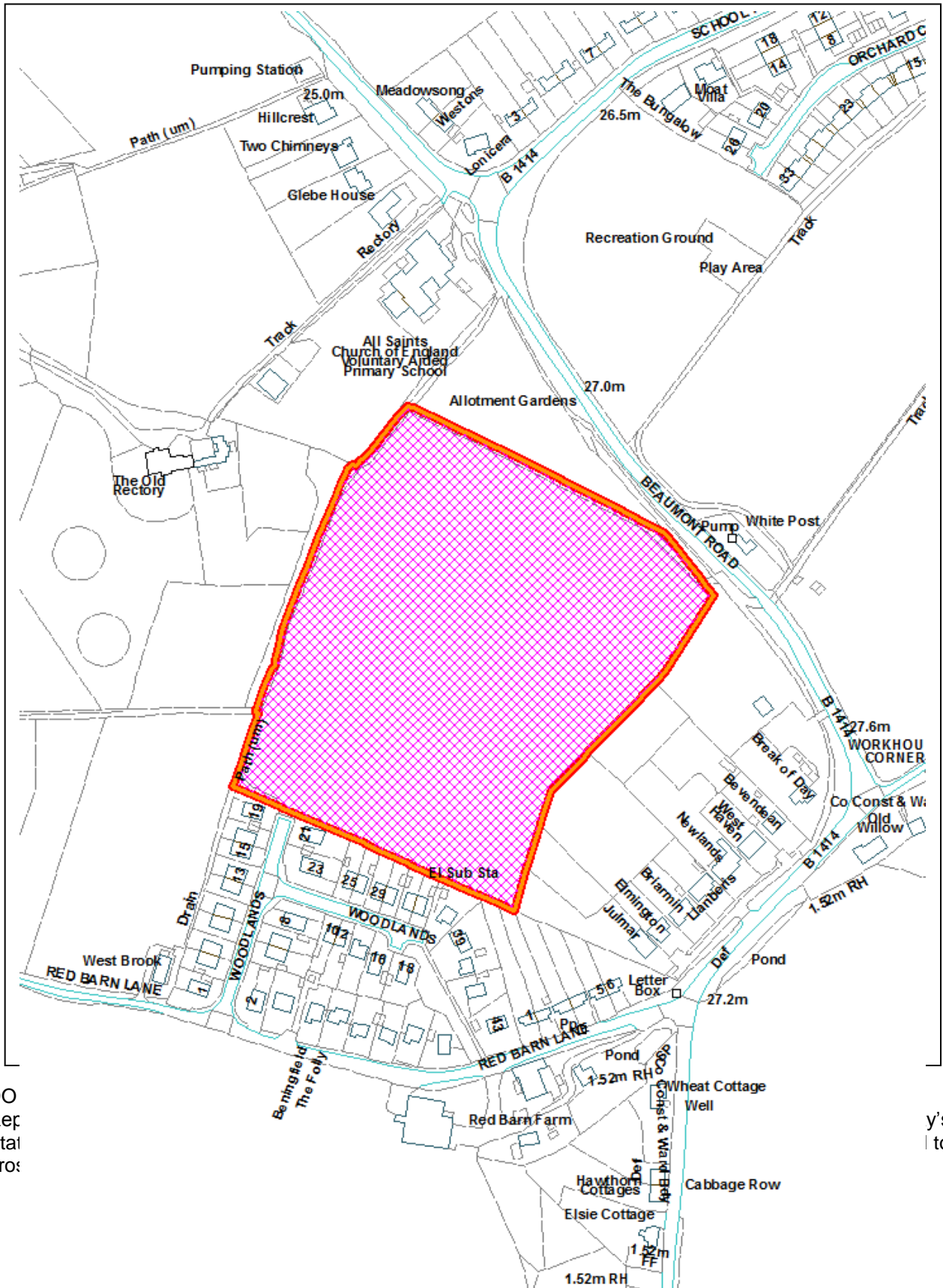


PLANNING COMMITTEE

15TH DECEMBER 2015

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATIONS - 15/01080/OUT - ALLOTMENT FIELD ADJACENT GREAT OAKLEY PRIMARY SCHOOL BEAUMONT ROAD, GREAT OAKLEY, CO12 5BA



