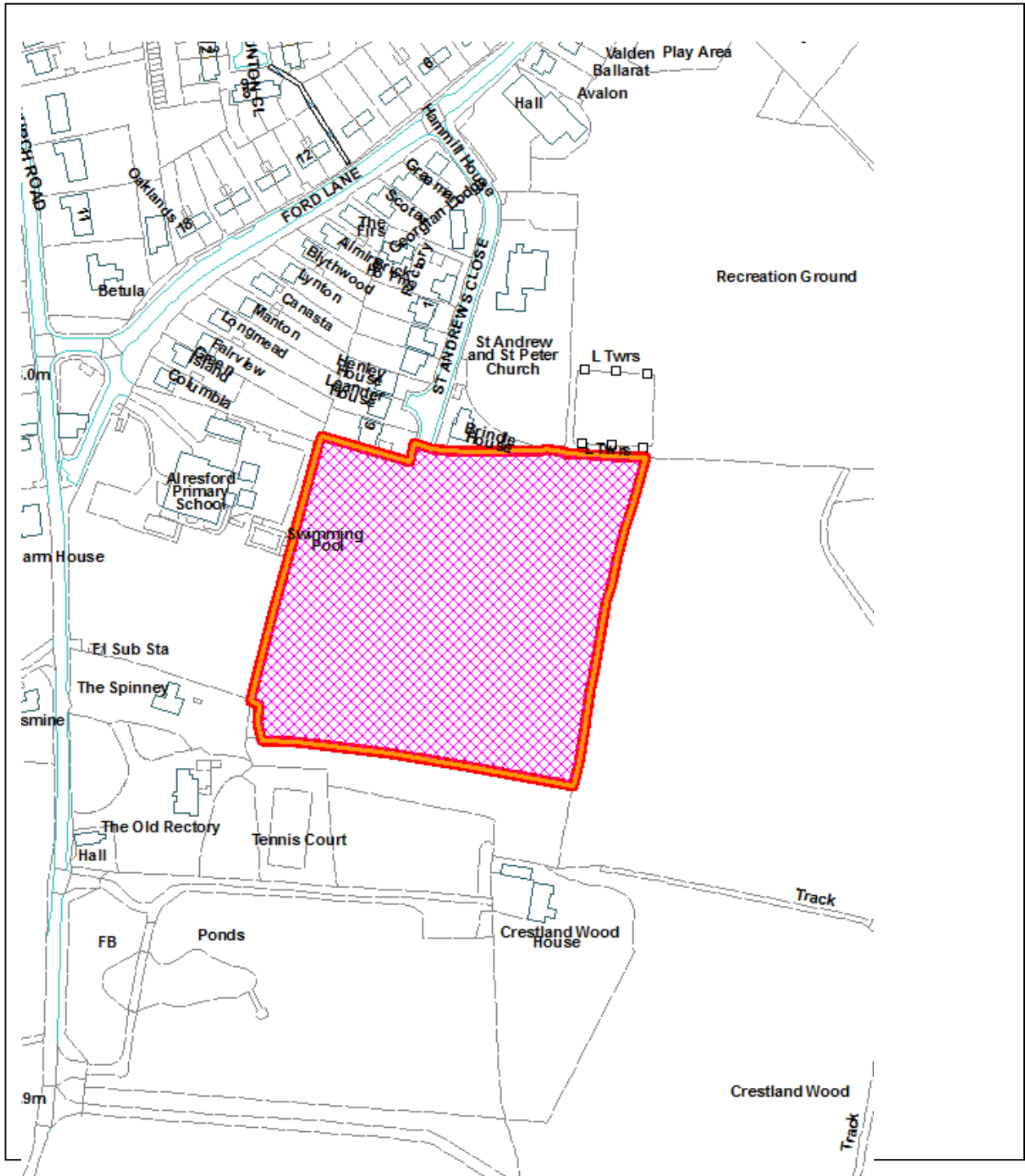


PLANNING COMMITTEE

17th November 2015

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATIONS - 15/01277/OUT - LAND SOUTH OF ST ANDREWS CLOSE, ALRESFORD, CO7 8BL



