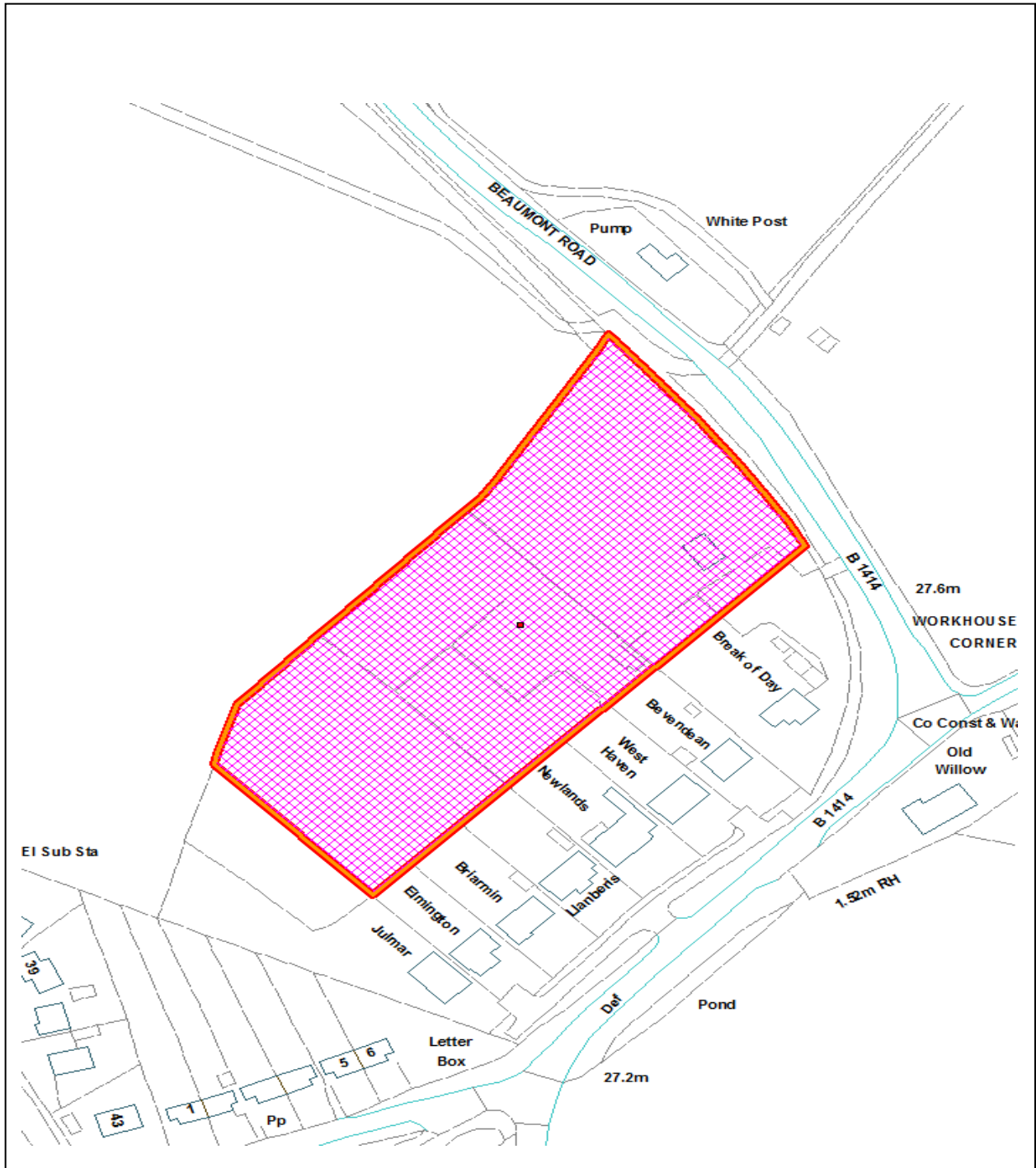


PLANNING COMMITTEE

12th July 2016

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATIONS - 15/00987/OUT - LAND TO NORTH OF BREAK OF DAY AND NEWLANDS BEAUMONT ROAD, GREAT OAKLEY, CO12 5BD



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Application:	15/00987/OUT	Town / Parish: Great Oakley Parish Council
Applicant:	Mr & Mrs Bush / Mrs Baker	
Address:	Land to North of Break of Day and Newlands, Beaumont Road, Great Oakley, CO12 5BD	
Development:	Erection of 17 dwellings comprising of 8 x 3 bed semi-detached houses, 3 x 4 bed detached houses and 6 x 3 bed detached bungalows with garages, parking and associated works.	

