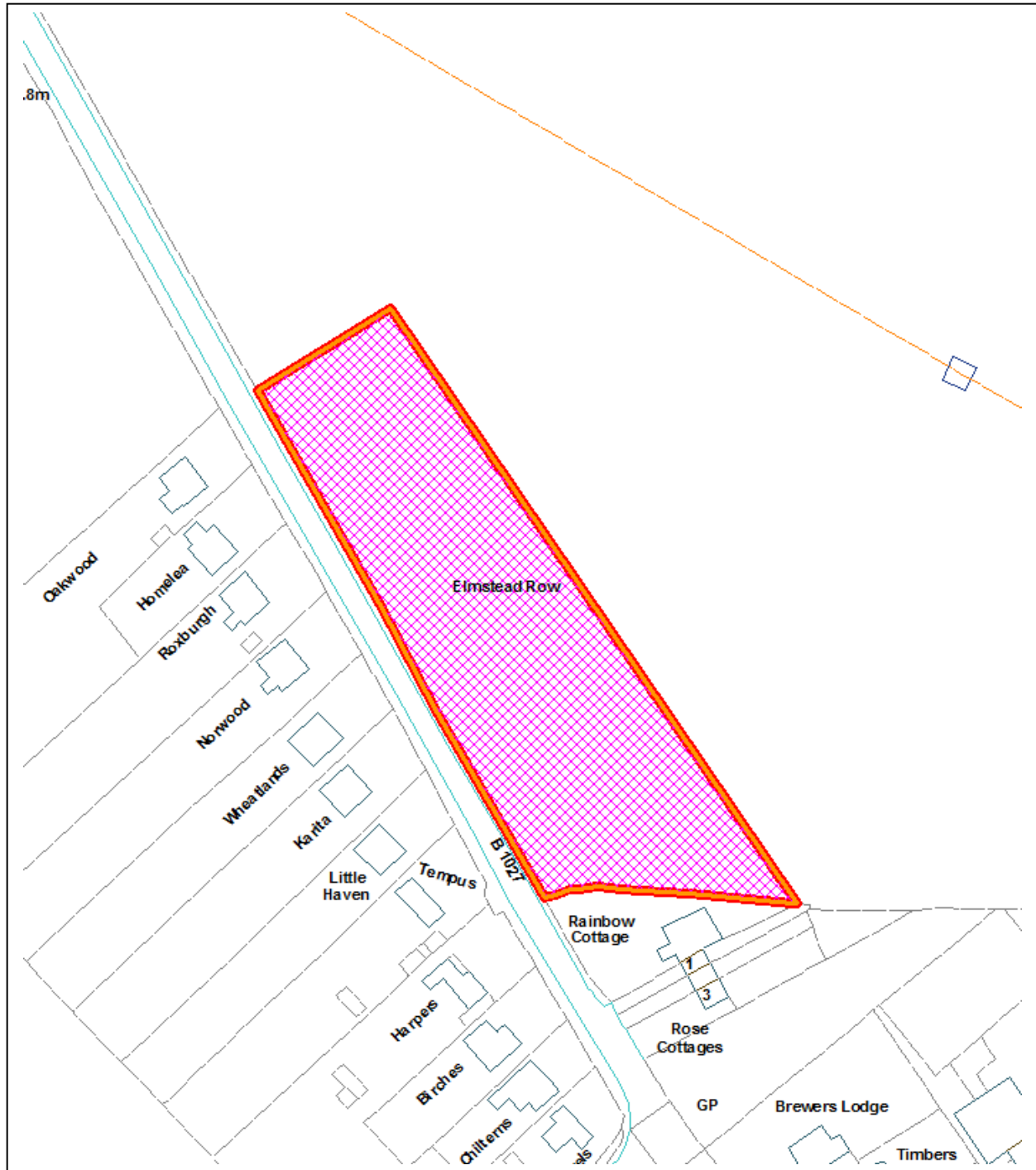


PLANNING COMMITTEE

18 MAY 2016

REPORT OF THE HEAD OF PLANNING

**A.9 PLANNING APPLICATION - 16/00305/OUT - BLUE GATES FARM**  
**COLCHESTER MAIN ROAD, ALRESFORD, CO7 8DE**



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<b>Application:</b>	16/00305/OUT	<b>Town / Parish:</b> Alresford Parish Council
<b>Applicant:</b>	Mrs Sian Leyland	
<b>Address:</b>	Blue Gates Farm, Colchester Main Road, Alresford, CO7 8DE	
<b>Development:</b>	Residential Development.	

