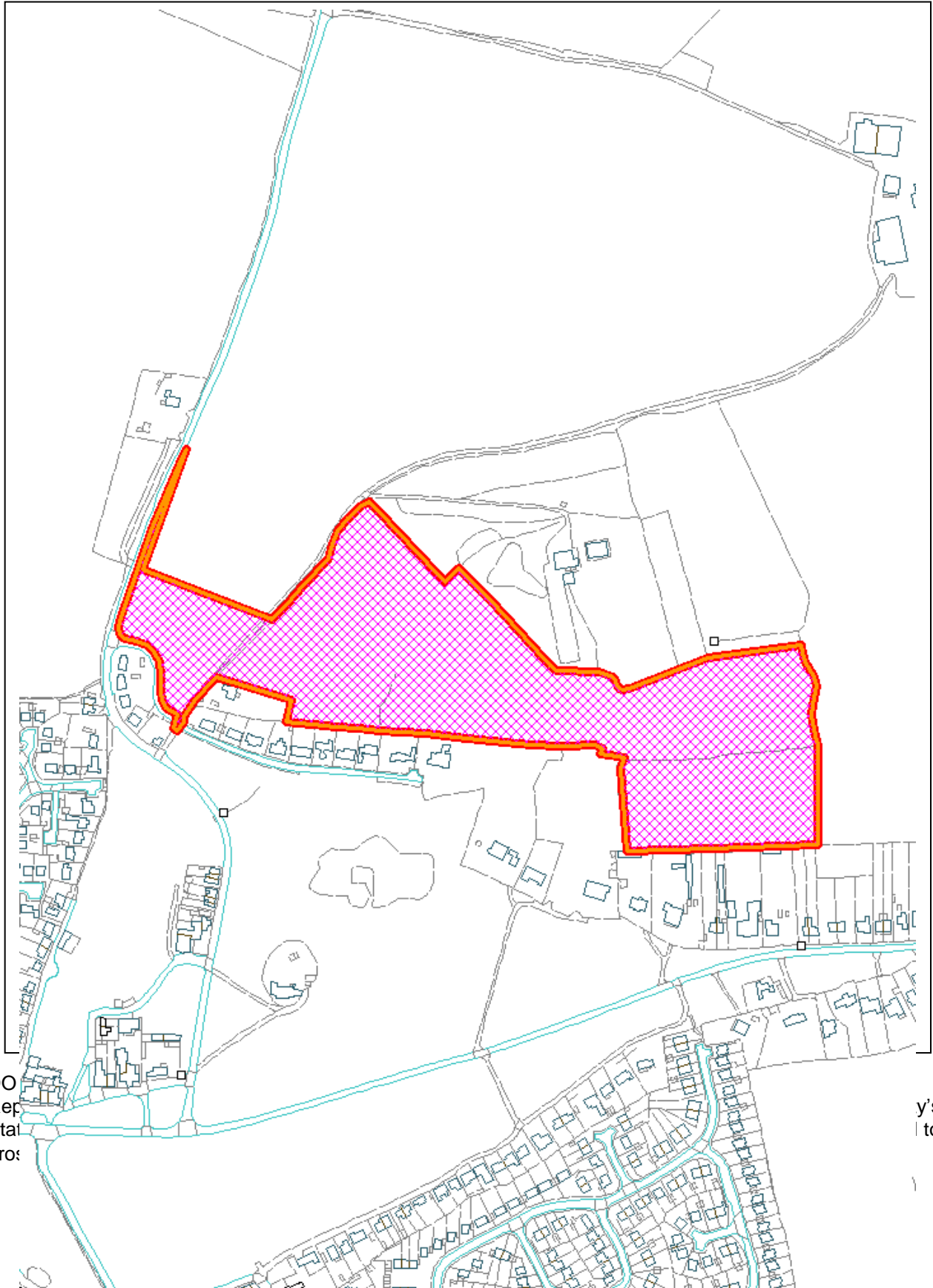


PLANNING COMMITTEE

15<sup>TH</sup> DECEMBER 2015

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATIONS - 15/00682/OUT - LAND AT ADMIRALS FARM  
HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS**



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<b>Application:</b>	15/00682/OUT	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	Mr G Wright	
<b>Address:</b>	Land at Admirals Farm Heckfords Road Great Bentley CO7 8RS	
<b>Development:</b>	Proposed erection of 75 dwellings, garages, roads and associated works.	

