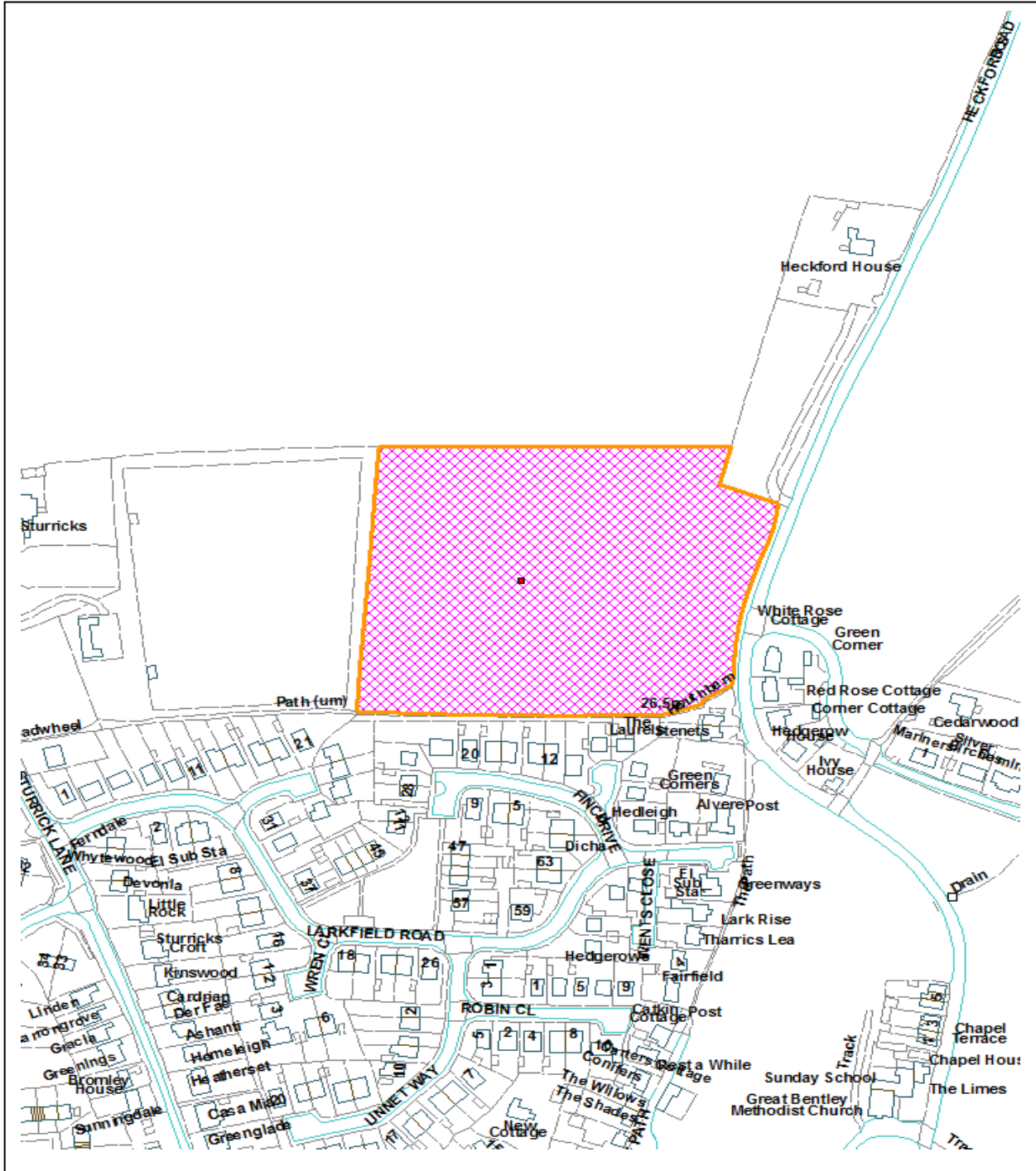


PLANNING COMMITTEE

19<sup>TH</sup> APRIL 2016

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION - 15/01820/OUT - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR**



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<b>Application:</b>	15/01820/OUT	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	Welbeck Strategic Land LI LLP & M MacDonald, R MacDonald and R L MacDonald	
<b>Address:</b>	Land West of Heckfords Road, Great Bentley, CO7 8RR	
<b>Development:</b>	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	

## 1. Executive Summary

**This application was considered by the Local Plan Committee on 22<sup>nd</sup> March 2016 where it was resolved that the decision be deferred to enable Committee Members to meet on site with a Highway Engineer from Essex County Council to explore concerns about the proposed footpath arrangements in terms of pedestrian safety. It is proposed that a Highway Engineer will have attended the Committee site visit on the morning of 19<sup>th</sup> April 2016 to address any points of clarification accordingly. The original report to 22<sup>nd</sup> March 2016 Committee is replicated below for Members' information.**