## 1. **Executive Summary**

This application is referred to Planning Committee as it represents a departure from the Development Plan being located outside the Settlement Development Boundaries of Alresford as defined in both the Adopted Local Plan 2007 and the 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes.

This application seeks outline planning permission for the development of between 5 and 9 dwellings (up to 13 dwellings per hectare) and associated infrastructure. The application is in outline form with all matters reserved for later consideration.

The site is situated on the edge of the village of Alresford. The site is currently used for the production of arable crops. The south and east boundaries of the site are defined by mature field hedgerow.

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.

It is considered that the site is capable of accommodating between 5 and 9 dwellings as proposed (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) Development restricted to no more than 9 dwellings.
  - 5) Samples of the materials
  - 6) As requested by the Highway Authority
  - 7) Details of measures for the control and suppression of dust emissions
  - 8) A full construction method statement
  - 9) Soft Landscaping and boundary treatment
  - 10) Archaeology condition as requested
- 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).
- d)

## 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

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
- 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
- Essex County Council Car Parking Standards - Design and Good Practice
- Essex Design Guide

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

94/01093/FUL	(Land part of Blue Gates Farm, Alresford) ESS/57/94/TEN - Variation to condition 25 to planning permission TEN/1232/83 to allow for an increase in lorry movements to and from the site	Withdrawn	19.04.1996
95/00478/CMTR	(Land at Keelars and Sunnymead	Determination	02.08.1995

Farms, Elmstead Market)  
 ESS/23/95/TEN - Variation of condition  
 47 of planning permission  
 ESS/44/94/TEN to import minerals from  
 near Blue Gates Farm site

96/00571/CMTR	(Land part of Bluegates Farm, Alresford) ESS/21/96/TEN - Variations of conditions 8 and 24 of planning permission TEN/1232/83	Determination	02.08.1996
89/00676/FUL	New building to form farm shop selling organic produce, with parking facilities	Refused	16.01.1990
83/01232/FUL	Extraction of sand and gravel and restoration at lower level	Approved	05.08.1986
88/02247/FUL	Use of woodland for leisure and recreation	Withdrawn	04.01.1989
09/00508/FUL	Installation of a wind turbine of up to 100kw rated power, hub height 40m, rotor diameter 20m, maximum height to tip of 49m, ancillary cabinet and underground cable.	Approved	04.09.2009
12/00089/AGRIC	Grain and general purpose store.	Determination	21.02.2012
14/00352/FUL	Installation of standalone solar PV array, grid connection and associated infrastructure.	Approved	04.07.2014
14/01103/DISCON	Discharge of condition 07 (Landscaping) and 08 (Ecological Management Scheme and Mitigation Plan) of planning permission 14/00352/FUL.	Approved	19.09.2014
14/01104/DISCON	Discharge of condition 03 (solar panel details), 04 (security fencing & security measures), 06 (Decommissioning Method Statement), 13 (painting of equipment), 16 (Construction Method Statement) and 18 (temporary speed limit signage) of planning permission 14/00352/FUL.	Approved	19.09.2014
14/01477/NMA	Non material amendment to planning application 14/00352/FUL - minor amendment to the DNO building location in the north-west corner of the northern field	Approved	29.10.2014
14/01684/FUL	Variation of condition 11 of 14/00352/FUL to allow a change of working hours, to extend works on Saturday to 07.00-17.00 and Sundays to	Refused	18.12.2014

08.00-17.00.