## 1. Executive Summary

- 1.1 The application was received on 5th May 2015. As an outline application, approval is being sought only for the principle of developing up to 75 dwellings with all other matters reserved (apart from access) for approval through a detailed application at a later date. The applicant has however submitted supporting information that demonstrates how an acceptable scheme could be achieved on the site in question.
- 1.2 The site comprises approximately 6.8 hectares of predominantly agricultural land at the northern end of the village of Great Bentley, east of Heckford's 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along with a 20% 'buffer', as required by the National Planning Policy Framework, the Council's housing policies are out of date and Officers have had to consider the application on its merits in line with the government's 'presumption in favour of sustainable development'.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 Great Bentley 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 levels of objection and some support from individual members of the public but Great Parish Council has written in objection to highlight a number of concerns relating mainly to sustainability, impact on the character and appearance of the Conservation Area, strain on local infrastructure and highway safety. There are no outstanding objections from any of the statutory consultees or other technical bodies.
- 1.5 The Highways Authority has no objection to the scheme subject to conditions and the Education Authority and the NHS have no objection subject to securing a financial contribution toward early years and child care, primary school provision and health. Anglian Water has no objection to the scheme and the concerns that Essex County Council originally had in relation to drainage has now been resolved. TDC Officers advising on open space, housing, environmental health and trees and landscapes have commented on the application and have no objections to the proposal subject to appropriate conditions or legal agreements being put in place to secure an appropriate level of Council/affordable housing, to secure long-term maintenance for the proposed open space and to retain and enhance important trees and landscape features.
- 1.6 Despite its location at the northern end of the village, the site is relatively well contained within the landscape and the visual and landscape impact of the development is expected to be low. The site has low to intermediate ecological value and development can take place with minimal impact on important trees and hedgerows, the potential impacts are not considered significant enough to justify the refusal of outline planning permission.

- 1.7 The indicative layout submitted by the applicant demonstrates that a scheme of 75 dwellings could be accommodated on the site in an appropriate manner with no materially adverse visual impact on the character or appearance of the village or any issues in complying with well-established urban design and secured-by-design principles.
- 1.8 Officers consider that the proposal satisfies the three dimensions of 'sustainable development' as set out in national planning policy (economic, social and environmental) and the application is therefore recommended for approval subject to the satisfactory completion of a Section 106 planning obligation to secure affordable housing, public open space, play provision and a financial contribution toward educational facilities to make the development acceptable, as well as a number of planning conditions.

**Recommendation: Approve**

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

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

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

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

(i) Conditions:

1. Standard 3 year time limit for submission of reserved matters application;
2. Standard 2 year limit for commencement of development following approval of reserved matters;
3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
4. Development in accordance with submitted concept/parameter plans;
5. Development to contain up to (but no more than) 75 dwellings;
6. Highways conditions (as recommended by the Highway Authority);
7. SUDS conditions as requested by Essex County Council;
8. Surface water drainage scheme;
9. Hard and soft landscaping plan/implementation;
10. Ecological mitigation/tree protection measures;
11. Environmental Health conditions;
12. Details of lighting, materials and refuse storage/collection points; and
13. Details of water, energy and resource efficiency measures.

c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## 2. Planning Policy

### National Policy:

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

- 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:

#### QL1: Spatial Strategy

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

QL2: Promoting Transport Choice

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

QL3: Minimising and Managing Flood Risk

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

QL9: Design of New Development

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

QL10: Designing New Development to Meet Functional Needs

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

QL11: Environmental Impacts

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

QL12: Planning Obligations

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

HG1: Housing Provision

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

HG3: Residential Development Within Defined Settlements

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

HG3a: Mixed Communities

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

HG4: Affordable Housing in New Developments

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

HG6: Dwellings Size and Type

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

HG7: Residential Densities

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

HG9: Private Amenity Space

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

COM2: Community Safety

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

COM6: Provision of Recreational Open Space for New Residential Developments

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

COM21: Light Pollution

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

COM23: General Pollution

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

COM26: Contributions to Education Provision

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

COM29: Utilities

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

COM31a: Sewerage and Sewage Disposal

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

EN1: Landscape Character

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

EN4: Protection of the Best and Most Versatile Agricultural Land

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

EN6: Biodiversity

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

EN6a: Protected Species

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

EN6b: Habitat Creation

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

EN12: Design and Access Statements

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

EN13: Sustainable Drainage Systems

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

TR1a: Development Affecting Highways

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

TR3a: Provision for Walking

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

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

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

TR7: Vehicle Parking at New Development

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

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

Relevant policies include:

SD1: Presumption in Favour of Sustainable Development

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

SD3: Key Rural Service Centres

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

SD5: Managing Growth

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

SD7: Securing Facilities and Infrastructure

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

SD8: Transport and Accessibility

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

SD9: Design of New Development

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

SD10: Sustainable Construction

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

PRO2: Improving the Telecommunications Network

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

PRO3: Improving Education and Skills

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

PEO1: Housing Supply

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

PEO3: Housing Density

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

PEO4: Standards for New Housing

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

PEO5: Housing Layout in 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

PEO7: Housing Choice

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

PEO9: Family Housing

Promotes the construction of family homes within new housing developments.