1. Executive Summary

- 1.1 This application was originally considered at Planning Committee on 15th December 2015 comprising of a proposal for 18 dwellings (8 x 3 bed semi-detached houses, 3 x 4 bed detached houses and 7 x 3 bed detached bungalows) with garages, parking and associated works. Members deferred the application to enable Officers to clarify with the applicant issues relating to any trees to be lost; requirements of a related S106 agreement; access arrangements and a Phase 1 Habitat Survey. Since the deferral of the application amended plans have been received together with an updated Tree Survey and a Phase I Habitat. The amended plans show the number of dwellings reduced from 18 to 17 and the access relocated.
- 1.2 This application seeks outline planning permission for the erection of 17 no. dwellings on land to the north of Break of Day and Newlands, Beaumont Road, Great Oakley. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application. However, as the description refers to 8 no. 3 bed semi-detached houses; 3 no. 4 bed houses and 6 no. 3 bed bungalows, the mix and type of dwelling proposed is known and is therefore what is being considered as part of this application.
- 1.3 The application site is situated to the north of Beaumont Road, behind a row of dwellings which includes Break of Day and Newlands. These properties are predominately detached bungalows with the exception of Break of Day which is two storey detached property. The application site has an area of approx. 0.96 hectares. It comprises of land which is used as additional garden space for the adjacent properties Newlands and Break of Day. It is predominately set to grass with shrubs and small trees. There are a number of mature (which are now subject to Tree Preservation Orders) in the north-east corner of the site and along the rear boundary of the site. To the north of the site an agricultural field which has had permission granted (15/01080/FUL) for 51 dwellings, a village hall, doctor's surgery, village shop and public open space including a village green & children's play area.
- 1.4 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007), but within the Settlement Development Boundary of Great Oakley in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012).
- 1.5 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.

- 1.6 Since the Planning Committee on 15th December 2015 amended plans have been received which show the number of dwellings reduced to 17 and the frontage of the site as a 'green area'. It is considered that these changes result in a development that is better related to the surrounding area and more in keeping with the density and pattern of development along Beaumont Road. On this basis it is considered that the proposal would not result in a significantly harmful impact on the character of the area to warrant a reason for refusal. On balance it is considered that the proposal is environmentally, economically and socially sustainable and meets the criteria set out in paragraph 7 of the NPPF.
- 1.7 It is considered that the site is capable of accommodating 17 dwellings whilst resulting in no significant material harm to the character of the surrounding area, biodiversity or protected species, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways.

Recommendation:

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

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters:
- Affordable Housing on-site, and;
 - Public open space and play facilities on-site.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning in their discretion considers appropriate).

(i) Conditions:

1. Details of the appearance, access, layout, scale and landscaping (the reserved matters).
2. Application for approval of the reserved matters to be made within three years.
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. Details of materials.
5. Hard and soft landscaping.
6. All hard and soft landscaping implementation.
7. Development in accordance with the Tree Survey and Tree Protection measures.
8. Landscaping – Five year clause.
9. Development in accordance with recommendations of Bat Survey.
10. Details of boundary treatments.
11. Construction Method Statement, including details of hours of operation during construction.
12. Parking in accordance with adopted Parking Standards.
13. Details of bellmouth junction with Beaumont Road.
14. Vehicular visibility splays along Beaumont Road.
15. Details any necessary bridging or piping of the drainage ditch/watercourse.
16. Visibility splays for each internal estate road junction.
17. Details of vehicular turning facilities.
18. Provision and Implementation of Residential Travel Information Packs.
19. No unbound materials shall be used in the surface treatment of the proposed residential vehicular accesses within 6m of the highway boundary or proposed

