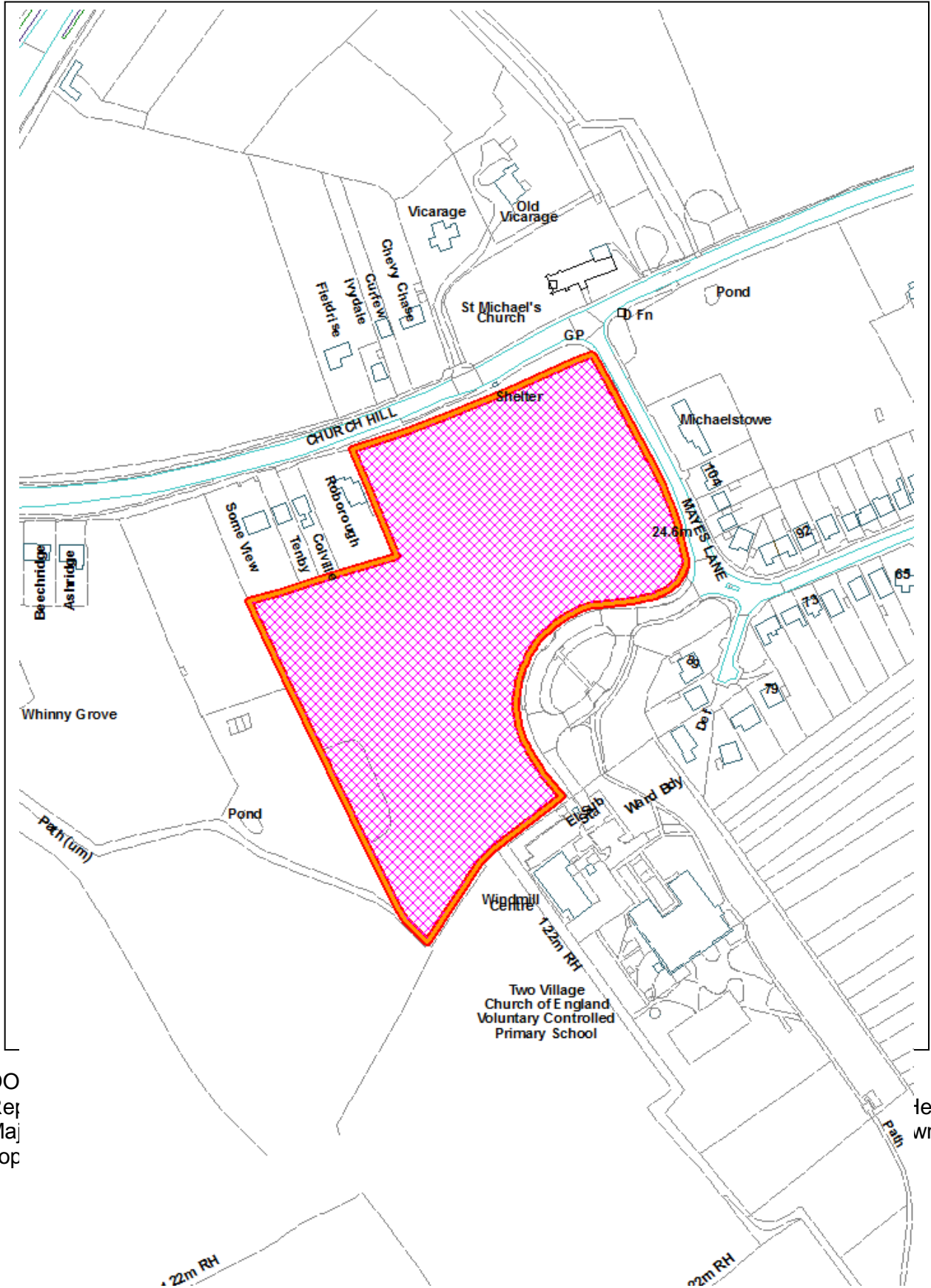


PLANNING COMMITTEE

15<sup>TH</sup> DECEMBER 2015

REPORT OF THE HEAD OF PLANNING

**A.6 PLANNING APPLICATIONS - 15/00964/OUT - LAND ADJ TWO VILLAGES SCHOOL, MAYES LANE, RAMSEY, CO12 5EL**



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<b>Application:</b>	15/00964/OUT	<b>Town / Parish:</b> Ramsey & Parkeston Parish Council
<b>Applicant:</b>	Thornpark Developments	
<b>Address:</b>	Land Adj Two Villages School Mayes Lane Ramsey CO12 5EL	
<b>Development:</b>	Erection of seventy-one dwellings and associated garages.	