PEO10: Council Housing

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

PEO19: Green Infrastructure

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

PEO20: Playing Pitches and Outdoor Sports Facilities

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

PEO22: Green Infrastructure in New Residential Developments

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

PEO23: Children's Play Areas

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



PLA 1: Development and Flood Risk

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

PLA3: Water Conservation, Drainage and Sewerage

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

PLA4: Nature Conservation and Geo-Diversity

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

PLA5: The Countryside Landscape

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

**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**

None.

**4. Consultations**

Natural England

- 4.1 Natural England has no comments to make regarding this application.

Anglian Water

- 4.2 The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity of these flows. The sewerage system at present has available capacity flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

NHS England

- 4.3 The surgery at Great Bentley does not have capacity for the additional growth as a result of this development. There is a capacity deficit in the catchment practice and a developer contribution of £22,620, secured through a s106 agreement, 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.

ECC Highways

- 4.4 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to mitigation and conditions relating to the following:
- Submission of a construction management plan;
  - Dimensions of the new junction onto Heckfords Road;

- Widening of Heckfords Road and provision of traffic islands;
- Provision of new, or upgrading of existing bus stops;
- Provision of a footway along Heckfords Road; and
- Residential travel information packs.

#### ECC Schools

- 4.5 Early Years and Childcare facilities in the Great Bentley ward and surrounding wards are operating at over 80% capacity and additional places would be needed to support this development. 75 dwellings would generate a need for an additional 6.7 places.

The proposed development is located within the Tendring group 3 (Brightlingsea/Elmstead) primary forecast group. The forecast planning group has an overall capacity of 1,286 places, of which 30 places are in temporary accommodation. This group is forecast to have a deficit of 65 permanent places by the school year 2018-19. 75 dwellings would generate the need for an additional 22.5 places. Consideration should also be given to providing a safe walking route to the nearest primary school.

This proposed development is located within the priority admissions area for Colne Community School which has a capacity of 1,488 places. The school is forecast to have a surplus of 135 places by the school year 2018-19. 75 dwellings would generate the need for an additional 15 places. Further the School is over 3 miles from the proposed development and therefore Essex County Council is obliged to provide transport to the school, at a cost Essex County Council of £4.30 per day for 195 days per year; a standard academic year. It is the practice of Essex County Council to seek costs for a 5 year period.

If permission is to be granted, a section 106 agreement should be secured to mitigate the development's impact on education which should include contributions towards early years and childcare, primary education and secondary transport.

The early years and childcare contribution would be £93,677, for expansion of facilities within the Great Bentley Ward. The primary school contribution would be £273,870, to be used for replacement temporary accommodation within the Tendring group 3 (Brightlingsea/Elmstead) primary forecast planning group, and the secondary transport cost from the development to the nearest secondary school would be £62,887.50. Index linked to April 2015 costs.

If your council were minded to turn down the application, we would be grateful if the lack of education and transport 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.

#### ECC SuDS

- 4.6 Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we support the granting of planning permission. The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the FRA and the above mentioned documents submitted with this application are implemented and secured by way of a planning condition on any planning permission. The proposed conditions require:

- A detailed surface water drainage scheme for the site;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works;

- Maintenance Plan containing the arrangements for maintaining the surface water drainage system; and
- Annual monitoring of maintenance.

#### TDC Environmental Health

4.7 No comments to make at this stage.

#### TDC Principal Tree & Landscape Officer

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

The site is not well populated with trees although there important trees on or close to the site boundaries. The land to the north (Great Bentley Pumping Station) is well treed and is effectively a small wood. There are also three areas within the main body of the application site where trees and other vegetation are situated.

One area is immediately adjacent to the access road from Moors Close, known as Moors Road. There is a mature Oak to the west of the access and then an established hedgerow with important hedgerow trees comprising Pine, Oak, Field Maple, Elm, Hawthorn and Lime to the east of Moors Road.

The second area is on the southern boundary of the application site adjacent to rear boundary of Wisteria House, Moors Close. There are is a group of 6 mature Oaks that are important features in the landscape.

The third area is a linear feature running from a mid-point on the eastern boundary to the north-eastern corner of the garden of The Moors, Weeley Road. A line of trees and remnants of a hedgerow bisect the site with land in agricultural use to the north and mown grass to the south. Whilst not clearly visible from a public place at the present time there are several trees that should be retained and would make a significant contribution to the appearance of the land were consent for development be granted.

