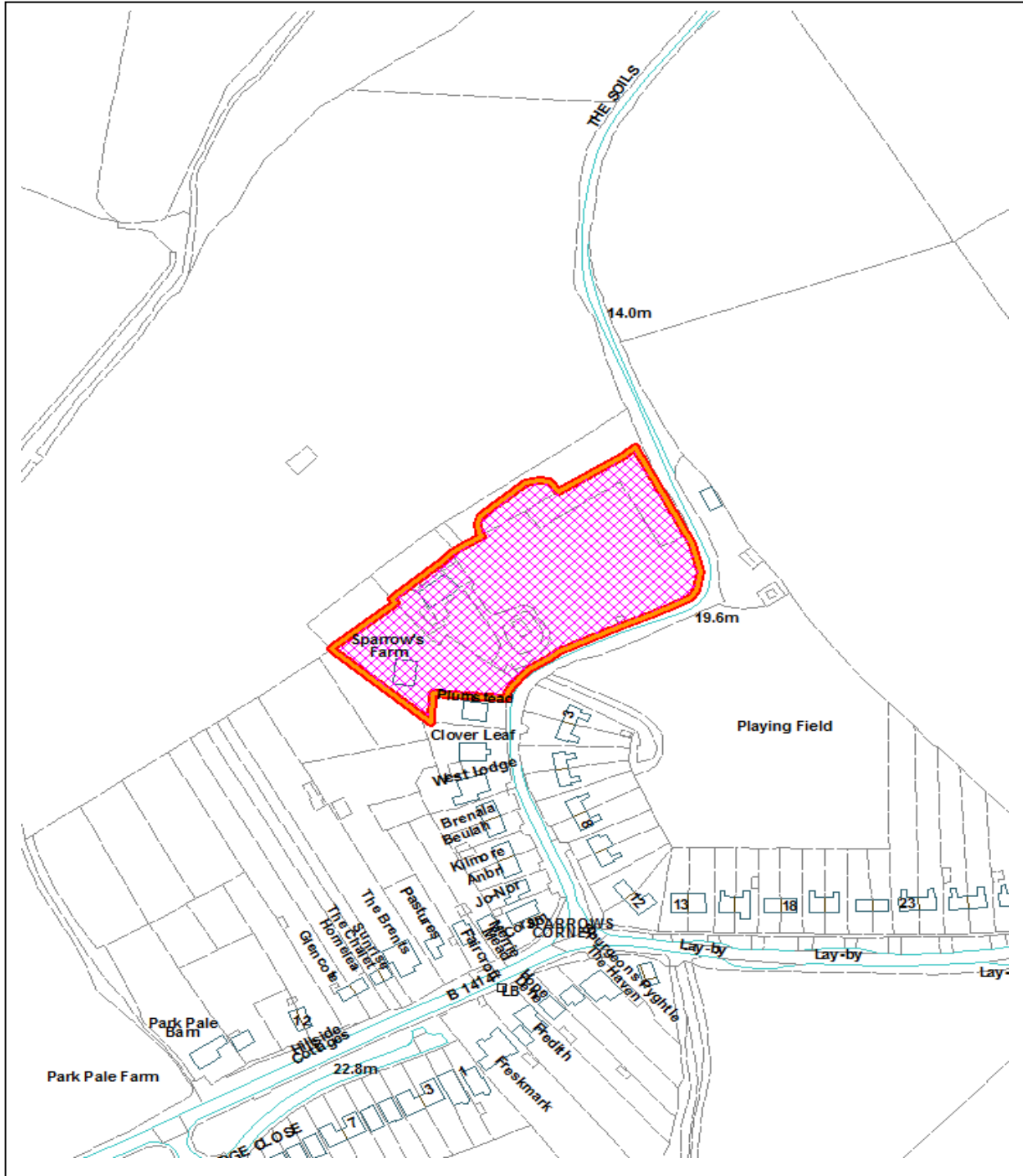


PLANNING COMMITTEE

19<sup>th</sup> APRIL 2016

REPORT OF THE HEAD OF PLANNING

**A.5 PLANNING APPLICATIONS - 15/01774/OUT - SPARROWS FARMHOUSE**  
**SPARROWS CORNER, GREAT OAKLEY, HARWICH, CO12 5AB**



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<b>Application:</b>	15/01774/OUT	<b>Town / Parish:</b> Great Oakley Parish Council
<b>Applicant:</b>	Mr Peter Avery	
<b>Address:</b>	Sparrows Farmhouse, Sparrows Corner, Great Oakley, CO12 5AB	
<b>Development:</b>	Erection of up to 8 dwellings, garages and access.	