## 1. Executive Summary

- 1.1 The application was received on 25th June 2015 and was due for determination by 29th September 2015. Determination has been delayed whilst matters relating to flood risk have been addressed by the applicant in liaison with Essex County Council. As an outline application, approval is being sought only for the principle of developing up to 71 dwellings with associated open space and infrastructure, 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 3 hectares of rough grazing land approximately 1 km from the village of Ramsey, west of Mayes Lane. The site lies outside of the settlement development boundaries, as defined in the Council's adopted Local Plan but is allocated for residential development in the emerging Local Plan (Policy HAD5). 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along with a 20% 'buffer', as required by the National Planning Policy Framework, the Council's housing policies are out of date and Officers have had to consider the application on its merits in line with the government's 'presumption in favour of sustainable development'.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 The proposal has attracted many comments from individual members of the public and Ramsey Parish Council has written in objection to highlight a number of concerns relating mainly to the cumulative impact of further housing development on local infrastructure and the impact on the character of the area. There are no outstanding objections from any of the statutory consultees or other technical bodies.
- 1.4 The Highways Authority has no objection to the scheme subject to conditions and the Education Authority has no objection subject to securing a financial contribution toward early years and child care and primary school provision. Anglian Water has no objection to the scheme and the concerns that Essex County Council originally had in relation to drainage have 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.
- 1.5 The visual and landscape impact of the development is expected to be low and the site has low to intermediate ecological value and development can take place without any adverse impact on important trees.
- 1.6 The indicative layout submitted by the applicant demonstrates that a scheme of 71 dwellings could be accommodated on the site in an appropriate manner with no materially adverse visual impact on the character or appearance of the area and the setting of St.

Michael's Church or any issues in complying with well-established urban design and secured-by-design principles.

- 1.7 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, off-site 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 off-site 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) 71 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 any one 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 (as opposed to villages) 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.

EN2: Local Green Gaps

Seeks to keep land within Green Gaps open and essentially free of development to prevent the coalescence of settlements, and to protect their rural setting.

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.

EN23: Development within the Proximity of a Listed Building

Resists proposals for development that would adversely affect the setting of a Listed Building including group value and long distance views.

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.

SD2: Urban Settlements

Identifies this part of Ramsey as part of the wider 'urban settlement' of Harwich and Dovercourt where a large proportion of the district's future growth is expected to take place.

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.



PLA1: 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.

PLA6: The Historic Environment

Sets out the Council's general approach to dealing preserving and enhancing the historic environment in line with the NPPF.

PLA8: Listed Buildings

Sets out criteria for assessing development affecting Listed Buildings or their setting.

HAD5: Development West of Mayes Lane

Allocates land west of Mayes Lane for residential development and sets out some site-specific requirements for that development.

**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**

14/30440/PRE APP	Residential development of 73 dwellings and associated roads, garages and on site balancing pond, with principal vehicular access from Mayes Lane.	19.12.2014
15/00964/OUT	Erection of seventy-one dwellings and associated garages.	Current

**4. Consultations**

Natural England

4.1 No objection subject to the application of Natural England's standing advice.

Anglian Water

4.2 The foul drainage from this development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. We request that the agreed strategy is conditioned in the planning approval.

#### ECC Highways

4.3 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:

- The dimensions of the access point;
- The dimensions of individual vehicular access to properties;
- The use of unbound materials;
- The distance of garage doors from the highway boundary;
- Off street car parking to comply with current parking standards;
- The details of bicycle storage;
- Turning facility for service and delivery vehicles;
- Carriageway widths;
- Footpath widths; and
- Details of estate road and footway layouts.

#### ECC Drainage

4.4 Further to a revised Flood Risk Assessment dated 16<sup>th</sup> November 2015 sent in response to our objections, we now do not object to 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.

#### NHS England

4.5 71 dwellings is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation. A developer contribution of £21,394 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 Schools Service

- 4.6 Early years and childcare facilities in the Great and Little Oakley ward and surrounding wards are operating at over 80% capacity and could not support additional children generated by this development. 75 houses would generate a need for an additional 6.3 early years and childcare places.

This proposed development is located within the priority admissions area for Two Villages V/C Primary School. The current pupil forecasts indicate that the pupil product from this development could be accommodated at schools within the area without the need for the provision of any additional primary school places. However if the Council should grant planning permission 14/01431/OUT for 297 dwellings on land east of Pond Hall Farm, Stour Close, this would use all of the available surplus capacity at primary schools within reasonable travelling distance of this proposed development. 71 houses would generate the need for an additional 21.3 primary places.