15/00649/NMA	Re-positioning of gate at entrance of site to allow better access for machinery.	Approved	26.05.2015
15/01030/NMA	Substitution of the drawings listed in condition 2 of 14/00352/FUL with 'As Built' drawings.	Approved	
15/01064/FUL	Variation of condition 2 of planning application 14/00352/FUL. - Substitution of drawings listed in condition 2 with the 'As Built' drawings.	Approved	14.10.2015
16/00305/OUT	Residential Development.	Current	

#### **4. Consultations**

<b>ECC SuDS Consultee</b>	It is noted that the application is for between 5 and 9 dwellings and the site area is also less than 1ha. It is therefore unlikely to have a noticeable impact on surface water drainage.
<b>Anglian Water Services Ltd</b>	Anglian Water do not provide comments on applications for under 10 dwellings. Ultimately this would therefore be a matter for building regulations to deal with at a later stage.
<b>Principal Tree &amp; Landscape Officer</b>	<p>The application site is currently in agricultural use and has no trees or other significant vegetation in the main body of the land. The boundary with the highway is marked by a well established countryside hedgerow comprising of a single plant species: Hawthorn.</p> <p>The only tree of any significance is the Oak that is on, or close to, the eastern boundary. This tree has been subjected to regular crown reduction works to provide clearance from adjacent electricity supply apparatus.</p> <p>The tree is poorly formed and does not merit protection by means of a tree preservation order; nevertheless if it does not need to be removed in order to facilitate the development proposal then it would be desirable if it were to be retained.</p> <p>The proposed removal of a short section of the hedgerow on the boundary of the application site, adjacent to the highway, will not have a significant detrimental impact on the character or appearance of the area.</p> <p>Should consent be likely to be granted then a condition should be attached to secure details of soft landscaping and boundary treatment. The indicative site layout shows new tree planting and provision for a new hedge on the northern and western boundaries. Any new hedgerow should comprise of indigenous species. Boundaries abutting the agricultural land should be marked by a simple post and rail fence to minimise the adverse impact of the development proposal when viewed from the open countryside.</p>

## **Natural England**

No objection - Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Colne Estuary (Mid-Essex Coast Phase 2) Ramsar, SPA, and Essex Estuaries SAC have been classified.

Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.' In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Colne Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

## **ECC Highways Dept**

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Colchester Main Road shall be provided with 10.5m. radius kerbs returned to an access road carriageway width of 6.0m. and flanking footways 2m. in width returned around the radius kerbs for at least 6.0m distance, which shall be the sole means of access to the site. 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.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the proposed access being brought into use, minimum vehicular visibility splays of 120m by 2.4m by 120m 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.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. 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.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

4. Prior to commencement of the proposed development, a vehicular turning facility for service and 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.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. Prior to commencement of the proposed development, a vehicular turning facility for motor cars of a design which shall be approved in writing by the Local Planning Authority, shall be provided within each Plot within the site and shall be maintained free from obstruction in perpetuity.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary / throughout.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. 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.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

8. Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

9. All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

10. Prior to commencement of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

11. All footways should be provided at no less than 2.0m in width.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

12. All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway

safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

13. Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

14. 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.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

15. Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays in perpetuity.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1:

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk) or by 'phone on 0845 603 7631.

Planning permission does not negate the requirement for consent, and full details of the work you propose will be required at least two months before you intend to start.

#### Design Informative 2:

1. There should be no vehicular access over any radius kerbs.
2. The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
3. Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
4. The applicant should be requested to consider the provision and location of street lighting columns, particularly at road junctions, these should be within the adoptable areas.
5. The proposal should include pedestrian connectivity to the existing footways within the highway and should also be provided alongside the proposed carriageway providing segregated facilities for pedestrians
6. Refuse freighters are unlikely to manoeuvre over Private Drives.

#### Informative 3:

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

#### **UU - Open Space Consultation**

There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford. Any additional development in Alresford will increase demand on already, stretched play facilities. The closest play area and recreation ground to the development site is located just off St. Andrews Close, Alresford. This play area is designated as a Local Equipped Area for Play.