Taking into account the size of the application site and the density of the proposed dwelling it is likely that development could take place without causing harm to the trees on the land and on adjacent land.

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. The report should show how works associated with the development of the land will be carried out in such a way that they do not have an adverse impact on the long term health and viability of the trees. The report should contain a Tree Constraints Plan. This information should to be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction.

It is not considered necessary to make a new Tree Preservation Order in respect of any of the trees on the land, or on adjacent land, at the present time. However it may be prudent to do so if consent were likely to be granted to ensure that trees are protected during the construction phase of any consent that may be granted and to deal with 'post development' pressures.

With regard to the access to the land it would appear that the creation of a new vehicular access from the highway would result in the removal of a section of the countryside hedgerow situate on the field boundary adjacent to Heckords Road. Although the hedgerow

may fall within the scope of the Hedgerow Regulations 1997 it would not if it were less than 30yrs old. The owner of the land should be asked to clarify the age of the hedgerow.

Should consent be granted then a detailed soft landscaping plan and specification should be secured as a reserved matter.

#### TDC Housing

- 4.9 There is a high demand for housing in Great Bentley. There are currently 154 households seeking a 1 bed property, 72 seeking a 2 bedroom, 34 seeking a 3 bedroom and 14 seeking a 4 bedroom.

The Housing Department is currently deciding its development acquisition priorities and may not be able at this stage to commit to purchase 25% of the provision on this site. As an alternative, the Department would be happy to accept 3 gifted properties (this being 20% of the 25% provision) in order to meet some of the housing demand in this area.

### **5. Representations**

- 5.1 This application has generated a high level of public interest with large numbers of letters and e-mails both in objection (approximately 140 representations) and in support (approximately 130 representations). In addition however, Great Bentley Parish Council on 2 July 2015, took receipt of a 559 signature petition requesting the Parish Council to formally object to all large scale development proposals put forward at this time from a group called 'Protect Great Bentley' who have been formed to fight large scale housing development proposals.

- 5.2 The key issues raised in support and objection to the application are summarised below:

#### Support

- New housing is required for young people and families in the village and this development offers a chance for the younger generation to afford housing in the village;
- New development offers the young people of the village a chance to live and work locally;
- The development is located on the edge of the village, therefore, traffic will go straight to the development and not through the village;
- The site is well screened;
- Low density development is appropriate for the village;
- This development provides much needed affordable housing;
- The development will not affect the character of the village;
- The development will provide funding for the local school and doctors surgery;
- This development is the best location for development compared to other options in Great Bentley;
- New development will support local businesses and facilities; and
- The road and rail connections in the village can support additional growth.

#### Objection

- The existing infrastructure including the school, doctors surgery and utilities are already at full capacity and will not be able to function with additional housing growth;
- Parking problems in the village will worsen;
- The proposed development will lead to an increase in traffic movements in the village;
- There are significant concerns over general traffic safety and the junction onto the A133;
- The development will impact negatively upon the local wildlife;
- The development will result in a loss of trees and hedges;

- Strategic housing sites should be supported instead of development in the districts villages;
- The proposed development will adversely affect the character of the village and the adjoining Conservation Area;
- The proposed homes will not be affordable to existing residents;
- The proposed development will impact negatively upon the residents of Moors Lane in terms of loss of privacy and overlooking;
- The development will result in the loss of grade 2 agricultural land; and
- Local residents have raised concern that due to the high water table on the site, there have been recommendations for the level of the land to be raised by 1m prior to development.

5.3 Great Bentley Parish Council has written in objection to the application, asking this Council to refuse the application for the following reasons:

1. Detrimental effect upon the conservation area, see Great Bentley Conservation Area Review 2006 and is not sustainable environmentally.
2. That a site of this size in a medium sized village is unsustainable.
3. It makes no reference to the new emerging local plan 2014 and is outside the previous development boundaries.
4. Both on Health and Schooling issues the proposals only make worse the current overloading of both services and neither authority has offered a solution.
5. Nothing has been suggested to address the issue of access to the A133 where one would presume most of the additional traffic would exit the village. It will not be obvious to transport officers without visiting the site how difficult egress is here morning and evening. Additionally, most of the occupiers would drive to the village centre to access the facilities making the existent snarl up problem worse.
6. The suggestion that children should access the village school by crossing at the very dangerous bend on Heckford's Road or walk across the Green in wet weather are untenable.
7. That if this motion is approved then supporting documents that have been submitted to the parish Council as objections should be referred to in the representations to TDC.