- 1.1 The application was received on 1<sup>st</sup> December 2015. As an outline application, approval is being sought only for the principle of developing up to 50 dwellings with all other matters reserved, apart from access, for approval through a detailed application at a later date. The applicant has however submitted supporting information that demonstrates how an acceptable scheme could be achieved on the site in question.
- 1.2 The 2.4 hectare site lies outside of the defined settlement development boundary of Great Bentley as set out both the Council's adopted and emerging Local Plans. Outside of these boundaries Policy QL1 of the Tendring District Local Plan (2007) and Policy SD5 of the Tendring District Local Plan Proposed Submission Draft (2012) states that permission is to be refused for new residential development subject to specified exceptions.
- 1.3 Great Bentley has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for proportionate housing growth and the enhancement of village centres, public transport facilities and other community facilities. The site immediately adjoins land which is currently being developed for a scheme of 32 homes.
- 1.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary.
- 1.5 Paragraph 14 of the NPPF sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework as a whole. On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight.

- 1.6 The application has attracted 47 individual objections, a petition signed by 182 residents and an objection from Great Bentley Parish Council. An outline application for up to 75 dwellings at Admirals Farm, on the opposite side of Heckfords Road was refused permission by the Planning Committee on 15<sup>th</sup> December 2015 for exceeding the 50-dwelling limit for village developments from the emerging Local Plan and for having a negative impact on the setting of Great Bentley Conservation Area. Officers consider that the current application will not raise these concerns and there are no outstanding objections from any statutory consultees. Given the extent of the housing land shortfall in Tendring and the need to approve applications unless the adverse impacts significantly and demonstrably outweigh the benefits, Officers are recommending approval subject to s106 planning obligations and planning conditions. .
- 1.7 Officers conclude that the proposed development would satisfy the 3 dimensions of 'sustainable development' whilst also being able to achieve a development that would comply with Policies QL9, QL10 and QL11 of the Tendring District Local Plan (2007) as well as Policies SD3 and SD9 of the Tendring District Local Plan Proposed Submission Draft (2012).

**Recommendation: Approve Full**

That the Head of Planning (or equivalent authorised officer) be authorised to grant 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):
- Council/affordable housing;
  - Education contributions;
  - Healthcare contributions;
  - Public open space and play and its transfer and maintenance; and
  - Highway Improvement Works.
- 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).
- (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 broad accordance with submitted indicative framework plans;
  5. Development to contain up to (but no more than) 50 dwellings;
  6. Highways conditions (as recommended by the Highway Authority);
  7. SUDS and drainage conditions as requested by Essex County Council;
  8. Hard and soft landscaping plan/implementation;
  9. Ecological mitigation/tree protection measures;
  10. Construction methods plan;
  11. Details of lighting, materials and refuse storage/collection points; and
  12. Archaeological investigation and report works;
  13. Site lighting strategy, and;

14. Broadband.

- 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:

#### NPPF National Planning Policy Framework (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 does not 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.
- 2.5 Paragraph 187 of the NPPF states "*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*".

Local Plan Policy:

**Tendring District Local Plan 2007**

QL1	Spatial Strategy
QL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
QL12	Planning Obligations
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG3a	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type
HG7	Residential Densities
HG9	Private Amenity Space
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6a	Protected Species
EN6b	Habitat Creation
EN12	Design and Access Statements

EN13	Sustainable Drainage Systems
TR1a	Development Affecting Highways
TR3a	Provision for Walking
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

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

SD1	Presumption in Favour of Sustainable Development
SD3	Key Rural Service Centres
SD5	Managing Growth
SD7	Securing Facilities and Infrastructure
SD8	Transport and Accessibility
SD9	Design of New Development
SD10	Sustainable Construction
PRO2	Improving the Telecommunications Network
PRO3	Improving Education and Skills
PEO1	Housing Supply
PEO3	Housing Density
PEO4	Standards for New Housing
PEO5	Housing Layout in Tendring
PEO7	Housing Choice
PEO9	Family Housing
PEO10	Council Housing
PEO19	Green Infrastructure
PEO22	Green Infrastructure in New Residential Development
PEO23	Children's Play Areas
PLA1	Development and Flood Risk
PLA3	Water Conservation, Drainage and Sewerage

PLA4	Nature Conservation and Geo-Diversity
PLA5	The Countryside Landscape
PLA6	The Historic Environment
PLA8	Listed Buildings

#### Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **3. Relevant Planning History**

- 3.1 No specific planning history for the application site. Members of the Committee will however recall that an outline application for up to 75 dwellings had been submitted for land at Admiral's Farm on the opposite side of Heckfords Road (Ref: 15/00682/OUT). This application was refused by the Planning Committee on 15<sup>th</sup> December 2015 for two principal reasons i.e. exceeding the 50-dwelling limit set out in Policy SD3 of the emerging Local Plan and thus raising concerns about urbanisation; and having a negative impact on the setting of the Great Bentley Conservation Area and its special historic and architectural character.
- 3.2 Given the close proximity of the application site to the refused scheme, the reasons for refusing the Admiral's Farm development have been a material consideration for the Officers dealing with this application.
- 3.3 Members may wish to note that the landowners at Admirals Farm have now submitted a new application for up to 50 dwellings.