## 1. Executive Summary

- 1.1 This application is referred to Planning Committee as it represents a departure from the Development Plan being located outside the Settlement Development Boundary.
- 1.2 This application seeks outline planning permission for the development of up to 8 dwellings, garages and access on land at Sparrows Farmhouse, Sparrows Corner, Great Oakley. The application is in outline form matter of detail such as appearance, landscaping, layout and scale are reserved for a future application. Details of access are included as part of the outline application.
- 1.3 The site is situated on the edge of the village of Great Oakley, in an area known as Sparrows Corner, to the south of the single storey detached dwelling known as Plumstead. The site currently comprises of a detached dwelling (Sparrows Farmhouse) which is served by its own access; a pitched roof single storey dwellings used as kennels; a caravan and a single storey outbuilding, which is served by a separate access. The remainder of the site is laid to grass. The site boundaries with the highway are delineated by trees and hedgerow, the rear boundary of the site is delineated by a fence and the boundary with the neighbouring property is delineated by a close boarded wooden fence.
- 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 It is considered that the site is capable of accommodating up to 8 dwellings (depending on size and design) whilst resulting in no significant 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: Approve**

That the Head of Planning (or equivalent authorised officer) 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
  - Affordable Housing Financial Contribution
  - Public Open Space Financial Contribution
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of

Planning (or the equivalent authorised officer) in their discretion considers appropriate).

(i) Conditions:

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters")
  2. Application for approval of the reserved matters
  3. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters.
  4. Samples of the materials
  5. As requested by the Highway Authority
  6. Details of measures for the control and suppression of dust emissions
  7. A full construction method statement for protecting existing residential properties and restricting working hours.
  8. Details of a surface water drainage scheme.
    - Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction.
    - Details of a maintenance plan for the surface water drainage system.
    - Yearly maintenance logs of surface water drainage system.
  9. Details of external lighting to be submitted and approved prior to first occupation
- 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 and COM6 of the Tendring District Local Plan (2007) and draft policies 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

NPPF National Planning Policy Framework

National Planning Practice Guidance

*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

ER3 Protection of Employment Land

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

TR1A Development Affecting Highways

TR3A Provision for Walking

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

PRO14 Employment Sites

PEO1 Housing Supply

PEO3 Housing Density

PEO4 Standards for New Housing

PEO5 Housing Layout in Tendring

PEO10 Council Housing

PEO22 Green Infrastructure in New Residential Development

PLA1 Development and Flood Risk

PLA5 The Countryside Landscape

*Local Planning Guidance*

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### 3. Relevant Planning History

90/00170/FUL	Caravan living accommodation for the on-site continued use as piggery (agricultural small-holding) renewal of consent TEN/1755/86.	Approved	09.04.1990
91/00129/FUL	Renewal of consent TEN/0170/90 - Retention of caravan.	Approved	19.03.1991
91/01250/OUT	Two bedroomed bungalow in connection with agricultural holding.	Refused	25.08.1992
92/00068/FUL	Retention of caravan [renewal of planning permission TEN/91/0129]	Approved	12.02.1992
92/00693/FUL	(Sparrows Farm House, The Soils, Great Oakley) Side extension	Approved	22.07.1992
93/00315/FUL	(Caravan, The Soils, Sparrows Farm, Pig Unit, Great Oakley) Retention of caravan (renewal of planning permission TEN/92/0068)	Approved	12.05.1993
94/00288/FUL	(The Caravan, Sparrows Farm Pig Unit, Great Oakley) Continued siting of residential caravan (Renewal of permission TEN/93/0315)	Approved	26.03.1996
97/01288/FUL	(Sparrows Farm, The Soils, Great Oakley) Change of use of barn and land to storage of skip lorries and skips	Refused	27.01.1998
98/00497/FUL	(The Sparrow Farm pig unit, Sparrows Corner, The Soils,) Change of use of land and buildings for dog boarding and training kennels, car park area, alteration to access and alteration to building.	Approved	23.06.1998
99/01781/FUL	New portacabin for reception/office, ancillary shop and erection of building for 2 isolation kennels and storeroom	Approved	09.03.2000
00/01118/FUL	Non-compliance with Condition 8 of planning application TEN/98/0497	Refused	04.10.2000
02/01134/FUL	Renewal of planning permission 99/01781/FUL for the erection of a	Approved	07.08.2002

portacabin and building.

