



PLANNING COMMITTEE

DATE: Wednesday 29 March 2017

TIME: 6.00 pm

VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor White (Chairman)
Councillor Heaney (Vice-Chairman)
Councillor Baker
Councillor Bennison
Councillor Davis
Councillor Everett

Councillor Fairley
Councillor Fowler
Councillor Gray
Councillor Hones
Councillor McWilliams

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For further details and general enquiries about this meeting, contact Katie Sullivan on 01255 686 585

DATE OF PUBLICATION: FRIDAY 17 MARCH 2017

AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 MINUTES OF THE LAST MEETING (Pages 1 - 6)

To confirm and sign as a correct record, the minutes of the meeting of the Committee, held on 28 February 2017.

3 DECLARATIONS OF INTEREST

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and nature of it, in relation to any item on the agenda.

4 A.1 - PLANNING APPLICATION - 16/02125/OUT - LAND TO THE NORTH OF THORRINGTON ROAD, GREAT BENTLEY, CO7 8QD (Pages 7 - 38)

Proposed 75 dwellings with associated infrastructure, landscaping and public open space.

5 A.2 - PLANNING APPLICATION - 16/02127/OUT - LAND TO THE WEST OF PLOUGH ROAD, GREAT BENTLEY, CO7 8LG (Pages 39 - 70)

Outline planning application with all matters reserved other than strategic access point onto Plough Road, for the erection of up to seventy five dwellings with associated infrastructure and landscaping.

6 A.3 - PLANNING APPLICATION - 16/01912/DETAIL - LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS (Pages 71 - 86)

Proposed erection of 50 dwellings, garages and associated works.

7 A.4 - PLANNING APPLICATION - 16/01999/OUT - LAND EAST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS (Pages 87 - 112)

A doctors surgery and twenty five dwellings, associated infrastructure and landscaping.

8 A.5 - PLANNING APPLICATION - 16/01920/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW (Pages 113 - 124)

Use of property for weddings and similar functions.

9 A.6 - PLANNING APPLICATION - 16/01797/OUT - LAND ADJACENT MARKET FIELD SCHOOL, SCHOOL ROAD, ELMSTEAD, CO7 7ET (Pages 125 - 146)

Outline application for the erection of 62 dwellings, associated garaging, parking and infrastructure.

10 A.7 - PLANNING APPLICATION - 16/01642/OUT - GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE (Pages 147 - 168)

Erection of 30 dwellings, new access and landscaping.

11 A.8 - PLANNING APPLICATION - 16/02084/OUT - 21 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ (Pages 169 - 182)

Alteration of one dwelling and erection of 5 no. bungalows.

12 A.9 - PLANNING APPLICATION - 16/01611/OUT - LAND ADJACENT TO OAKMEAD ROAD, ST OSYTH, CO16 8NW (Pages 183 - 196)

Proposed 5 No. detached dwellings with associated garages and parking.

13 A.10 - PLANNING APPLICATION - 17/00028/FUL - MISTLEY CHURCH HALL, NEW ROAD, MISTLEY, CO11 1ER (Pages 197 - 206)

Change of use from church hall to a single residential dwelling.

14 A.11 - PLANNING APPLICATION - 17/00190/FUL - PUBLIC CONVENIENCES, THE QUAY, HARWICH (Pages 207 - 214)

Refurbishment and alterations to existing public conveniences.

MEETING OVERRUN DATE

**In the event that all business is not concluded,
the meeting will reconvene on
Thursday 30 March 2017 at 6.00 p.m.
in the Council Chamber, Council Offices,
Thorpe Road, Weeley
to consider any remaining agenda items**

Date of the Next Scheduled Meeting

The next scheduled meeting of the Planning Committee is to be held in the Council Chamber, Council Offices, Thorpe Road, Weeley at 6.00 pm on Wednesday 19 April 2017.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE PLANNING COMMITTEE,
HELD ON TUESDAY 28 FEBRUARY 2017 AT 6.00 PM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Heaney (Vice-Chairman, in the Chair), McWilliams (acting as Vice-Chairman), Baker, Bennison, Davis, Everett, Fairley, Fowler, Gray and Hones
Also Present:	Councillor Nicholls
In Attendance:	Cath Bicknell (Head of Planning), Gary Guiver (Planning Manager), Karen Neath (Management and Members' Support Manager), Nigel Brown (Communications and Public Relations Manager), Charlotte Parker (Solicitor - Property, Planning and Governance) and Katie Sullivan (Committee Services Officer)

110. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor White (with no substitute).

111. MINUTES OF THE LAST MEETING

The minutes of the last meeting of the Committee, held on 31 January 2017, were approved as a correct record and signed by the Chairman.

112. DECLARATIONS OF INTEREST

Councillor Baker declared a prejudicial interest in relation to Planning Application 15/00876/OUT by virtue of the fact that he was a local Ward Member and that he was also pre-determined.

Councillor McWilliams declared a non-pecuniary interest in relation to item A.6 on the agenda by virtue of the fact that she was the Portfolio Holder for Leisure and Partnerships and that the Corporate Enforcement Strategy had recently become part of her remit.

Councillor Heaney declared a non-pecuniary interest in relation to Planning Application 16/01994/DETAIL by virtue of the fact she was a local Ward Member.

113. CHAIRMAN'S OPENING REMARKS - AGENDA ITEM A.2 - PLANNING APPLICATION - 16/01520/FUL - 82 JAYWICK LANE, CLACTON-ON-SEA, CO16 8BB

The Vice-Chairman of the Planning Committee (Councillor Heaney) [acting as Chairman in the absence of Councillor White and following consultation with the Council's Head of Planning and the Council's Solicitor for Property, Planning and Governance], announced that, prior to conducting the formal business on the agenda she had agreed to defer this matter, given that the applicant had made late representations requesting changes to the published Officer recommendation (in respect of Section 106 obligations and restrictive conditions) which were fundamental to the acceptability or otherwise of the proposal, and that these would require further consideration by Officers. In addition, information from Essex County Council's drainage team remained outstanding.

114. A.6 - REPORT OF THE MANAGEMENT AND MEMBERS' SUPPORT MANAGER - CORPORATE ENFORCEMENT STRATEGY

Councillor McWilliams had earlier declared a non-pecuniary interest in relation to item A.6 on the agenda by virtue of the fact that she was the Portfolio Holder for Leisure and Partnerships and that the Corporate Enforcement Strategy had recently become part of her remit.

The Committee had before it a report of the Management and Members' Support Manager, to enable it to consider the Council's draft Corporate Enforcement Strategy. The draft Strategy was attached to the report as Appendix A.

It was reported that:

- At Cabinet on 16 December 2016, the draft Corporate Enforcement Strategy had been agreed for consultation. Within the Council, it had been agreed that the Strategy be considered by the Planning, Licensing and Registration and Community Leadership and Partnerships Committees.
- The purpose of the Corporate Enforcement Strategy was to set out the overarching "umbrella" principles to apply to all service departments and its Officers within the Council which undertook enforcement functions.
- The Council's enforcement responsibilities and powers covered a wide range of legislation with a variety of formal and informal sanctions, which aimed to protect the interests and rights of people in relation to the environment that they use. The enforcement of regulatory legislation enabled the Council to achieve its priorities contained within the Corporate Plan and fitted with national policy, codes and guidance.
- It was important that those enforcement functions were carried out in an equitable, practical and consistent manner, and that both those subject to regulation and those on whose behalf enforcement was carried out could understand the approach taken. The purpose of the Corporate Enforcement Strategy was to explain clearly and publicly summarise Tendring District Council's intended approach towards enforcement and dealing with non-compliance.
- It was important to note that the Licensing and Registration and Planning Committees retained the legal responsibility and power with regards to enforcement decisions including the proposed adoption of a corporate Harm Risk Assessment Checklist and Template however, it was intended that some general principles could be agreed across the Council to form a corporate approach.
- The draft Strategy included the following sections on how the Council would deal with enforcement:-
 - Openness & Transparency;
 - Helpfulness;
 - Consistency;
 - Proportionality;
 - Targeting resources on higher risk; and

- Accountability.

Members raised questions on various issues which included:

- (1) Costs incurred by the Council in undertaking enforcement and whether any financial deterrent can be introduced for non-compliance;
- (2) Cost Recovery for breaching Planning Control;
- (3) The possibility of an 'All Member Briefing' for Councillors to be informed of their role in regards to the strategy; and
- (4) The possibility of Ward Councillors being invited to case reviews in order to provide further information.

The outcome of the consultation, including the comments made by members of the Committee, would be reported back to Cabinet in early 2017 for consideration in the adoption of the final document.

115. A.1 - PLANNING APPLICATION - 15/00876/OUT - LAND EAST OF BROMLEY ROAD, LAWFORD, CO11 2HS

Councillor Baker had earlier declared a prejudicial interest in relation to Planning Application 15/00876/OUT by virtue of the fact he was a local Ward Member and that he was also pre-determined. Councillor Baker therefore remained in the meeting but did not take part in the discussion thereof or the voting thereon..

Members recalled that this application had been previously referred to the Committee on 14 June 2016. The Committee had resolved to grant outline planning permission subject to the completion of a Section 106 legal agreement within six months of the date of the Committee's resolution to approve (the latest date was 14 December 2016) and subject to conditions; otherwise the Head of Planning had authority to refuse if necessary. Any reserved matters application was to be referred back to the Committee.

Members were informed that, since the date of the previous resolutions, discussions regarding the completion of the Section 106 legal agreement had been ongoing. The agreement was now very close to completion. The Head of Planning now sought the Committee's agreement to an extension of time until 28 April 2017 in order to complete the legal agreement. The agreement should be completed before that date but an extension until 28 April 2017 was sought to ensure that the deadline could be met on this occasion.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor McWilliams and **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to:

- a) By no later than 28 April 2017 to approve, the completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
- On-site Council Housing/Affordable Housing;
 - Education contribution and/or land for school expansion;
 - Health contribution;
 - Community facilities;
 - Completion and transfer of public open space;
 - Contribution towards off-site traffic management measures at the A137 railway crossing; and
 - Contribution towards monitoring impacts on the Stour Estuary.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:
- 1) Standard 3 year time limit for submission of reserved matters application;
 - 2) Standard 2 year limit for commencement of development following approval of reserved matters;
 - 3) Details of appearance, access, layout, scale and landscaping (the reserved matters);
 - 4) Layout and phasing plan/programme;
 - 5) Development in accordance with submitted land use audit;
 - 6) Development to contain up to (but no more than) 360 dwellings;
 - 7) Highways conditions (as recommended by the Highway Authority);
 - 8) Surface water drainage scheme;
 - 9) Foul water drainage scheme;
 - 10) Hard and soft landscaping plan/implementation;
 - 11) Ecological mitigation/tree protection measures (including bat protection measures);
 - 12) Archaeological assessment/trial trenching;
 - 13) Details of lighting, materials and refuse storage/collection points;
 - 14) Construction methods statement;
 - 15) Broadband connection;
 - 16) Local employment arrangements; and
 - 17) Details of water, energy and resource efficiency measures.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed by 28 April 2017, as the requirements necessary to make the development acceptable in planning terms had not been secured through a Section 106 planning obligation.

116. A.3 - PLANNING APPLICATION - 16/01994/DETAIL - LAND OFF CLACTON ROAD, ELMSTEAD, CO7 7DE

Councillor Heaney had earlier declared a non-pecuniary interest in relation to Planning Application 16/01994/DETAIL by virtue of the fact she was a local Ward Member.

Members were informed that this was a reserved matters application seeking approval following on from the approval on appeal, on 2 February 2016, of outline planning permission 15/00675/OUT.

Members were reminded that the application had been refused by resolution of the Committee on 28 July 2015 but it was requested, in the event of the appeal being allowed by the Planning Inspectorate, that any reserved matters application be referred back to the Committee for a decision.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Planning Manager (GG) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Fairley, seconded by Councillor Hones and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the change of plot 20 (council house) to a similar design to plot 19, and further subject to the following condition:-

1) Accordance with approved plans.

117. A.4 - PLANNING APPLICATION - 16/01873/FUL - THE NEW BELL INN, OUTPART EASTWARD, HARWICH, CO12 3EN

It was reported that this application had been referred to the Planning Committee as the land was owned by the Council and leased to the applicant.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor Hones, seconded by Councillor Fowler and **RESOLVED** (a) that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

- 1) Development in Accordance with Approved Plans;
- 2) Opening times (11.00 – 20.00hrs in any one day) and no live or amplified music within seating area; and
- 3) External seating, tables and other paraphernalia to be removed when not in use.

(b) That an informative be sent to the applicant in order to request the Public House to encourage use of their existing smoking area to the rear of the Pub.

118. A.5 - PLANNING APPLICATION - 16/01925/FUL - LAND SOUTH OF MILL LANE, WEELEY HEATH, CO16 9BG

Members recalled that outline planning application 16/00185/OUT had been approved by the Committee on 18 May 2016. It had been requested that the reserved matters be brought back to the Committee for determination.

The Committee had before it the published Officer report containing the key planning issues, relevant planning policies, planning history, any response from consultees, written representations received and a recommendation of approval.

At the meeting, an oral presentation was made by the Council's Head of Planning (CB) in respect of the application.