### **4. Consultations**

#### TDC Housing Department

- 4.1 Affordable housing provision on site is appropriate in this instance.

#### TDC Public Experience

- 4.2 There is currently a deficit of -1.73 hectares of equipped play in Great Bentley. However, there is more than adequate provision in terms of formal open space. Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit further and put greater demand already stretched facilities.

It is noted that due to the size of the site open space provision has been made within the development site however play provision should also be included to a LEAP standard.

#### TDC Public Experience (Environmental Services)

- 4.3 No comments received.

TDC Regeneration Team

- 4.4 Recommend conditions in line with draft Local Plan policies PRO2 and PRO3 (broadband and local employment agreement).

Essex County Council Education Services

- 4.5 Request Section 106 contributions for primary school and secondary transport.

Essex County Council Lead Flood Authority

- 4.6 No objections subject to conditions.

Essex County Council Highways Department

- 4.7 The Highway Authority raises no objection subject to the following conditions:
1. Prior to commencement of the development a construction management plan, to include but shall not be limited to details of wheel cleaning facilities 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 development shall be constructed in accordance with the agreed plan.
  2. No occupation of the development shall take place until the following have been provided or completed:
    - a) A priority junction off Heckfords Road to provide access to the proposal site as shown in principle on planning application drawing number 5153.001 Rev E with the exception of the kerbed radii which shall be 6 metres;
    - b) Widening of Heckfords Road at its junction with the A133 and 2no. traffic islands with bollards and high level beacons at the right turn lane as shown in principle on planning application drawing number 5153.002 Rev D;
    - c) Two new bus stops adjacent the proposal site access off Heckfords 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 (details shall be agreed with the Local Planning Authority prior to commencement of the development);
    - d) A footway along Heckfords Road between the proposal site access and the Village Green as shown in principle on planning application drawing number 5153.001 Rev E with the exception of the section of footway south of the priority junction which shall be immediately adjacent the Heckfords Road carriageway;
    - e) Improvements to the Public Right of Way which runs along the southern boundary of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development), and;
    - f) Residential Travel Information Packs.

Essex County Council Archaeological Services

- 4.8 Recommend conditions due to the potential for surviving below ground archaeology on the site.

Natural England

- 4.9 No comments to make on the application.



Essex Wildlife Trust

4.10 No comments received.

NHS

4.11 Request S106 contributions to mitigate the development's impact on local services.

Anglian Water

4.12 No objection.

Assets Affected - No assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment - The foul drainage is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network - The sewerage system at present has available capacity for these flows.

Surface Water Disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. (See SUDS consultation response)

Trade Effluent - Not applicable

**5. Representations**

5.1 The Parish Council has objected to the application for the following reasons:

1. Development Boundary

As was the case for both Plough Road and Admirals Farm, this application is not on a site allocated for development in either the Council's adopted Local Plan or the emerging Local Plan and also falls outside of the settlement development boundaries as defined in both plans.

2. School & Doctors

As was the case for both Plough Road and Admirals Farm, in respect of both the primary school and the doctors surgery, the adverse social impact caused by the development would significantly and demonstrably outweigh any social, economic or environmental benefits of the proposal. The development would fail against the social role set out in Paragraph 7 of the National Planning Policy Framework and would not therefore constitute sustainable development.

3. Travel Choice

According to the NPPF, all new development proposals should be located and designed to avoid reliance on the use of the private car and promote travel choice other than in exceptional circumstances. Permission will not be granted for development if it is not accessible by a choice of means of transport. As recognised by the Committee in respect of Plough Road, Great Bentleys frequency of bus and rail services is limited

and they do not therefore provide a viable alternative to the private car for everyday travel.

#### 4. Pedestrian Safety

In common with the Admirals Farm application, this site requires pedestrians to walk to the village facilities and public transport links via a particularly dangerous corner on Heckfords Road. This footpath will create an unacceptable pinch point which we believe endangers the safety of residents. As local residents we are familiar with this corner and the danger it poses and cannot support development which would put people at risk in this way. Furthermore, the ongoing route in to the village comprises large sections which are subject to surface water (along The Path) and unlit (across the central Green). This development would not therefore meet TDC policy requirements of providing convenient, safe and direct routes for walking and would further encourage use of the private car.

#### 5. Urbanisation

TDC Policy requires that new development does not have an urbanising effect on the rural character of the village(s) concerned. This development would have a considerable urbanising impact on the Northern entrance to the village and conservation area. It would extend development in to what is currently an area of uncontained open countryside to the North, posing considerable risk of further add-on developments in the future. This development would contradict Policy SD2 of the emerging Local Plan which identifies urban settlements as being the focus for the majority of the district's growth.