- highway boundary.
20. Width and details of each individual vehicular access.
 21. Width of carriageways.
 22. Width of footways.
 23. Garages to be sited a minimum of 6 metres from highway boundary.
 24. Details of provision for the storage of bicycles for each dwelling.
 25. Details of a surface water drainage scheme.
 26. Development to contain no more than 32 dwellings.
- c) That the Head of Planning be authorised to refuse outline planning permission in the event that such legal agreement has not been completed within the period of 6 months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to saved policies HG4, COM6, COM26 and QL12 of the Tendring District Local Plan (2007) and draft policies SD7, PEO22 and PEO10 of the Tendring District Local Plan Proposed Submission Draft (2012) as amended by the Tendring District Local Plan: Pre-Submission Focussed Changes (2014).

2. **Planning Policy**

National Policy

National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

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

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

TR1A Development Affecting Highways

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

PLA3 Water Conservation, Drainage and Sewerage

PLA4 Nature Conservation and Geo-Diversity

Other Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

3. Relevant Planning History

3.1 None

4. **Consultations**

Housing

Great Oakley is an area of high demand for households seeking accommodation on the housing register. There are currently 90 households on the housing register seeking a 1 bedroom property, 42 seeking a 2 bedroom property, 21 seeking a 3 bedroom property and 15 seeking a 4 bedroom property or larger. Since the previous consultation more details have emerged of proposed legislation which will severely curtail the Council or another registered provider's ability to purchase up to 25% of units at the site, even at a discounted price (4 units). As an alternative, the Council would prefer to be gifted 1 x 3 bed house (this being 30% of the 25% affordable housing provision in the emerging Local Plan).

Anglian Water

Advises that there are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. They also confirm that with regards to the wastewater treatment and sewerage system there is available capacity within the area for the proposed flows.

Pollution and Environmental Control

Request that in order to minimise potential nuisance to nearby existing residents caused by construction works the following is conditioned:

- Prior to the commencement of any site works, the applicant (or their contractors) shall submit a full method statement to the Local Planning Authority, and receive written approval.
- The use of barriers to mitigate the impact of noisy operations will be used where possible.
- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00(except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Friday and from 0800- 13:00 on Saturday with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in the latest version of British Standard 5228:as amended.
- Mobile plant to be resident on site during works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents. 6) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Regeneration

Have no comments to make on this application. However, ask that the landowner/developer should clarify the provision of broadband to the site as per the requirements of Policy PRO2 to ensure the development is adequately served.

Essex County Council Highways

Consider that 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 Beaumont Road 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 120m north westerly by 2.4m by 80m south easterly 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.
- 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)
- 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.
- 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.
- 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.

- No unbound materials shall be used in the surface treatment of any proposed vehicular access within 6m of the highway boundary.
- Prior to first occupation of the proposed development, each individual proposed vehicular access shall be constructed at right angles to the proposed 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.
- 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, to include six one day travel vouchers for use with the relevant local public transport operator.

Environment Agency

Have no objection to this application, there are no environmental concerns within their remit and surface water management is a matter for the lead local flood authority (Essex County Council).

**Essex County Council
Schools**

No comment received on amended plans as the development is now below 20 dwellings which is their new threshold for requiring financial contributions.

**Essex County Council
Flood & Water
Management**

Object against the granting of planning permission as no surface water drainage strategy has been submitted.

**Principal Tree and
Landscape Officer**

Advises that the information provided in the amended tree report and survey shows the new access road in such a position that its construction would necessitate the removal of T1 Oak of Tree Preservation Order (TPO/15/08): T3 of the tree report.

All other trees covered by the TPO are shown as retained and the tree report provides adequate information to show how they will be protected for the duration of the construction phase of any planning permission that may be granted. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

On balance it is considered that the integrity of the TPO would not be significantly compromised by the removal of a single tree, as set out

in the report, and that the retained trees will continue to make a positive contribution to the character and appearance of the local environs.