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Application:	15/01277/OUT	Town / Parish: Alresford Parish Council
Applicant:	Mr A Bell	
Address:	Land South of St Andrews Close Alresford CO7 8BL	
Development:	Outline planning application with all matters reserved for the development of up to 45 dwellings, a new public green and village square, ecological buffer areas and associated infrastructure.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee as it represents a departure from the Development Plan being located outside the Settlement Development Boundary, within the Coastal Protection Belt and is designated as a Local Wildlife Site.
- 1.2 This application seeks outline planning permission for the development of up to 45 dwellings, a new public green, village square, ecological buffer areas and associated infrastructure on land to the south of St Andrews Close, Alresford. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.
- 1.3 The application site is situated to the south of St Andrews Close on the southern edge of the village of Alresford. It covers an area of approximately 2.3 hectares and comprises of a square, flat field. Access to the field is gained via St Andrews Close; all other boundaries of the site are defined by mature trees and vegetation.
- 1.4 Whilst the site is designated as a Local Wildlife Site, it is considered that this development would not result in its loss but ensure security and enhancement for the ecology of the site which can be secured by planning condition.
- 1.5 It is considered that the site is capable of accommodating up to 45 dwellings (depending on size and design) whilst resulting in no material harm to the character of the surrounding area, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways for a suitable access that would not result in harm to highway safety.
- 1.6 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations. It is considered that the proposal represents sustainable development.

Recommendation:

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

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):

- **Open space contribution**
- **Affordable housing**
- **Education contribution**

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

Conditions:

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters)
2. Application for approval of the reserved matters to be made within three years
3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters
4. Development to be carried out in accordance with and maintained as set out in the Ecological Management Plan
5. Detailed surface water strategy
6. Requirement for internal access road and footways to be a continuous kerbed extension of St Andrews Close and be provided straight for at least the first 15 metres within the site.
7. Details of individual proposed accesses
8. Pedestrian Visibility Splays
9. Vehicle Visibility Splays
10. No unbound material within 6 metres of the highway boundary
11. Details of turning facilities for service and delivery vehicles
12. Provision and implementation of a Residential Travel Information Pack
13. Width of Carriageways
14. Width of footways
15. Parking Provision in accordance with the Council's Adopted Parking Standards
16. Position of Garages (if vehicular door is facing the proposed highways shall be sited 6 metres from the highway boundary)
17. Details for the provision of cycle storage
18. Programme of Archaeological Trial Trenching followed by Open Area Excavation
19. Construction Method Statement to include:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) wheel and under-body washing facilities
 - v) Hours of construction

c) *That the Head of Planning be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies HG4, COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO10 and PEO22 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).*

2. Planning Policy

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan 2007

QL1	Spatial Strategy
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
EN1	Landscape Character
EN3	Coastal Protection Belt
EN6	Biodiversity
EN6A	Protected Species
EN6B	Habitat Creation
EN11C	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

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

SD1	Presumption in Favour of Sustainable Development
SD3	Key Rural Service Centres
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure

SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PEO1	Housing Supply
PEO3	Housing Density
PEO4	Standards for New Housing
PEO5	Housing Layout in Tending
PEO7	Housing Choice
PEO10	Council Housing
PEO22	Green Infrastructure in New Residential Development
PLA1	Development and Flood Risk
PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape
PLA6	The Historic Environment

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

None

4. Consultations

Essex County Council Highways – originally objected to the application, this objection was overcome by the submission of an addendum to the Transport Statement. From a highway and transportation perspective it is considered that the impact of the proposal is acceptable to the Highway Authority subject to the following mitigation and conditions:

- The internal access road and footways shall be a continuous kerbed extension of St Andrews Close from its connection to St Andrews Close and shall be provided straight for at least the first 15m within the site.
- All off street parking shall be in precise accord with the details contained within the current Parking Standards.
- Any garage provided with its vehicular door facing the proposed highway, shall be sited a minimum of 6m from the boundary.
- 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.