#### **4. Consultations**

- 4.1 **Essex County Council Flood & Water Management Team** – do not object to the granting of planning permission subject to the following conditions:
- No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation.
  - No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
  - No works shall take place until a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.
  - The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved maintenance plan. These must be available for inspection upon a request by the Local Planning Authority.
- 4.2 **Housing Department** – advise that there is high demand for housing in Great Oakley and there are currently 90 households on the housing register seeking a 1 bedroom property, 40 seeking a 2 bedroom property, 18 seeking a 3 bedroom property and 15 seeking a 4 bedroom property. Due to forthcoming legislation, the Council will not be in a position to purchase any of the units for affordable housing, even at a discounted price, so a financial contribution would be preferred.
- 4.3 **Open Space Department** – advise that there is currently a deficit of -0.76 hectares of equipped place in Great Oakley. Due to the limited play provision in Great Oakley it is felt that a contribution towards play is justified and relevant to the planning application.
- 4.4 **Essex County Council Highways** – consider from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:
- Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with The Soils shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 5.5m. straight for the first 12m within the site and flanking footways 2m in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.
  - Prior to the proposed access being brought into use, minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.
  - Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction clear to ground.
  - Prior to the proposed residential accesses being brought into use, a 1.5m. x 1.5m. pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction clear to ground. These splays must not form part of the vehicular surface of the access.

- Prior to commencement of the proposed development, a vehicular turning facility for delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction in perpetuity.
- No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary / throughout.
- Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
- Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.
- All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.
- All footways should be provided at no less than 2.0m in width.
- All off street car parking shall be in precise accord with the details contained within the current Parking Standards.
- Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.
- Prior to commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.
- Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- Prior to first occupation of the proposed development, a (communal) recycling/bin/refuse collection point shall be provided within 25m of the highway or proposed highway and additionally clear of all visibility splays at accesses.

4.5 **Environmental Health** – in the interest of neighbour amenity advise that the following conditions be imposed:

- A scheme for measures for the control and suppression of dust emissions shall be submitted to and approved in writing by the local planning authority. Such agreed works shall be implemented in the approved form prior to the commencement of any use hereby permitted and shall be maintained in the approved form while the premises are in use for the permitted purpose.
- Construction work shall not begin until a full construction method statement for protecting the existing residential properties from noise from the construction has been submitted to and approved by the local planning authority in writing. The hours of construction should not exceed 07.00-19.00 hours Monday to Friday, 08.00 -13.00 hours Saturday. No Sunday or Bank Holiday working.

4.6 **Essex County Council Education Service** – no comments received, the proposal is for 18 dwellings which is below there new threshold of 20 dwellings.

5. **Representations**

5.1 **Great Oakley Parish Council** object to the application as:

- It has not been put forward in any previous consultations.

- There is no demand for this additional housing stock within the parish
- There is poor access/egress to the site via Sparrows Corner
- The area is prone to flooding so any development is likely to cause significant drainage problems
- This is clearly a first phase for further unwanted development

5.2 10 letters of objection have been received which raise the following concerns:

- This development will have a negative impact socio-economically, putting increase pressure on the school, local services and infrastructure, and contributing to a negative trend of pushing young, rural people towards urban areas as they continue to be pushed out of rural markets due to high demands of properties such as those proposed.
- Developments should be concentrated on brownfield sites not on greenfield sites like this one.
- There is little benefit to the local community and society for this planning application.
- No need for the development – there are already plans to develop land for housing near the village school. A trend will be set for further developments in the area.
- Employment within the village is virtually non-existent, meaning commuting will be essential.
- 8 houses results in a 40% increase of houses in Sparrow Corner
- There was an application for a single 2 bedroom bungalow in 1992. It would appear there have been no material changes within the local area or planning policies which would affect building new properties.
- The route leading of the B1414 to the site is already overcrowded with cars from the current dwellings, added with the fact that the ‘Soils’ road is extremely narrow and poorly maintained. With eight dwellings for this nature, it is reasonable to assume that there will be more than 1 vehicle per dwelling thus increasing local traffic on the B1414 through Great Oakley, which is already enough, but more importantly of The Soils leading to the A120, which on any given day is backed up with cars trying to pass each other, putting pressure on local businesses and farms that require the road for access.
- There is a sign saying unsuitable for heavy goods vehicles are the top of the lane not at the bottom of the lane (Ramsey end) leading from the A120.
- Large HGV lorries frequently use the lane despite the warning signs.
- Opposite the application is the children’s playing field this in on a blind bend with potential dangers of an accident involving children accessing/exiting the playing field. Additional traffic to the new development could compound this.
- The more immediate impact will be the construction traffic, to build 8 dwellings of this size will take a long time, not only causing unwanted disturbance, but also increase risk around the bus stop areas at sparrow corner where many young children present morning and evenings on a school day. The presences of large construction vehicles and tight roads pose a serious hazard.
- The proposed access is on a blind corner
- There are no pedestrian pathways at all anywhere near the proposed development site.