Following discussion by the Committee, it was moved by Councillor McWilliams, seconded by Councillor Fairley and unanimously **RESOLVED** that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development, subject to the following conditions:-

- 1) Time Limit;
- 2) Approved Plans;
- 3) Submission and agreement of external facing and roofing materials;
- 4) Hard and Soft Landscaping Scheme;
- 5) Implementation of landscaping scheme;
- 6) Visibility splays prior to accesses being brought into use;
- 7) Parking and turning facilities made available prior to occupation and retained;
- 8) No unbound materials in first 6m of access;
- 9) Timing of vegetation clearance;
- 10) Lighting details;
- 11) Biodiversity mitigation and enhancement provision;
- 12) Accordance with tree/hedge protection plan;
- 13) Removal of PD rights for fencing, walls and means of enclosure on the southern boundary of the site; and
- 14) Hours of working.

The Meeting was declared closed at 7.30 p.m.

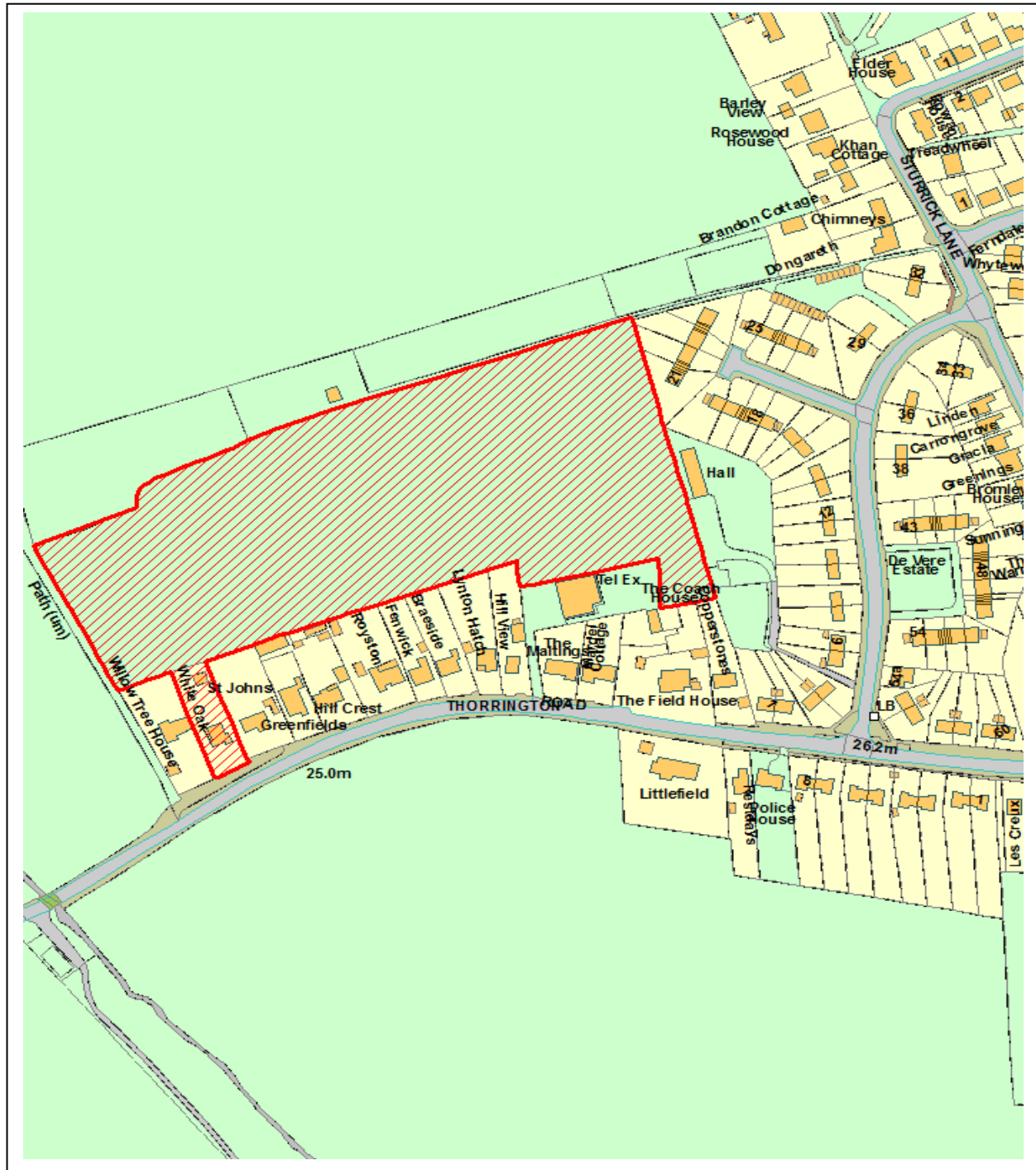
Chairman

PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION – 16/02125/OUT – LAND TO THE NORTH OF THORRINGTON ROAD, GREAT BENTLEY, COLCHESTER, CO7 8QD



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Application:	16/02125/OUT	Town / Parish: Great Bentley Parish Council
Applicant:	City and Country	
Address:	Land to the north of Thorrington Road, Great Bentley, Colchester, Essex CO7 8QD	
Development:	Proposed 75 dwellings with associated infrastructure, landscaping and public open space.	

1. Executive Summary

- 1.1 The is an outline planning application seeking approval for the principle of developing up to 75 dwellings, with all other matters (with the exception of access) reserved for approval through a detailed application at a later date. The site is 3.2 hectares of greenfield land to the rear of properties in Thorrington Road, at the north western edge of Great Bentley and access would be achieved through the demolition of an existing property. The application has attracted more than 30 objections from residents, is opposed by Great Bentley Parish Council and Councillor McWilliams, the Ward Councillor for Great Bentley, has specifically requested that the application be determined by the Committee.
- 1.2 The application, along with a separate application for 75 dwellings off Plough Road from the same applicant, is recommended for refusal. Under normal circumstances applications with such a recommendation would be refused under delegated powers by the Head of Planning. However, these are two of the first applications where Officers consider that the positive progress of the new Local Plan combined with the improvement in the district's housing land situation puts the Council in a stronger position to resist unwanted residential proposals and Officers are seeking the Committee's endorsement of this view.
- 1.3 In the last few months, a number of greenfield sites around Great Bentley village have obtained planning permission for major residential development, either from the Council or from the Secretary State following an appeal. Schemes including up to 150 dwellings east of Plough Road, 50 dwellings west of Heckfords Road and 50 dwellings at Admiral's Farm east of Heckfords Road are expected to deliver up to 250 homes which is an approximate 35% increase in the existing housing stock of Great Bentley village.
- 1.4 Great Bentley is defined as a 'village' in the adopted Local Plan and as a 'rural service centre' in the emerging Local Plan and whilst some growth will be accommodated, the levels of development that have been approved are already well above what was ever envisaged to be appropriate and proportionate for such a rural location. Just because Great Bentley is one of the district's larger and more sustainable villages, this is not a justification for supporting or allowing unlimited growth.
- 1.5 The technical reports provided by the applicants along with the comments from statutory agencies suggest that there are no site-specific technical reasons (excluding drainage) why the proposed development could not proceed. However Officers are conscious that the cumulative impacts of this development alongside others already approved in the village are of great concern amongst local residents. Even though mitigation measures could be put in place to reduce impacts to a technically acceptable level, the affect of many new

developments in the village on its character, including those resulting from additional traffic and permanent loss of agricultural land would be adverse and, in line with the NPPF, these need to be weighed up against the benefits of development.

- 1.6 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.
- 1.7 Additional reasons for refusal relating to the lack of an adequate surface water drainage strategy and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues might be addressed before the Committee meeting, or if necessary, as part of the appeal process.

Recommendation: Refusal

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- Lack of an adequate surface water drainage strategy that complies with the requirements of Essex County Council as the Lead Local Flood Authority. The proposal does not therefore adequately address matters relating to surface water flooding and drainage.
- No s106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role, and;
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

Local Plan Policy:

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN23: Development within the Proximity of a Listed Building: Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Great Bentley as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also

requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

PPL9: Listed Buildings: States that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest and its character, appearance and fabric. Developments have to be explained and justified through an informed assessment of the significance of the heritage asset and its setting and need to be of a scale and design and use materials and finishes that respect the listed building and its setting.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

00/01055/FUL	Dormer extension	Approved	17.08.2000
12/60486/HO UENQ	Change one window, remove front door and replace with window		15.11.2012
16/02125/OUT	Proposed 75 dwellings with associated infrastructure, landscaping and public open space.	Current	

4. Consultations

TDC Building Control No adverse comments at this time.

TDC Principal Tree & Landscape Officer The main body of the application site is in agricultural use. There are no trees or other vegetation on the land on the main body of the land although there are mature trees and a scrubby hedgerow on the western boundary and an established but somewhat gappy hedgerow, with a few early mature trees, on the northern boundary of the land. The eastern and southern boundaries abut gardens forming part of the curtilage of existing dwellings. The most visually prominent trees, potentially affected by the development proposal, are those situated on the western boundary.

In order to establish the degree to which the trees are a constraint on the development potential of the land the applicant has provided an Arboricultural Implications Assessment (AIA) in a detailed Tree Survey and Report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

The report accurately describes the general health and condition of the

trees on the application site and shows the extent to which they affect the development potential of the land. The trees are not covered by a Tree Preservation Order and the site is not situated in a conservation area.

If the recommendations contained in the tree report are adhered to then the trees covered by the tree survey will not be harmed by the development proposal. It is therefore not considered necessary or expedient to make a new TPO in respect of any of the trees on the land.

Although the application is in outline form the applicant provided an indication of the positions of the proposed dwellings by the provision of a site layout plan.

In order to show the potential impact of the development proposal on the character and appearance of the area the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA establishes that the site lies partly within the St Osyth and Great Bentley Heathland Plateau as defined in the Tendring District Council Landscape Character Assessment.

The LVIA contains information relating to views of the development proposal from 10 locations. Along with the text of the LVIA this information provides an accurate description of the impact of the development proposal on the character and appearance of the countryside. It demonstrates that the development proposal could be relatively well assimilated into its setting and that the countryside, although valuable for its own sake has no outstanding or special qualities. It recognises that the development will cause a degree of harm but that the harm arising will not significantly affect the existing landscape character as long as the soft landscaping mitigation measures are implemented.

Should planning permission be likely to be granted then it will be necessary to ensure that the harm caused to the character of the area is minimised by soft landscaping works. The treatment of the boundary will be especially important and the indicative site layout showing open space around the perimeter will provide an opportunity for strong planting to soften the potentially hard edge of the development.

TDC Open
Space and Play

There is currently a deficit of 1.73 hectares of equipped play in Great Bentley. However there is more than adequate provision in terms of formal open space. Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit and put greater demand on already stretched facilities. Due to the size of the site open space has been made within the development site however play provision should also be included to a LAP standard.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width within the site, will be provided with 2x2m wide footways and shall be provided with an appropriate junction with 10.5m radii kerbs

Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing, the means of surface water drainage, and all parking facilities in accordance with policy standards) shall be submitted to and approved in writing by the Local Planning Authority.

Prior to commencement 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.

No works in connection with the proposed development shall commence until such time as the two nearest bus stops have been upgraded with any appropriate infrastructure entirely at the Developers expense.

ECC Schools

A development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places and 15 secondary school places.

Additional provision will need to be made for early years and childcare facilities in the Great Bentley Ward, for which a contribution of £94,028 is sought.

This proposed development is located in the primary admissions area of Great Bentley Primary School which will require additional places to accommodate growing demand. A developer contribution of £274,905 is sought to mitigate the impact on local primary school provision. .

For secondary school education, the proposed development is located within the priority admissions area of Colne Community School. Based on the demand generated by this proposal, a developer contribution of £278,415 is sought to pay for additional places. The nearest secondary school is over 3 miles from the proposed development and therefore a contribution towards school transport of £63,270 is also requested.

Anglian Water

Assets affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater treatment: The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. The following planning condition is suggested: *“No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.”*

Surface Water Disposal: The proposed method of surface water

management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.

Natural England Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Essex County Council Flood Authority The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Essex County Council Archaeology The Essex Historic Environment Record records a number of cropmark features in the surrounding area that would indicate a high probability of surviving archaeological remains being present within the development site. These include features that are indicative of prehistoric burial mounds and settlement as well as evidence for historic agricultural landuse, there is some evidence for Roman activity from findspots.

The proposed site is surrounded by evidence for late medieval dispersed settlement and a number of 16th and 17th century buildings survive which are protected by listing. Many of these represent the remains of late medieval farmsteads and settlement on the edge of the historic settlement at Great Bentley. Further evidence for medieval and later activity associated with the settlement may survive within the site.

Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits; and
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

NHS England This development is likely to have an impact on the services of the Great Bentley Surgery (The Hollies). This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.