#### 6. Conservation Area

The Great Bentley conservation area will suffer significant detriment in respect of the long view impact from its Northern edge, an area specifically mentioned in 2006 TDC Conservation area review as requiring protecting.

#### 7. Traffic impact

The applicant comments that there were no specific transport or highway comments from the Parish. The Parish Council believes that there are considerable issues in respect of the traffic impact from this development on the surrounding rural roads and the village itself, and that these points were raised at the consultation.

#### 5.2 A total of 47 representations have been received for this application raising the following concerns:

- Increased traffic;
- Highway safety and access concerns;
- Loss of a green area;
- Impact on footpath at edge of development;
- General, noise and light pollution;
- Impact on wildlife and loss of habitat;
- Loss of privacy;
- Loss of countryside views;
- Dangerous to pedestrians due to no footpath;
- Will have impact on the saleability of nearby property;
- Village infrastructure unable to cope with high density development;
- Impact on schools, doctors, utilities etc.;

- Character of village will diminish;
- Adverse impact on residential and visual amenity;
- Consideration should be given to the public footpath and bridleway;
- Consider TDC overall housing development plan;
- Overlooking and overshadowing;
- Overdevelopment of site;
- Out of character with existing dwellings in vicinity;
- Will open the door for further development;
- Contravenes S106 of Town and Country Planning Act 1990;
- Un-neighbourly form of development within fenced boundary;
- Concern over health and safety of trees;
- Better alternative sites;
- Negative effect on resident's health and well-being, and;
- Drainage and sewerage concerns.

5.3 1 Petition with 182 signatures was also received objecting to the application.

## **6. Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Housing and Density;
- Layout, Scale and Design;
- Residential Amenity;
- Traffic, access and highway safety;
- Impact on Heritage Assets;
- Ecology;
- Arboriculture/Landscaping;
- Drainage and Flood Risk, and;
- Other Material Considerations (including Section 106 Obligations).

### **Site Context**

6.2 The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site forms part of a larger arable agricultural field and possesses strong eastern, southern and western boundaries.

6.3 The western boundary is a combination of a fence and a 4 metre high hedge beyond which is Sturrick Farm where a residential development of 32 dwellings is being constructed (known as Bentley Grange) and is nearing completion. The southern boundary is delineated by a mature hedge up to 5 metres in height beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.

6.4 Parallel to the public right of way and to the north of the above referenced hedgerow is an informal footpath. The eastern boundary is delineated by a hedge of which fronts Heckford's Road.

6.5 Opposite the site the road is partially fronted by a recent housing scheme.

## **Proposal**

- 6.6 The application has been submitted in outline form with all matters apart from access reserved for later consideration. The scheme proposes the erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckford's Road.

## **Principle of Development**

- 6.7 The application site is located immediately to the north of existing residential development in Great Bentley. The site is adjacent to but outside the village's settlement development boundary as defined within the Tendring District Local Plan 2007 which aims to restrict new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.8 Great Bentley is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that some development can be supported. Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.9 However, given the limited weight that can be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the NPPF. Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.10 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF. This view has also been supported by the Planning Inspectorate in a number of recent appeal decisions for similar outline schemes.
- 6.11 The Council has published the Tendring District Local Plan Proposed Submission Draft (2012), but the document is yet to be submitted to the Secretary of State. Formal adoption cannot take place before it has been examined, consulted on and found to be sound and until that time the relevant emerging policies may be subject to change. When considered in relation to paragraph 216 of the Framework they may be afforded only limited weight.
- 6.12 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.13 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development':
- economic,
  - social; and,

- environmental roles.

### Economic

- 6.14 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from expenditure generated by future occupants utilising local services such as shops and public houses, and so meets the economic arm of sustainable development.

### Social

- 6.15 In terms of the social role, the site will deliver up to 50 dwellings which will contribute positively towards the needs of Great Bentley and the wider district.
- 6.16 The site is located within reasonable proximity of various community services all within walking distance of the site. Great Bentley is also on a bus route and there are bus stops on Thorrington Road to the south of the site, with services to Colchester. Furthermore, it is noted that Great Bentley train station is within walking distance of the site, which connects the village to Clacton and Colchester, and further afield into London.
- 6.17 Importantly, Great Bentley has been identified as one of seven 'Key Rural Service Centres' within the district in Policy SD3 of the draft Local Plan. These are larger villages containing a relatively good range of local services and facilities with potential for limited growth in homes and jobs. For these settlements, the draft Local Plan identifies opportunities for the enhancement of village centres public transport facilities and other community facilities. Whilst the policy has limited weight at this stage, it goes some way to illustrate the sustainability credentials for the village.
- 6.18 Whilst it is acknowledged that there are local objections to the proposal based on concerns about Great Bentley's limited services, facilities and public transport provision, Officers note that two appeals have been allowed in recent weeks for similar sized developments (namely 49 dwellings at Tokely Road, Frating and 32 dwellings at Clacton Road, Elmstead Market) where accessibility is arguably weaker, particularly with no rail services at either of those villages.
- 6.19 Overall officers consider that the application site performs reasonably in terms of the social role within the definition of sustainability.