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Application:	15/01080/OUT	Town / Parish: Great Oakley Parish Council
Applicant:	Mr P Thompson - George Thompson (Great Oakley) Ltd	
Address:	Allotment Field adjacent Great Oakley Primary School Beaumont Road Great Oakley CO12 5BA	
Development:	Hybrid application consisting of: Outline planning permission for the erection of 51. no 2/3/4 bed dwellings to PassivHaus standards. Full planning permission for public open space including a village green & childrens play area & the provision of a village hall, doctors surgery & village shop.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee at the request of Cllr Howard who requested that the application be referred to Planning Committee irrespective of the recommendation at it is a significant development in smaller rural settlement. The development also represents a departure from the Development Plan being located outside the Settlement Development Boundary in the Tendring District Local Plan 2007.
- 1.2 This application is a hybrid application that seeks both full planning permission for some elements of the proposal and outline planning permission for other elements. It seeks full planning permission for public open space, including a village green and children's play area; the provision of a village hall, doctors surgery and village shop. The outline element of the proposal is for 51 no. dwellings built to Passivhaus Standard.
- 1.3 The application site is situated to the south-western end of the village of Great Oakley. It comprises of an agricultural field which is classed as Grade 2 agricultural land. It covers an area of approximately 3.6 hectares. The site is flanked to the north east with allotments, beyond which on the opposite side of Beaumont Road is the village sports field. All Saints Primary School and 'Oakey Dokey's Nursery' are to the north west. An existing footpath runs along the west border of the site providing a pedestrian link between the school and the Woodlands residential development to the south. To the east of the site are the properties which front onto Beaumont Road and the area of land which is subject of a current outline planning application for 18 no. dwellings (15/00987/OUT).
- 1.4 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations. It is considered that the proposal represents sustainable development.
- 1.5 The proposal is in accordance with Draft Policy COU11 with regard to the community facilities that are provided.
- 1.6 It is considered that the elements which seek full planning permission, i.e. car park, village hall, shop and doctors surgery and village green/open space would not result in any adverse impact on the character and appearance of the surrounding area or residential amenity. Furthermore it is considered that the proposal provides adequate car parking and in accordance with the recommendation from Essex County Council Highways would be acceptable from a highway and transport perspective.

- 1.7 With regard to the residential element of the proposal (which is in outline form) it is considered that the site is capable of accommodating 51 dwellings (depending on size and design) whilst resulting in no material harm to the character of the surrounding area, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways for a suitable access that would not result in harm to highway safety.

Recommendation:

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

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
- Affordable Housing
 - Education
 - Provision of Community Facilities
 - Highway Works
 - Ownership of Village Hall and Doctors Surgery
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).

Conditions:

1. Standard 3 year time limit for commencement of the full element and standard time limit for the submission of reserved matters and commencement of development for the outline element.
2. Development in accordance with submitted plans
3. Details and samples of facing and roofing materials
4. No more than 51 dwellings
5. No occupation until a priority junction off Beaumont Road has been provided
6. Details of improvements to public right of way to be agreed and carried out prior to first occupation
7. Development in accordance with landscape masterplan
8. Car parking area (hard surfaced, sealed and marked out in parking bays)
9. Detailed Surface Water Strategy
10. Development in accordance with Extended Phase 1 Ecology Survey
11. Wheel cleaning
12. Residential Travel Packs
13. Development in accordance with recommendations set out in the Arboricultural Impact Assessment.
14. Removal of Permitted Development so the shop is retained
15. Demolition and Construction Method Statement

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

2. **Planning Policy**

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM4 New Community Facilities (Including Built Sports and Recreation Facilities)

COM6 Provision of Recreational Open Space for New Residential Development

COM8 Provision and Improvement of Outdoor Recreational Facilities

COM12A Bridleways

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

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

SD1 Presumption in Favour of Sustainable Development

SD4 Smaller Rural Settlements

SD5 Managing Growth

SD7 Securing Facilities and Infrastructure

SD8 Transport and Accessibility

SD9 Design of New Development

SD10 Sustainable Construction

PRO3 Improving Education and Skills

PEO1 Housing Supply

PEO3 Housing Density

PEO4 Standards for New Housing

PEO5 Housing Layout in Tendring

PEO10 Council Housing

PEO18 Community Facilities

PEO19 Green Infrastructure

PEO22 Green Infrastructure in New Residential Development

PLA1 Development and Flood Risk

PLA5 The Countryside Landscape

COU11 Great Oakley Community Development

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. Relevant Planning History

- 3.1 Planning Application 00/01741/OUT sought planning permission for change of use of 0.8 hectares of field from agricultural use to plot for a new village hall building and car parking for use by hall/school/recreation field. This application was closed on 31.12.2002 as it was considered to be inactive.