- Prior to the proposed accesses being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.
- No unbound materials shall be used in the surface treatment of any of the proposed vehicular accesses within 6m of the proposed highway boundary.
- 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 at all times for that sole purpose.
- 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 occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.
- Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 33m by 2.4m by 33m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction at all times.
- 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.

Essex Wildlife Trust – are in principle fundamentally opposed to the destruction and development of a designated Local Wildlife Site. They are of the opinion that if permission is granted for this application it will set a precedent. Other local wildlife sites in the district could be regarded as acceptable locations for development and destroyed in advance of speculative planning applications. Grassland sites are particularly vulnerable in this regard and can be wiped out in a matter of hours by ploughing, as happened in this case.

Natural England – advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Essex County Council School Services – request that any permission for this development is granted subject to a S106 agreement to mitigate its impact on education (early years and child care and secondary transport). Based on 45 dwellings with more than 2 bedrooms, the early years and childcare contribution would be £56,206 and the secondary transport cost based on 9 places would cost £36,765.

Essex County Council Flood & Water Management – further to the submission of an addendum to the Flood Risk Assessment do not object to the granting of outline planning permission subject to a condition to secure 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.

Housing – Alresford is an area of high demand. The Housing Department is happy for the affordable units to be transferred but future legislation will make it virtually impossible for the authority to purchase the units even at the discounted price. The same would apply to registered providers. Therefore, in order to deliver some affordable housing, the Housing Department would prefer to be gifted 3 units at the site (this being 30% of the 25% provision

affordable housing in the emerging Local Plan). No further financial contribution would be required.

Open Space – there is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford. Due to the significant lack of play facilities it is felt a contribution towards play is justified and relevant to this planning application. Such funds would be spent at the play area adjacent to the site off St Andrews Close. It is noted that an area of open space is provided 'on-site' and therefore a contribution for open space would not be required.

Anglian Water – advises that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. They also confirm that with regards to the wastewater treatment and sewerage system there is available capacity within the area for the proposed flows.

Essex County Council Archaeology – advises that the archaeological desk based assessment correctly identifies the potential for heritage assets in the form of below ground archaeological remains to exist on the site. Recommend a condition to secure a programme of trial trenching followed by open area excavation.

5. Representations

5.1 Alresford Parish Council – strongly oppose this development for the following reasons:

- The land is outside the Settlement Development Boundary and the whole southern periphery of the village is affected by the Coastal Protection Belt. The listing of the Coastal Protection Belt would be inadvisable as this would pave the way for further developments in equally sensitive locations.
- Loss of protection species and glow worms
- The site is designated as a Local Wildlife Site.
- The land had previously been deemed uneconomic to cultivate for crops due to the access problems and the relatively small size of the meadow and had not been cultivated for over 15 years.
- 45 homes appears excessive development in a settlement of 842 homes.
- The primary school is operating above capacity it has 130 pupils registered and the capacity of the school is 120.
- The village Doctors Surgery (part time doctor only) is at capacity and is only open for 2 hours a day and is closed at weekends and most evenings.
- The village is already under resourced as regards fire service response, a large increase in numbers of homes without adequate fire safety provisions would be irresponsible.
- The development lies adjacent to large areas of woodland with an inherent fire risk.
- The application had failed to demonstrate how the infrastructure could possibly be developed to adequately meet the requirements of such a large population increase.
- The size and scale of the development is unsustainable in the small rural community of Alresford.
- Concerned that a most unwelcome precedent would be set if development were to occur in an unplanned and unregulated way as would be the case with this development.
- The size and scale of the proposed outline development and the subsequent impact on the rural character of the settlement would not offset any potential benefits that an increase in housing stock might bring.
- The road network is inadequate to safely manage large increases in traffic volume.
- The maintenance arrangements for the ecological buffers has not been set out in the supporting documents, who will be responsible for the ecological enhancements such as the proposed bird, bat and dormouse boxes?
- Screening of the site appears inadequate as does provision for refuse collection vehicles to negotiate the narrow access points.