### Environmental

- 6.20 The proposed development would be contained on 3 sides by existing built forms of development. To the west is a residential scheme under construction for 32 dwellings, Bentley Grange, which is currently under construction and nearing completion. This development was granted permission on appeal on 23 January 2015 (Ref APP/P1560/A/14/2223301). Given the context of the development on the adjoining land, development on the application site would represent a logical extension to the village and landscape and visual impacts would be acceptable.
- 6.21 To the south is existing housing which fronts Finch Drive while there is also some recent residential development to the east of the site fronting Heckford's Road.
- 6.22 In terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site immediately adjoins the Settlement Development Boundary in the Local Plan with a number of residential dwellings to the south and west of the site, and a small cluster of dwellings and outbuildings to the north-west of the site.

6.23 Ecological impacts, reported in more detail below, are considered to be low and can be mitigated with potential enhancements.

### **Housing and Density**

6.24 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. With regard to decision taking this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.

6.25 The NPPF in Chapter 6 sets out its commitment in terms of the provision of delivering a wide choice of high quality homes.

6.26 The NPPF requires Councils to boost, significantly, the supply of housing to address objectively assessed needs and promote a wide choice of high quality housing. Paragraph 49 of the NPPF makes it clear that proposals for housing development should be considered positively in the context of the 'presumption of sustainable development' and Paragraph 47 requires Councils to identify, in any one year, a supply of five years' worth of developable housing land with an additional buffer to ensure a degree of flexibility to promote choice and competition in the market for land.

6.27 The Council's 2007 Adopted Local Plan was only intended to provide housing land up to 2011 and therefore the housing supply elements of that plan are now out of date and if the Council were to rely solely on that plan, it would not be possible to demonstrate a five year supply of housing land.

6.28 One of the key issues in determining this outline application is whether the site can reasonably accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy PEO3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal, allowing for on-site open space requirements, equates to approximately 25 dwellings per hectare which is higher than the density on the adjoining Bentley Grange site but not inappropriate in this location, when considered in the context of development in the area.

6.29 Policy SD3 in the emerging Local Plan seeks to limit the scale of individual residential developments in Key Rural Service Centres like Great Bentley to no more than 50 dwellings in the interest of minimising the urbanising effect of development and achieving proportionate scales of growth. Unlike the Admiral's Farm proposal on the eastern side of Heckford's Road which, proposing up to 75 dwellings, was refused for being contrary to Policy SD3, this proposal does not however exceed 50 dwellings.

6.30 If added to the 32 dwellings already under construction, the 50 dwellings proposed through this planning application, if approved, would represent an approximate 12% increase in the village's housing stock. On its own, it would represent a 7% increase. The objectively assessed need for housing, based on latest published evidence, at the time of writing, is for around 10,000 homes up to 2032 or a 15% increase in the district's total housing stock. When considered against this backdrop, the 12% increase in housing stock for Great

Bentley that might transpire as a result of this development alongside the development already under construction would not represent an overly disproportionate nor excessive level of growth.

- 6.31 As this is an outline application with all matters reserved the above mix of housing size, type and tenure would be determined at reserved matters stage. The applicants have however indicated that it would be the intention to provide a mix of housing sizes, types and tenures to meet the needs of the local community for both market and affordable housing. It is suggested that the size of the market dwellings could range from 2 bedroom to 5 bedroom 'aspirational' properties to meet the objectives of adopted Policies HG3a and HG6.

### **Layout, Scale and Design**

- 6.32 In support of the overarching aims and objectives of the NPPF the Tendring District Local Plan Proposed Submission Draft sets out the Council's commitment to sustainable development in Policies SD1, SD2 and SD5 while the requirements for good quality design are set out in Policy SD9.
- 6.33 This planning application is submitted in an outline form with all matters, except access, reserved for later consideration by the Council. The development's detailed design is one of these matters to be considered at 'reserved matters' stage.
- 6.34 The submitted details show that the development site covers an area of approximately 2.42 hectares. The development would therefore result in an average housing density of 25 dwellings per hectare, which is considered to be acceptable in this location, and would integrate the development into the grain of existing development.
- 6.35 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment. With regards to this application, two proposed pedestrian linkages are provided onto the existing footpath to the south of the development to provide permeability of the site, and greater connectivity to the surrounding built form, village green to the east, and wider countryside beyond via the bridleway to the west.
- 6.36 With regards to scale, the applicants have indicated that proposed development would be mainly two-storey in height but this is a reserved matter consideration.
- 6.37 This being said, the applicant has provided an illustrative Framework Plan which whilst only indicative demonstrates to officers that a suitable layout could be achieved on site. Officers are of the view that the locations of the built forms of development, open spaces and structural planting as set out in the Layout Plan represents the most natural extension of the existing pattern of development.
- 6.38 In order to secure a degree of certainty with regard to the layout and appearance of the current scheme officers have included conditions requiring the submission of material samples at reserved matters stage while it is also required that the principles of the Framework Plan are adhered to.