4. Consultations

- 4.1 **Anglian Water** - advises that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. They also confirm that with regards to the wastewater treatment and sewerage system there is available capacity within the area for the proposed flows. Request a condition to ensure that no drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority.
- 4.2 **Building Control** - state that the internal layout of the surgery and shop would appear to have various means of escape and compartmentation issues.
- 4.3 **Environmental Health** – no response received.
- 4.4 **Essex Bridleway Association** –would like to request that the public footpath leading from Beaumont Road by the allotments site to the end of the cul de sac at Woodlands is upgraded to bridleway status. This will ensure that all vulnerable road users can use this path. With the close proximity of the school and the residential development at Woodlands, this will ensure that cyclists, the disabled as well as horse riders can use this path away from the increasingly busy roads. They appreciate that not all the land in question is in control of the applicant and that this may not be deliverable by condition, therefore we would request that an alternative provision is made whereby full equestrian, cyclist and disabled access is created wither from the proposed junction at Beaumont Road or to the west of the proposed village green, through the development via the primary access roads to the end of Woodlands.
- 4.5 **Essex County Council Archaeology** – no response received.
- 4.6 **Essex County Council Flood & Water Management** – further to additional information received do not object to the granting of outline planning permission subject to a condition to secure a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.
- 4.7 **Essex County Council Highways** – consider that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:
- Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development
 - No occupation of the development shall take place until the following have been provided or completed:
 - a) A priority junction off Beaumont Road to provide access to the proposal site as shown in principle on the planning application drawings.
 - b) Two new bus stops adjacent the proposal site access off Beaumont Road OR upgrading of existing bus stops with the highest frequency of services which would serve the proposal site. For either option, stops shall be provided or upgraded to current Essex County Council specification.
 - c) Widening to a minimum width of 2 metres of the existing footway along the south side of Beaumont Road between the Public Right of Way mentioned in d) below and the service road located north-east of Red Barn Lane.
 - d) Improvements to the Public Right of Way which runs along the proposal site's western boundary between Beaumont Road and Woodlands (details shall be agreed with the Local Planning Authority prior to commencement of the development).

e) For the non-residential element of the proposal, if there are 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan

f) Residential Travel Information Packs

- Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works
- All or some of the above requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible)
- All highway related details should be agreed with the Highway Authority
- The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009
- Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River
If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding. Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk
- Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

4.8 **Essex County Council Schools Service** – request that any permission for this development is granted subject to a S106 Agreement to mitigate its impact on (early years and child care and secondary transport). Based on 51 houses with more than 2 bedrooms the early years and childcare contribution would be £63,700 for expansion of early year and childcare provision within the Great and Little Oakley ward or a surrounding ward. The secondary transport costs would be based on 10.2 places and would cost £42,763.50, to be used to transport children from this development, to Tendring Technical College. All contributions will be index linked to April 2015 costs.

4.9 **Essex Wildlife Trust** - no response received.

4.10 **Housing** – Great Oakley is an area of high demand, there are currently 40 households on the housing register seeking 2 bedroom accommodation in the village. The application form refers to providing 3 social rented properties; the housing department is prepared to accept transfer of these properties providing these are gifted to the Council.

4.11 **Natural England** – advised that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Hamford Water Ramsar; Hamford Water SAC (Special Area of Conservation); Hamford Water SPA (Special Protection Area); Stour and Orwell Estuaries Ramsar and Stour and Orwell Estuaries SPA have been classified. They therefore advise that an Appropriate Assessment to assess the implications of this proposal on these site's conservation objectives is not required.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Hamford Water and Stour Estuary SSSIs have been notified. They therefore advise that these SSSIs do not represent a constraint in determining this application.

- 4.12 **Open Space** – it is noted that this application includes provision for additional open space and play facilities which is welcomed. Should the developer wish to transfer ownership of the open space and play facilities to the District Council a commuted sum would be payable equal to ten years maintenance costs, in line with the schedule contained within the Supplementary Planning Document for Policy COM6 for the 2007 Local Plan.
- 4.13 **Police Architectural Liaison Officer (Essex Police)** – do not object to this outline application but would seek a condition of planning should there be a full application. The site layout is acceptable to the Secured by Design initiative and subject to security issues the development both commercial and housing could achieve Secured by Design Certification. The Design and Access Statement did not cover security and safety in any great depth. Essex Police would therefore request a condition that Secured by Design (SBD) be achieved across the site. SBD would address the issues of sustainability. Crime has a carbon footprint, reducing the opportunities for crime will reduce the carbon footprint of the site long into the future.
- 4.14 **Regeneration** – no response received.
- 4.15 **Tree and Landscape Officer** – considered that there are no trees or other significant vegetation in the main body of the land. On the boundary of the application site there are several large and prominent trees. Several of these trees make a positive and significant contribution to the character and appearance of the area. The trees on the eastern boundary are afforded protection by Tree Preservation Order ref TPO/15/08 entitled 'Land North of Break of day and Newlands, Beaumont Road, Gt Oakley'. The Tree Survey and Report carried out by DF Clarke provide an accurate description of the health condition and viability of the trees on the land and on the boundary and show the extent of the constraint that the trees are on the development of the land.

As the application is in an outline form it is not possible to state, at this time, that a satisfactory juxtaposition of trees and buildings can be achieved. It would however appear from the indicative layout that the development proposal makes adequate provision for the retention of the trees on the land and should not affect the trees on adjacent land.