The development would give rise to a need for improvements to capacity by way of relocating the Great Bentley Surgery, a proportion of the cost of which would need to be met by the developer. NHS England requests that £26,103 be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

5. Representations

5.1 Great Bentley Parish Council has objected strongly to the application for the following reasons:

1. The site is outside the village boundary and is not included in Option T of the emerging Local Plan. It would result in the loss of grade 1 arable land.
2. The single access to the site in itself would be problematic but coupled with its location on a bend on a hill on to Thorrington Road constitute a safety issue for pedestrians and vehicles.
3. The Housing Needs Survey report completed by RCCE for GBPC in October 2016 identifies the housing needs locally. The housing approved in the parish in the past 12 months has more than met the need identified and therefore, there exists no need for this additional housing.
4. Great Bentley currently suffers from traffic congestion in the Village centre on Plough Road and at the level crossings. Further housing development will compound this situation. The developers' own traffic impact assessment estimates an increase in traffic movements at the junction of Plough Road and Thorrington Road of 150 traffic movements up to 863. Further, when assessing the 2022 traffic flows the assessment judges that the PICADY modelling becomes unstable and is unable to predict traffic density. This is a huge concern especially as the Assessment may have taken no account of other recent housing development proposals.
5. It is understood that Highways England has commented when assessing the impact of the previous housing development locally that it would have a severe impact on the A120 in the case of Great Bentley.
6. The Village Primary School is at capacity and there is no scope to expand it. An additional 75 houses would require the children to travel to outside the parish to school generating additional journeys.
7. Parishioners are concerned about the impact on the GP Surgery that the 300+ planning applications approved in the past twelve months will have as the new houses are built and new residents move in to the village. This development would compound the situation.

It is acknowledged that TDC has consulted with the Parish Council for the seven major housing developments in the Parish that have been submitted in the last couple of years. However, these proposals have all been approved in the face of strong opposition from the Parish Council and local residents. Each of these proposals have been considered the Planning Authority on their individual merits with what appears to be no concern about the combined impact of a 40% increase in the number of dwellings. You will understand that the frustration locally is palpable.

There is an overwhelming feeling that enough is enough.

5.2 35 individual objections have been submitted in response to this planning application which includes the following concerns:

- The development would ruin the character of the area;
- The access point cause safety concerns on a busy road;
- Concern over the safety of residents using the existing narrow footpaths;
- Properties would be too large to benefit local residents looking to downsize;
- Impact on already overstretched schools and surgeries;
- Additional pressure on the local village hall;
- Impact upon the residents of Thorrington Road, particularly those close to the access point;
- Too much development already proposed for Great Bentley;
- Local people do not want any more development in the village;
- Not enough parking to serve the existing amenities in the village;
- Highways England, in its representations on the Local Plan, has raised concerns about the impact of further development in the Great Bentley area on the A120;
- Development should be focussed on urban areas to aid their regeneration;
- Great Bentley will turn from a village into a small town;
- Further development and more road users will add to the danger at the Heckfords Road/A133 junction;
- No benefits from this development to the local community;
- Increased queuing at the level crossing;
- Inconvenience to local residents during the construction phase;
- The site is a home to grass snakes, bats and other protected species;
- Goes against the Council's backland development policies;
- Impact upon biodiversity at the nearby Great Bentley Brook;
- Development would damage the setting of the two Grade II Listed Buildings in Thorrington Road;
- Given the size of Great Bentley Village Green, the proposed open space and play area is of negligible benefit to the community;
- Emergency vehicles would find it hard to access the site, particularly when the level crossing is closed;
- Additional cars will add to air pollution;
- There are very few employment opportunities in the area;
- Local bus services are very poor;
- Destruction of the countryside should be avoided;
- Concern about the capacity of local sewers;
- The developer has suggested that the Scouts would benefit from an alternative access through the site, but there are no guarantees;
- Concern about increased flooding around the brook; and
- Loss of arable farmland.

5.3 There are no letters of support.

6. Assessment

The Site

6.1 The application site comprises a 3.17 hectare rectangle of agricultural land (used to grow oilseed rape) to the north of properties in Thorrington Road at the north western corner of Great Bentley. The site includes one of the properties on Thorrington Road itself which would be demolished to provide access. A public footpath runs along the western side of the site and paddocks are situated along the site's northern edge. To the east lies Great

Bentley Scout Hut and associated grounds which are accessed separately by a narrow access path from the De Vere Estate and some the rear gardens of properties on the De Vere Estate also abut the site. The site is relatively well enclosed by trees and hedges around its perimeter and the land itself is relatively flat, although the landscape begins to undulate more dramatically through the countryside to the west around Bentley Brook. The properties in Thorrington Road itself include a variety of styles and eras and include grade II listed buildings, namely the Field House and Gardeners Cottage which share the same plot. There is also a telephone exchange to the south of the site.

The Proposal

- 6.2 The application is for to 75 dwellings with associated infrastructure, landscaping and public open space. The application is in outline with all matters reserved apart from the access point, which is to be achieved through the demolition of the property 'White Oak', the second property in from the western end of development in Thorrington Road. The proposal is supported by an indicative parameter and layout plans which show roughly how a scheme of 75 dwellings with open space could potentially be accommodated on the site. It is also supported by indicative dwelling designs to show how properties on the site could look.

Architectural Drawings

- OC006-GB1-001 Location Plan
- OC006-GB1-002 Constraints Plan
- OC006-GB1-004 Opportunities Plan
- OC006-GB1-005 Proposed Built Form (Indicative)
- OC006-GB1-006 Parameters Plan
- OC006-GB1-ST01 Plough Road Street Elevations (Indicative)
- OAS-16-218-TS01/A Tree Protection Plan
- 10526_P20a Landscape Strategy Plan

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Transport Assessment
- Flood Risk Assessment
- Arboricultural Implications Assessment

Main Planning Considerations

- 6.3 The main planning considerations are:
- Local Plan and Housing Supply Position;
 - Principle of development;
 - Highways, transport and accessibility;
 - Landscape, visual impact and trees;
 - Flood risk and drainage;
 - Ecology;
 - Listed Buildings;

- Education provision;
- Healthcare provision;
- Council Housing/Affordable Housing;
- Open space;
- Potential layout and density; and
- Overall planning balance.

Local Plan and Housing Supply Position

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.6 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.7 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.

- 6.8 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.9 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.
- 6.10 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.11 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of development

- 6.12 The application site is located immediately north and west of existing residential development in Great Bentley. The site is adjacent to but outside the village's settlement development boundary as defined within both the adopted and emerging Local Plans. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

- 6.13 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.14 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Great Bentley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.
- 6.15 However, one of the main concerns raised by the Parish Council and a large number of local residents is the total number of new dwellings that have already gained planning permission on sites around Great Bentley and the cumulative impact that any additional homes and population could have on local services, traffic, other infrastructure and the character of the village. Whilst Great Bentley is categorised in the emerging Local Plan as a rural service centre where some sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in emerging Local Plan, as set out in paragraph 2.50, is meant to be modest, fair, achievable and sustainable.
- 6.16 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate and potentially unlimited levels of new housing.
- 6.17 Based on the agreed objectively assessed housing need of 550 dwellings per annum over the 20 year period 2013-2033, Tendring will be planning for a dwelling stock increase of some 11,000 which equates to an approximate 16% increase to the district's housing. It would therefore follow that a strategy seeking to direct the majority growth to larger and more sustainable settlements will see dwelling stock increases above 16% in those settlements but for those villages further down the hierarchy, the growth would be proportionately less, and generally below 16%.
- 6.18 Major developments with planning permission in Great Bentley already include:
- 14/01750/OUT Station Field, Plough Road – 150 dwellings

- 16/00133/OUT Admirals Farm, Heckfords Road – 50 dwellings
- 15/01820/OUT Land west of Heckfords Road – 50 dwellings

- 6.19 These 250 dwellings represent an approximate 35% increase in the village's housing which, based on the district-wide housing need for the whole of Tendring is already disproportionate. If added to the permissions already granted, a further 75 dwellings as proposed in this outline application would increase the potential growth to around 45%. If the other 75 dwellings at Plough Road were also added into the equation, the increase would be nearer 60%.
- 6.20 The 75 dwellings proposed for land in Thorington Road is a purely residential scheme that offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead Officers to consider the proposal in an exceptional light and there is no support from the Parish Council or local residents. Given the improving housing land situation, the positive progress of the Local Plan and lack of community support, Officers consider this to be an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the community's concerns about the disproportionate level of housing going to Great Bentley.
- 6.21 Officers therefore recommend the refusal of planning permission. Whilst the applicants will have the right to appeal to the Secretary of State, the Rush Green appeal decision mentioned above demonstrates that Tendring is now in a stronger position to defend against unwanted proposals that are contrary to the adopted and emerging Local Plans.

Highways, transport and accessibility

- 6.22 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.23 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although it is located at the very far end of the village, the application site still performs fairly well being within 800 meters of the GP surgery and pharmacy and around 1 kilometer from the village hall, railway station, business centre and primary school and with other local services in the centre of the village. The site offers a reasonable level of accessibility which is reflected in Great Bentley's categorisation as a rural service centre in the emerging Local Plan.

- 6.24 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.25 Local residents are concerned about the cumulative increase in traffic that could arise as a result of the housing developments that have already obtained planning permission and any additional developments that might be approved.
- 6.26 The Highway Authority raises no objections in terms of highway capacity or safety to the application, in the full knowledge of the other proposals already consented or under consideration in the village. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles that would result from the various developments, but more traffic and queuing would undoubtedly have an effect on the character and enjoyment of the village. So, although cumulative impacts are not considered to be 'severe' and would not, by themselves, justify outright refusal of planning permission, there will naturally be an adverse social and environmental impact that, in the overall planning balance, weighs against the development – particularly when no longer outweighed by an overriding need to deliver housing in the short term.
- 6.27 In conclusion, whilst the site enjoys reasonable access to local facilities and the highways impact are not considered to be severe, an additional 75 dwellings would increase traffic in the area and is a matter of great concern within the community. The development is not required to meet local housing needs and in refusing planning permission for the reasons set out in this report, this concern can be averted.

Landscape, visual impact and trees

- 6.28 The application site is located to the north west of Great Bentley where the countryside begins to undulate more around the valley of Great Bentley Brook. The site itself however is actually very well contained by the properties to the south and east and vegetation around the north and west. If development took place, it could potentially be achieved without any significant affect on the visual character of the village.
- 6.29 The Council's Principal Tree and Landscape Officer has considered the applicant's Landscape and Visual Impact Assessment and agrees that the development proposal could be relatively well assimilated into its setting and that the countryside. Whilst it is recognised that the development will cause a degree of harm, it is unlikely to significantly affect the existing landscape character as long as the soft landscaping mitigation measures are implemented. If the application were approved, the treatment of the boundary would be especially important and the indicative site layout showing open space around the perimeter would provide an opportunity for strong planting to soften the potentially hard edge of the development.
- 6.30 In respect of trees, the Tree Officer observes that there are no trees or other vegetation on the land on the main body of the land although there are mature trees and a scrubby

hedgerow on the western boundary and an established but somewhat gappy hedgerow, with a few early mature trees, on the northern boundary of the land. The eastern and southern boundaries abut gardens forming part of the curtilage of existing dwellings. The most visually prominent trees, potentially affected by the development proposal, are those situated on the western boundary. He states that if the recommendations contained within the applicant's arboricultural report are adhered to then the trees will not be harmed by the development proposal.

- 6.31 If development were considered acceptable in principle, it is clear that the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. As is always the case with the loss of greenfield land, there will be a degree of harm to landscape character which would be a slight adverse impact to be weighed against the benefits of development. Because the development is not required to meet local housing needs, and it is recommended that planning permission be refused for the reasons set out in this report, any local concerns about the visual impact of the development and the loss of undeveloped agricultural land can be averted.

Flood risk and drainage

- 6.32 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.33 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC has issued a 'holding objection' due to the lack of an adequate surface water drainage strategy and has highlighted the areas that would need to be addressed in order for the objection to be withdrawn. The applicant has submitted relevant information for ECC's consideration but, at the time of writing, Officers had yet to receive confirmation that this information addresses ECC's requirements.
- 6.34 The lack of an adequate surface water drainage strategy is recommended as an additional reason for refusal, however Officers consider that there is a reasonable prospect of ECC confirming the withdrawal of its objection either before the application is considered by the Planning Committee (in which case it will be reported as an update) or, if the applicant chooses to appeal against refusal, before any appeal hearing/inquiry takes place.
- 6.35 Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Ecology

- 6.36 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.37 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations. Natural England has offered no objection to the proposal subject to the Council's consideration of the ecological value of the site itself.
- 6.38 The ecological value of the site itself is of considerable concern to a number of local objectors with some suggesting that the site is frequented by grass snakes, bats and other protected species. The applicant has prepared and submitted a Phase 1 Preliminary Ecological Assessment to assess the ecological value of this site (and that of the separate Plough Road site) and immediate area itself and the potential impact of the development. The main findings are summarised below.
- 6.39 Badgers: The assessment found no evidence of Badgers such as latrines, snuffle holes or setts anywhere on or around the sites. However, it is acknowledged that Badgers from the surrounding area may use the site, particularly the edge habitats, for commuting or foraging. It is recommended that an updated badger survey be carried out once the crops have been harvested and if any development is to take place, any excavations and trenches associated with construction should be either covered at night or supplemented with a means of escape for any badgers that may fall into the excavation whilst foraging. Any open pipes or conduits laid should be blocked off each night to prevent badgers from entering them. If possible, construction work should only take place between dawn and dusk with no late evening work to reduce possible disturbance.
- 6.40 Bats: None of the trees close to the site were found to support complex growth forms, cracks and crevices, which are traditionally associated with roosting bats and therefore these, were considered to have negligible potential for roosting bats. Bats are however likely to use the tree lines and hedgerows along the field boundaries for foraging and commuting between roosting sites and foraging habitats.
- 6.41 These linear features also provide connectivity across the site and into the wider landscape. It is therefore recommended that boundary trees and hedges are retained and enhanced wherever possible. An appropriate mitigation strategy would involve the use of a sensitive lighting scheme and the use of dark corridors along boundary features such as hedgerows and tree lines. As long as boundary features are retained within the scheme and enhancements for bats are provided, then no further surveys for bats are required.