To cope with additional usage, it would be necessary to increase the size of this play area. The Parish Council does has plans in place to increase the number of play items should further development take place in the village.

Consequently it is recommended that, due to the significant lack of play and open space facilities a contribution towards play and open space is justified and relevant to this planning application, in accordance with the schedules set out in PE022. Such funds would be spend at the play area off St Andrews Close, Alresford

#### **UU Housing Consultation**

There is a high demand for housing in Alresford and on he housing register, there are currently 112 households seeking a 1 bedroom property, 56 seeking a 2 bedroom property, 29 seeking a 3 bedroom property and 12 seeking a 4 bedroom property or larger.

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 PE010) 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 PE010.

The design and access statement attached to the application indicates that there will be 5-9 dwellings built on this site. If so, an affordable housing provision will be triggered. However, the Housing Department is not currently in a position to purchase any units, even at a discounted price and so on the basis that 5-9 dwellings are proposed, a financial contribution would be preferred.

#### **Essex County Council Archaeology**

The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest; with evidence for below ground archaeological remains identified in proximity to the site, and within it, in the form of crop marks of likely prehistoric or later date.

Any surviving below ground heritage assets would be damaged or destroyed by the proposed development. Consequently it is recommended that, in line with the Department for Communities and Local Government National Planning Policy Framework, a full archaeology condition be attached to any planning approval.

### **5. Representations**

5.1. **Alresford Parish Council** – No comments at time of report

5.2. 8 letters of objection have been received which raise the following concerns:

- Speculative application based on the fact that there is no adopted Local Plan in place.
- Development has been designed in order to avoid affordable housing contributions
- Site has not been allocated for housing
- Highway safety concerns
- Agricultural land should not be developed
- Land outlined in red does not reflect all land owned by the applicant that could be developed in the future
- Approval would set a precedent
- Development would harm the character of the area and the village
- No pedestrian access

### **6. Assessment**

The main planning considerations are:

- Principle of Development
- Character and Appearance

- Neighbouring Amenity
- Highway Considerations
- Biodiversity
- Surface Water Drainage
- Sewer Capacity
- S106 Obligations

### **Proposal**

- 6.1. This application seeks outline planning permission for the development of between 5 and 9 dwellings and associated infrastructure the corner of an agricultural field situated on the north side of the B1027 Colchester Main Road on the outskirts of Alresford. The application is in outline form with all matters reserved for later consideration.
- 6.2. An indicative drawing submitted in support of the application show a single pint off access opposite the property at Norwood. The indicative drawing also show how 5 or 9 dwellings can be accommodated within the site and set behind the existing hedgerow on Colchester Road. It is also shown that new hedgerow and landscaping would be provided to the new eastern boundary of the development.

### **Site and Surrounding Area**

- 6.3. The site is situated on the edge of the village of Alresford and the site lies outside but adjacent to the Settlement Development Boundary (SDB) at Alresford. To the south east the site is bounded by the established ribbon of detached and semi-detached dwellings at 'Elmstead Row' while on the opposite side of Colchester Road there is a ribbon of detached bungalows extending out from the junction with Station Road towards the north. The proposed development would not extend any further north than this existing section of ribbon development.
- 6.4. The site boundary with the highway is delineated by a mature hedgerow while the south and east boundaries of the site are defined by mature field hedgerow.
- 6.5. The site has an area of approximately 0.68 hectares in total and is currently in arable use.
- 6.6. The surrounding area is characterised by a mixture of single and two storey dwelling of varying design and appearance.

### **Principle of Development**

- 6.7. The site lies outside of the Settlement Development Boundary of both the Saved Local Plan (Tendring District Local Plan 2007) as well as the Tendring District Local Plan Proposed Submission Draft 2012 and Focussed Changes 2014.
- 6.8. 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.
- 6.9. 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.