- Alresford benefits from a railway station, however the rail service does not offer a direct, fast train to London and so many London commuters drive to Wivenhoe Station to ensure quicker travel times.
- The low turnout at the public exhibition cannot be attributed to the lack of local interest; it was done to the fact that leaflets were not widely distributed.
- The latest Tendring District Local Plan consultation documents have excluded Alresford as a potential source of housing growth to meet the needs of the emerging local plan.

5.2 In addition to the response received from the Parish Council 42 letters of objection, 1 letter of support and 5 letters of comments have been received.

5.3 The letters of objection raise the following concerns:

- There is congestion with on-road parking when events are taking place at the Church and Village Hall. Further traffic will be detrimental not only to St Andrews Close but also Ford Lane, Church Road and Wivenhoe Road.
- Consideration should be taking into account about children travelling along Ford Lane
- This application should not be decided until other potential developments in Alresford have had their appeals/decisions finalised.
- The approach road does not meet Highways Department's dimensional criteria.
- There are other viable, accessible and centrally located sites available.
- The surrounding roads are subject to flooding which will be made worse.
- Any new housing development presents many vehicular problems, particularly with regard to Fire Service, Refuse vehicles and construction traffic.
- To gain access to and from St Andrews Close requires negotiating small residential estate roads and taking all traffic past Alresford Primary School.
- The proposed development is outside the current village envelope, is not included in the evolving District Local Plan and does not provide the type of housing required in Alresford.
- The proposed dwellings will overlook the school swimming pool, classrooms and playground.
- The meadow is a registered wildlife site with Essex Wildlife Trust, the NPPF states 'land of lesser environmental value' should be used first.
- Bats use the meadow to feed – 17 out of 18 breeds of bats are protected by law.
- The woods next to the meadow are a Local Wildlife Site and a registered Ancient Woodland.
- The Creek is near and the site had coastal protection for this reason.
- The proposed layout does not look in keeping with Alresford.
- On-street parking makes it dangerous for pedestrians.
- Changes were made to the draft plan in January 2014, which include this site as a proposal. However, little weight can be attached to this document as it is not fully adopted so the soundness of allocating the site has not been properly considered and compared with other options.
- The site is not used for agricultural purposes it is ploughed and left so that weeds grow. No ploughing or cultivation of the site has taken place for at least the past 15 years.
- To grant planning permission would set a dangerous precedent in all other situations where unprotected Local Wildlife Sites offer potential for other more lucrative uses.
- The junction of St Andrews Close and Ford Lane is a difficult one with very poor sightlines due to parking of vehicles. There have been a number of near misses between vehicles and between vehicles and pedestrians and the situation would be seriously exacerbated were there to be greatly increased vehicle movements. It is disingenuous to suggest residents of the proposed development would use public transport. Public transport in rural areas is expensive and little used.
- Loss of Grade 2 agricultural land
- The coastal protection must be withheld if we do not want any further developments near the coast.
- Doctors and the school are at capacity. Colchester hospital is under increased pressure.
- Before the application was submitted the site was ploughed which probably explains the relatively low number of glow worms found on the site by surveys.
- The site cannot be cultivated profitably so in time glow worms will return in greater numbers.

