site, which has not yet been determined (15/01080/OUT).

6.14 Whilst the proposal is considered to be economically and socially sustainable, it is considered that it is not environmentally sustainable and therefore fails to meet the criteria set out in paragraph 7 of the NPPF.

Residential Amenity

6.15 The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SD9 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

6.16 The appearance of the proposed dwellings is not included within this application, so it is not possible at this stage to fully assess the impact on neighbour's amenities. However, it is considered that there is potential for the site to be developed, without resulting in any adverse impact on the amenities of the neighbouring residents, subject to the siting, height, scale and position of windows in the proposed dwellings.

Highway Safety

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

6.18 Essex County Council Highways have requested that visibility splays are shown in full to demonstrate that they are achievable. This has been requested from the agent but has yet to be submitted. Therefore, at this stage it is considered that insufficient information has been provided to demonstrate that a safe access that would not be detrimental to highway safety can be provided. Until this can be demonstrated the application is recommended for refusal on these grounds. If adequate information is submitted prior to the Planning Committee, members will be updated and the recommendation amended accordingly. Whilst the application is in outline form with all matters reserved, the Council still needs to be satisfied that a suitable access can be achieved.

6.19 Concern has been raised regarding the relationship between the access proposed as part of this application and the access proposed under application 15/01080/FUL. Whilst the proposed accesses are next to each other and there may be some overlap, as planning application 15/01080/FUL has yet to be determined, it cannot have any influence on the determination of this application.

Surface Water Drainage

6.20 Policy EN13 of the Saved Local Plan and Policy PLA3 Draft Local Plan requires that all new development, excluding householder development, to incorporate Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the green infrastructure network and providing amenity benefit. Justification must be given for not using SuDS.

6.21 In this regard officers consulted with Essex County Council Flood and Water Management. Responding to this consultation they stated that the submitted documents do not provide any details on the flood risk or the surface water drainage strategy to be implemented on the development and recommended refusal on this basis.

6.22 Whilst the above comments are noted, this is an outline application with all matters reserved so we are being asked to determine the principle of development. The details of the application are reserved for future applications. Furthermore, the site is less than 1 hectare in size and therefore does not require a Flood Risk Assessment. Further, information on surface water drainage is required; however, it is considered that this could be secured by condition, if all other aspects of the proposal were acceptable.

Tree Preservation Orders

6.23 Since this application has been submitted a Tree Preservation Order has been made to protect the most significant trees on the site. In order to show the extent of the constraint that the trees are on the development of the land a Tree Survey will be required. This has been requested from the agent but has not yet been received; if it is received prior to the Planning Committee meeting members will be updated.

6.24 At this time, with the information currently submitted it is not possible to state that the development could occur without adversely affecting the trees subject to the Tree Preservation Order. This is not a matter which could be dealt with as part of any reserved matters application as the Council needs to be satisfied that the site can accommodate 20 no. dwellings and a suitable access without adversely affecting the TPO trees, the indicative plan submitted does not do this and in fact shows the access in the same position as the some to the TPO trees.

S106 Agreement

6.25 If the Council was mindful to approve the application, it is considered that a S106 agreement is required to cover the following:

1. Education Contribution

6.26 According to the latest information available to Essex County Council's Early Years and Childcare places in the Great Oakley and Little Oakley and surrounding wards are operating at over 80% capacity and could not support additional children generated by this development. Additional places to support this development, based on the proposed unit mix would generate a need for an additional 1.4 early years and childcare places.

6.27 All Saints Primary School has a capacity of 102 places and is forecast to have a surplus of 17 places by the school year 2018-19.

6.28 The proposed development is located within the priority admissions area for Tendring Technology College. The school has a capacity of 1,980 places and is forecast to have a surplus of 15 places by the school year 2018 -19.

6.29 Therefore it is considered that a financial contribution of £20, 609 is required to be used towards early years and childcare expansion in the Great Oakley and Little Oakley ward or a surrounding ward.

2. Open Space Contribution

6.30 Policy COM6 of the Saved Plan states that for residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

6.31 There is currently a deficit of -0.76 hectares of equipped play space in Great Oakley, but adequate provision in terms of formal open space. There is one play area in Great Oakley, located off Orchard Close. This play area has recently been upgraded and is classified as a Local Equipped Area for Play. However, should further development take place in the village it would be necessary to increase the size of the current play provision to prevent the current deficit from increasing.

6.32 Due to the limited play provision in Great Oakley, it is felt that a contribution towards play is justified. This contribution would be based on the number of bedrooms the development provides.

3. Affordable Housing

6.33 Saved Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic. The thresholds under Saved Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.

6.34 The application proposes to provide 6 no. 3 bed affordable units on site. This meets the above policy criteria.

6.35 For the reasons set out above, any approval would need to be subject to a S106 agreement. This has been raised with the agent but no confirmation of agreement has been received and no S106 has been finalised. Until the S106 agreement has been finalised the proposal fails to meet the above policy and is therefore recommended to form a reason for refusal.

Other Issues

6.36 With regards to the sewer that runs through the site, if building over it or connecting to it consent would be required from Anglian Water or the owner. This is a civil matter and not a material planning consideration as Anglian Water have confirmed there is capacity to deal with the flows from the proposed development.

6.37 The loss of private views and the impact on the value of surrounding properties are not material planning considerations.

6.38 The application site comprises of extend garden areas for Newlands and Break of Day. These areas are maintained as short grass. It is therefore considered unlikely that the site would contain protected species.

Conclusion

6.39 Whilst Great Oakley is considered to be a socially sustainable location for new dwellings and the proposal would bring some economic benefits, it is considered that the proposal fails to meet the definition of sustainable development as set out in paragraph 7 of the

NPPF as it is considered that that the site would not be capable of accommodating the number of dwellings proposed without resulting in a development that it out of character and poorly related to the surrounding development.

6.40 Furthermore, it is considered that insufficient information has been provided to demonstrate that a suitable site access can be achieve and the proposal would not result in any adverse impact on the trees subject to the Tree Preservation Order. Also, the required S106 agreement has not been finalised which results in the proposal failing to make provision for open space, education needs and affordable housing.

6.41 Accordingly the application is recommended for refusal.

Background Papers

None.