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

5. **Representations**

- 5.1 **Great Oakley Parish Council** - continue to support the development in principle on the basis that it will provide a New Village Hall, Car Parking and open green space for the benefit of the community. They cannot support the current submission due to the imposition of a new Doctors Surgery and Shop in extremely close proximity to the proposed New Village Hall.
- 5.2 One of the anticipated benefits of the project was to have the New Village Hall car park available for the use of parents dropping off and picking up children at the adjacent Primary School. The addition of the Surgery and Shop in the same location without any additional car parking provision, means the Village Hall Car Park is likely to be used for staff, patient and customer parking through the day. With the car park substantially full, parents are likely to continue their current practice of parking on the main road, causing an obstruction and increasing the risk of a serious accident. Furthermore, with the car park being in constant use by the Surgery and Shop there is likely to be inadequate provision of parking to fully utilise the New Village Hall.

- 5.3 The addition of the Surgery and Shop is likely to increase traffic movements in to and out of the development.
- 5.4 The proposed New Village Hall is significantly smaller than previously discussed and it is felt that this will not adequately meet the requirements of the community.
- 5.5 The Design and Access Statement submitted indicates a phased approach with the Village Hall being part of a second phase to be constructed after Phase 1 has delivered and sold the first 27 houses. This is absolutely unacceptable and runs contra to all previous discussions.
- 5.6 Great Oakley Parish Council oppose the current application and suggest it is amended in the following manner and re-submitted:
- The proposed Doctor's Surgery and Shop should be relocated to another part of the development with its own separate car parking provision.
 - The proposed New Village Hall should be moved North East on the proposed plot to allow an area to the south for marquees, events and potential future expansion of the hall (as originally shown on feasibility study drawing).
 - The size of the main hall within the building should be increase to a minimum of 18 metres x 10 metres to provide adequate facilities (as originally shown on feasibility study drawing).
 - The construction of the New Village Hall should form part of the first phase of the development and this should be ensured by imposition of suitable planning conditions, for example that 'no more than five houses can be occupied before the completion of the New Village Hall' and this should be backed up with a legally binding unilateral undertaking with the landowner.
 - Consideration should be given to a 'joint approach' with the proposer of the adjacent application site to get the best overall outcome, especially with regards to the access of the site.
- 5.7 One letter was received on 13th August 2015 stating that the site notices had not been put on public display and that this could advantage the applicant. Officers can confirm that a site notice was posted at the site on 19th August 2015, which gave 3 weeks for members of the public to provide comments on the application.
- 5.8 Three letters of objection has been received which raises the following concerns:
- The amount of traffic volume generated by the development will cause major impact and potential congestion at the point of entry during peak times.
 - Increased traffic through the village is liable to be dangerous
 - Disturbance of wildlife e.g. owls, woodpeckers, and muntjac deer and hedgehogs
 - It will turn a traditional village into a small town
 - Noise pollution and light pollution
 - School will not be able to handle extra influx of pupils
 - The village does not need another village shop, there is already one which is sufficient
 - Will spoil the appearance of a rural village
 - Loss of Oak trees which defines Great Oakley
 - The boundary line on the southern end of the development which incorporates the new vehicular access road encroaches onto land not within the applicant's ownership.
 - The plans indicate that the variety of trees along the boundary belong to the applicant, this is an incorrect assumption. Some of these are proposed to be removed to create the proposed access.
 - The requirements from the Highway Authority cannot be achieved without encroaching on land outside the applicant's ownership and removing the hedgerow and scrubland to the north of the access on Beaumont Road.

6. Assessment

In this case the main planning considerations are:

- Principle;
- Visual Impact – Design and Layout;
- Residential Amenity;
- Ecology;
- Impact on Trees;
- Surface Water Drainage;
- Highway and Parking Issues;
- Provision of Community Facilities;
- Affordable Housing;
- Education; and,
- S106 Agreement.

Proposal

- 6.1 This application is a hybrid application that seeks both full planning permission for some elements of the proposal and outline planning permission for other elements. It seeks full planning permission for public open space, including a village green and children's play area; the provision of a village hall, doctors surgery and village shop. The outline element of the proposal is for 51 no. dwellings built to Passivhaus Standard.
- 6.2 The full planning permission element is situated to the front of the site, it comprises an area of open space which includes a village green and children's play area; a village hall, a doctors surgery and village shop.
- 6.3 The open space is situated immediately adjacent to the proposed access which is towards eastern side of the site. To the western side of the site is a car park with pedestrian links to the existing footpath along the north-western boundary of the site. This car park provides a total of 47 parking spaces, it is proposed that this car park will serve the proposed Village Hall, Doctors Surgery, Village Shop and parking for the parents when dropping off and collecting their children from the Primary School. The proposed Doctors Surgery, Village Shop and Village Hall are proposed to be situated in between the proposed car park and open space.
- 6.4 The Doctors Surgery and Shop are proposed to be provided within a single building. This building is proposed to be located towards the boundary of the site with the allotments. The proposed building is two storey in height with a slightly mono-pitched roof. The first floor is larger than the ground floor which creates an overhang feature on three sides of the building. The proposed materials are predominately horizontal larch cladding for the walls, with panels of white rendering and cantilevered timber louvre shading above some windows and protruding window frame shading on others. The roof is proposed to be a sedum living roof.
- 6.5 The proposed shop is to be situated at ground floor level on the west side of the building; access will be gained from a door on the elevation facing the proposed car park. The Doctors Surgery proposed, utilises the remainder of the ground floor of the proposed building and the first floor. It will provide 5 no. consultation rooms, a dispensary, two offices and kitchen for staff.
- 6.6 The proposed Village Hall is in a separate building which is situated to the south of the proposed shop and doctors surgery. This building is an I-shaped building, it is single storey in height; part of the proposed building has a flat roof and part of the building has a