5.4 The Parish Council suggests that if this Council is minded to approve the application, the following conditions should apply: (a) Any permission should specifically exclude land between Moors Lane and Heckford's Road being other than farmland to retain the rural aspect from the Conservation Area and (b) That an order be made to preserve the trees and fauna in the Old Water Board land to retain the screen this provides from the north to the development.

5.5 Additional detailed comments have been submitted by Ms. Pippa Drew of the 'Protect Great Bentley' campaign group raising the following:

- TDC's own Strategic Housing Land Availability Assessment (2014) states that there are some concerns about the suitability of this land for housing as it would extend the settlement into an area of uncontained open countryside;
- The Planning Committee has already recently refused planning applications in Alresford and Great Bentley for being above the 50 dwelling limit set out in Policy SD3 of the emerging Local Plan and for having an urbanising effect on rural character;
- The site is outside of the settlement boundary development boundary and, as with the reason for refusing permission at Station Field in Great Bentley, is poorly served by sustainable transport options and would encourage private car use;

- In respect of both healthcare and education, the adverse social impact caused by the development would outweigh any benefits of the development;
- The development would urbanise the area through the introduction of a road entrance splay, pedestrian crossing and pavements to an unclassified rural road;
- This infrastructure, including street lighting would also impact on the setting of the Conservation Area;
- There has been no proper consideration of the effect of raising the ground level on the potential visual impact of the development;
- There are recent appeal decisions (Larges Farm, Rectory Road, Great Holland and Torcross Poultry Farm, 100 Harwich Road, Little Clacton) where the Inspector concluded that development would be out of character in their location and would fail to protect or enhance the environmental quality of the area;
- In the absence of sufficient evidence to the contrary, there is very serious concern that local flooding experienced currently will be made considerably worse by the development of this site. The pumping station adjoining the site was built in 1901 precisely because this area is a natural soak away;
- The proposed pavement that will connect with the site is only 'barely acceptable' from a technical highways perspective with a 1.2m 'pinch point' on an unsafe, unlit corner which will discourage, rather than encourage walking as a sustainable mode of transport;
- The development brings no additional employment opportunities and is therefore not economically sustainable;
- The neighbouring pumping station site is a habitat for wildlife yet the further studies recommended in the applicant's preliminary ecological report have not yet been undertaken;
- The site is Grade 2 agricultural land and the NPPF requires local planning authorities to seek to use areas of poorer quality land in preference of that of higher quality; and
- If the Committee is minded to approve the application, the following conditions should be applied:
  - That Moors Close is not used as a construction access; and
  - That Moors Lane is closed off permanently at the site of the current field gate prior to commencement to prevent it being used as a cut through to the village.

## **6. Assessment**

### **Site location**

- 6.1 The application site comprises just under 6.8 hectares of agricultural land located at the northern edge of the village of Great Bentley, east of Heckford's Road and north of Moors Close. The site is flat and the western part of the site is visible from Heckford's Road, whilst the rest of the site is relatively well contained within the landscape, barely visible from most medium-long distance public view-points, mainly due to the strong line of trees and hedges along the northern boundary.

6.2 The site is irregular in shape and lies adjacent to the settlement development boundary and Great Bentley Conservation Area. A water pumping station lies to the north of the site.

### **The Proposal**

6.3 This outline planning application seeks the approval for the principle of up to 75 dwellings with associated open space and infrastructure. Whilst all matters (apart from access) are reserved for later consideration, a Design and Access Statement and indicative drawings have been submitted which demonstrate, indicatively, how such a development could be achieved within the application site.

6.4 The indicative material suggests a scheme of two storey detached and semi-detached properties arranged around an informal layout with the opportunity to provide public open space and a reinforced landscape buffer all around the site. Vehicular access would be achieved from Heckford's Road.

6.5 The application documents are:

- The applications forms and Notice B;
- Site Location Plan;
- Topographical Survey;
- Existing Site Plan;
- Access Plan and Transportation Review;
- Flood Risk Assessment and Sustainable Drainage Report;
- Phase 1 Ecology Report;
- Phase 1 Archaeology Report;
- A Phase 1 contamination desk study and risk assessment; 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 impact upon the Conservation Area; 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 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 Plans.
- 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 December 2015, the Council was only able to identify a 3.4 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 Great Bentley 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 As highlighted by Protect Great Bentley, Officers note that the application for up to 150 dwellings and employment land at Station Field, Plough Road, Great Bentley (ref 14/01750/OUT) was refused by the Planning Committee over concerns about limited, and



diminishing public transport provision and lack of school and healthcare capacity. Whilst Officers do not recommend that this application be refused for these reasons, the previous resolution is duly noted.