If planning permission were likely to be granted then a soft landscaping condition should be attached to secure details of new planting, including trees, to both soften and enhance the appearance of the development and to compensate to the loss of the Oak covered by the TPO

5. Representations

- 5.1 Great Oakley Parish Council object to the application for the following reasons:
- On top of Mr Thompsons already supported Village Hall/Housing Development (on the adjacent site) (15/01080/OUT), this development far exceeds any possible estimate of the need for new housing in Great Oakley.
 - This development was not included in the emerging local plan and is likely to have a detrimental impact on the wide community.
 - The proposed access splay, immediately adjacent to Mr Thompsons previously publicised, consulted on and already supported development, could compromise that development and the proposed new Village Hall.
 - The density of the proposed development is too high and not in keeping with the character of the village.
 - Additional traffic from this development would cause significant congestion and increase the risk of accident and injury in this part of the village.
- 5.2 8 letters of objection were received when the application was first submitted which raise the following concerns:
- The infrastructure is not present and capable of taking any more residents, who with them will bring in more cars, additional pollution, take up spaces in the small pre-school and primary school and in the GP surgery.
 - There is no longer a pub in the village.
 - The proposed development will ruin the area and take away the quaintness and rural part of Great Oakley.
 - There is a sewer which runs through the site.
 - The planning statement identifies and addresses a wide range of policies but crucially omits to refer to the key policy relating to growth at Great Oakley (COU11: Great Oakley Community Development). The applications failure to address the contents of this key policy stems from the inability of its proposal to comply with policy requirements.
 - The application site is outside the draft allocation and is non-contributory to the principal associated community benefits. It therefore constitutes an opportunistic attempt to increase housing within the village without contributing to the principal community facilities which aim to make Great Oakley more sustainable.
 - The proposed estate road access is close to a bend on the B1414 to the south east and an established field access to the north-west. It is considered that the proposed access would create highway safety hazards on the classified road arising from the slowing and turning movements of vehicular traffic at this point.
 - The proposed estate road will seriously interfere with the established field access serving Allotment Field and then via internal farm tracks to other fields at Brook Farm south of the village. This heavily used farm access enables farm vehicles and machinery to avoid passing through the village and avoids mud being deposited on the road.
 - The site is currently outside the village's main established housing areas and would prejudice the ordered provision of future housing in conjunction with the delivery of new and improved social and recreational facilities. As a stand-alone scheme the proposals cannot be considered to constitute sustainable development as they rely on envisaged new and improved facilities and services being funded via an alternative allocated site.

The proposal therefore does not benefit from the NPPF's presumption in favour of sustainable development.

- The development would spoil views that have been enjoyed for over 51 years and would devalue surrounding properties.
- Increase in general noise level created by such a development especially by vehicles of the inhabitants of these dwellings plus light pollution.
- The access is inadequate.
- Loss of wildlife (including birds).
- There are little or no employment opportunities in the area.
- There are several properties already for sale in the village, so there is obviously no shortage of properties.

5.3 Following the submission of amended plans 4 letters of objection have been received which raise the following concerns:

- With other applications for new homes in the vicinity, combined there will be 74 new homes and the potential of a minimum of 300 new residents in what is a very small area.
- The environmental impact with car traffic (no commuter link so cars are essential), general light and noise pollution to nearby residents, loss of trees, hedges and the destruction of wildlife habitats will be substantial.
- All nearby applications must be looked at together and an assessment done overall when making a decision on each. This is especially important in considering the local infrastructure in terms of school and doctor's surgery places and the lack of other facilities.
- Where is the demand going to come from given the lack of commuting links and the high availability of homes in the north Essex area of this type.
- Additional entrance will cause highway safety issues.
- Will further destroy the character of a small village.
- This site is not in the draft local plan and is making advantage of the fact there is no Local Plan for Tendring.

5.4 A letter has also been received from the applicants representative which supports the application and endeavours to demonstrate to the Council the benefits the scheme offers by raising the following points:

- There is a significant property shortfall, creating a demand for circa 90 dwellings to satisfy both, the growing family community and ageing population. The ethos of a village surely is to ensure and facilitate adequate housing to meet the variable requirements of individuals, families and those who wish to have the opportunity to continue to live here together from generation to generation.
- The ambition of the owners is to combine and convert the disused paddock land into a mixed use residential development that would incorporate single storey independent living, family and affordable homes.
- The development offers accessibility to existing local amenities, village pub, shop, proposed doctors surgery and new village hall. The development is within short walking distance to the village primary school which has available spaces. There are several public transport links within short walking distance offering regular bus services, to Harwich, Dovercourt, Clacton, Colchester and Manningtree facilitating town shopping, access to schools, colleges and commuting to London within 90 minutes.
- The proposed site layout incorporates the trees protected under a preservation order TPO 15/00008 and woodland area to ensure a visual amenity is retained within the development.
- The property styles and layout proposed are in character with the existing properties to the south of the development (Beaumont Road), single storey dwellings and two storey dwellings to the west of the site (Woodlands) and south of the adjoining allotment field development 15/01080/OUT which was approved by the Planning Committee in December 2015 for 51 dwellings.
- The proposed scheme density is significantly lower than, the recognised standards, at 18.7 dwellings per hectare, compared to the adjacent allotment field approved application

whereby it is indicated at 26 dwellings per hectare and the approved under construction Rose Gardens, Main Road, Dovercourt development of 30 homes.

5.5 Cllr. Howard has requested that the application be referred to Planning Committee. The reasons for this are set out below:

- This can reasonably be considered to be back land development. The applicants Design and Access Statement even defines the site as "a narrow section of garden/paddock land".
- The existing Doctor's surgery is no longer taking new patients and therefore there is no local Doctor's surgery to take the additional patients resulting from the proposed development.
- The village pub is currently closed and therefore has no pub which is contrary to the claim of the Design and Access Statement.
- The village does not have a golf range as this in fact in Little Oakley, contrary to the Design and Access Statement.
- The level of growth is inconsistent with the rural village setting. This proposal is double the level of growth considered acceptable for a smaller rural settlement in the emerging Local Plan.
- This application offers nothing in mitigation of its excessive increase for a smaller rural settlement e.g. It does not contribute to open space, to local health care (given that the Doctor's surgery is not taking on new patients), to the school for a potential increase in capacity resulting from excessive growth etc.
- The proposed access could be considered adequate if the application were viewed in isolation, however it is only slightly offset and indeed overlaps with the proposed entrance for a separate development that is already in the emerging Local Plan. Both applications cannot co-exist as the resulting junction would be unsafe in design to accommodate both sites and would result in an unsafe volume of combined traffic joining a short stretch of the 61414 between two sharp bends.
- It is believed that a sewer runs underneath several of the houses on the outline plan and that even if the site were developed that the number of dwellings that could be located without being built over sewage pipes would result in a significant reduction in the proposed properties on this site.

5.6 The Council has been copied in to a letter to the agent of this application regarding landownership along the north-eastern boundary of the site. The agent has stated in correspondence that this is strongly contested. However, this is a civil matter which does not prejudice the determination of this application.

6. **Assessment**

The main planning considerations are:

- Principle of Development
- Residential Amenity
- Highway Safety
- Surface Water Drainage
- Tree Preservation Orders
- Biodiversity
- Legal Agreement
 - Open Space
 - Legal Agreement

Proposal

6.1 This application seeks outline planning permission for the erection of 17 no. dwellings on land to the north of Break of Day and Newlands, Beaumont Road, Great Oakley. The application is in outline form, all matters of detail such as access, appearance, landscaping,

layout and scale are reserved for a future application. However, as the description refers to 8 no. 3 bed semi-detached houses; 3 no. 4 bed detached houses and 6 no. 3 bed detached bungalows, the mix and type of dwelling proposed is known and is therefore what is being considered as part of this application.

- 6.2 The proposed layout plan is indicative only; however, it shows the proposed dwellings around the edge of the site facing the proposed access road, which gains access from Beaumont Road.

Site Context

- 6.3 The application site is situated to the north of Beaumont Road, behind a row of dwellings which includes Break of Day and Newlands. These properties are predominately detached bungalows with the exception of Break of Day which is two storey detached property.
- 6.4 The application site has an area of approx. 0.96 hectares. It comprises of land which is used as additional garden space for the adjacent properties Newlands and Break of Day. It is predominately set to grass with shrubs and small trees. There are a number of mature (which are now subject to Tree Preservation Orders) in the north-east corner of the site and along the rear boundary of the site.
- 6.5 To the north of the site an agricultural field which has been granted planning permission (15/01080/FUL) for 51 dwellings, a village hall, doctor's surgery, village shop and public open space including a village green & children's play area. The two applications are completely separate and therefore can be determined separately.