- The Soils is extremely narrow immediately around the site and for about 1 mile from the site it is just about wide enough for one vehicle in places and there are many near musses and dangerous situations already with traffic therefore to add to this with more cars from a new development would be highly inappropriate and put residents and wildlife in danger.
- The lane is a designated lane which is designated as such to recognise their traditional and rural character.
- Development on the site would involve destroying hedgerow and trees. Trees and hedges anchor soil to prevent erosion, providing habitats for wildlife – concern that these could be removed to enhance the view from the houses in the new development.
- The lane is one track with no official passing bays therefore the traffic mounts the verges and pushes the churned up verge into the ditches, obstructing the badly maintained drainage of the lane.
- The proposal will result in 40% more sewage/surface water drainage. The original drains are for agricultural purposes and are not sufficient for a housing estate.
- A soak away will not solve the issue of storm waters, when water levels rise this water will soak into neighbouring pasture causing problems for adjacent landowners.
- The pumping station appears to be at full capacity and frequently breaks down, causing overflow of sewage after heavy rain into the small stream at the back of the pumping station which runs down the small stream beside the road for 100 yards or more before crossing under the road and running down the stream on the other side of the road to the horses field where it is piped across to Dovercourt Dock River.
- There is a right of way for access to water mains diagonally across the site that would be obstructed by three of the new proposed properties.
- Existing housing values will decrease with the presence of these dwelling.
- There would be increased light pollution from the houses and a change in the sky line. The properties adjacent to the site on the same side of the road are mainly bungalows.

## **6. Assessment**

6.1 The main planning considerations are:

- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway Considerations;
- Impact on Protected Lane;
- Biodiversity;
- Surface Water Drainage;
- Sewer Capacity; and,
- S106 Obligations.

### **Proposal**

6.2 This application seeks outline planning permission for the development of up to 8 dwellings, garages and access on land at Sparrows Farmhouse, Sparrows Corner, Great Oakley. The

application is in outline form matter of detail such as appearance, landscaping, layout and scale are reserved for a future application. Details of access are included as part of the outline application.

- 6.3 A single point of access is proposed to serve the existing dwelling and the up to 8 proposed, this access is proposed to be located immediately to the south of the existing access which serves the kennel business which currently operates from the site.
- 6.4 An indicative site plan shows 8 dwellings in addition to the existing dwelling. It shows the larger dwellings being located further away from the existing buildings.

### **Site and Surrounding Area**

- 6.5 The site is situated on the edge of the village of Great Oakely, in an area known as Sparrows Corner, to the south of the single storey detached dwelling known as Plumstead. The site currently comprises of a detached dwelling (Sparrows Farmhouse) which is served by its own access; a pitched roof single storey dwellings used as kennels; a caravan and a single storey outbuilding, which is served by a separate access. The remainder of the site is laid to grass. The site boundaries with the highway are delineated by trees and hedgerow, the rear boundary of the site is delineated by a fence and the boundary with the neighbouring property is delineated by a close boarded wooden fence.
- 6.6 The site has an area of approximately 1.18 hectares in total. It has a gentle gradient change, being a downhill gradient east to west.
- 6.7 The surrounding area is characterised by mainly single storey dwellings on the same side of the road as the application site and one and a half storey dwellings on the opposite side of the site.