### **Residential Amenity**

- 6.39 The NPPF, in 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 Tendring District Local Plan (2007) 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 Tendring District Local Plan Proposed Submission Draft (2012) supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

- 6.40 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.41 It is noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not impinge adversely on existing amenities by requiring the careful placement of such new windows. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties.
- 6.42 In this instance, it is considered that the site is capable of accommodating up to 50 dwellings in a way that can accord with the above standards and would not result in any adverse impact on the amenities of neighbouring properties.
- 6.43 Concerns have been raised about the noise, disturbance and pollution that the development would cause both during the construction period but also in the longer-term once the development is established. Conditions would be applied to the development to minimise impacts if the Committee was mindful to approve the application.

#### **Traffic, Access and Highway Safety**

- 6.44 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.
- 6.45 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 Local Plan.
- 6.46 The current application has been submitted in outline form with access to the site the only matter that has not been reserved and will be considered in full as part of the current scheme.
- 6.47 In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Traffic Assessment (TA) in support of the application. This document considers the proposed access points into the site from Heckfords Road as well as highway safety and capacity in the wider area.



- 6.48 The site will be assessed via a new priority T-junction from Heckford's Road while footways are also proposed to connect with the surrounding footway network.
- 6.49 The applicants have undertaken a Road Safety Audit with regard to the suitability of this main access into the site and the Traffic Assessment indicates that it would be safe and appropriate for the scale of development proposed. In addition, Essex County Council Highways considered the content and findings of the TA and concluded that there would be no significant safety concerns with regard to the proposed access point from Heckford's Road.
- 6.50 A number of representations from residents indicate serious concerns about the wider effects of additional vehicle movements on local traffic, highway capacity, pedestrian safety and access for larger vehicles (including the emergency services).
- 6.51 The TA concluded that junction improvements at the A133, Colchester Road/Heckford's Road junction are required to help mitigate the development proposals. These improvements are to be secured through either a condition or section 106 legal agreement if the Committee is minded to approve.
- 6.52 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy SD8 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### **Impact on Heritage Assets**

- 6.53 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible.
- 6.54 Policy PLA6 of the draft Local Plan states that the Council will work with its partners to understand, protect and enhance the district's historic environment by, amongst other things, requiring archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Furthermore, Policy PLA8 of the draft Local Plan states development affecting a listed building or its setting will only be permitted where it, amongst other things, does not have an unacceptable effect on the special architectural or historic character and appearance of the building or its setting. These sentiments are echoed in policies EN23 and EN29 of the 2007 Local Plan.
- 6.55 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.56 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the applicant has submitted a desk based assessment of the archaeological remains around Heckfords Road.
- 6.57 With regards to the archaeological consequences of this proposed development, the report concludes that there are no archaeological sites or other heritage assets within the

proposed site, although there are a number of heritage assets identified within a search area of approx 1km. These include listed buildings groups, a standing monument, an excavated and surveyed archaeological site, cropmark sites and a windmill site.

- 6.58 The report states that none of these heritage assets would suffer significant harm as a result of the proposed development. Officers are in agreement.
- 6.59 The setting of the listed building, Sturicks Farmhouse, will not be adversely affected by the proposal, given that the proposed built development will be screened from the listed building by the residential development recently approved to the west of the site.
- 6.60 The report further concludes that the immediate area around the application site contains some archaeological landscape features and officers therefore consider that it is likely that archaeological work will be required prior to development. It is however unlikely that any archaeological sites or finds would be a constraint on development, with the exception of the requirement for trial-trenching and excavation at the applicants cost.
- 6.61 With regards to these points, the Senior Historic Environment Consultant at Essex County Council has been consulted and has advised a programme of trial trenching followed by open area excavation to be imposed as a condition if planning permission is granted.
- 6.62 Whilst the is outside the Great Bentley Conservation Area, the north west corner of the Conservation Area does abut the south east corner of the application site. It is noted that the Admiral's Farm development on the other side of Heckford's Road was refused over concerns about its impact on the setting of the Conservation Area.
- 6.63 The Conservation Area Character Appraisal, adopted by the Council in March 2006, summarises the character and appearance of the Conservation Area as:
- 6.64 "Great Bentley derives most of its special qualities from its immense green. The village contains relatively few listed buildings, and few others could be regarded as of great historic or architectural interest. However, many share a family relationship in their scale, colouring and the use of local materials: they group together to make attractive sequences, and their positive relationship with The Green produces a quite distinct character and appearance. A subsidiary part of the Area relates to development southwards to join The Green with the railway station: further distinctive streets are the result, again created by the attractive grouping of buildings not otherwise of great individual value."
- 6.65 The Appraisal identifies 'Important views' associated with the Conservation Area. These are:
- views north into the countryside from beyond the Conservation Area boundary;
  - a view into The Green from the within the Conservation Area at its northern entrance;
  - a view into the Conservation Area from entrance points on the east and west edges;
  - views south-west from the centre of The Green;
  - views north from the southern edge of The Green, and;
  - views south towards the railway.
- 6.66 Officers consider that the proposed development would not significantly affect the last five points as they face away from the development, or it would be screened in the views by existing buildings.
- 6.67 With regard to the views towards the north into the countryside officers note that 'The Green' and the areas on its western and southern edges are the primary historic elements and includes a number of listed buildings, of which St Mary's Church is Grade I with the