- 6.42 To enhance the local bat population and provide roosting opportunities, it is also recommended that bat boxes be hung on mature trees or buildings around the site. Bat boxes on trees should be erected prior to the commencement of works on site. Further enhancements for bats in the local area can be achieved through the use of native tree planting and landscaping within the development. Planting a wide range of plant species will encourage a wider diversity of invertebrate species, which provides more foraging opportunities for bats.
- 6.43 Reptiles: The assessment observes that the site is subjected to high levels of disturbance with regular harvesting of arable crops, there were no field margins which are often used by reptiles and the strips of vegetation were very narrow. These areas at the time of survey were considered to be negligible habitat for reptile species. They also lack connectivity to other areas of suitable habitat. Therefore, it is considered that the sites are not constrained by reptiles and no further surveys for reptiles are required.
- 6.44 Great Crested Newts: The assessment identifies a number of ponds within 250m of the site and surveyed them for their suitability for Great crested Newts. Some were judged to have 'excellent' suitability, others 'good' suitability and others 'below average' suitability. The site itself however, as an arable field, is judged to contain suboptimal habitat for Great Crested Newts and that the connective habitats between the surrounding ponds and the site were not well developed and were missing in places. Given the distance between the ponds and the site and the limited habitat connectivity, it is considered that the sites are not constrained by Great Crested Newts and no further surveys are required.
- 6.45 Other species: The assessment notes that birds are likely to use the trees and hedgerows along the boundaries of the site for foraging and breeding. Species include skylark, greenfinch, goldfinch, swallow, wood pigeon, carrion crow, pheasant and kestrel. Evidence of barn owls in the wider area was also noted. However, owing to a lack of suitable habitat and connectivity, the sites are not considered to have potential to support species such as dormice, otters and water voles.
- 6.46 Breeding birds are likely to use the scattered trees and hedgerows along the boundaries of the sites as nesting habitat. There is also some potential for ground nesting birds within the arable fields on site. It is recommended that the boundary features be retained and enhanced where possible and if any clearance of the trees or hedgerows is required then this should be done outside the nesting bird season and the trees should be replaced elsewhere. It is also recommended that a full updated assessment of the field boundaries be undertaken prior to development to ensure that no specially protected species are actually present.
- 6.47 To protect skylarks, a ground feeding species, it is recommended that skylark plots be created in the arable fields adjacent to the sites. It is also recommended that open grassland areas or community orchards be incorporated into the scheme. A mowing regime where plots are not mown and are left to form tussocks could create similar habitat; encouraging skylarks to nest within areas of longer rank grassland and forage in the insect rich wild flower grassland areas and amongst orchards. The areas where skylarks are encouraged to nest should be set aside and have restricted access by members of the

public. As long as skylarks are considered within the design of the scheme, it is considered that no further bird surveys are recommended.

6.48 **Mitigation and Enhancement:** To mitigate any harm and bring about an overall enhancement for ecology, the assessment recommends measures that could be secured through planning conditions. In summary these include:

- Retaining and enhancing, through the use of native species, the vegetation around the field boundaries;
- The use of bird and bat boxes and provision of plots for skylarks;
- Using wildflower mixes to host invertebrates and increase the biodiversity of newly created grassland;
- Log and rubble piles to provide habitats for common amphibian and reptile species and refuge for small mammals and invertebrates; and
- The use of swales within any sustainable drainage systems which should be linked to the wider landscape through the protection and enhancement of tree lines and associated grassland strips.

6.49 Officers note the findings of the report and the potential to deliver an enhanced wildlife habitat in the location off the back of development. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development. However, as the proposal is recommended for refusal for the reasons set out elsewhere in this report, the concerns raised by local residents about ecological impacts can be entirely averted.

Listed Buildings

6.50 Thorington Road contains two Grade II listed buildings located on the same plot, these are Field House and Gardeners Cottage, located to the south east of the site. Whilst these buildings would not be lost as a result of the development, special consideration still needs to be given to the potential impact on their setting.

6.51 The Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions:

- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.52 Paragraph 128 in the NPPF requires applicants to describe the significance of any heritage asset affected by their development including any contribution made by their setting, with the level of detail being proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 132 states that as heritage assets are irreplaceable, any harm or loss (which can include harm to its setting) should require clear and convincing justification.

- 6.53 Paragraph 133 guards against substantial harm other than in very exceptional circumstances, but paragraph 134 determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset, this harm should be weighed against the public benefits of the proposal. Policy EN23 in the adopted Local Plan states that development that would adversely affect the setting of a Listing Building, including group value and long distance views will not be permitted. Policy PPL9 in the emerging Local Plan broadly reflects the requirements of current national planning policy.
- 6.54 Whilst the applicant has not provided a detailed assessment of the listed buildings' significance and potential impacts of the development on their setting, their Design and Access Statement acknowledges their presence and proposes that a landscape buffer be included within the design to eliminate harm to their setting. Given the location of the site to the north west of the listed buildings, the location of the listed buildings in relation to surrounding development, the existing separation provided by the telephone exchange, the fact that this is an outline planning application with matters of design and layout reserved for future consideration and the proposal to provide a buffer has been suggested, Officers are satisfied that a development could take place without harm to the setting of Field House and Gardeners Cottage. It is not suggested that the application be refused on such grounds.

Education provision

- 6.55 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. A large number of local residents have expressed concern that local schools will not be able to cope with the expected increase in population arising from the 75 new homes, particularly when considered alongside other proposals for major residential development already approved in Great Bentley.
- 6.56 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC's advice was submitted in response to this application in isolation however the cumulative effect of other potential developments has also been taken into account. ECC advised that, based on its standard formula, a development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places, and 15 secondary school places.
- 6.57 On the basis that there are insufficient places to meet the needs of this development, the County Council has requested financial contributions of approximately £94,000 for EY&C, £275,000 for primary school places and £267,000 for secondary school places along with a contribution of £63,000 for secondary school transport. The total contribution would therefore be in the order of £700,000. A similar contribution would be required for the separate Plough Road application. The applicant has indicated that they are willing to make these contributions in full, but no s106 agreement is formally in place at the moment.
- 6.58 In considering cumulative impacts on education provision, the approved developments at Admirals Farm (50), Station Field (150) and Heckford Road West (50) are expected, through their relevant s106 legal agreements, to contribute an approximate total of £230,000 for EY&C and £850,000 for primary provision but no money for secondary provision. The earlier Sturicks Lane development of 32 dwellings in Great Bentley will have already contributed £104,000 for primary provision and £24,000 for secondary transport.

The estimated total 'fund' for education provision to be secured from consented developments in Great Bentley is therefore around £1,200,000. If the Thorringon Road proposal were permitted with an appropriate s106 legal agreement, the fund would increase to around £1,900,000 and if the Plough Road proposal were also allowed, the fund would be close to £2,800,000 – with which Essex County Council would be responsible for ensuring sufficient school places and school transport is put in place.

- 6.59 Whilst local people are very concerned about the impact of development on school provision, it is the advice of Essex County Council that both the individual and cumulative impact could be mitigated through financial contributions. There may be concerns over how ECC spends the money to create the necessary capacity, but this is not Tendring District Council's responsibility and a refusal of planning permission purely on education grounds would not be justified.
- 6.60 However, it is recommended that one of the reasons for refusal refers to the lack of a s106 to secure the necessary contributions. Although the applicant has indicated a willingness to enter into such an agreement, including it as a reason for refusal will at least ensure this matter is properly addressed if the applicant decides to appeal.

Healthcare provision

- 6.61 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision, another matter of considerable concern amongst local residents. Again through Policy QL12 in adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision.
- 6.62 As is the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population.
- 6.63 In the absence of an up to date adopted Local Plan, Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development and others proposed in the Great Bentley area. Through adopted Policy QL12 and emerging Policy HP1, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity. It is noted that there is local scepticism about how this will work in practice, but in the absence of an up to date Local Plan, this is an approach that has been accepted by Planning Inspectors.
- 6.64 As with highways and education, Officers have considered both the individual impact of this development on health provision as well as the cumulative impact that might arise if the other major developments are to be allowed. The Council working with NHS England can, through the planning system, put measures in place to mitigate the impact of population growth arising from major residential developments on local infrastructure. Whilst it is the

NHS' responsibility to ensure that health centres and local surgeries are adequately resourced and staffed, the Council can secure either new buildings or financial contributions towards expanding existing buildings to ensure there is at least sufficient space for additional doctors, nurses and other medical professions to provide their services.

- 6.65 NHS England has undertaken a Health Impact Assessment of the Thorrington Road development proposal and has identified that the existing surgery will not have the capacity to serve the additional residents that would result from the development. A developer contribution just over £26,000 is requested to mitigate the capital cost to the NHS for the provision of additional healthcare services. It is noted that, as part of a separate outline planning application for land east of Heckfords Road (16/01999/OUT), a new GP surgery to replace and improve upon the services at the existing Great Bentley Surgery is proposed (alongside a further 25 dwellings at the Admirals Farm development). That proposal is supported, in principle, by the NHS but there is no commitment from them at this stage to assist in its delivery.
- 6.66 In considering cumulative impacts on education provision, the approved developments at Admirals Farm (50), Station Field (150) and Heckford Road West (50) are expected, through their relevant s106 legal agreements, to contribute an approximate total of £75,000. If the Thorrington Road proposal were permitted with an appropriate s106 legal agreement, the fund would increase to around £101,000 and if the Plough Road proposal were also allowed, the fund would be close to £127,000 – with which the NHS would be responsible for ensuring sufficient capacity is put in place.
- 6.67 Whilst local people are very concerned about the impact of development on health provision, it is the advice of the NHS that both the individual and cumulative impact could be mitigated through financial contributions. There may be concerns over how the NHS spends the money to create the necessary capacity, but this is not Tendring District Council's responsibility and a refusal of planning permission purely on health grounds would not be justified.
- 6.68 However, it is recommended that one of the reasons for refusal refers to the lack of a s106 to secure the necessary contribution. Although the applicant has indicated a willingness to enter into such an agreement, including it as a reason for refusal will at least ensure this matter is properly addressed if the applicant decides to appeal.

Council Housing/Affordable Housing

- 6.69 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.70 If minded to approve this application, up to 22 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement and the applicant

has indicated that they would be willing to provide the full policy-compliant contribution of affordable housing. However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of affordable housing will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Open space

- 6.71 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in Great Bentley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.72 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of their development.
- 6.73 However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Potential layout and density

- 6.74 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 75 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.75 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show an estate development laid out in traditional 'perimeter block' form with dwellings all to be located east of the new access road and open space to be provided at the western end of the site aimed at achieving a soft transition between development and the wider countryside. The scheme provides for a secondary area of open space to the west of the site, landscaping around the perimeter and a buffer to protect the setting of listed buildings. The indicative layout shows properties backing onto the existing dwellings in Thorington Road which is good practice in urban design terms, aimed at maximising security and minimising impacts on amenity.
- 6.76 At 3.2 hectares, the site would be required to provide a minimum of 10% open space and if one excludes the land occupied by the property to be demolished for access (approximately 0.1ha), the net dwelling density of 27 dwellings per hectare. This is within a range of housing density that is generally considered acceptable by modern standards and that can

achieve the Council's minimum garden standards. For context, the adjoining properties in Thorington Road (based on a historic plot layout) are much lower at around 10 dph and the properties in the neighbouring De Vere Estate average approximately 27 dph.

- 6.77 The proposed development would be of a slightly higher density than neighbouring developments, but not excessively so and would not be particularly visible from within or outside of the village being tucked behind the established development. Unless the Committee is concerned about the housing numbers from a density perspective, it is not proposed to make density a reason for refusal.

Overall Planning Balance

- 6.78 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.79 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.80 In March 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.
- 6.81 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.82 Economic: Whilst the scheme is residential with no commercial premises provided, 75 dwellings would generate additional expenditure in the local economy which has to be

classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The overall economic effect is therefore positive.

- 6.83 That said, Great Bentley is already expected to accommodate a significant increase in population resulting from the 250 or so new homes expected to be built on land that gained planning permission in 2016 and there needs to be a sensible limit to how much development one village can be expected to accommodate. The economic role of sustainable development, as set out in the NPPF, specifically requires sufficient land of the right type be made available in the right places and at the right time – Officers consider that Great Bentley is already providing land for its fair share of housing.
- 6.84 Social: The provision of 75 dwellings toward meeting projected housing need is a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery. Great Bentley village is already expected to accommodate around 250 new homes over the next five years as a result of existing planning consents which is more than sufficient to address short-term local housing needs and absorb market demand.
- 6.85 250 dwellings is an approximate 35% increase in the village's existing housing stock and this is already considered a disproportionate level of housing for a village that, as a 'rural service centre' features in the fourth category of the settlement hierarchy. The social role of sustainable development, as set out in the NPPF, requires housing to meet the needs of present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF advocates a plan-led approach that actively seeks to direct development to the most sustainable locations and Officers consider that continued, seemingly unlimited development around Great Bentley does not reflect the positive approach set out in the emerging Local Plan which is progressing well through the plan making process.
- 6.86 The impacts of health and schools provision could be mitigated through financial contributions to be secured through a s106 agreement, if the application were to be approved – but Officers consider that more weight can now be given to the plan-led process which is designed to deliver housing, economic growth and infrastructure in a coordinated way. It should be noted that Parish Council nor any residents of Great Bentley support this proposal, but are positively engaged in the plan making process.
- 6.87 There is a suggestion of providing an alternative access to the Scout Hut through the development, as a potential benefit of the development, but there are no firm plans and no representations of support so Officers have given this concept limited weight in the planning balance.
- 6.88 Environmental: The environmental impacts of the proposal have required very careful consideration. Whilst the site is well contained in landscape terms, it does have some ecological value. Through mitigation measures, the ecological and landscape impacts of the development could be kept to a minimum, although the impact on the character of the area is likely, at best, to be neutral but more likely slightly adverse – not significant enough to justify an outright refusal of planning permission.