- 6.16 In the emerging Local Plan, land at Sturricks Farm was included within the Settlement Development Boundary and allocated for housing development to deliver a proportionate increase in dwelling stock for Great Bentley. A planning application for 32 dwellings (Ref: 14/00431/FUL) was subsequently approved, on appeal, and the development is now nearing completion.
- 6.17 The application proposal of 75 dwellings is above the 50-dwelling limit suggested for sites in Key Rural Service Centres through emerging Policy SD3 – a policy that carries limited weight in the absence of five-year supply of deliverable housing sites. If added to the 32 dwellings already construction, the 75 dwellings proposed through this planning application, if approved, would represent a 16% increase in the village's housing stock. On its own, it would represent an 11% increase. The objectively assessed need for housing, based on latest published evidence, at the time of writing, is for around 10,000 homes up to 2032 or a 15% increase in the district's total housing stock. When considered against this backdrop, the 16% increase in housing stock for Great Bentley that might transpire as a result of this development alongside the development already under construction would not represent an overly disproportionate nor excessive level of growth.
- 6.18 As highlighted in the comments from Protect Great Bentley, the Planning Committee has recently refused residential planning applications both in Great Bentley and Alresford for being in excess of the 50-dwelling limit set out in emerging Policy SD3 and being disproportionate in scale. Given the significant shortfall in housing land, Officers do not recommend that the application be refused on these grounds but the recent Committee decisions are duly noted.
- 6.19 The density of development proposed is approximately 11 dwellings per hectare. Policy PEO3 in the emerging Local Plan sets out the factors that should be taking into account when assessing the density of a scheme. These are:
- a) Accessibility to local services;
  - b) Minimum internal floor area and private amenity space standards (as set out in emerging Policy PEO4);
  - c) The required mix of housing;
  - d) The character of development in the immediate area; and
  - e) On-site infrastructure requirements (such as green infrastructure and highways).
- 6.20 The general character of Great Bentley is mixed with older historic buildings surround the green and other areas of post-war estate development. The density of development in the village varies from as low as 17 dwellings per hectare along Moors Close and around the village green (where properties are relatively large with reasonably-sized rear gardens) to as high as 24 dwellings per hectare around Birch Avenue. Given the site's partial containment within the landscape, its village-edge location and the number of properties suggested, the density proposed for the application site is acceptable for this location and, as shown through the indicative plans provided, can be achieved through an acceptable layout.
- 6.21 Given the current lack of a five-year supply of housing sites to meet objectively- assessed needs in Tendring, the status of Great Bentley as a Key Rural Service Centre, level of development proposed and the density of development proposed, Officers consider that, in principle, residential development on this site is acceptable and would make a positive contribution toward housing supply and addressing the social dimension of sustainable development.

## **Highways, transport and accessibility**

- 6.22 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.
- 6.23 Policy QL2 in the adopted Local Plan and Policy SD8 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site is approximately 800-1000 metres walking distance of the convenience store, train station, bus stops, community hall and primary school in the centre of the village. For a rural location, the site offers a reasonable level of accessibility which is reflected in Great Bentley's categorisation as a Key Rural Service Centre in the emerging Local Plan.
- 6.24 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.25 One area of concern that local residents have raised is the lack of hard surfaced footways alongside Heckford's Road to connect the site with existing footpaths across the green to enable access to the central area of the village; pedestrians would be expected to walk via Moor's Lane. This concern has been reiterated by Essex County Council in their capacity as the highway authority and through a condition, a footway will need to be created along Heckfords Road in line with dimensions that have now been agreed by ECC.
- 6.26 Officers note that Protect Great Bentley has objected to the agreed solution with concerns over the dimensions and narrow pinch point on the proposed footpath. Colleagues at Essex County Council Highways have advised Officers that it is not unusual to have pinch points in footways and these are considered acceptable provided that the safety of pedestrians would not be compromised. ECC Highways also advises that it would be less likely to accept a long section of narrower footway as this may present problems for mobility impaired users. In this instance the pinch point is over a relatively short distance, so if in the event two mobility scooters or prams/pushchairs were to meet, if necessary one could hold back whilst the other passed through the pinch point. There is no problem in terms of forward visibility, in other words opposing scooters/prams/pushchairs would be able to see each other approaching.
- 6.27 ECC Highways also points out that the speed limit in the vicinity of the pinch point is 30 mph where there is also no accident record/pattern. To have a narrower section of footway on a bend within a 30 mph speed limit is not unusual and drivers should drive in accordance with the prevailing road layout and conditions. Were the footway and site access to go ahead they would change the 'feel' of Heckfords Road with the introduction of a kerb hopefully slowing vehicles further particularly at the bend/encouraging drivers to drive according to the road layout.