- The site is comparatively remote from the most commonly used amenities, such as the railway station and shops on Station Road.
- Although the site adjoins the primary school there will be no direct access and it will be a distant from the school by foot.
- The housing mix is inappropriate for Alresford's needs. At present Alresford has an elderly population and the age profile is rising. 3 bedroom houses are priced at about 10x the median local wage so local young people cannot usually afford to buy. There is need to a more social housing for young families, to enable growth in the school rolls. 4 social properties is insufficient.
 - The primary school is full to capacity with a waiting list
- Adverse effect on the residential habitat for neighbour for light, noise, loss of privacy and potential overlooking/overshadowing.
- High density/overdevelopment of the site which will lose the open element of the neighbourhood, and seems out of scale by comparison in the vicinity.
- The loss of existing views from neighbouring properties.
- Loss of glow worms and their habitats
- A full and thorough investigation needs to be made into the effect this development will have on wildlife, especially if the work already undertaken is outside of regulations and unlawful.
- The area has insufficient sewerage capacity and has suffered problems previously.
- The proposal would not be in keeping with the rest of the Close as all houses are detached.
- A significant issue is the lack of appropriate 4 or 5 bedroom family homes. 45 houses will not be enough to resolve the housing crisis in this village and attract young families and commuters. What Alresford needs is much larger developments around the train station to secure the future viability of the train station and school.

5.4 The letters of support and letters of comments raise the following issues:

- The parcel of land is not viable for agricultural purposes
- The mix of dwellings is good
- The site is contained within the village envelope and is basically an extension of the properties in St Andrews Close.
- The development is close to village facilities
- The wildlife claim for the 'meadow' itself is spurious, and there is no reason to fear a threat to adjacent woodland.
- 45 houses would meet our housing needs for some time, taking pressure off Cockayne's Lane, where planning applications have been so controversial.
- The land has essentially been a piece of scrub land for years, used mainly by local dog walkers.
- The presence of glow-worms is an important element in the future of this site and that, if planning permission is given, it should include provision to ensure that the recommendations laid out in the Environmental Report are implemented in order to protect this significant and previous species.
- Knowledge of glow worm ecology is still poor, and the provision of ecological buffer areas is simply a guess about what will suit them, and has to be regarded as experimental, particularly as they will be subject to increase human intervention. House lights and other unknown changes could destroy glow worm population. While there are some other known glow worm sites in the wider area, many could be similarly threatened. Each one is an island population remaining from former times, and natural links between sites are now impossible, so the loss of any one site will be an overall reduction will be an overall reduction in the national population of this creature.
- Most suitable site given TDCs previous aim for a modest increase in houses in Alresford of around 50.
- Suitable extension to the village with no threat of expansion.
- The site wouldn't cause traffic disruption around areas that are well used like the Rail Crossing and the Station Road/Colchester Main Road junction.
- The addition of extra houses will allow people to stay in the village who otherwise would leave.

- Alresford needs some new housing to thrive and to help support local businesses.
- Glow beetles a coastal protection belt are sadly not good enough reasons to prevent a development and both these issues are easily resolved.

5.5 A letter has been received from Bernard Jenkin MP which states that the NPPF does make clear that local plans should have weighting on planning considerations and decisions, even in draft form. If the local plan it to affirm the sites Local Wildlife Status, he hopes the Council will give this the same consideration that the draft plan should receive before any decision is made.

6. Assessment

6.1 The main planning considerations are:
 Principle of Development
 Local Wildlife Site/Ecology
 Visual Impact
 Residential Amenity
 Highway Safety
 Coastal Protection Belt
 Surface Water Drainage
 S106 Agreement

Proposal

6.2 This application seeks outline planning permission for the development of up to 45 dwellings, a new public green, village square, ecological buffer areas and associated infrastructure on land to the south of St Andrews Close, Alresford. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.

6.3 The site plan provided is therefore indicative only; however, it shows a single point of access from St Andrews Close, 44 dwellings, a public green and grassland habitat to the north of the site adjacent to Brindle House and a village square towards the south-west corner of the site. Also proposed is an ecological habitat and buffer zone along the side and rear boundaries of the site.

Site Location

6.4 The application site is situated to the south of St Andrews Close on the southern edge of the village of Alresford. It covers an area of approximately 2.3 hectares and comprises of a square, flat field. Access to the field is gained via St Andrews Close; all other boundaries of the site are defined by mature trees and vegetation.