mono-pitched roof which would be a sedum living roof. The proposed materials are horizontal larch cladding and white render with cantilevered timber louvre shading above some windows and timber shading with solar plate louvres above others.

- 6.7 The proposed Village Hall provides a hall of 131m² a studio of 29m² which can form part of the hall or be separated; a kitchen, a cloakroom, a store room, a cleaners store, a plant room, an entrance hall and shower, WC and changing facilities.
- 6.8 The outline part of the application is situated to the rear of the site. It has all matters reserved so details such as access, appearance, landscaping, layout and scale are reserved for a future application. The plans provided showing the layout of this part of the site and the design of the proposed dwellings are indicative only. However, from the description of development it is clear that the proposal is for 51 no. dwellings, which are to be built to Passivhaus Standard. Passivhaus is one of the most energy efficient standards of construction in the world, often achieving over 80% energy reduction compared to existing buildings. This approach to the design will result in an ultra low energy building, reducing its energy consumption across the site through the use of a super-insulated airtight skin, efficient ventilation with heat recovery and glazing optimised for solar gain, result in low operation and maintenance costs throughout the lifetime of a building.

Site Location

- 6.9 The application site is situated to the south-western end of the village of Great Oakley. It comprises of an agricultural field which is classed as Grade 2 agricultural land. It covers an area of approximately 3.6 hectares; the overall topography is fairly level with a slight fall of 2 metres from the northeast to the southwest corners.
- 6.10 The site is flanked to the north east with allotments, beyond which on the opposite side of Beaumont Road is the village sports field. All Saints Primary School and 'Oakey Dokey's Nursery' are to the north west. An existing footpath runs along the west border of the site providing a pedestrian link between the school and the Woodlands residential development to the south. To the east of the site are the properties which front onto Beaumont Road and the area of land which is subject of a current outline planning application for 18 no. dwellings (15/00987/OUT).
- 6.11 This application is accompanied by the following documents:
- Archaeological Desk-Based Assessment
 - Arboricultural Impact Assessment
 - Ecology Report
 - Landscape and Visual Impact Appraisal
 - Lighting Assessment Report
 - Noise Survey & Assessment Report
 - Flood Risk Assessment
 - Foul Drainage & SUDs Assessment
 - Land Contamination Report
 - Statement of Community Involvement
 - Sustainability & Energy Statement
 - Transport Statement

Principle

- 6.12 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007). Within the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012) the front part of the site is within the Settlement Development Boundary and the rear part of the site is allocated as Proposed Green Infrastructure. The 2014 Focussed Changes proposes a further change to the designation

with allocation of the majority of the site for mixed use development including housing, a new village hall and a car park. The rear part of the site is retained as Proposed Green Infrastructure. In relation to the new designation, the 2014 Focussed Changes proposes a new Policy. Policy COU11 states that 'land west of Harwich Road, Great Oakley (the application site) is allocated for a mixed-use community development to include housing, a new village hall with car park (which will also be available for use by people dropping off and picking up children from the Primary School) and green infrastructure. The Council will use legal agreements and/or planning conditions to ensure that the full range of benefits is delivered as part of a comprehensive scheme'.

- 6.13 Given that the Tendring District Local Plan Proposed Submission Draft 2012 and Focussed changes 2014 are not yet fully adopted and are subject to change, in accordance with a number of appeal decisions, it can only be given limited weight. It is therefore considered that in accordance with the Saved Local Plan the site lies outside any defined Settlement Development Boundary and therefore its development is contrary to the local plan policies.
- 6.14 However, the Council accepts that both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed future need for housing and cannot identify a deliverable five year supply of housing sites toward meeting that requirement. Therefore, in accordance with paragraph 49 of the NPPF, relevant development policies for the supply of housing should not be considered as up to date and the 'presumption in favour of sustainable development' as set out in the NPPF should apply to housing proposals.
- 6.15 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; economic, social and environmental and that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.16 Economically, the construction and operation of the proposed Village Shop, Doctors Surgery and Village Hall would be of economic benefit not only through the construction phase but once they are operating, as it would provide employment and a local service which would allow more money to be spent locally instead of people having to travel further afield. Furthermore the construction and habitation of 51 new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents could bring to the local economy.
- 6.17 Socially, it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. As identified in the Council's 'Establishing a Settlement Hierarchy' study (July 2014) Great Oakley has a primary school, a GP and a good bus route with bus stops within walking distance of this site. The proposals under this application for a shop, new doctor surgery and village hall only add to the social sustainability of the location. On this basis it is considered that the site would be socially sustainable.
- 6.18 Environmental sustainability is about contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy. One of the major issues with regard to the environmental sustainability is its impact on the surrounding area which is discussed below in paragraph headed visual impact other issues such as ecology and sustainable development area also considered below.