- 6.89 Local concerns about traffic have also been taken into account and whilst there is no technical objection to the proposal on highway capacity of safety, additional traffic in the village, when considered cumulatively alongside other consented schemes, does represent an adverse impact on the character and enjoyment of the area. Whilst not 'severe' enough to justify an outright refusal of planning permission, these considerations weigh against the development in the overall balance of benefits against harms.
- 6.90 There are two Grade II Listed Buildings close to the site, but Officers consider that development could take place with no harm to them or their setting.
- 6.91 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations. Great Bentley is already being expected to accommodate more than its fair share of residential development and further significant developments in the village are considered unnecessary, disproportionate and the impacts of continued development on the character and enjoyment of the village represent adverse impacts that are no longer significantly and demonstrably outweighed by the benefits.
- 6.92 The development is not supported by the community and offers no exceptional public benefits over and above additional housing that might lead Officers to come to a more positive on-balance view. The application is recommended for refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend against an appeal.
- 6.93 Additional reasons for refusal relating to the inadequacy of the applicant's drainage strategy and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues might be addressed before the Committee meeting, or if necessary, as part of the appeal process.

Background Papers

None.

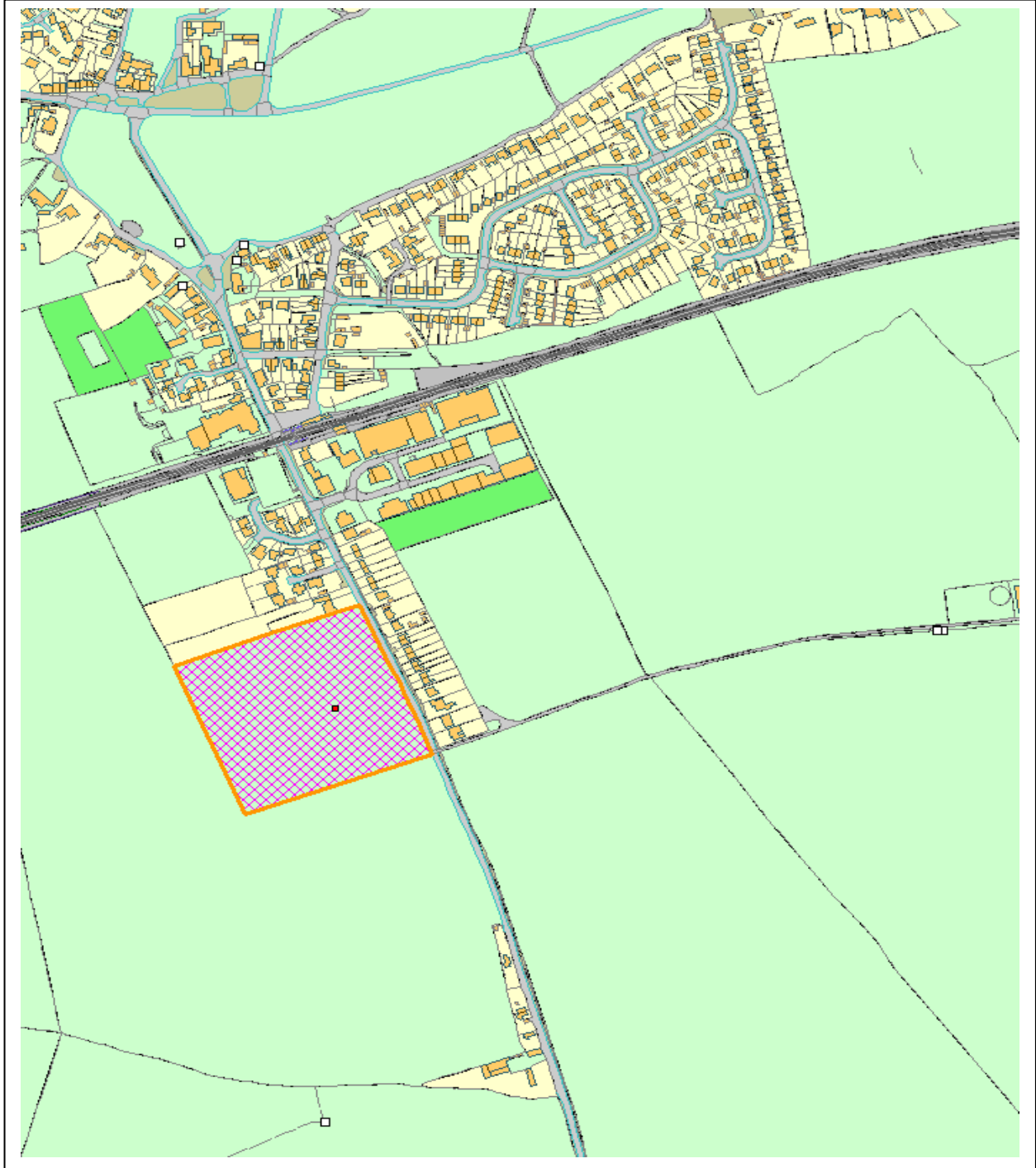
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PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 16/02127/OUT – LAND TO THE WEST OF PLOUGH ROAD, GREAT BENTLEY, CO7 8LG



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Application:	16/02127/OUT	Town / Parish: Great Bentley Parish Council
Applicant:	City and Country	
Address:	Land to the west of Plough Road, Great Bentley, Essex CO7 8LG	
Development:	Outline planning application with all matters reserved other than strategic access point onto Plough Road, for the erection of up to seventy five dwellings with associated infrastructure and landscaping.	

1. **Executive Summary**

- 1.1 The is an outline planning application seeking approval for the principle of developing up to 75 dwellings, with all other matters (with the exception of access) reserved for approval through a detailed application at a later date. The site is 3.1 hectares of flat greenfield land at the southern end of Great Bentley on the western side of Plough Road, close to the railway station and level crossing. The application has attracted close to 50 objections from residents, is opposed by Great Bentley Parish Council and Councillor McWilliams, the Ward Councillor for Great Bentley, has specifically requested that the application be determined by the Committee.
- 1.2 The application, along with a separate application for 75 dwellings off Thorrington Road from the same applicant, is recommended for refusal. Under normal circumstances applications with such a recommendation would be refused under delegated powers by the Head of Planning. However, these are two of the first applications where Officers consider that the positive progress of the new Local Plan combined with the improvement in the district's housing land situation puts the Council in a stronger position to resist unwanted residential proposals and Officers are seeking the Committee's endorsement of this view.
- 1.3 In the last few months, a number of greenfield sites around Great Bentley village have obtained planning permission for major residential development, either from the Council or from the Secretary State following an appeal. Schemes including up to 150 dwellings east of Plough Road, 50 dwellings west of Heckfords Road and 50 dwellings at Admiral's Farm east of Heckfords Road are expected to deliver up to 250 homes which is an approximate 35% increase in the existing housing stock of Great Bentley village.
- 1.4 Great Bentley is defined as a 'village' in the adopted Local Plan and as a 'rural service centre' in the emerging Local Plan and whilst some growth will be accommodated, the levels of development that have been approved are already well above what was ever envisaged to be appropriate and proportionate for such a rural location. Just because Great Bentley is one of the district's larger and more sustainable villages, this is not a justification for supporting or allowing unlimited growth.
- 1.5 The technical reports provided by the applicants along with the comments from statutory agencies suggest that there are no site-specific technical reasons (excluding drainage) why the proposed development could not proceed. However Officers are conscious that the cumulative impacts of this development alongside others already approved in the village are

of great concern amongst local residents. Even though mitigation measures could be put in place to reduce impacts to a technically acceptable level, the affect of many new developments in the village on its character, including those resulting from additional traffic and permanent loss of agricultural land would be adverse and, in line with the NPPF, these need to be weighed up against the benefits of development.

- 1.6 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.
- 1.7 Additional reasons for refusal relating to the inadequacy of the applicant's drainage strategy and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues might be addressed before the Committee meeting, or if necessary, as part of the appeal process.

Recommendation: Refusal

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- The submitted drainage strategy does not comply with the requirements of Essex County Council as the Lead Local Flood Authority. The proposal does not therefore adequately address matters relating to surface water flooding and drainage.
- No s106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role, and;
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

Local Plan Policy:

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Great Bentley as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also

requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

- 3.1 No relevant history for the application site itself. However, outline planning permission has granted, on appeal, for land at Station Field, on the opposite site of Plough Road for a mixed use scheme comprising up to 150 dwellings and open space, a class B1 employment area and structural landscaping.

4. Consultations

TDC Building Control No adverse comments at this time.

TDC Principal Tree & Landscape Officer The main body of the application site is in agricultural use and there are no significant trees or other vegetation on the land. The most visually prominent trees, potentially affected by the development proposal, are those situated in the garden of the dwelling to the immediate north of the application site.

In order to establish the degree to which the trees are a constraint on the development potential of the land the applicant has provided an Arboricultural Implications Assessment (AIA) in a detailed Tree Survey and Report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

The report accurately describes the general health and condition of the trees on the land adjacent to the application site and shows the extent to which they affect the development potential of the land. The trees are not covered by a Tree Preservation Order and the site is not situated in a conservation area.

If the recommendations contained in the tree report are adhered to then the trees covered by the tree survey will not be harmed by the development proposal.

Although the application is in outline form the applicant provided an indication of the positions of the proposed dwellings by the provision of a site layout plan.

In order to show the potential impact of the development proposal on the character and appearance of the area the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA establishes that the site lies partly within the St Osyth and Great Bentley Heathland Plateau as defined in the Tendring District Council Landscape Character Assessment.

The LVIA contains information relating to views of the development proposal from 7 locations. Along with the text of the LVIA this information provides an accurate description of the impact of the development proposal on the character and appearance of the countryside. It demonstrates that the development proposal could be relatively well assimilated into its setting and that the countryside, although valuable for its own sake has no outstanding or special qualities.

Should planning permission be likely to be granted then it will be necessary to ensure that the harm caused to the character of the area is minimised by soft landscaping works. The treatment of the boundary will be especially important and the indicative site layout showing open space around the perimeter will provide an opportunity for strong planting to soften the potentially hard edge of the development.

TDC Open
Space and Play

There is currently a deficit of 1.73 hectares of equipped play in Great Bentley. However there is more than adequate provision in terms of formal open space. Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit and put greater demand on already stretched facilities. Due to the size of the site, open space provision has been made within the development site however play provision should also be included to a LAP standard.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- The access road at its centre line shall provide clear to ground visibility splays with dimensions of 2.4 metres by 60 metres to the north and south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction is first used by vehicular traffic and retained free of any obstruction at all times.
- Vehicular parking and turning facilities in accordance with current policy standards shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- An area within the site for the purpose of loading, unloading and manoeuvring of all vehicles including construction traffic, as well as a timetable for their implementation, shall be submitted to and approved, in writing, by the Local Planning Authority prior to any works being undertaken on site. The areas for loading, unloading and manoeuvring shall then be provided in accordance with the agreed details and shall be retained at all times for that sole purpose thereafter unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- The vehicular access road shall be constructed at right angles to the highway boundary and to the existing carriageway and shall provide, but not be limited to, the following aspects;
 - o Carriageways measuring no less than 5.5m in width;
 - o 2x2m Footways on both sides of the access road;
 - o Appropriate pedestrian crossing facilities where the new road joins the existing highway;
 - o Appropriate vehicle visibility splays in accordance with current policy standards;
 - o Kerb radii measuring 8m;
 - o Any other reasonable items to ensure the access is in accordance with current policy standards; and
 - o A new footway measuring no less than 2m in width for the whole site frontage on Plough Road.
- Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction.
- Prior to 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.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Any single garages should have a minimum internal measurement of 7m x 3m
- Any double garages should have a minimum internal measurement of 7m x 6m
- Any tandem garages should have minimum internal measurements

of 12m x 3m

- All garages shall be retained for the purposes of vehicle parking 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.

ECC Schools

A development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places and 15 secondary school places.

Additional provision will need to be made for early years and childcare facilities in the Great Bentley Ward, for which a contribution of £94,028 is sought.

This proposed development is located in the primary admissions area of Great Bentley Primary School which will require additional places to accommodate growing demand. A developer contribution of £274,905 is sought to mitigate the impact on local primary school provision. .

For secondary school education, the proposed development is located within the priority admissions area of Colne Community School. Based on the demand generated by this proposal, a developer contribution of £278,415 is sought to pay for additional places. The nearest secondary school is over 3 miles from the proposed development and therefore a contribution towards school transport of £63,270 is also requested.

Anglian Water

Assets affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater treatment: The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Surface Water Disposal: The proposed method of surface water management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.