other buildings being Grade II. From within 'The Green' the proposed development would only be visible from the northern part near to the entrance / exit point on Heckford's Road.

- 6.68 Whilst it is acknowledged that the proposed development would have some affect on the 'Important View' identified in the appraisal from beyond the conservation area facing north officers are of the opinion that this is not a view from within the Conservation Area and in addition it is constrained by the development underway to the west and the vegetation associated with Heckford House on Heckford's Road to the north. The view further to the west towards the Grade II listed Sturrick Farm is now hidden by the previously approved development that is currently being constructed.
- 6.69 Consequently officers consider that the impact caused by the proposed development on the significance of the Conservation Area is predicted to be low adverse.
- 6.70 Based on the above it is considered that the development of this site can be achieved without harm to the identified heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Ecology**

- 6.71 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PLA 4 of the Tendring District Local Plan Proposed Submission Draft (2012) seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.
- 6.72 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations and Natural England have indicated that they have no comments to make on the proposed development.
- 6.73 An extended Phase 1 Habitat Survey and Protected Species Survey have been undertaken and the findings are reported in detail in the Ecological Assessment. It is noted that Natural England indicated that they had no comment to make on the application.
- 6.74 Whilst it has been identified that bats do not roost on the site, the existing boundary features, particularly the western and southern hedges, provide some foraging and commuting habitats for bats. In this regard it is noted that with the exception of the proposed vehicular access, these foraging and commuting habitats are to be retained while any minor gaps within the hedges would be filled with new planting. These features and additional planting proposed would be secured by a planning condition requiring the submission of a detailed landscaping scheme.
- 6.75 Having considered the details as set out in the Ecological Assessment officers conclude that the implications of the proposed development on various species can be summarised as follows:

### **Badger**

- 6.76 The report acknowledges that Badgers are located approximately 1km from the site and whilst this species could travel up to 1km from the main sett in search of food the application site lies at the edge of this range. Officers consider that the site also provides no greater foraging opportunities than the similar habitat situated between the site and known badger sett.

6.77 No badger setts were identified within the development site boundary or within close proximity to the site and on this basis officers are of the view that they do not form a statutory constraint to the proposed development.

#### Bats

6.78 No trees were identified within the site boundary as containing any bat roosting potential and no buildings were on site.

6.79 The Ecological Assessment identifies certain areas that would have the potential to support bats. Officers note that all the areas identified would be sufficiently distant from street lighting for any disturbance to occur whilst all the areas would also be retained as part of the proposed development and would continue to provide a degree of connectivity to suitable bat foraging habitats in the wider area to the east and west including; woodland habitat, mature hedgerows, waterbodies and Bentley Brook.

6.80 Barbastelles roost under peeling bark mainly on oak trees and are one of the rarest mammals in the UK with a limited distribution over southern and central England and southern Wales. Its rare status is also reflected in its listing as an Annex II species of The Habitats Directive.

6.81 In this regard the Ecological Assessment identified the boundary hedgerow to the west of the site as the only on-site habitat of some use to bats. Officers note that this boundary hedgerow would be retained as part of the current proposal and incorporated within the green infrastructure of the development. On this basis officers are of the opinion that the development is unlikely to affect the conservation status of the barbastelle population, especially given the more optimal habitat in the surrounding landscape.

6.82 The existing boundary features which provide some foraging and commuting habitat for bats will be retained and protected as part of the development proposal.

6.83 Officers note that the entire length of the hedgerow along the eastern site boundary will be lost as part of the current proposal. The applicants have however indicated that to compensate for the loss of this eastern hedgerow new native species hedgerows will be created along the western boundary of the public open space as well as along the northern site boundary. In officers opinion these landscape features would result in gains for biodiversity within the context of the site.

6.84 In addition to the above enhancements the Ecological Assessment also identifies a number of management principles to mitigate against possible impacts from the development. These measures will be secured through condition attached to any approval that might be forthcoming.

6.85 Overall, given the habitats of greatest value on site are to be retained and in many cases enhanced, the development is currently unlikely to significantly affect the local population of bats.

#### Great Crested Newt

6.86 With reference to this species the Ecological Assessment clearly sets out that an aquatic presence/absence survey was undertaken on the single pond identified within 500m of the site boundary. This survey returned a zero result for Great Crested Newts. It is further noted that no further amphibian species were recorded.