Principle of Development

- 6.6 The site lies outside of the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007), but within the Settlement Development Boundary of Great Oakley in the Draft Plan (Tendring District Local Plan Proposed Submission Draft 2012). The 2014 Focussed Changes does not propose any alteration to this. However, the 2014 Focussed Changes do allocate the adjacent site (15/01080/FUL) for mixed use development including, housing, a new village hall and a car park.
- 6.7 Given that the Tendring District Local Plan Proposed Submission Draft 2012 is not yet fully adopted and is 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 is contrary to local planning policy.
- 6.8 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.
- 6.9 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.

- 6.10 Economically, the construction and habitation of 17 no. new dwellings would be of economic benefit through the construction of new housing and the local benefit that new residents could bring to the local economy.
- 6.11 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. As identified in the Council's 'Establishing a Settlement Hierarchy' Study (July 2014) Great Oakley has a primary school, a GP and a good bus route with bus stops within walking distance of the site. On this basis it is considered that the site would be socially sustainable, without relying on the facilities proposed by the development of the adjacent site.
- 6.12 Environmentally, it is necessary to consider the impact on the character and appearance of the countryside. This application was previously recommended for refusal on the basis that it was considered that the site would not be capable of accommodating 18 dwellings without resulting in a development that is out of character and poorly related to the surrounding development. Since this recommendation amended plans have been received which show the number of dwellings reduced to 17 and the frontage of the site as a 'green area'. It is considered that these changes result in a development that is better related to the surrounding area and more in keeping with the density and pattern of development along Beaumont Road. On this basis it is considered that the proposal would not result in a significantly harmful impact on the character of the area to warrant a reason for refusal.
- 6.13 On balance it is considered that the proposal is environmentally, economically and socially sustainable and meets the criteria set out in paragraph 7 of the NPPF.

Residential Amenity

- 6.14 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'.
- 6.15 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 the site can be developed, without resulting in any adverse impact on the amenities of the neighbouring residents, subject to the siting, height, scale of the dwellings and position of windows in the proposed dwellings.

Highway Safety

- 6.16 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.
- 6.17 One of the reasons the application was deferred was to enable access arrangements to be clarified. Discussions have taken place between the applicant's agent and Essex County Council Highways on this matter. The proposed indicative access point has been moved further south. Essex County Council have raised no objection to the proposal from a highway and transportation perspective subject to the mitigation and conditions set out above.

- 6.18 The application is in outline form so details of the access and layout of the proposal is for consideration under a future application. However, the consultation response from Essex County Council Highways demonstrates that a suitable access can be provided to serve the proposed development.
- 6.19 Concerns have been raised with regard to the implications to proposed access may have on highway safety due to the bend in the road and the proximity to the proposed access for the adjacent site. Whilst these concerns are noted in the absence of any objection from Essex County Council Highways, there is no evidence to substantiate a refusal on these grounds.

Surface Water Drainage

- 6.20 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.
- 6.21 In this regard officers consulted with Essex County Council Flood and Water Management. Responding to this consultation they stated that the submitted documents do not provide any details on the flood risk or the surface water drainage strategy to be implemented on the development and recommended refusal on this basis.
- 6.22 Whilst the above comments are noted, this is an outline application with all matters reserved so we are being asked to determine the principle of development. The details of the application are reserved for future applications. Furthermore, the site is less than 1 hectare in size and therefore does not require a Flood Risk Assessment. Further information on surface water drainage is required; however, it is considered that this could be secured by condition.

Tree Preservation Orders

- 6.23 Since this application has been submitted a Tree Preservation Order has been made to protect the most significant trees on the site. To show the extent of the constraint that the trees are on the development a Tree Survey has been submitted. Following the deferral of the application by the Planning Committee the proposal has been amended and an updated Tree Survey submitted.
- 6.24 The Councils Tree and Landscape Officer has been consulted on the application and advises that the information provided in the amended tree report and survey shows the new access road in such a position that its construction would necessitate the removal of T1 Oak of Tree Preservation Order (TPO/15/08): T3 of the tree report.
- 6.25 All other trees covered by the TPO are shown as retained and the tree report provides adequate information to show how they will be protected for the duration of the construction phase of any planning permission that may be granted. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.
- 6.26 On balance it is considered that the integrity of the TPO would not be significantly compromised by the removal of a single tree, as set out in the report, and that the retained trees will continue to make a positive contribution to the character and appearance of the local environs. Condition to secure details of new planting, including trees, to both soften and enhance the appearance of the development and to compensate to the loss of the Oak covered by the TPO are required.