Natural England

Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Essex County
Council Flood
Authority

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following: The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Essex County
Council
Archaeology

The Essex Historic Environment Record records a number of cropmark features in the surrounding area that would indicate a high probability of surviving archaeological remains being present within the development site. A single cropmark feature runs across the development site, the origin appears agricultural, no field boundaries are shown on the 1st edition OS maps and therefore it must predate this and may be much earlier. Further cropmarks in the adjacent fields are indicative of possible prehistoric or historic agricultural landuse and possible settlement.

Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits; and
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

NHS England

This development is likely to have an impact on the services of the Great Bentley Surgery (The Hollies). This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.

The development would give rise to a need for improvements to capacity by way of relocating the Great Bentley Surgery, a proportion of the cost of which would need to be met by the developer. NHS England requests that £26,103 be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

Network Rail

Great Bentley Level Crossing has the highest level of protection and therefore the development would not drastically or severely cause risk at the crossing. However, queue lengths are a concern focussing on Great Bentley Level Crossing, and with the continuous new developments which are being seen in this area, developments combined together will have future impact on the level crossing.

We do not encourage the use of crossings and observe that the applicant and future residents on site must be aware of the Rail user crossing. Network Rail can provide further information to the applicant on the importance of safety whilst using railway crossings but would also insist that the developer educates the new residents about the risks of the rail infrastructure also.

Therefore after reviewing the information in relation to the above planning application, Network Rail has no objection or further observations to make.

5. Representations

5.1 Great Bentley Parish Council has objected strongly to the application for the following reasons:

1. The site is outside the village boundary and is not included in Option T of the emerging Local Plan. It would result in the loss of grade 1 arable land.
2. The single access to the site in itself would be problematic but coupled with its location on a bend on a hill on to Thorrington Road constitute a safety issue for pedestrians and vehicles.
3. The Housing Needs Survey report completed by RCCE for GBPC in October 2016 identifies the housing needs locally. The housing approved in the parish in the past 12 months has more than met the need identified and therefore, there exists no need for this additional housing.
4. Pedestrian access from the site to the Village is a concern in that the footway on Plough Road runs along the east side of Plough Road. This would require pedestrians to cross the road and then cross back again after negotiating the level crossing to access the Primary school.
5. Great Bentley currently suffers from traffic congestion in the Village centre on Plough Road and at the level crossings. The vast majority of the traffic from this development would have to drive along Plough Road through the already congested village centre to access the A133 and A120.

The developers' own traffic impact assessment estimates an increase in traffic movements at the junction of Plough Road and Thorrington Road of 150 traffic movements up to 863. Further, when assessing the 2022 traffic flows the assessment judges that the PICADY modelling becomes unstable and is unable to predict traffic density. This is a concern especially as the Assessment may have taken no account of other recent housing development proposals.

6. It is understood that Highways England has commented when assessing the impact of the previous housing development locally that it would have a severe impact on the A120 in the case of Great Bentley.
7. The Village Primary School is at capacity and there is no scope to expand it. An additional 75 houses would require the children to travel to outside the parish to school generating additional journeys.
8. Parishioners are concerned about the impact on the GP Surgery that the 300+ planning applications approved in the past twelve months will have as the new houses are built and new residents move in to the village. This development would compound the situation.

It is acknowledged that TDC has consulted with the Parish Council for the seven major

housing developments in the Parish that have been submitted in the last couple of years. However, these proposals have all been approved in the face of strong opposition from the Parish Council and local residents. Each of these proposals have been considered the Planning Authority on their individual merits with what appears to be no concern about the combined impact of a 40% increase in the number of dwellings. You will understand that the frustration locally is palpable. There is an overwhelming feeling that enough is enough

5.2 47 individual objections have been submitted in response to this planning application which include the following concerns:

- The development is contrary to the Local Plan;
- Further development would ruin the unique character of the village;
- Increased queuing and impatience at the level crossing;
- Existing traffic in Plough Road already makes it difficult for residents to enter and exit their driveways;
- Plough Road is little more than a country lane;
- Increased risk for the safety of cyclists;
- Concern over the safety of residents, particularly around the primary school;
- Properties would be too large and expensive to benefit local residents;
- Impact on already overstretched schools and surgeries;
- Too much development already proposed for Great Bentley;
- Local people do not want any more development in the village;
- Not enough parking to serve the existing amenities in the village;
- Highways England, in its representations on the Local Plan, has raised concerns about the impact of further development in the Great Bentley area on the A120;
- Development should be focussed on urban areas to aid their regeneration;
- Great Bentley will turn from a village into a small town;
- Further development and more road users will add to the danger at the Heckfords Road/A133 junction;
- The site is a home to hares, buzzards, bats, barn owls and other protected species;
- Local bus services are very poor;
- Destruction of the countryside should be avoided;
- Brownfield sites should be used across Essex to meet housing needs; and
- Loss of arable farmland.

5.3 There are no letters of support.

6. Assessment

The Site

6.1 The application site comprises a 3.1 hectare square of agricultural land (used to grow Barley) on the western side of Plough Road, at the southern end of Great Bentley. The site forms part of a larger agricultural field and although it abuts Plough Road on its eastern boundary and the long residential curtilage of the property 'Field End' on its northern boundary, there are no physical boundaries to the west and south. There are no notable trees or hedges within the site. The land is flat and is located approximately 200 metres south from the village hall, business centre, railway station and primary school. There are frontage houses and bungalows (mainly from the inter-war and post-war period) on the opposite site of Plough Road, to the rear of which is land that is the subject of outline

planning permission for up to 150 dwellings and open space, a class B1 employment area and structural landscaping.

The Proposal

- 6.2 The application is for up to 75 dwellings with associated infrastructure and landscaping. The application is in outline with all matters reserved apart from the strategic access point, which is to be onto Plough Road. The proposal is supported by an indicative parameter and layout plans which show roughly how a scheme of 75 dwellings with open space could potentially be accommodated on the site. It is also supported by indicative dwelling designs to show how properties on the site could look.

Architectural Drawings

- OC006-GB3-001 Location Plan
- OC006-GB3-002 Constraints Plan
- OC006-GB3-004 Opportunities Plan
- OC006-GB3-005 Proposed Built Form (Indicative)
- OC006-GB3-006 Parameters Plan (Showing Access)
- OC006-GB3-ST01 Plough Road Street Elevations (Indicative)
- OAS-16-218-TS03/A Tree Protection Plan
- 10526_P21a Landscape Strategy Plan

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Ecology Report
- Geological Survey
- Transport Assessment
- Flood Risk Assessment
- Arboricultural Implications Assessment

Main Planning Considerations

- 6.3 The main planning considerations are:
- Local Plan and housing supply position;
 - Principle of development;
 - Highways, transport and accessibility;
 - Landscape, visual impact and trees;
 - Flood risk and drainage;
 - Ecology;
 - Education provision;
 - Healthcare provision;
 - Council Housing/Affordable Housing;
 - Open space;
 - Potential layout and density; and
 - Overall planning balance.

Local Plan and housing supply position

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.6 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.7 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.
- 6.8 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.

- 6.9 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.
- 6.10 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.11 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of development

- 6.12 The application site is located immediately south and west of existing residential development in Great Bentley. The site is adjacent to but outside the village's settlement development boundary as defined within both the adopted and emerging Local Plans. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.13 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.

- 6.14 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Great Bentley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.
- 6.15 However, one of the main concerns raised by the Parish Council and a large number of local residents is the total number of new dwellings that have already gained planning permission on sites around Great Bentley and the cumulative impact that any additional homes and population could have on local services, traffic, other infrastructure and the character of the village. Whilst Great Bentley is categorised in the emerging Local Plan as a rural service centre where some sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in emerging Local Plan, as set out in paragraph 2.50, is meant to be modest, fair, achievable and sustainable.
- 6.16 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate and potentially unlimited levels of new housing.
- 6.17 Based on the agreed objectively assessed housing need of 550 dwellings per annum over the 20 year period 2013-2033, Tendring will be planning for a dwelling stock increase of some 11,000 which equates to an approximate 16% increase to the district's housing. It would therefore follow that a strategy seeking to direct the majority growth to larger and more sustainable settlements will see dwelling stock increases above 16% in those settlements but for those villages further down the hierarchy, the growth would be proportionately less, and generally below 16%.
- 6.18 Major developments with planning permission in Great Bentley already include:
- 14/01750/OUT Station Field, Plough Road – 150 dwellings
 - 16/00133/OUT Admirals Farm, Heckfords Road – 50 dwellings
 - 15/01820/OUT Land west of Heckfords Road – 50 dwellings
- 6.19 These 250 dwellings represent an approximate 35% increase in the village's housing which, based on the district-wide housing need for the whole of Tendring is already disproportionate. If added to the permissions already granted, a further 75 dwellings as proposed in this outline application would increase the potential growth to around 45%. If

the other 75 dwellings at Thorrington Road were also added into the equation, the increase would be nearer 60%.

- 6.20 The 75 dwellings proposed for land in Plough Road is a purely residential scheme that offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead Officers to consider the proposal in an exceptional light and there is no support from the Parish Council or local residents. Given the improving housing land situation, the positive progress of the Local Plan and lack of community support, Officers consider this to be an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the community's concerns about the disproportionate level of housing going to Great Bentley.
- 6.21 Officers therefore recommend the refusal of planning permission. Whilst the applicants will have the right to appeal to the Secretary of State, the Rush Green appeal decision mentioned above demonstrates that Tendring is now in a stronger position to defend against unwanted proposals that are contrary to the adopted and emerging Local Plans.

Highways, transport and accessibility

- 6.22 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.23 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site performs relatively well in this regard being around 200 metres from the village hall, railway station, business centre and primary school and with other local services including convenience shop, pub, GP surgery and pharmacy within a reasonable distance. The site offers a reasonable level of accessibility which is reflected in Great Bentley's categorisation as a rural service centre in the emerging Local Plan.
- 6.24 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

- 6.25 Local residents are concerned about the cumulative increase in traffic that could arise as a result of the housing developments that have already obtained planning permission and any additional developments that might be approved. The particular concern about this application is its proximity to the railway crossing and the queuing that takes place when the barriers are down.
- 6.26 The Highway Authority raises no objections in terms of highway capacity or safety to the application, in the full knowledge of the other proposals already consented or under consideration in the village. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles that would result from the various developments, but more traffic and queuing would undoubtedly have an effect on the character and enjoyment of the village. So, although cumulative impacts are not considered to be 'severe' and would not, by themselves, justify outright refusal of planning permission, there will naturally be an adverse social and environmental impact that, in the overall planning balance, weighs against the development – particularly when no longer outweighed by an overriding need to deliver housing in the short term.
- 6.27 In conclusion, whilst the site enjoys good access to local facilities and the highways impact are not considered to be severe, an additional 75 dwellings would increase traffic in the area and is a matter of great concern within the community. The development is not required to meet local housing needs and in refusing planning permission for the reasons set out in this report, this concern can be averted.

Landscape, visual impact and trees

- 6.28 Development is proposed on a very flat and exposed area of undeveloped agricultural land and the new homes and associated infrastructure and landscaping would bring about a very significant change to the character and appearance of this part of the entry into the village. It is accepted however, on the advice of the Council's Principal Tree and Landscape Officer that the development proposal could be relatively well assimilated into its setting and that the countryside, with a decent soft landscaping scheme.
- 6.29 In respect of trees, there are no significant specimens or other vegetation on the site and that if development were carried out in line with the recommendations contained within the applicants' arboricultural implications assessment, there ought not to be any problems.
- 6.30 If development were considered acceptable in principle, it is clear that the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. The development would however bring about a significant change in the character of this area of the village which affectively lies at a key gateway into Great Bentley. The loss of currently open undeveloped land would be an adverse impact to be weighed against the benefits of development. Because the development is not required to meet local housing needs, and it is recommended that planning permission be refused for the reasons set out in this report, local concerns about the visual impact of the development and the loss of undeveloped agricultural land can be averted.

Flood risk and drainage

- 6.31 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.32 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC has issued a 'holding objection' over concerns about the applicant's drainage strategy but has highlighted the areas that would need to be addressed in order for the objection to be withdrawn. The applicant has submitted relevant information for ECC's consideration but, at the time of writing, Officers had yet to receive confirmation that this information addresses ECC's requirements.
- 6.33 The inadequacy of the submitted drainage strategy is recommended as an additional reason for refusal, however Officers consider that there is a reasonable prospect of ECC confirming the withdrawal of its objection either before the application is considered by the Planning Committee (in which case it will be reported as an update) or, if the applicant chooses to appeal against refusal, before any appeal hearing/inquiry takes place.
- 6.34 Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. A foul water strategy would however need to be approved before development could take place. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Ecology

- 6.35 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.36 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate

assessment' under the Habitat Regulations. Natural England has offered no objection to the proposal subject to the Council's consideration of the ecological value of the site itself.