- 6.28 In conclusion, for a village location, the site is reasonably accessible, by foot, to local services and facilities and public transport and the vehicular access and highways matters have been considered and as a result of revised plans submitted by the applicant, the proposal is now deemed acceptable by the Highway Authority. The transport impacts of the development are not considered to be severe and, from this perspective, Officers consider the proposal to be acceptable.

### **Flood risk and drainage**

- 6.29 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.
- 6.30 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now 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.
- 6.31 Whilst the concerns raised by Protect Great Bentley are noted, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PLA 1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

### **Infrastructure Impact**

- 6.32 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.
- 6.33 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 over 80% capacity, primary schools in the catchment area are expected to have a deficit in places by 2018 and secondary schools in the catchment area also have a deficit in spaces.
- 6.34 Based on ECC's formula for calculating the number of additional places likely to be required as a result of the development, this scheme of 75 dwellings could generate a need for 6.7 additional early years and childcare places, 22.5 primary school places and 15 secondary school places. A financial contribution of £93,677 toward early year and childcare facilities, £273,870 for primary school facilities and £62,887 towards secondary school transport costs has been requested and it is proposed that these contributions be secured through a s106 legal agreement. No contribution toward secondary provision has been sought because under the government's new Community Infrastructure levy (CIL) Regulations, Councils are no longer allowed to seek financial contributions from any more than five

developments towards a single infrastructure project, however as the site nearest secondary school is over 3 miles from the proposed development £62,887 has been requested for transport costs.

- 6.35 NHS England has advised that there is a capacity deficit in the catchment practice and a developer contribution of £22,620 is required to mitigate the capital cost to NHS England of the provision of additional healthcare services arising directly as a result of the development proposal.
- 6.36 With regard to 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 75 dwellings and has made no objections to the proposal, nor has it requested any conditions. The Parish Council and local residents' concerns about the ability for the existing infrastructure to cope with current demands are not reflected in Anglian Water's advice and so the addition of 75 dwellings is not expected to add significantly to this issue and the Council would not be justified in refusing planning permission for this reason.
- 6.37 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.

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

- 6.38 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.
- 6.39 Despite being an undeveloped site on the edge of the village, the site is relatively well contained within its wider landscape. The strong line of hedges and trees along Heckford's Road (albeit with various breaks), means that development can be achieved without having a materially negative landscape and visual impact.
- 6.40 The Council's Principal Trees and Landscapes Officer has considered the proposal and is satisfied that the development can be implemented without significant harm being caused to any important trees surrounding the. A condition has been requested to secure soft landscaping proposals for the site and it is proposed that such a condition be applied to the grant of planning permission.
- 6.41 In conclusion, the landscape and visual impact of the development is expected to be low and enhancements through additional soft landscaping can be secured through planning conditions. Officers are satisfied that, subject to the landscaping being agreed and implemented, the visual and landscape impacts will be acceptable and the scheme can perform well against the environmental dimension of sustainable development.

## **Open Space**

- 6.42 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.
- 6.43 The Council's Open Space and Bereavement Service Manager has commented on the application and has identified a deficiency of equipped play areas in Great Bentley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.44 The financial contribution toward play provision would need to be secured through a s106 legal agreement. Also, if the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Committee is minded to approve this application, Officers will engage in negotiations with the applicant to agree the necessary contribution in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

## **Ecology**

- 6.45 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.
- 6.46 The application site is not designated as site of international, national or local importance to nature conservation and Natural England has offered no objection, in principle, to the proposed development.
- 6.47 The applicant has prepared and submitted a Phase 1 Ecological Report that is summarised below:
- Adjacent to the northern boundary is an area of Priority Habitat Deciduous Woodland that is registered on the National Inventory of Woodland. The outline application will not reduce the area of these wooded areas or their existing habitat status. Uncontrolled public access however could have through disturbance a negative impact upon the sites future conservation value;
  - Most of the site is either intensive arable agriculture or managed amenity grassland with neither habitats having any associated biodiversity or ecological value;
  - All conservation value within the site is based upon the hedges and trees of the relevant field boundaries;
  - On site there is no indicative sign of any badger use, there is no viable reptile habitat and almost all avian fauna is restricted to the field boundaries;

- To the northern boundary is a pumping station and associated partially wooded grounds (which are designated as a Local Wildlife Site);
- The wider pumping station site contains an open slow flowing wet ditch that has a partial presence within the survey site. A multiple visit amphibian presence or absence survey is required for these aquatic habitats; and
- Fixed to the pumping station building and adjacent trees are a number of bat roost boxes. The adjacent habitats of open mixed secondary woodland and wet ditches provide suitable bat foraging. Bat access to and from this possible foraging/roost area will along and through the field boundary hedge and tree lines. A bat roost assessment of the hedges/trees and a multi-visit bat activity survey is required.