Visual Impact – Layout and Design

- 6.19 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 17 is to always seek to secure high quality design.
- 6.20 Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) and Policy SD9 of the Tendring District Local Plan Proposed Submission Draft 2012 (Draft Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.
- 6.21 As this is a hybrid application with regard to the residential element of the proposal, matters such as layout, scale and appearance are not under consideration at this stage, the information provided on these matters are indicative only. However, the layout and design of the village hall, doctor's surgery and shop, car park and public open space form part of the consideration of this application.
- 6.22 As part of the application a Landscape and Visual Impact Appraisal has been submitted, within this report the significance of the visual effect of the proposed development upon completion is considered to generally range within substantial adverse-slight adverse effect. The site is well contained by existing boundary vegetation and long distance views into or out of the site are limited. Close range views of the development will be predominately from users of the public footpath and Beaumont road as well as the closest residential properties along the northern edge of Woodlands. As the scheme matures and the landscape provides increasing screening of the built form, the overall significance of the visual effect is considered to reduce to within moderate adverse-negligible effect. Mitigation measures have been incorporated into the landscape masterplan scheme in order to reduce the effect on both landscape and visual amenity and to help to integrate the proposed development into the surrounding landscape. A condition is recommended to ensure that the development is carried out in accordance with this landscape masterplan (Drawing No. 1694 03 Rev. E).
- 6.23 The proposed materials are of a modern design and do not seek to copy the more traditional design of the surrounding dwellings. However, given the location of the proposed dwellings to the rear of the allotments and the amount of existing and proposed screening they will not be seen in close proximity to the existing built form and for this reason it is considered that the design of the proposal would not be inappropriate for its context.
- 6.24 For the reasons set out above it is considered that the Village Hall, Shop, Doctors Surgery and Car Park would not result in any adverse impact on the character and appearance of the surrounding area and that in addition the site is also capable of accommodating 51 no. dwellings without resulting in any adverse impact (details of the residential element will be dealt with as part of a future application).

Residential Amenity

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

not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.26 The appearance of the proposed dwellings is not included within this application, so it is not possible at this stage to fully assess the impact on neighbour's amenities. However, it is considered that there is potential for the site to be developed, without resulting in any adverse impact on the amenities of the neighbouring residents, subject to the siting, height, scale and position of windows in the proposed dwellings. This is on the basis that there is sufficient distance between the existing dwellings and proposed dwellings and that the existing vegetation around the site will be retained. There will be some impact on neighbouring residents in terms of increase in general activity of the site, which is currently an agricultural field, however, this is not considered to be sufficient to warrant a reason for refusal.
- 6.27 The part of the proposal for which full planning permission is sought for; the car park, Doctors Surgery and Shop Village Hall and open space is situated towards the front of the site. There is considered to be sufficient space between this location and the properties in The Woodlands and Beaumont Road not to result in any adverse impact on residential amenity. The proposed access is directly opposite a single storey residential property, there is potential for some impact on the amenity of the property due to vehicles using this entrance. However, it is currently an entrance used by an agricultural machinery and there is no control on the volume of traffic which can use it. It is therefore considered that a reason for refusal on these grounds would be difficult to substantiate.
- 6.28 To assess the impact of the proposed lighting a lighting assessment has been carried out and submitted with the application. It concludes that lighting is unlikely to create any concerns with existing residents around the new development in the context of the proposed residential lighting. The presence of the existing shrubs between the Beaumont Road and the site will further mitigate the proposed lighting. The properties to the east are too far away for any direct light from the proposed street lighting to become a problem. The existing houses to the south are well screened by the proposed houses and existing trees and hedges.

Ecology

- 6.29 Policy EN6 of the Tendring District Local Plan 2007 states that development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced. Furthermore, Policy EN6a states that planning permission will not normally be granted for development which would have an adverse impact on protected species.
- 6.30 As part of the application an Extended Phase 1 Survey was submitted this sets out a number of recommendations which if implemented will provide an opportunity that would not otherwise be available to improve the ecological value of the site for a range of species and will ensure that the proposal would not have any adverse impact on protected species. To ensure these recommendations are carried out a condition is suggested.