- 6.37 The ecological value of the site itself is of considerable concern to a number of local objectors with some suggesting that the site is frequented by hares, bats, barn owls and other protected species. The applicant has prepared and submitted a Phase 1 Preliminary Ecological Assessment to assess the ecological value of this site (and that of the separate Thorington Road site) and immediate area itself and the potential impact of the development. The main findings are summarised below.
- 6.38 Badgers: The assessment found no evidence of Badgers such as latrines, snuffle holes or setts anywhere on or around the sites. However, it is acknowledged that Badgers from the surrounding area may use the site for commuting or foraging. It is recommended that an updated badger survey be carried out once the crops have been harvested and if any development is to take place, any excavations and trenches associated with construction should be either covered at night or supplemented with a means of escape for any badgers that may fall into the excavation whilst foraging. Any open pipes or conduits laid should be blocked off each night to prevent badgers from entering them. If possible, construction work should only take place between dawn and dusk with no late evening work to reduce possible disturbance.
- 6.39 Bats: None of the very few trees close to the site were found to support complex growth forms, cracks and crevices, which are traditionally associated with roosting bats and therefore these were considered to have negligible potential for roosting bats. Bats do however use tree lines and hedgerows for foraging and commuting between roosting sites and foraging habitats, although this site has limited vegetation around its perimeter.
- 6.40 In any case it is recommended that boundary trees and hedges are retained and enhanced wherever possible. An appropriate mitigation strategy would involve the use of a sensitive lighting scheme and the use of dark corridors along boundary features such as hedgerows and tree lines. As long as boundary features are retained within the scheme and enhancements for bats are provided, then no further surveys for bats are required.
- 6.41 To enhance the local bat population and provide roosting opportunities, it is also recommended that bat boxes be hung on trees or buildings around the site. Bat boxes on trees should be erected prior to the commencement of works on site. Further enhancements for bats in the local area can be achieved through the use of native tree planting and landscaping within the development. Planting a wide range of plant species will encourage a wider diversity of invertebrate species, which provides more foraging opportunities for bats.
- 6.42 Reptiles: The assessment observes that the site is subjected to high levels of disturbance with regular harvesting of arable crops, there were no field margins which are often used by reptiles and the strips of vegetation were very narrow. These areas at the time of survey were considered to be negligible habitat for reptile species. They also lack connectivity to other areas of suitable habitat. Therefore, it is considered that the sites are not constrained by reptiles and no further surveys for reptiles are required.

- 6.43 Great Crested Newts: The assessment identifies a number of ponds within 250m of the site and surveyed them for their suitability for Great crested Newts. Some were judged to have 'excellent' suitability, others 'good' suitability and others 'below average' suitability. The site itself however, as an arable field, is judged to contain suboptimal habitat for Great Crested Newts and that the connective habitats between the surrounding ponds and the site were not well developed and were missing in places. Given the distance between the ponds and the site and the limited habitat connectivity, it is considered that the sites are not constrained by Great Crested Newts and no further surveys are required.
- 6.44 Other species: The assessment notes that birds are likely to use trees and hedgerows along the boundaries of sites for foraging and breeding, although for this site there are limited features that would be suitable. Species observed in the general location include skylark, greenfinch, goldfinch, swallow, wood pigeon, carrion crow, pheasant and kestrel. Evidence of barn owls in the wider area was also noted. However, owing to a lack of suitable habitat and connectivity, the sites are not considered to have potential to support species such as dormice, otters and water voles.
- 6.45 Breeding birds are likely to use scattered trees and hedgerows along the boundaries of fields as nesting habitat, although these are very limited for the site in question. There is however potential for ground nesting birds within the arable fields on site. It is recommended that any boundary features be retained and enhanced where possible and if any clearance of trees or hedgerows is required then this should be done outside the nesting bird season and the trees should be replaced elsewhere. It is also recommended that a full updated assessment of the field boundaries be undertaken prior to development to ensure that no specially protected species are actually present.
- 6.46 To protect skylarks, a ground feeding species, it is recommended that skylark plots be created in the arable fields adjacent to the sites. It is also recommended that open grassland areas or community orchards be incorporated into the scheme. A mowing regime where plots are not mown and are left to form tussocks could create similar habitat; encouraging skylarks to nest within areas of longer rank grassland and forage in the insect rich wild flower grassland areas and amongst orchards. The areas where skylarks are encouraged to nest should be set aside and have restricted access by members of the public. As long as skylarks are considered within the design of the scheme, it is considered that no further bird surveys are recommended.
- 6.47 Mitigation and Enhancement: To mitigate any harm and bring about an overall enhancement for ecology, the assessment recommends measures that could be secured through planning conditions. In summary these include:
- Retaining and enhancing, through the use of native species, vegetation around the field boundaries;
 - The use of bird and bat boxes and provision of plots for skylarks;
 - Using wildflower mixes to host invertebrates and increase the biodiversity of newly created grassland;
 - Log and rubble piles to provide habitats for common amphibian and reptile species and refuge for small mammals and invertebrates; and
 - The use of swales within any sustainable drainage systems which should be linked to the wider landscape through the protection and enhancement of tree lines and associated grassland strips.

- 6.48 Officers note the findings of the report and the potential to deliver an enhanced wildlife habitat in the location off the back of development. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development. However, as the proposal is recommended for refusal for the reasons set out elsewhere in this report, the concerns raised by local residents about ecological impacts can be entirely averted.

Education provision

- 6.49 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. A large number of local residents have expressed concern that local schools will not be able to cope with the expected increase in population arising from the 75 new homes, particularly when considered alongside other proposals for major residential development already approved in Great Bentley.
- 6.50 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC's advice was submitted in response to this application in isolation however the cumulative effect of other potential developments has also been taken into account. ECC advised that, based on its standard formula, a development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places, and 15 secondary school places.
- 6.51 On the basis that there are insufficient places to meet the needs of this development, the County Council has requested financial contributions of approximately £94,000 for EY&C, £275,000 for primary school places and £267,000 for secondary school places along with a contribution of £63,000 for secondary school transport. The total contribution would therefore be in the order of £700,000. A similar contribution would be required for the separate Thorrington Road application. The applicant has indicated that they are willing to make these contributions in full, but no s106 agreement is formally in place at the moment.
- 6.52 In considering cumulative impacts on education provision, the approved developments at Admirals Farm (50), Station Field (150) and Heckford Road West (50) are expected, through their relevant s106 legal agreements, to contribute an approximate total of £230,000 for EY&C and £850,000 for primary provision but no money for secondary provision. The earlier Sturicks Lane development of 32 dwellings in Great Bentley will have already contributed £104,000 for primary provision and £24,000 for secondary transport. The estimated total 'fund' for education provision to be secured from consented developments in Great Bentley is therefore around £1,200,000. If the Plough Road proposal were permitted with an appropriate s106 legal agreement, the fund would increase to around £1,900,000 and if the Thorrington Road proposal were also allowed, the fund would be close to £2,800,000 – with which Essex County Council would be responsible for ensuring sufficient school places and school transport is put in place.
- 6.53 Whilst local people are very concerned about the impact of development on school provision, it is the advice of Essex County Council that both the individual and cumulative impact could be mitigated through financial contributions. There may be concerns over how

ECC spends the money to create the necessary capacity, but this is not Tendring District Council's responsibility and a refusal of planning permission purely on education grounds would not be justified.

- 6.54 However, it is recommended that one of the reasons for refusal refers to the lack of a s106 to secure the necessary contributions. Although the applicant has indicated a willingness to enter into such an agreement, including it as a reason for refusal will at least ensure this matter is properly addressed if the applicant decides to appeal.

Healthcare provision

- 6.55 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision, another matter of considerable concern amongst local residents. Again through Policy QL12 in adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision.
- 6.56 As is the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population.
- 6.57 In the absence of an up to date adopted Local Plan, Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development and others proposed in the Great Bentley area. Through adopted Policy QL12 and emerging Policy HP1, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity. It is noted that there is local scepticism about how this will work in practice, but in the absence of an up to date Local Plan, this is an approach that has been accepted by Planning Inspectors.
- 6.58 As with highways and education, Officers have considered both the individual impact of this development on health provision as well as the cumulative impact that might arise if the other major developments are to be allowed. The Council working with NHS England can, through the planning system, put measures in place to mitigate the impact of population growth arising from major residential developments on local infrastructure. Whilst it is the NHS' responsibility to ensure that health centres and local surgeries are adequately resourced and staffed, the Council can secure either new buildings or financial contributions towards expanding existing buildings to ensure there is at least sufficient space for additional doctors, nurses and other medical professions to provide their services.
- 6.59 NHS England has undertaken a Health Impact Assessment of the Plough Road development proposal and has identified that the existing surgery will not have the capacity to serve the additional residents that would result from the development. A developer contribution just over £26,000 is requested to mitigate the capital cost to the NHS for the provision of additional healthcare services. It is noted that, as part of a separate outline

planning application for land east of Heckfords Road (16/01999/OUT), a new GP surgery to replace and improve upon the services at the existing Great Bentley Surgery is proposed (alongside a further 25 dwellings at the Admirals Farm development). That proposal is supported, in principle, by the NHS but there is no commitment from them at this stage to assist in its delivery.

- 6.60 In considering cumulative impacts on education provision, the approved developments at Admirals Farm (50), Station Field (150) and Heckford Road West (50) are expected, through their relevant s106 legal agreements, to contribute an approximate total of £75,000. If the Plough Road proposal were permitted with an appropriate s106 legal agreement, the fund would increase to around £101,000 and if the Thorrington Road proposal were also allowed, the fund would be close to £127,000 – with which the NHS would be responsible for ensuring sufficient capacity is put in place.
- 6.61 Whilst local people are very concerned about the impact of development on health provision, it is the advice of the NHS that both the individual and cumulative impact could be mitigated through financial contributions. There may be concerns over how the NHS spends the money to create the necessary capacity, but this is not Tendring District Council's responsibility and a refusal of planning permission purely on health grounds would not be justified.
- 6.62 However, it is recommended that one of the reasons for refusal refers to the lack of a s106 to secure the necessary contribution. Although the applicant has indicated a willingness to enter into such an agreement, including it as a reason for refusal will at least ensure this matter is properly addressed if the applicant decides to appeal.

Council Housing/Affordable Housing

- 6.63 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.64 If minded to approve this application, up to 22 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement and the applicant has indicated that they would be willing to provide the full policy-compliant contribution of affordable housing. However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of affordable housing will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Open space

- 6.65 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space

Team has commented on the application and has identified a deficiency of equipped play areas in Great Bentley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.

- 6.66 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of their development.
- 6.67 However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

Potential layout and density

- 6.68 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 75 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.69 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show an estate development laid out in traditional 'perimeter block' form with dwellings facing Plough Road set back from the highway and accessed via the proposed access road, as opposed to individual accesses onto the highway. The drawings also show landscaping around the perimeter of the site, an open space in the centre of the scheme and a larger open space occupying the south western corner of the site aimed at achieving a soft transition between development and the wider countryside.
- 6.70 The property most affected by the development would be 'Field End' immediately to the north which has a very long rear garden. Based on the indicative drawings, Officers consider that there is plenty of scope to achieve a detailed layout on the site that minimises impacts on the amenities of the neighbouring property.
- 6.71 At 3.1 hectares, the site would be required to provide a minimum of 10% open space and therefore the net dwelling density of 27 dwellings per hectare. This is within a range of housing density that is generally considered acceptable by modern standards and that can achieve the Council's minimum garden standards. For context, the nearby residential development in Hall View Road is at a density of 26 dph, the development in Keeble Court is 21 dph and the properties along the opposite side of Plough Road are 20 dph. The proposed development would be of a slightly higher density than neighbouring developments, but not excessive so. Unless the Committee is concerned about the housing numbers from a density perspective, it is not proposed to make density a reason for refusal.

Overall Planning Balance

- 6.72 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.73 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.74 In March 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.
- 6.75 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.76 Economic: Whilst the scheme is residential with no commercial premises provided, 75 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The overall economic effect is therefore positive.
- 6.77 That said, Great Bentley is already expected to accommodate a significant increase in population resulting from the 250 or so new homes expected to be built on land that gained planning permission in 2016 and there needs to be a sensible limit to how much development one village can be expected to accommodate. The economic role of sustainable development, as set out in the NPPF, specifically requires sufficient land of the right type be made available in the right places and at the right time – Officers consider that Great Bentley is already providing land for its fair share of housing.

- 6.78 Social: The provision of 75 dwellings toward meeting projected housing need is a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery. Great Bentley village is already expected to accommodate around 250 new homes over the next five years as a result of existing planning consents which is more than sufficient to address short-term local housing needs and absorb market demand.
- 6.79 250 dwellings is an approximate 35% increase in the village's existing housing stock and this is already considered a disproportionate level of housing for a village that, as a 'rural service centre' features in the fourth category of the settlement hierarchy. The social role of sustainable development, as set out in the NPPF, requires housing to meet the needs of present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF advocates a plan-led approach that actively seeks to direct development to the most sustainable locations and Officers consider that continued, seemingly unlimited development around Great Bentley does not reflect the positive approach set out in the emerging Local Plan which is progressing well through the plan making process.
- 6.80 The impacts of health and schools provision could be mitigated through financial contributions to be secured through a s106 agreement, if the application were to be approved – but Officers consider that more weight can now be given to the plan-led process which is designed to deliver housing, economic growth and infrastructure in a coordinated way. It should be noted that Parish Council nor any residents of Great Bentley support this proposal, but are positively engaged in the plan making process.
- 6.81 Environmental: The environmental impacts of the proposal have required very careful consideration. Whilst the site is of low ecological significance, it is rather exposed in visual landscape terms. Through mitigation measures, the ecological and landscape impacts of the development could be kept to a minimum, although the impact on the character of the area is likely, at best, to be neutral but more likely slightly adverse – not significant enough to justify an outright refusal of planning permission.
- 6.82 Local concerns about traffic have also been taken into account and whilst there is no technical objection to the proposal on highway capacity of safety, additional traffic in the village, when considered cumulatively alongside other consented schemes, does represent an adverse impact on the character and enjoyment of the area. Whilst not 'severe' enough to justify an outright refusal of planning permission, these considerations weigh against the development in the overall balance of benefits against harms.
- 6.83 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations. Great Bentley is already being expected to accommodate more than its fair share of residential development and further significant developments in the village are considered unnecessary, disproportionate and the impacts of continued development on the character and enjoyment of the village represent adverse impacts that are no longer significantly and demonstrably outweighed by the benefits.