Biodiversity

- 6.27 At the request of the Planning Committee a Bat Survey has been submitted for the application site. This is in addition to the Extended Phase 1 Survey, carried out in February 2014 on the adjacent site which concluded that trees along the boundary of the site provide potential for roosting bats. These trees will remain unaffected by the proposal.
- 6.28 The survey submitted as part of this application provides an assessment of all remaining trees within the site boundaries. It also provided an assessment of the northern western boundary trees as view from the south east, which was unlikely to have been possible during the 2014 survey.
- 6.29 The survey identified seven trees with low potential to support roosting bats and concludes that no further surveys are required; however it advises that all works on trees identified as being of low roosting potential should be undertaken with care and avoid the hibernation period of November to February inclusive. It is considered that if the recommendations of the survey are followed, which can be secured by condition, the proposals are unlikely to have an adverse impact upon individual bats or the local bat population.

Legal Agreement

- 6.30 Following deferral of the application and the submission of amended plans the requirements of the necessary legal agreement have altered. Originally Essex County Council requested a financial contribution towards early years and childcare expansion in the Great Oakley and Little Oakley ward or a surrounding ward. Since the submission date of the application Essex County Council's procedure has changed and now no financial contributions are sought on developments of below 20 dwellings.
- 6.31 It is considered that a legal agreement is required to cover the following:
1. Open Space Contribution
- 6.32 Policy COM6 of the Saved Plan states that for residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of the future occupiers of the development, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.
- 6.33 There is currently a deficit of -0.76 hectares of equipped play space in Great Oakley, but adequate provision in terms of formal open space. There is one play area in Great Oakley, located off Orchard Close. This play area has recently been upgraded and is classified as a Local Equipped Area for Play. However, should further development take place in the village it would be necessary to increase the size of the current play provision to prevent the current deficit from increasing.
- 6.34 Due to the limited play provision in Great Oakley, it is felt that a contribution towards play is justified and meets the CIL Requirements. This contribution would be based on the number of bedrooms the development provides.

2. Affordable Housing

- 6.35 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.

- 6.36 More details have emerged of proposed legislation which will severely curtail the Council or another registered provider's ability to purchase up to 25% of units at the site, even at a discounted price (4 units). As an alternative, the Council would prefer to be gifted 1 x 3 bed house (this being 30% of the 25% affordable housing provision in the emerging Local Plan).
- 6.37 The agent has confirmed that there is no principle objection to a legal agreement, subject to it being compliant with the CIL Regulations. The Council is of the view that the above request are.

Other Issues

- 6.38 With regards to the sewer that runs through the site, if building over it or connecting to it consent would be required from Anglian Water or the owner. This is a civil matter and not a material planning consideration as Anglian Water have confirmed there is capacity to deal with the flows from the proposed development.
- 6.39 The loss of private views and the impact on the value of surrounding properties are not material planning considerations.

Conclusion

- 6.40 Whilst the application was, at the Planning Committee on 15th December 2015 recommended for refusal as it was considered that the site would not be capable of accommodating the number of dwellings proposed without resulting in a development that is out of character and poorly related to the surrounding development; the proposal would have resulted in the loss of trees covered by a Tree Preservation Order and no confirmation that the required legal agreement was acceptable had been received. It is considered that the additional information submitted and amended plans overcomes these reasons and on balance it is considered that the proposal is environmentally, economically and socially sustainable and meets the criteria set out in paragraph 7 of the NPPF.
- 6.41 It is considered that the site is capable of accommodating 17 dwellings whilst resulting in no significant material harm to the character of the surrounding area, biodiversity or protected species, preserving the amenities of neighbouring residents and meeting the requirements of Essex County Council Highways.

Background Papers

None.