6.5 To the north of the site are the existing dwellings and community facilities in St Andrews Close, the dwellings are two storey in height and detached. The community facilities comprise of a Village Hall situated on the corner of St Andrews Close and Ford Lane and St Andrew and St Peter Church in St Andrews Close, to the rear of the Church is the Playing Field.

6.6 To the east of the site is Crestland Wood which is designated as a Local Wildlife Site and ancient woodland. To the south of the site are The Old Rectory, The Spinney and Crestland Wood House which are large detached houses set in extensive grounds. The primary school lies to the west of the site.

6.7 This application is accompanied by the following documents:
 - Arboricultural Impact Assessment and Constraints Plan

- Archaeological Desk Based Assessment
- Design and Access Statement
- Flood Risk Assessment and Drainage Strategy
- Phase One Contamination Assessment
- Phase One Ecology Assessment: Addendum and specialist surveys
- Ecological Management Plan
- Transport Statement

Principle of Development

- 6.8 The site lies outside of the Settlement Development Boundary and within the Coastal Protection Belt of the Saved Local Plan (Tendring District Local Plan 2007). In the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012) the site remains outside the Settlement Development Boundary and is also allocated as a Local Wildlife Site, which follows its designation in the Tendring District Local Wildlife Site Review 2008 updated in 2013. The 2014 Focussed Changes proposes a further change to the designation of this site with the removal of the designation as a Local Wildlife Site and its allocation for housing development; the proposed changes have received strong objections from the Essex Wildlife Trust who have advised that it is not within the Council's jurisdiction to simply delete the designation through the Local Plan process.
- 6.9 Given that the Tendring District Local Plan Proposed Submission Draft 2012 and Focussed Changes 2014 are not yet fully adopted and are 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, within the Coastal Protection Belt and from Essex Wildlife Trust's register, is designated as a Local Wildlife Site. Therefore its development is contrary to the local plan policies.
- 6.10 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.
- 6.11 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.
- 6.12 Economically the construction and habitation of up to 45 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.
- 6.13 In terms of the social role, the site is situated on the edge of the village of Alresford. Alresford is categorised, along with six other villages, as a 'Key Rural Service Centre' in recognition of its size and range of services and facilities, including its own railway station. This is the second most sustainable category of settlement following 'urban settlements' which are the primary focus for development. It is therefore considered that Alresford is a socially sustainable location for some development, with a number of local facilities within relatively close proximity to the site.

- 6.14 Environmental sustainability is about contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. A major issue with regard to the environmental sustainability of the site is its designation as a Local Wildlife Site, which is discussed in detail below and its impact on the surrounding area which is also discussed below in paragraph headed visual impact. The other aspects such as use of natural resources and low carbon economy will be matters that would be dealt with by a reserved matters application.