This proposed development is located within the priority admissions area for Harwich and Dovercourt High School. The school has a capacity of 1,433 places and is forecast to have a surplus of 295 places by the school year 2018-19.

Any permission granted should be subject to a section 106 agreement to mitigate the impact of development on education which should secure a financial contribution towards early years and childcare and primary school places. The early years and childcare contribution would be £88,264 to be used towards early years and childcare expansion in the Great and Little Oakley ward or a surrounding ward. The primary school contribution would be £295,264 to expand Two Village V/C Primary School, 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.

### TDC Regeneration

- 4.7 The landowner/developer should clarify the provision of broadband to the site as per the requirements of Policy PRO2 in the emerging Local Plan to ensure the development is adequately served.

### TDC Open Space

- 4.8 There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space. There are two play areas in Ramsey. A Local Area for Play located at Ramsey War Memorial and a Local Equipped Area for Play at Clayton Road.

To cope with additional development in Ramsey, the War Memorial Trust have plans in place to increase the size of the War Memorial play area by the provision of a MUGA.

It is noted that open space provision has been incorporated within the design. Should the developer wish to transfer the open space to the Council upon completion a commuted sum would be required. However due to the lack of facilities in Ramsey it is felt that a contribution towards off-site play facilities is justified and relevant to the planning application, which can go toward the provision of a MUGA adjacent to the War Memorial Play Area.

### TDC Environmental Health

- 4.9 Conditions are proposed which will:
- require an air quality assessment for the effect of the development on the existing local air quality at full application stage;
  - restricting the hours of work during the site clearance and construction phases; and
  - require a full construction method statement to be submitted and approved in writing prior to any works starting on site.

### TDC Principal Tree & Landscape Officer

- 4.10 The main body of the application site is set to grass and is being used for the grazing of horses. There are no trees or other significant vegetation in the main body of the land. The only significant vegetation on the application site, or close to the application site is; the relatively young hedgerow situated on the boundary of the access road to the school, a few trees on the boundary of the land with Church Hill and the trees on land immediately to the west of the application site.

The trees have the greatest amenity value are those close to Church Hill. These trees are appropriate for their location and their retention is desirable. The indicative site layout makes provision for their retention and it is therefore not considered expedient to make them the subject of a Tree Preservation Order at the present time.

Should consent be likely to be granted then the applicant should provide, as a reserved matter, a Tree Survey and Report in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, Recommendations. The report should to show how the development proposal can be implemented without causing harm to retained trees and that a satisfactory juxtaposition of trees and buildings can be achieved. Details of soft landscaping should also be secured as a reserved matter.

It is clear that the site layout is indicative however, the position and design of the area marked as the Village Green is dominated by a 'balancing pond' that may restrict the use of the open space. It may not be acceptable for the mechanism for dealing with surface water to form part of the recreational open space in such an 'urban fringe' setting. In terms of its relationship with the site, as a whole, the open space does not seem to be an integral part of the layout of the development.

### TDC Housing

- 4.11 There is a high demand for housing in the Ramsey area with 86 households on the housing register seeking a 1 bedroom property, 48 seeking a 2 bedroom property, 15 seeking a 3 bedroom property and 13 seeking a 4 bedroom or larger property.

At present, the Council is still deciding its development priorities and cannot commit to purchase up to 25% of the affordable housing provision as outlined in the emerging Local Plan. As an alternative, the Housing Department would prefer to be gifted 2 x 2 bed and 1 x 3 bed properties, this being 20% of the 25% provision for affordable housing on this site.

## **5. Representations**

- 5.1 Ramsey and Parkeston Parish Council objects to the proposed development and the issues raised are summarised as follows:
- The proposed development is not sustainable with current infrastructure deemed inadequate;
  - There are concerns over potential flooding;

- The electricity substation trips on occasions due to demand from current households and would not be able to cope with the additional proposed development;
- Highway safety concerns in general, in particular the Parish Council have requested that Mayes Lane is reduced to a 20mph zone; and
- The Design and Access Statement claims “*there are no existing trees or hedges on the site*” which is incorrect.