Impact on Trees

- 6.31 It is the Council's Landscape Officers view that there are no trees or other significant vegetation in the main body of the land but on the boundary of the application site there are several large and prominent trees, several of which make a positive and significant contribution to the character and appearance of the area. The trees of the eastern boundary are afforded protection by a Tree Preservation Order.
- 6.32 The Arboricultural Impact Assessment submitted with the application states that it will be necessary to remove 2 no. low grade trees at the main entrance to accommodate the

proposed development. The report is considered to be accurate and no objection to the removal of these trees are proposed

- 6.33 Whilst some of the application is in outline form it is not possible to state, at this time, that a satisfactory juxtaposition of trees and buildings can be achieved. However, it would appear from the indicative layout that the development proposal makes adequate provision for the retention of trees.

Surface Water Drainage

- 6.34 Policy EN13 of the Saved Local Plan and Policy PLA3 Draft Local Plan requires that all new development, excluding householder development, to incorporate Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the green infrastructure network and providing amenity benefit. Justification must be given for not using SuDS.
- 6.35 In this regard officers consulted with Essex County Council Flood and Water Management. Following the submission of an addendum they do not object to the proposal subject to a condition to ensure a detailed surface water drainage scheme. Subject to this condition it is considered that the proposal would provide adequate provision for surface water drainage and not result in an increase in flood risk.

Highway and Parking Issues

- 6.36 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SD9 of the Draft Plan.
- 6.37 Essex County Council Highways have been consulted on the application and consider that from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:
- Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement and during construction of the development
 - No occupation of the development shall take place until the following have been provided or completed:
 - a) A priority junction off Beaumont Road to provide access to the proposal site as shown in principle on the planning application drawings.
 - b) Two new bus stops adjacent the proposal site access off Beaumont Road OR upgrading of existing bus stops with the highest frequency of services which would serve the proposal site. For either option, stops shall be provided or upgraded to current Essex County Council specification.
 - c) Widening to a minimum width of 2 metres of the existing footway along the south side of Beaumont Road between the Public Right of Way mentioned in d) below and the service road located north-east of Red Barn Lane.
 - d) Improvements to the Public Right of Way which runs along the proposal site's western boundary between Beaumont Road and Woodlands (details shall be agreed with the Local Planning Authority prior to commencement of the development).
 - e) For the non-residential element of the proposal, if there are 50 or more employees, a travel plan to include but shall not be limited to a £3,000 contribution to cover the Highway Authority's costs to approve, review and monitor the Travel Plan
 - f) Residential Travel Information Packs

- 6.38 Details such as the wheel cleaning facilities, residential travel information packs and details of the improvements to the Public Right of Way can be secured by condition and are recommended above. It is suggested that all other aspects be secured through either a S106 agreement or condition. With regards to the non-residential element the application forms states that the proposal will provide 10 full time equivalent jobs and therefore the requirement for a travel plan is not relevant.
- 6.39 The response from Essex County Council also states that the proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009. As the residential element of the proposal is in outline form, it is not possible to assess its compliance with the parking standards; this will be done as part of a future application. However, with regard to the elements under consideration for full planning permission for standards set out the following requirements:
- A1 (Shop) uses – a maximum of 1 space per 20 sqm.
 - D1 (Medical Centres) – a maximum of 1 space per full time staff equivalent and 3 per consulting room.
 - D1 (Public Hall) – a maximum of 1 space per 25 sqm.
- 6.40 This equates to a maximum of 39 parking spaces. The proposal provides a total of 47 parking spaces, which leaves a minimum of 8 parking spaces to be used for people dropping off and collecting children from the primary school, if the parking spaces allocated for the village hall, doctors surgery and shop were all in maximum use. The concerns of the Parish Council that the car park would be full and not available for people dropping off and collecting children from the school and that two separate car parks should be provided are noted. However, the proposed car park exceeds the maximum number of spaces provided, therefore it would not be reasonable of the Council to request anymore. Furthermore, it is considered unlikely that all spaces for the village hall, doctors surgery and shop will be a maximum capacity at the time people are dropping off and collecting children from the Primary School. Also having one single car park represents best use of land, if the car parks were separate this would take up more space and result in the village green/public open space being smaller.
- 6.41 The submitted plan shows a new access onto Beaumont Road. Essex County Council have no objection to this proposal, however, concern has been raised that the creation of this access will result in loss of vegetation. The plans show that this can be achieved with only the removal of two trees, it is considered that this would not have a sufficient impact on the character and appearance of the surrounding area. Furthermore, this vegetation along Beaumont Road is not within the site edged red and therefore the applicant has no right to remove it, without permission from the owner.
- 6.42 Concern has been raised regarding the relationship between the access proposed as part of this application and the access proposed under application 15/01080/FUL. Whilst the proposed accesses are next to each other and there may be some overlap, there is no certainty that both applications will firstly obtain planning permission and secondly be implemented. Whilst the accesses may overlap they could both be achieved as the required land is within Essex County Council Highways ownership. This matter therefore does not prejudice the determination of this application.
- 6.43 The Bridleway Association have requested that the public footpath leading from Beaumont Road by the allotments site to the end of the cul de sac at Woodlands is upgraded to bridleway status. Essex County Council Highways have set out in their response that details of improvements to this public right of way shall be agreed with the Local Planning Authority. Therefore at this stage it has not been determined what the improvements will be, but it is anticipated that the improvements will ensure that the path would be improved and suitable for as many users as possible.