Local Wildlife Site/Ecology

- 6.15 As set out above the site is designated as a Local Wildlife Site, by the Tendring District Local Wildlife Site Review 2008 and maintained in 2013, this was because it supported a large population of glow worm beetles, a declining species in Essex. The 2013 Local Wildlife Site Review states that 'although not subject to any formal designation or status, glow worms are of considerable cultural value and are declining throughout Essex as a result of habitat loss'. The population at this site is significant with over 100 glowing females recorded in recent years, and it is believed that this is a key site in local context.'
- 6.16 Policy EN11C of the Saved Plan states that 'development likely to have an adverse effect on a Local Nature Reserve, a County Wildlife Site or a Regionally Important Geological/Geomorphological Site, will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site'.
- 6.17 The designation of the site took place when the land was set-aside from agricultural production. Since this time the site has been returned to agricultural use and the grassland which provided the habitat for glow worms lost. The supporting information submitted with the application states that this was due to the Field Corner Management Option being removed from the site and transferred to other land within the holding. The Field Corner Management Scheme required the land to remain uncultivated except for essential operations, but kept in agricultural condition and as part of an arable rotation on the wider holding.
- 6.18 Following the ploughing of the site Natural England undertook an investigation to establish if there had been a breach of the Environmental Impact Assessment Regulations 2006. Natural England concluded that no breach had occurred.
- 6.19 To inform this application a Glow Worm Assessments has been carried out, this states that 'a peak count of three glow worms was recorded during the survey on the 24th June 2015. One of these was located just outside the site within a back garden, with the other two located along the eastern boundary within the proposed eastern buffer area. A glow worm was also recorded within the arable field near the south western corner of the site on the 11th June 2015.' This up to date information indicates that the site no longer contains the high number of glow worms that would have justified its designation as a Local Wildlife Site.
- 6.20 Assessments that have been carried out also recorded bats foraging on and over the site, although no evidence of roosting bats were recorded within the site or along the site boundaries. It is likely that they roost close to the site, in Crestland Woodland or houses adjacent to the site. Trees were identified within the eastern and western boundary to have bat roost potential and these are being retained.
- 6.21 As part of the application an Ecological Management Plan has been submitted. This sets out a number of ways in which, if the application is granted, the site will be managed to enhance the biodiversity of the site. This includes maintenance arrangements of the buffer zones around the site so they provide suitable grassland habitats for glow worms, bat, bird and

dormice boxes. Compliance with this management plans can be secured by planning condition.

- 6.22 Whilst the proposal will result in the development of a designated Local Wildlife Site which the Essex Wildlife Trust object to, it is considered that the proposed development gives the opportunity to secure and enhance the ecological value of the site by provided suitable habitats for glow worms, dormice, bats, birds and other wildlife. In this instance, a development that sets aside land for wildlife is less harmful, and more beneficial, to biodiversity than leaving the land is arable use.

Visual Impact

- 6.23 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.
- 6.24 Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft 2012 (Draft Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.
- 6.25 As this application is in outline form, matters such as layout, scale and appearance are not under consideration at this stage, the information provided on these matters is indicative only.
- 6.26 The site is situated to the south of St Andrews Close, to the east of the site is Crestland Wood and all other boundaries are delineated by mature trees and vegetation. This means that the site is well-contained and any development would have limited impact on the character and appearance of the wider surrounding area. Any proposed development would be seen as an extension of St Andrews Close and therefore would not be out of keeping with the pattern of surrounding development.
- 6.27 Concern has been raised that as all the existing dwellings down St Andrews Close are detached the proposal would seem out of keeping. The layout is not being considered as part of this application; however, there is a requirement to provide a mix of different sizes of houses on development sites of this scale, whilst still retaining the character of the area.
- 6.28 It is considered that the site is capable of accommodating up to 45 dwellings without resulting in an adverse impact on the character and appearance of the surrounding area, dependent of the design, appearance and layout, which will be subject to a future application.

Residential Amenity

- 6.29 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'.
- 6.30 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. This is on the basis that there is sufficient distance between the existing dwellings and proposed dwellings and that the existing vegetation around the site will be retained.

Highway Safety

- 6.31 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.
- 6.32 Essex County Council Highways were consulted on the application; they raise no objection in terms of highway safety but considered that the indicative Site Plan is not acceptable for the following reasons:
- It fails to provide any turning facilities for service and delivery vehicles.
 - Refuse collection vehicles are unlikely to enter Private Drives and therefore will be unable to turn
 - The Private Drive connection to the carriageway in the north-east of the site fails to provide any reasonable intervisibility between those in the Private Drive and the main carriageway together with unsatisfactory junction geometry.
 - The south easterly carriageway junction/connection just near to the connection at St Andrews Close fails to provide satisfactory junction geometry.
 - The footways fail to provide adequate connectivity within the site.
- 6.33 The above are issues with the layout which can be overcome. It is therefore considered that the issues raised do not prejudice the development of the site and can be dealt with as part of a future application for reserved matters.
- 6.34 Following the receipt of an addendum to the Transport Statement Report, Essex County Council Highways recommended a number of conditions (set out above, under consultations). Some of the conditions recommended such as off-street parking being in accordance with Parking Standards, the position of garages and details for the provision of cycle storage do not need to be imposed as they will be dealt with by any future reserved matters application.