5.2 39 letters of objection have also been received and the issues raised are summarised as follows:

- The proposed development will increase traffic congestion along Mayes Lane which will be used as a rat run;
- Development in this location will compromise highway safety;
- Flooding and surface water disposal;
- The development will result in increased power cuts;
- There is concern over who will maintain the proposed public open space;
- The character of the area will be adversely affected;
- The Church Hill frontage needs to be protected;
- The proposal is contrary to the development plan;
- A number of residents have raised concern that new residential development will result in a loss of their amenities in terms of loss of light, overlooking and noise;
- The sewerage works are operating at full capacity;
- The development will result in the loss of important trees and hedgerows;
- There are currently over 200 empty properties in Harwich which should be brought back into use prior to approving new residential developments;
- The identity of Ramsey needs to be preserved;
- Harwich does not have sufficient employment opportunities;
- There is insufficient infrastructure in place including health, education, insufficient bus stops and poor railway services;
- The existing sewerage and drainage network is insufficient; and
- There are more suitable housing sites within Tendring for new housing.

## 6. **Assessment**

### **The Site**

6.1 The application site comprises approximately 3.28 hectares of undeveloped rough grazing land located approximately 1km east of Ramsey village, west of Mayes Lane. The site is irregular in shape and relatively flat. To the north, approximately 70 metres of the site fronts Church Hill which is open with sparse trees and a bus shelter providing clear views to St. Michaels Church and its graveyard. The site adjoins a number of residential properties along Church Hill. The western boundary is enclosed by an area of mature woodland, however, the eastern part of the site bounds Mayes Lane. Immediately to the south of the site is the Two Villages Primary School and post war detached bungalows.

### **The Proposal**

6.2 This outline planning application seeks the approval for the principle of up to 71 dwellings with associated open space and infrastructure. Whilst all matters are reserved (apart from access) 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.

6.3 The indicative material suggests a scheme of two storey properties influenced by the existing road layout around the site, and a singular vehicular access into the site from

Mayes Lane. Some of the properties would look out over the proposed open space which would help to provide a soft edge to the extended settlement.

6.4 The layout incorporates a balancing pond, as part of the sustainable drainage scheme which is located in the north-east part of the site on the corner of Church Hill and Mayes Lane. The pond is set within an area of public open space (approx. 0.275ha), which contributes positively to the setting of St. Michaels Church to the north-east of the site. The application documents are:

- The applications forms;
- Site Location Plan;
- Design and Access Statement;
- Flood Risk Assessment
- Location Plan; and
- Phase 1 Habitat Survey.

### **Main Planning Considerations**

6.5 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;
- Ecology;
- Impact on Heritage Assets;
- Open space;
- Indicative design and layout / Impact upon neighbours;
- Council housing / affordable housing; and
- Other issues

### **Principle of residential development**

6.6 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.

6.7 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.

6.8 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.

- 6.9 The site is not allocated for housing or mixed use development and lies completely outside the 'settlement development boundary' in the adopted Local Plan. It also forms part of the 'Local Green Gap' within which Policy EN2 of the adopted Local Plan seeks to preserve views across Church Hill, safeguard the separate identity, character and rural setting of Ramsey village and prevent further ribbon development along Church Hill. However, in the emerging Local Plan the site is specifically allocated for residential development (with an indicative/estimated dwelling capacity of 60 homes) and is excluded from the revised 'strategic green gap'.
- 6.10 Policy HAD5 in the emerging Local Plan relates specifically to this site and, in summary, requires that:
- a) the principle point off access be off Mayes Lane;
  - b) the development include safe, secure and direct pedestrian routes;
  - c) the site include a minimum 0.3 hectares of open space in its north-eastern corner; and
  - d) the development has regard to the setting of the listed St. Michael's Church.
- 6.11 Because the site lies outside of the settlement development boundary and is not allocated for development in the adopted Local Plan, 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 and within the Local Green Gap in the adopted Local Plan.
- 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. Because this part of Ramsey is considered to form part of the wider Harwich and Dovercourt urban area, the site offers a sustainable location for development and Officers have approached the proposal positively with a view to recommending approval.
- 6.14 The density of development proposed would be 21 dwellings per hectare gross and 26 dwellings per hectare net (excluding the proposed open space). 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).