Provision of Community Facilities

- 6.44 This application seeks permission for a number of community facilities such as a Village Hall, Doctors Surgery, Shop and Car Park. To ensure that these are delivered in a timely manner it is necessary to require the development to be phased as part of the S106 agreement, so that not only the residential part of the development is completed.
- 6.45 The Design and Access Statement submitted indicates a phased approach with the Village Hall being part of a second phase to be constructed after Phase 1 has delivered and sold the first 27 houses. The Parish Council considers that this is unacceptable and runs contra to all previous discussions; they suggest that the construction of the New Village Hall should form part of the first phase of the development and 'no more than five houses can be occupied before the completion of the New Village Hall'. It is agreed that there should be some restrict on the number of residential units occupied before the community facilities are provided. However, the reason for this is not only to ensure that the community facilities are provided but to allow the developer to release some funds from the development to go towards the building of community facilities. The exact number of dwellings that could be occupied before the provision of the community facilities will be negotiated through the S106 agreement and may depend on finances.
- 6.46 Great Oakley Parish Council also have concerns about the location of the Doctors Surgery and Shop and the location and size of the village hall. They say that the proposal is now different to what was originally shown a feasibility study drawing, this may be the case; however the Council has to consider the proposal that has been submitted. Whilst it may be beneficial for the buildings to be relocated and the hall to be bigger, it is not something that the Council can insist on without specific or evidence based justification. Policy COU11 of the Draft Plan sets out the requirement for a village hall but it does not specify a size.

Affordable Housing

- 6.47 Saved Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic. The thresholds under Saved Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.
- 6.48 The Council Housing Department have advised that future legislation will make it virtually impossible for the authority or registered providers to purchase units even at a discounted price. Therefore in order to deliver some affordable housing the Housing Department have requested to be gifted 3 units.

Education

- 6.49 Essex County Council School Services request that any permission for this development is granted subject to a S106 Agreement to mitigate its impact on (early years and child care and secondary transport). Based on 51 houses with more than 2 bedrooms the early years and childcare contribution would be £63,700 for expansion of early year and childcare provision within the Great and Little Oakley ward or a surrounding ward. The secondary transport costs would be based on 10.2 places and would cost £42,763.50, to be used to transport children from this development, to Tendring Technical College. All contributions will be index linked to April 2015 costs and secured through the S106 agreement.

S106 Agreement

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

Affordable Housing

- 3 social rented properties to be gifted to the Council

Education

- Financial contribution towards early years and child care and secondary transport.

Provision of Community Facilities

- Phasing of the development e.g. no more than 25 dwellings to be occupied before the community facilities are provided.

Highway Works

- Two new bus stops or upgrading of existing bus stops
- Widening of existing footway along the south side of Beaumont Road between the Public Right of Way and the service road location on north-east of Red Barn Lane.

Ownership of Village Hall and Doctors Surgery

- Details to be agreed

Other Issues

- 6.51 The Police Architectural Liaison Officer has requested a condition that Secured by Design (SBD) be achieved across the site. It is considered that given the Council has not put this condition on other applications of this scale that it would be unreasonable to impose such a condition on this application.
- 6.52 Concern has been raised with regard to the extent of landownership along the south eastern boundary of the site which is the boundary with planning application 15/00987/OUT. It has been stated that the applicant does not own all the land claimed. This has been raised with the applicant's agent who confirms that the site edged red defining the application site is all within the applicant's ownership. This is as far as the Council can go to determine this matter as it is a civil matter which does not prejudice the determination of this application.

Conclusion

- 6.53 In the absence of an up-to-date Local Plan and the subsequent need to consider the proposal against the NPPF presumption in favour of sustainable development, the proposal achieves an appropriate balance between economic, social and environmental considerations. It is considered that the proposal represents sustainable development.
- 6.54 The proposal is in accordance with Draft Policy COU11 with regard to the community facilities that are provided.
- 6.55 It is considered that the elements which seek full planning permission, i.e. car park, village hall, shop and doctors surgery and village green/open space would not result in any adverse impact on the character and appearance of the surrounding area or residential amenity. Furthermore it is considered that the proposal provides adequate car parking and in accordance with the recommendation from Essex County Council Highways would be acceptable from a highway and transport perspective.

6.56 With regard to the residential element of the proposal (which is in outline form) it is considered that the site is capable of accommodating 51 dwellings (depending on size and design) whilst resulting in no material harm to the character of the surrounding area, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways for a suitable access that would not result in harm to highway safety.

Background Papers

None.