### Reptiles

- 6.87 In this regard the Ecological Assessment concluded that the site does not provide suitable habitat for reptiles as it mainly comprises intensively managed arable land. In addition it was found that the grassland margins lacked extensive tussocks or a dense under-thatch associated with suitable habitats for reptiles while there was also limited opportunities for reptiles to bask and forage.
- 6.88 Officers agree with the conclusions of the Ecological Assessment with relation to reptiles and a condition will be attached to any approval to ensure that the removal of vegetation is managed in a manner that would be compliant with the Wildlife & Countryside Act 1981 (as amended).

### Breeding Birds

- 6.89 Officers are of the opinion that based on the fact that boundary features such as hedgerows will be retained there will be limited opportunity for harm to birds whilst breeding and will further contribute to the maintenance of the site for breeding birds post-development.
- 6.90 A soft landscaping condition will further secure additional bird nesting habitat.
- 6.91 Given the site's edge of village location in proximity to the wider countryside, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities could be secured by condition.

### Arboriculture/Landscaping

- 6.92 The proposals have been assessed by the Council's Tree and Landscape Officer who offers the following comments:
- 6.93 The main body of the application site is in agricultural use with no trees or any significant vegetation in the main body of the land. None of the existing vegetation meets the criteria under which it merits protection by means of a Tree preservation Order nevertheless it would be desirable to retain existing vegetation for its screening value.
- 6.94 The applicants have submitted a Landscape and Visual Impact Assessment (LVIA) describes the impact of the proposed change of use of the land on the character of the area and establishes the measures required to mitigate the harm likely to be caused by the development. It is concluded that the development proposal could be implemented without causing harm to retained trees or to the overall character and appearance of the countryside and that in order to ensure that the development site is assimilated into its setting a condition would be attached to any approval securing a soft landscaping scheme.
- 6.95 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to established existing trees and hedgerows around the site, including those which are protected outside but in close proximity the site, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### Drainage and Flood Risk

- 6.96 The NPPF makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, it should be made safe without increasing flood risk elsewhere.

Accordingly, Policy QL3 of the Tendring District Local Plan (2007) and PLA1 of the Tendring District Local Plan Proposed Submission Draft (2012) have been informed by these national policy requirements, the findings of Strategic Flood Risk Assessments (SFRA) and advice from the Environment Agency.

- 6.97 The applicants have submitted a Flood Risk and Drainage Assessment (including an Infiltration Drainage Strategy Summary) as part of the application which highlights the fact that with reference to the Environment Agency Flood Maps the site is located entirely within Zone 1 – at low risk of flooding.
- 6.98 With regards to the information submitted within the FRA, Essex County Council SuDS had issued a holding objection. However, following the submission of further information the Essex county Council SuDS removed their objection to the proposal subject to a pre-commencement condition being imposed upon the planning permission requiring details of a surface water drainage scheme to be submitted to the Local Planning Authority for approval.
- 6.99 In addition, Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows.
- 6.100 Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

#### **Other Material Considerations (including Section 106 Obligations)**

##### Open Space and Play

- 6.101 Policy COM6 in the adopted Local Plan and Policy PE022 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.
- 6.102 The Council's Open Space and Bereavement Service Manager has commented on the application and has identified a deficiency of equipped play areas in Great Bentley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.103 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 requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

##### Affordable Housing/Affordable Housing

- 6.104 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.

- 6.105 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Great Bentley based on evidence from the local housing register. It has been suggested that, as an alternative to transferring 12 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).
- 6.106 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.

#### Education provision

- 6.107 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. Based on ECC's formula for calculating the number of additional places likely to be required as a result of the development, this scheme of 75 dwellings could generate a need for 4.5 additional early years and childcare places, 15 primary school places and 10 secondary school places. No contributions have been requested towards early years and childcare provision or secondary school places, but £182,580 for primary school facilities and £41,925 towards secondary school transport costs has been requested and it is proposed that these contributions be secured through a s106 legal agreement.

#### Sewage

- 6.108 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 50 dwellings and has made no objections to the proposal, nor has it requested any conditions. The Parish Council and local residents' concerns about the ability for the existing infrastructure to cope with current demands are not reflected in Anglian Water's advice and so the addition of 50 dwellings is not expected to add significantly to this issue and the Council would not be justified in refusing planning permission for this reason.

#### Health provision

- 6.109 The NHS was consulted as part of the application process as it was considered that the proposed application had the potential to increase pressure on local GP services. The NHS confirmed that the proposed development would impact on the services of the practice in Great Bentley. In this regard the NHS indicated through a Healthcare Impact Assessment that capital funding of £15,080 would be required to mitigate the capital cost of the impacts on local healthcare services brought about by the proposed development.

#### Planning Obligations

- 6.110 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of education) or are otherwise not considered to be significant or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.
- 6.111 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal

agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of off-site affordable housing provision; education provision; and off-site public play space provision.

Background Papers

None.