- 6.15 The general character of the area is very mixed with some areas of historic ribbon development along Church Hill and Ramsey Road. Mayes Lane is characterised by a mix of pre and post war housing with modern infill development. Given the site's location, and the size and mix 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.
- 6.16 Bearing in mind the current lack of a five-year supply of housing sites to meet objectively-assessed needs in Tendring and the proportionate 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**

- 6.17 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.18 Policy QL2 in the adopted Local Plan and Policy SD8 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site is within close proximity to the shops and services in Dovercourt Town Centre and is located adjacent to the primary school. It is also within 200 metres of a bus stop on a bus route with services to and from Colchester.
- 6.19 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.
- 6.20 Ramsey Parish Council and local residents has objected to the proposal with concerns about increased vehicular movements onto Ramsey Road and Mayes Lane; concern is also raised about the high volume of traffic movements associated with the adjacent school. Essex County Council, in its capacity as the Local Highways Authority, has however considered the proposal and concluded that it would be acceptable from a highways perspective subject to a number of conditions. The applicant has submitted a revised indicative layout which takes ECC's comments into account.



- 6.21 In conclusion, the site is reasonably accessible, by foot and cycle, to local services and facilities and public transport and the vehicular access and highways matters have been considered and deemed acceptable by the Highway Authority. The transport impacts of the development are not considered to be severe and, from this perspective, Officers consider the proposal to be acceptable.

### **Flood risk and drainage**

- 6.22 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.23 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. 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.
- 6.24 In conclusion, 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**

- 6.25 Policy QL12 in the adopted Local Plan and Policy SD7 in the emerging Local Plan require that new development is supported by the necessary infrastructure. The Parish Council and local residents has raised concern about the impact of the cumulative impact of additional homes on local infrastructure, in particular schools, health services and sewage.
- 6.26 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC advised 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 should the outline planning application at land east of Pond Hall Farm for 297 dwellings be granted (14/01431/OUT) [which, subject to the completion of a s106 agreement, is expected to happen]. In terms of secondary school places the Harwich and Dovercourt High School is forecast to have a surplus of 295 places by the school year 2018-19.
- 6.27 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 71 dwellings could generate a need for 6.3 additional early years and childcare places and 21.3 primary school places. A financial contribution of £88,264 toward early year and childcare facilities and £259,264 for primary school facilities has been requested and it is proposed that these contributions be secured through a s106 legal agreement.

- 6.28 NHS England has been consulted on the planning application and has made representations. NHS England advises that there is a capacity deficit in the catchment practice and a developer contribution of £21,394 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 and will be secured by a Section 106 agreement.
- 6.29 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 71 dwellings and has made no objections to the proposal. Local residents concerns about sewage capacity are not reflected in Anglian Water's advice and so the addition of 71 dwellings is not expected to add significantly to this issue and the Council would not be justified in refusing planning permission for this reason.
- 6.30 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of education and health) 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**

- 6.31 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.
- 6.32 Despite being an undeveloped site, the site is relatively well contained within its wider landscape, particularly with built development to the east and woodland to the west; although the development will be visible from Church hill and Mayes Lane. It is considered that the development can be achieved without having a materially negative landscape and visual impact.
- 6.33 The Council's Principal Trees and Landscapes Officer has considered the proposal and is satisfied that the development can be implemented without harm being caused to any important trees. 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.
- 6.34 A member of the public has objected on the grounds that the site is located in the Local Green Gap. Policy EN2 in the adopted Local Plan and Policy SD6 in the merging Local Plan identify Local Green Gaps/Strategic Green Gaps to maintain physical separation between different settlements or neighbourhoods that would result in them merging together and losing their identities.
- 6.35 The site is located in the Strategic Green Gap in the adopted Local Plan (2007). However, in the emerging Local Plan the Strategic Green Gap has been amended to allow the site to be allocated for residential development. The periphery of the Harwich urban area is highly sensitive in parts and there are limited opportunities for significant housing development, therefore this site is considered one of the least harmful options and has the potential to deliver some residential development that would be difficult to provide elsewhere. The main

function of the Local Green Gap designation to prevent physical separation between different settlements would still be fulfilled even if this development takes place.

- 6.36 On balance, given the significant shortage in developable housing land the loss of this small part of the Local Green Gap is outweighed by the benefit of delivering to new homes to help address a significant projected housing need.
- 6.37 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.