### **Principle of Development**

- 6.8 The site lies adjacent to but outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007). In the Draft Local Plan (Tendring District Local Plan Proposed Submission Draft 2012) an extension to the development boundary is proposed meaning that part of the site is situated within the proposed Settlement Development Boundary. The proposed extension to the defined Settlement Development Boundary includes the existing kennel building. The remainder of the application site lies out the proposed Settlement Development Boundary. In the 2014 Focussed Changes Document the boundary was extended further to include the existing building adjacent to the access and the existing access.
- 6.9 Given that the Tendring District Local Plan Proposed Submission Draft 2012 and Focussed Changes 2014 are not yet fully adopted and are subject to change, in accordance with a number of appeal decisions, it can only be given limited weight. It is therefore considered that in accordance with the Saved Local Plan the site lies outside any defined Settlement Development Boundary and within the Coastal Protection Belt. Therefore its development is contrary to the local plan policies.
- 6.10 However, the Council accepts that both the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the objectively assessed future need for housing and cannot identify a deliverable five year supply of housing sites toward meeting that requirement. Therefore, in accordance with paragraph 49 of the NPPF, relevant development policies for the supply of housing should not be considered as up to date and the 'presumption in favour of sustainable development' as set out in the NPPF should apply to housing proposals.

- 6.11 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development; economic, social and environmental and that these roles should not be undertaken in isolation, because they are mutually dependent. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.12 Economically the construction and habitation of up to 8 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. It is noted that the proposal will result in the loss of the existing kennel business; however, information has been submitted stating that it is a family business and only one job will be lost.
- 6.13 In terms of the social role, the site is located on the edge of the village of Great Oakley. Great Oakley is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered some growth can be supported.
- 6.14 Great Oakley itself has a GP, primary school and is situated on a good local bus route. Furthermore, the centre of the village located within walking distance contains a village shop and a public house. It is therefore considered that the application site performs reasonable well in regard to the social element of the NPPF's definition of sustainable development.
- 6.15 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. As this application is in outline form, aspects such as the use of natural resources and low carbon economy will be matters that would be dealt with by a reserved matters application. However, at this stage, it is necessary to consider the impact the proposal may have on the natural and built environment, which is discussed in detail below.
- 6.16 Policy SD4 of the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012) states that in smaller rural settlements including Great Oakley no single housing development will exceed 10 dwellings in size unless there is local town or parish support for a larger development to achieve certain local benefits. It is noted that there is no parish support for proposal, however, the proposal is for under 10 dwellings. But this policy is contained within the draft plan which is not yet fully adopted and as set out in recent appeal decisions, cannot be given significant weight.

### **Previous Applications**

- 6.17 Reference has been made to an application for a 2 bedroom bungalow that was refused. This is application 91/01250/OUT, which was for a bungalow in connection with an agricultural holding. This application was refused as it was considered that the agricultural need for a dwelling was not proven and therefore it would be detrimental to the amenity and character of the countryside and set an undesirable precedent elsewhere in the rural area. This decision was made in 1992 and since this time there has been significant change in planning policy, most notably with the introduction of the National Planning Policy Framework in March 2012.

### **Character and Appearance**

- 6.18 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.

- 6.19 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.
- 6.20 As this application is in outline form, matters such as layout, scale and appearance are not under consideration at this stage, the information provided on these matters is indicative only.
- 6.21 The site lies adjacent to the existing settlement boundary; it is therefore considered that the proposed development would have some relationship with the existing built form. The surrounding development is linear in form and the indicative layout shows that this linear form would be continued.
- 6.22 As the site is on the edge of the rural area, it is accepted that the proposal would have an impact on the character of the area. However, it is considered that subject to appropriate design, siting and scale of the proposed dwellings and landscaping, all of which will be dealt with by a future application that any harm would not be significant to warrant a reason for refusal.

#### **Neighbouring Amenity**

- 6.23 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'.
- 6.24 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.

#### **Highway Considerations**

- 6.25 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.
- 6.26 Essex County Council Highways have been consulted on the application, they raise no objection to the principle of the development and vehicular accesses onto Station Road subject to the conditions set out above. A number of concerns have been raised regarding highway and pedestrian safety, but without any objection from Essex County Council Highways it is considered that it would be difficult to defend a reason for refusal on these grounds.
- 6.27 The Councils Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure

5.5 metres by 2.9 metres and garage, if being relied on to provide a parking space should measure 7 metres by 3 metres internally. Furthermore, development sites should provide unallocated visitor spaces at 0.25 spaces per residential unit. It is considered that the site is capable of accommodating this level of parking.