Coastal Protection Belt

- 6.35 The site is allocated within the Saved Plan as Coastal Protection Belt. Policy EN3 of the Saved Plan states that new development which does not have a compelling functional need to be located in the Coastal Protection Belt, will not be permitted. The introduction to this policy states that the purpose of the Coastal Protection Belt is to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development.
- 6.36 It is considered that due to the location of the site and its enclosed nature that the proposal subject to design, appearance and layout would not have an adverse impact on the character and appearance of the area, which includes the coastal protection belt. On this basis it is considered that whilst there is no compelling functional need for the development it is not inappropriate. Furthermore, given the lack of 5 year housing supply there is a high need for housing in the district, it is therefore considered that the fact the site is within the Coastal Protection Belt is not sufficient to warrant a reason for refusal on its own. It is noted that in the emerging Local Plan, the Coastal Protection Belt has been reduced and rationalised and excludes the application site.

Surface Water Drainage

- 6.37 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.
- 6.38 In this regard officers consulted with Essex County Council Flood and Water Management. Following the submission of an addendum they do not object to the proposal subject to a condition to ensure a detailed surface water drainage scheme. Subject to this condition it is considered that the proposal would provide adequate provision for surface water drainage and not result in an increase in flood risk.

7. S106 Agreement

It is considered that a S106 agreement is required to cover the following:

1. Open Space Contribution

Policy COM6 of the Saved Plan states that 'proposals for residential development on a site of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. The indicative layout shows a new public green and grassland habitat which meets this criteria.

There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford. 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. 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. Due to the limited play provision, it is felt that a contribution towards play space is justified. This contribution would be based on the number of bedrooms the development provides.

2. Affordable Housing

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.

The Council Housing Department have advised that future legislation will make it virtually impossible for the authority or registered providers to purchase units even at a discounted price. Therefore in order to deliver some affordable housing the Housing Department have requested to be gifted 3 units.

3. Education Contribution

Essex County Council Education have requested a contribution of £56,206 towards early years and childcare and £36,765 towards the secondary transport costs based on 9 places. No contribution is sought for primary costs due to the implementation of the Community

Infrastructure Levy Regulations which restrict the pooling of contributions for a specific item of infrastructure to contributions from five separate planning obligations.

The applicant has agreed to enter into a S106 agreement to secure the above.

8. Other Issues

- 8.1 The trees along the boundary of the site are shown as being retained, a Tree Survey and Arboricultural Report has been submitted and this demonstrates that the site can be developed whilst retaining these trees for the long-term future.
- 8.2 Concerns have been raised regarding the overlooking of the school grounds, in particular the swimming pool, whilst these comments are noted the proposed dwellings are situated approximately 17 metres from the boundary of the site with the school, which is delineated by mature trees and vegetation which is to be retained. It is considered that this provides a sufficient level of separation, furthermore children are protected under separation legislation.
- 8.3 NHS England have advised that they only wish to be consulted on application for 50 or more dwellings. Therefore no comments have been received with regard to the health facilities and no financial contribution has been requested.
- 8.4 Whilst the developers are encouraged to engage with local communities the way this was conducted is not a matter for consideration as part of the planning application process.

9. Conclusion

- 9.1 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations. It is considered that the proposal represents sustainable development.
- 9.2 Whilst the site is designated as a Local Wildlife Site, it is considered that this development would not result in its loss but ensure security and enhancement for the ecology of the site which can be secured by planning condition.
- 9.3 It is considered that the site is capable of accommodating up to 45 dwellings (depending on size and design) whilst resulting in no material harm to the character of the surrounding area, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways for a suitable access that would not result in harm to highway safety.

Background Papers

None