### **Ecology**

- 6.38 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PLA4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for. Policy EN6b in the adopted Local Plan and PLA4 in the emerging Local Plan support the creation of new habitats within developments subject to appropriate management and public access arrangements. Policy EN6a in the adopted Local Plan refers specifically to protected species.
- 6.39 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.
- 6.40 The applicant has prepared and submitted a Phase 1 Ecological Report that has identified no evidence of protected species occupying the site but that parts of the site do offer a habitat for a range of non-protected, common and abundant species that are found in similar places across much of Britain. These habitats are described as being of low to intermediate value and assessment concludes that there are no over-riding ecological constraints to the development being proposed, subject to appropriate conditions to secure mitigation/enhancement measures that would both reduce the impact on wildlife and increase the long-term nature conservation value of the site.
- 6.41 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. These include avoiding site clearance during the main bird nesting season, the supervision of site clearance works by an ecologist, suitable fencing to reduce the possibility of damage to established vegetation, new planting including trees and shrubs, bat and bird boxes on suitable mature trees or on the proposed houses, lighting positioned to minimise light spillage and pollution, and new habitats created within the proposed open space.
- 6.42 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 on Heritage Assets**

- 6.43 The Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions:
- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.44 Paragraph 134 of the NPPF determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset (which could include harm to its setting), this harm should be weighed against the public benefits of the proposal. Policy EN23 in the adopted Local Plan states that development that would adversely affect the setting of a Listing Building, including group value and long distance views will not be permitted. Policy PLA8 in the emerging Local Plan only allows development affecting a listed building or its setting where it meets a set of criteria.
- 6.45 The application site lies immediately south-west of St. Michael's Church, a prominent Grade I Listed Church on the opposite side of Church Hill and the proposed development will affect the building's setting.
- 6.46 Paragraph 128 in the NPPF requires applicants to describe the significance of any heritage asset affected by their development including any contribution made by their setting, with the level of detail being proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. There is already recognition through Policy HAD5 in the emerging Local Plan that the development of the site will affect the setting of the Church and, at outline stage and in the absence of detailed designs and elevations, the Council needs to be content that development can be achieved in a way that respects that setting.
- 6.47 In support of the emerging Local Plan, the site was assessed as part of the Council's 2010 Landscape Impact Study which recommended the creation of a village green in the north eastern corner of the site to provide an appropriate setting for the church which could include a new pond to replace the one which is noted as having been present until 1920 on the plaque for the drinking fountain on the opposite side of Mayes Lane and around which development should be of a lower density. This study informed criterion d) of Policy HAD5.
- 6.48 The indicative drawings submitted with the application show the intention to confirm with this element of the policy, providing open space and a pond in the north-eastern corner of the site with lower-density detached properties shown around that open space. In seeking to comply with this element of the emerging Local Plan policy, Officers are satisfied that a scheme of residential development that respects the setting of the church can be achieved, with details to be considered at reserved matters stage.

### **Open Space**

- 6.49 Policy COM6 in the adopted Local Plan and Policy PE022 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The indicative drawings in support of the planning application show the provision of an area of open space with properties orientated to look out onto that space. The provision of this area would comply with the Council's policy and would offer the opportunity to achieve an attractive transition between the development and the countryside beyond whilst incorporating landscaping features and sustainable drainage facilities.

- 6.50 The Council's Open Space and Bereavement Service Manager has commented on the application and is satisfied that the proposed development will deliver open space and a contribution for off-site play facilities is justified. 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.

### **Indicative Design and Layout / Impact Upon Neighbours**

- 6.51 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 71 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.
- 6.52 The suggested layout of the properties comply with general urban design and secured-by-design principles and show how the dwellings could relate well to neighbouring dwellings and how the street frontage to Church Hill and the setting of St Michaels Church will be preserved. The indicative layout proposes a village green located in the north-east of the site. The applicant will be encouraged to re-orientate plots 5 & 6 so that they front the green providing natural surveillance.
- 6.53 The site with appropriate landscaping will be contained within the landscape and can be developed in a manner that would not detract from the character of the wider area.
- 6.54 A number of residents have raised concern that new residential development will result in a loss of their amenities in terms of loss of light, overlooking and noise. Whilst these concerns are noted, 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.

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

- 6.55 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.
- 6.56 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 resister. 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).
- 6.57 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.

### **Other issues**

- 6.58 Objection has been raised to the proposed development because there are existing empty properties in Harwich which should be brought back into use prior to approving new residential development. Whilst this concern is acknowledged it is not a material consideration in the determination of this application and cannot be used as justification to refuse planning permission.

### **Conclusion**

- 6.59 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:

- Principle of development;
- Highways, transport and accessibility;
- Flood risk and drainage;
- Infrastructure Impact;
- Landscape, visual impact and trees;
- Ecology;
- Impact on Heritage Assets;
- Open space;
- Indicative design and layout / Impact upon neighbours;
- Council housing / affordable housing; and
- Other issues

- 6.60 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 limited with the potential for them to be positive subject to securing successful approaches to landscaping, drainage and habitat creation.

- 6.61 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 and open space, 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.