6.48 Officers consider that the ecological value of the site is as described in the Phase 1 Ecological Report and that the recommended mitigation measures are secured through condition. 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 these measures are acceptable, would ensure compliance with the policies in the Local Plan and the environmental dimension of sustainable development.

### **Impact upon Neighbours**

6.49 A number of objections have raised concerns that the development will impact directly upon the residents of Moors Close and Weeley Road. However, based on the indicative drawings provided, the applicant has demonstrated that an appropriate landscape buffer and a reasonable separation distance between the proposed development and the existing properties in Moors Close and Weeley Road could be achieved, minimising any disturbance to those properties or any concerns with regard to secured-by-design principles.

6.50 A local resident whose property bounds the site is concerned that due to the high water table on the site, there have been recommendations for the level of the land to be raised by 1m prior to development, but no visual impact assessment of this has been put forward to consider the proximity of the site to the Conservation Area. In response to this concern, one of the main principles of sustainable construction is to try and retain construction arising's on site in order to reduce the volume exported from site to Landfill. In order to do this it needs to either be spread over open space areas but more typically, the overall site is raised. Given the proposed low density of 75 properties over 6.5 hectares, a modest rise of 225 - 300mm on boundaries and up to 1m in the centre of the site suggests the potential to negatively impact upon the character of the Conservation Area or on neighboring properties would be minimal, especially as the lower lying land is set behind the existing landscaping with only a modest rise on the boundaries of the existing properties. It is considered that the modest changes in levels are fairly typical for large construction sites and the reserved matters application will ensure that the details of levels are considered appropriately in the usual manner once more detailed design has been completed.

6.51 In conclusion, Officers consider that the impact of the development on neighbours is likely to be low and that, subject to detailed consideration of reserved matters such as design and layout at a later stage, will be acceptable.

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

6.52 Adopted 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 adopted Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.

- 6.53 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Great Bentley based on evidence from the local housing register. It has been suggested that, as an alternative to transferring 18 properties to the Council at a discounted value, the Council would be prepared to accept 3 property 'gifted' (i.e. transferred to the Council at zero cost).
- 6.54 If the Committee is minded to approve this application, Officers will negotiate and agree an appropriate level of Council Housing to be secured through a s106 legal agreement.

### **Indicative Design and Layout and impact upon the Conservation Area**

- 6.55 As an outline planning application, detailed design and layout is a reserved matter for future consideration but the Council needs to be satisfied that an appropriate scheme of up to 75 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 and Design and Access Statement demonstrate that there is a reasonable prospect of an acceptable scheme being achievable on the site.
- 6.56 The suggested layout of the properties complies with general urban design and secured-by-design principles and show how the dwellings could relate well to neighbouring dwellings and adjacent Conservation Area. Despite being slightly detached from the settlement edge, the site is relatively contained within the landscape and can be developed in a manner that would not detract from the character of the wider village which contains a mixture of linear and estate development.
- 6.57 Some members of the public have raised concern that the proposed development would be out of keeping with the surrounding area and would impact adversely on neighbouring houses. Officers consider that an appropriate scheme including two storey homes could potentially be achieved but, as reserved matters, such details are for later consideration and negotiation and the Council would not be justified in refusing outline planning permission on such grounds.

### **Other issues**

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

- 6.58 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 part Grade 2 (very 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 very good quality working 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.
- 6.59 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.

### **Conclusion**

- 6.60 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
  - Indicative design and layout and impact upon the adjacent Conservation Area
- 6.61 In conclusion, in applying the NPPF 'presumption in favour of sustainable development' the proposal addresses the three dimensions of sustainable development. The economic impact of the development would be positive both in terms of temporary construction jobs and the increased demand for goods and services that arises from population growth; the social impacts would be positive in terms of the contribution toward meeting projected housing need, providing public open space and funding additional school places; and the environmental impacts would be neutral with the potential for them to be positive subject to securing successful approaches to landscaping, drainage and habitat creation.
- 6.62 The adverse impacts of the development would not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and therefore in line with paragraph 14 of the NPPF Officers recommend the approval of outline planning permission subject to the completion of a s106 legal agreement to secure a financial contribution toward education and health provision, a financial contribution toward play provision, an appropriate level of on-site Council/Affordable Housing; and an appropriate level of open space with necessary arrangements for long-term maintenance. There are also a number of conditions that would apply to the grant of planning permission, as outlined at the head of this report.

### **Background Papers**

None.