### **Impact on Protected Lane**

- 6.28 The Soils once past the proposed entrance to the application site on the bend is allocated as a Protected Lane. Policy EN1 of the Saved Local Plan 2007 states that any development which would significantly harm landscape character or quality will not be permitted. Development control will seek in particular to conserve natural and man-made features which contribute to local distinctiveness. Such features include the traditional character of protected lands, other rural lanes, bridleways and footpaths.
- 6.29 Concern has been raised about the impact of the proposal on the lane by virtue of the removal of hedgerow and the increased activity. The details of landscaping will be dealt with as part of any future reserved matters application. This application does not include the removal of any hedgerow/trees which affect the protected lane. It appears from the letters of objection that there are currently issues with the amount/type of traffic that uses the protected lane. This proposal is likely to result in an increase in traffic using the lane, however, there is no evidence to suggest that an increase in traffic would result in a greater impact on the character of the lane than there is currently. There are no works proposed to the lane, apart from the creation of the new access (which is an area which is not protected), that would result in a physical change in character.

### **Biodiversity**

- 6.30 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. The benefits of the development should 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.
- 6.31 The application site is devoid of any species rich habitat, being mainly laid to grass and in use as a kennels. The boundaries of the site with the highway are formed by a hedgerow, but this is unlikely to be significantly affected by any proposed development. No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.32 Based on the above it is considered that the development of this site in the manner proposed can be achieved without significant harm to nature conservation or biodiversity interests in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Surface Water Drainage**

- 6.33 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.
- 6.34 In this regard officers consulted with Essex County Council Flood and Water Management. Following the submission of further information 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.

### **Sewer Capacity**

- 6.35 Concerns have been raised regarding the sewer capacity and this is a matter for Anglian Water. Anglian Water do not provide comments on applications for under 10 dwellings so have not been consulted on this application. Ultimately this would therefore be a matter for building regulations to deal with at a later stage.

### **Open Space**

- 6.36 The Open Space Department advise that there is currently a deficit of -0.76 hectares of equipped place in Great Oakley. Due to the limited play provision in Great Oakley it is felt that a contribution towards play is justified and relevant to the planning application.

### **Other Considerations**

- 6.37 Concern has been raised with regard to light pollution, as this is an outline application no details of the provision of lighting has been submitted. It is acknowledged that the provision of up to 8 dwellings even if no outside lighting was proposed would cause additional light pollution. However, it is considered that subject to conditions to control the external lighting the impact would be minimal and not sufficient to warrant a reason for refusal.
- 6.38 Concern has been raise regarding the impact on local housing values and a right of wat to access mains water; these are not a material planning consideration. The granting of planning permission would not overriding any existing right of way.
- 6.39 It is also stated in the letters of objection that the proposal would have no benefit to the local community. The assessment is not about what benefits development will bring it is about any harm that would be caused.

### **Section 106 Obligations**

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

1. **Open Space Provision**

Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. This requirement is also set out in Policy PEO22 of the Draft Plan. The policy also states that 'proposals for residential development on a site of 1.5 hectares and above are required to provide at least 10% of the gross site area as public open space. The indicative layout shows a new public green and grassland habitat which meets this criteria.

The Councils Open Space Department has confirmed that there is a deficiency of 0.76 hectares of equipped place in Great Oakley. Due to the limited play provision in Great Oakley it is felt that a contribution towards play is justified and relevant to the planning application. It has been requested that the required contribution will be used towards the replacement and enhancement of the play equipment at Orchard Close. A letter of objection has queried why the contribution cannot go towards the play area on the opposite side of the road. This query has been raised with the Open Space Department and an update will be given at the meeting.

## 2. Affordable Housing

Saved Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 25% (as contained within emerging Policy PEO10) is more realistic. The thresholds under Saved Policy HG4 will therefore be applied but the percentage will be between 10% and 25% as detailed under emerging Policy PEO10.

Due to forthcoming legislation, the Council will not be in a position to purchase any of the units for affordable housing, even at a discounted price, so a financial contribution would be preferred. The financial contribution is based on the total number of dwellings and the average market value of similar properties in the area. The required contribution has been calculated as £154,000.

The above Heads of Terms have been agreed with the applicant, and a section 106 agreement will need to be drafted by solicitors to accommodate these provisions following a decision from the Committee to grant outline planning permission.

### **Conclusion**

- 6.41 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.
- 6.42 It is considered that the site is capable of accommodating up to 8 dwellings (depending on size and design) whilst resulting in no significant 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.