- 6.10. 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.
- 6.11. 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.
- 6.12. In terms of the social role, the site is located on the edge of the village of Alresford. Alresford 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.
- 6.13. Despite its edge of village location the site is considered to be accessible with opportunities available for sustainable travel to other centres. On the southern side of the B1027 is an illuminated pavement which continues into the village where buses including the First Group service and Heddingham service provide regular school, commuter and daytime connections to Brightlingsea, Clacton-on-Sea, Colchester, the University of Essex, Elmstead Market, Frating, and Weeley.
- 6.14. In addition, Alresford mainline station is situated approximately 700m or 6 minutes walking distance to the south and provides connections to Clacton-on-Sea, Colchester, Chelmsford and London Liverpool Street as well as regular connections to Colchester and Clacton-on-Sea.
- 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. The applicants have indicated that, apart from a small section of hedgerow that would be lost to accommodate the access into the site, the existing hedgerow on Colchester Road would be retained by setting the proposed dwellings back into the site. In addition it is proposed to provide new hedgerow planting and landscaping to the eastern and northern boundaries of the site. This approach would soften the appearance of the proposed development whilst also serving in the transition between the proposed development and the countryside beyond the eastern and northern boundaries of the site.
- 6.17. 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 local support for the proposal, however, the proposal is for fewer than 10 dwellings. Policy SD4 is however contained within the draft plan which is not yet fully adopted and as set out in recent appeal decisions, cannot be given significant weight.

### **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 Colchester Road subject to the a number of conditions and mitigation measures. 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.

### **Biodiversity**

- 6.28. 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.
- 6.29. 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.
- 6.30. The application site is devoid of any species rich habitat, being used currently for arable farming. 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.
- 6.31. In addition Natural England indicated that the proposal, if undertaken in strict accordance with the details submitted, it is not likely to have a significant effect on the interest features for which Colne Estuary (Mid-Essex Coast Phase 2) Ramsar, SPA, and Essex Estuaries SAC have been classified.
- 6.32. Natural England advised that there was not a requirement to undertake an 'Appropriate Assessment to assess the implications of this proposal on the sites' conservation objectives.' In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Colne Estuary SSSI has been notified and therefore further advised that the SSSI does not represent a constraint in determining this application.
- 6.33. 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**

- 6.34. Policy EN13 of the Saved Local Plan and Policy PLA3 Draft Local Plan requires that all new development, excluding householder development, to incorporate Sustainable Drainage Systems (SuDS) as a means of reducing flood risk, improving water quality, enhancing the green infrastructure network and providing amenity benefit. Justification must be given for not using SuDS.
- 6.35. In this regard officers consulted with Essex County Council Flood and Water Management. This department indicated that due to the low number of dwellings and the relative size of



the application site it was is unlikely that any noticeable impact on surface water drainage would occur as a result of the proposed development.

### **Sewer Capacity**

- 6.36. 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.

### **Other matters**

- 6.37. The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest; with evidence for below ground archaeological remains identified in proximity to the site, and within it, in the form of crop marks of likely prehistoric or later date.
- 6.38. Any surviving below ground heritage assets would be damaged or destroyed by the proposed development. Consequently it is recommended that, in line with the Department for Communities and Local Government National Planning Policy Framework, a full archaeology condition be attached to any planning approval.

### **Section 106 Obligations**

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

#### 1. Open Space Provision

- 6.40. 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.
- 6.41. The Councils Open Space Department has confirmed that there is a deficiency of 1.91 hectares of equipped play and formal open space in Alresford. The closest play area and recreation ground to the development site is located just off St. Andrews Close, Alresford. This play area is designated as a Local Equipped Area for Play.
- 6.42. To cope with additional usage, it would be necessary to increase the size of this play area. The Parish Council does has plans in place to increase the number of play items should further development take place in the village.
- 6.43. Consequently it is recommended that, due to the significant lack of play and open space facilities a contribution towards play and open space is justified and relevant to this planning application, in accordance with the schedules set out in PE022. Such funds would be spent at the play area off St Andrews Close, Alresford.

#### 2. Affordable Housing

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

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

- 6.45. 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.
- 6.46. 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**

- 6.47. 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.
- 6.48. It is considered that the site is capable of accommodating between 5 and 9 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.