- 6.84 The development is not supported by the community and offers no exceptional public benefits over and above additional housing that might lead Officers to come to a more positive on-balance view. The application is recommended for refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend against an appeal.
- 6.85 Additional reasons for refusal relating to the inadequacy of the applicant's drainage strategy and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues might be addressed before the Committee meeting, or if necessary, as part of the appeal process.

Background Papers

None.

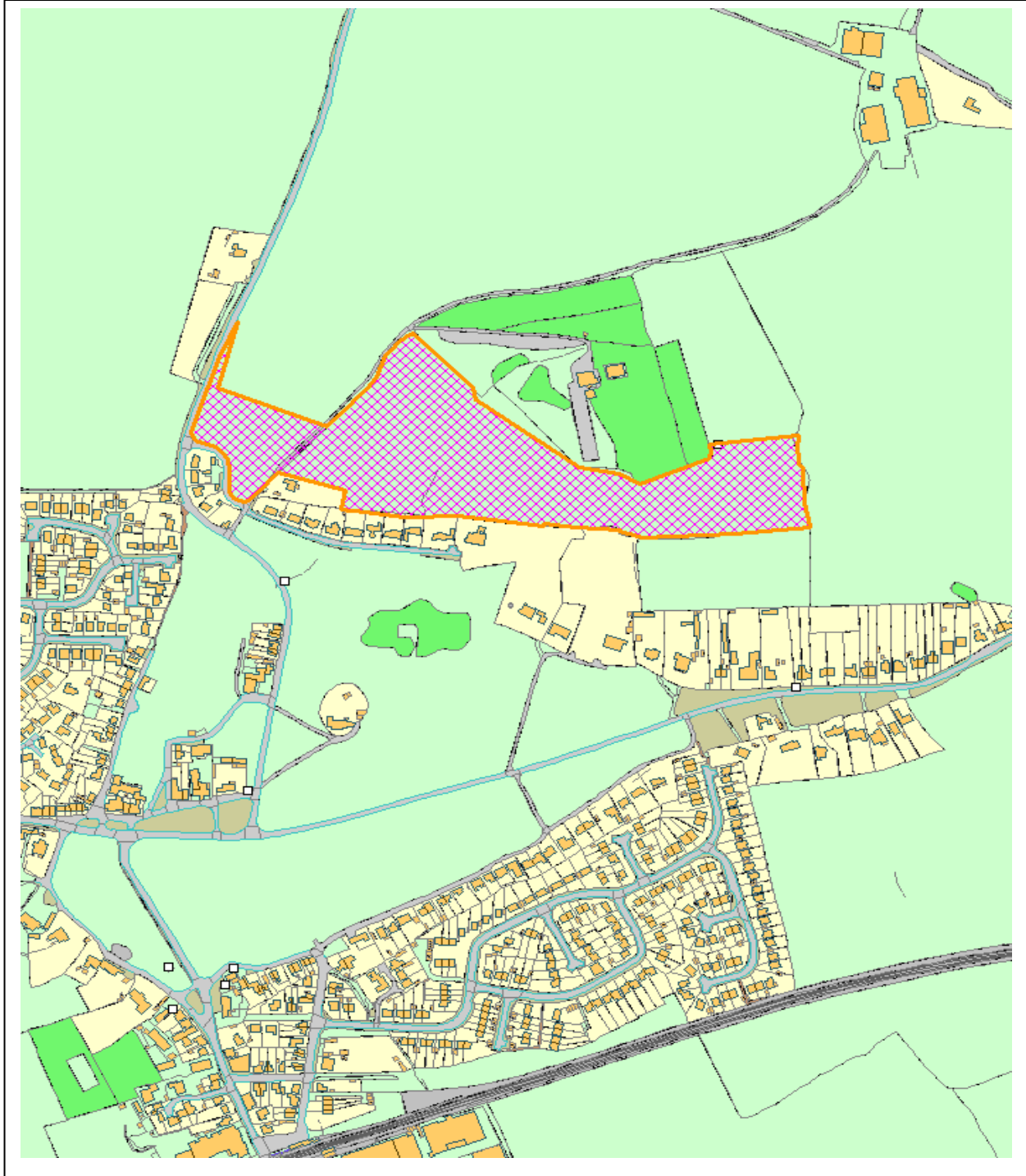
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PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.3 **PLANNING APPLICATION – 16/01912/DETAIL – LAND AT ADMIRALS FARM, HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS**



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Application:	1601912/DETAIL	Town / Parish: Great Bentley
Applicant:	Hills Building Group	
Address:	Land at Admirals Farm, Heckfords Road, Great Bentley, Essex CO7 8RS	
Development:	Proposed erection of 50 dwellings, garages and associated works.	

1. **Executive Summary**

- 1.1 This is a reserved matters application seeking approval of detailed plans for 50 dwellings on land at Admirals Farm off Heckfords Road, on the northern edge of Great Bentley. This follows on from the approval of outline planning permission 16/00133/OUT on 28th September 2016 in line with the Committee's resolution of 19th April 2016. Outline planning permission was granted subject to a s106 legal agreement and 17 planning conditions.
- 1.2 15 objections have been received from residents, mainly raising matters of principle that were already considered at outline stage. However, some of the objections raise detailed concerns about the development's conformity with the indicative plans approved at outline stage, the visual impact on the Conservation Area, the potential connections into adjoining undeveloped land and the use of Moors Lane as a pedestrian footpath.
- 1.3 The applicants have made revisions to their proposed layout, at the request of Officers, in order to bring them more in line with the indicative outline drawings and to retain a better visual gap between the village green and the open countryside beyond and thus minimise impacts on the Conservation Area. Following the revisions, the design and layout of the development is considered by Officers to be acceptable. The properties generally meet and exceed the Council's standards for quality, garden sizes and parking. Accordingly, the application is recommended for approval.

Recommendation: Approval

Conditions:

1. Accordance with approved plans.

2. **Planning Policy**

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's

‘presumption in favour of sustainable development’. The NPPF defines ‘sustainable development’ as having three dimensions:

- an economic role;
- a social role; and
- an environmental role.

2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

2.4 Section 7 of the NPPF relates to design. Paragraph 56 states that 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.

2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

Local Plan

2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

HG14: Side Isolation: Requires a minimum distance between detached properties.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan: 2013-2033 and Beyond Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).

Relevant policies include:

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP4: Open Space, Sports and Recreation Facilities: Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density and Standards: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

CP1: Sustainable Transport and Accessibility: Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

3.1 The site has the following planning history:

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
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16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016
16/01912/DET AIL	Proposed erection of 50 dwellings, garages and associated works.	Current	
16/01999/OUT	A doctors surgery and twenty five dwellings, associated infrastructure and landscaping.	Current	

4. **Consultations**

TDC Principal Tree & Landscape Officer	<p>The main body of the application site is in agricultural use and has been planted with a winter cereal crop. There are no trees or other significant vegetation in the main body of the land with the exception of a short row of mature trees extending into the land at the western end of the southern boundary. The applicant has submitted a detailed soft landscaping plan that shows a sufficient level of new planting that will both soften and enhance the character and appearance of the development and the wider area.</p> <p>[The Tree Officer also required more arboricultural details to be provided, which were subsequently submitted].</p>
Natural England	Natural England has no comments to make on the reserved matters.
Essex County Council Flood Authority	In the absence of an updated surface water drainage strategy, we object to this application and recommend refusal of planning permission until a satisfactory one has been submitted.
ECC Schools	Financial contributions of £62,685 for early years and childcare provision, £183,270 for primary school provision, £185,610 for secondary school provision and £42,180 for school transport are requested to mitigate the impact of the development on education provision.

5. **Representations**

- 5.1 19 representations have been received in response to this application, of which 17 are objections. The majority of these objections still relate to the principle of the development as opposed to the detail, despite the grant of outline planning permission. These matters of concern in principle include:
- The development will not help the local community.
 - Houses will be bought by people from outside the village.
 - The houses will not be affordable for local people.
 - Only one house is shown to be affordable.
 - The development will only provide a large profit for the landowner and developer.
 - Increase in already heavy traffic.
 - Pedestrian safety here and elsewhere in the village will worsen.
 - The junction of Heckfords Road and the A133 is dangerous.
 - Views from the conservation area will be adversely affected.
 - Not enough parking in the village.

- Negative impact on sense of community.
- Lack of public transport, particularly bus services.
- Disproportionate levels of development going to Great Bentley.
- No school places.
- No capacity at the doctors surgery.
- Chemist is constantly busy.
- Other approved developments in other villages will address the housing shortage.
- Parish Council members should not be allowed to profit from building work.
- Disruption to bats and other wildlife.
- Light pollution on the night sky.
- No safe passage to the proposed foot path on the west of Heckfords Road.
- Developers should be made to use brownfield sites first.

5.2 A number of the objections, observations and suggestions do however relate specifically to the detail of the proposal that is under consideration as part of this application. These include:

- The scheme is not in general conformity with the indicative plan submitted at outline stage;
- Some plots would impeded views from the village green to the north – contrary to the green gap incorporated into the indicative plan;
- Concern about the impact on the tree line in the absence of a full tree survey/report;
- Concern about the access roads extending to the boundary of adjoining land, indicating an intention for further phases of development;
- Not clear what the intentions are for Moors Lane as there are no hard landscaping proposals included with the application;
- Pedestrian access via Moors Lane has been retained, contrary to the condition imposed at outline stage and the advice of the Highway Authority;
- The gateway on Moors Lane should be replaced with hedging and reinforced with fencing to prevent pedestrians straying towards a dangerous crossing point;
- The gateway slightly to the West and South of the playground which has direct access to Moors Close should be similarly hedged and fenced; and
- Careful consideration needs to be given to the fact that a playground is planned in the south front section.

5.3 Great Bentley Parish Council supports the application subject to the following:

- a) The reinstatement of the gap shown in the outline permission providing a view from the Green between plots 41 & 42 to open countryside. Much was made of this gap by the developers at the time.
- b) The removal of the multiple vehicle access points from the site to other potential developments with no planning permission.
- c) The closure of the pedestrian access from the development down Moors Lane via Moors Close onto The Village Green which potentially leads to children trying to cross the main road into the village at a blind bend rather than walk across wet grass.

6. **Assessment**

The Site

6.1 The application site comprises just under 6.8 hectares of agricultural land located at the northern edge of the village of Great Bentley, east of Heckford's Road and north of Moors

Close. The site is flat and the western part of the site is visible from Heckford's Road, whilst the rest of the site is relatively well contained within the landscape, barely visible from most medium-long distance public view-points, mainly due to the strong line of trees and hedges along the northern boundary. The site is irregular in shape and lies adjacent to the settlement development boundary and Great Bentley Conservation Area. A water pumping station with woodland within its grounds lies to the north of the site.

The Proposal

- 6.2 The proposal is the development of 50 dwellings on land at Admirals Farm comprising the following dwelling mix:
- 9 x 2-bed bungalow;
 - 9 x 2-bed house;
 - 8 x 2-bed house;
 - 21 x 4-bed house;
 - 3 x 2-3 bed affordable
- 6.3 The scheme provides for mix of dwellings sizes and types in line with the Council's adopted and emerging planning policies. The scheme includes areas of open space, a play area and sustainable drainage features.

Architectural Drawings

- 3522-0001 P01 Site Location Plan
- 3522-0010 P01 Existing Block Plan
- 3522-0011 P06 Proposed Site Block Plan
- 3522-0101 P01 House Type 1 – 2 Bed Bungalow – Proposed Floor Plans and Elevations
- 3522-0201 P01 House Type 2 – 2 Bed House Almshouse Style – Proposed Floor Plans and Elevations
- 3522-0301 P01 House Type 3 – 2 Bed House – Proposed Floor Plans and Elevations
- 3522-0401 P01 House Type 4 – 3 Bed House – Proposed Floor Plans and Elevations
- 3522-0401A P01 House Type 4A – 3 Bed House – Proposed Floor Plans and Elevations
- 3522-0501 P01 House Type 5 – 3 Bed House – Proposed Floor Plans and Elevations
- 3522-0601 P01 House Type 6 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0601A P01 House Type 6A – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0701 P01 House Type 7 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0801 P01 House Type 8 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-0901 P01 House Type 9 – 4 Bed House – Proposed Floor Plans and Elevations
- 3522-1001 P01 House Type 10 – 1 No 3 Bed & 2 No 2 Bed Houses – Proposed Floor Plans and Elevations
- 3522-0103 P01 Garage Type 1 – Single Garage
- 3522-0104 P01 Garage Type 2 – Double Garage
- 16.2030.01 Rev A Soft Landscape Proposals (1 of 6)
- 16.2030.02 Rev A Soft Landscape Proposals (2 of 6)
- 16.2030.03 Rev A Soft Landscape Proposals (3 of 6)

- 16.2030.04 Rev A Soft Landscape Proposals (4of 6)
- 16.2030.05 Rev A Soft Landscape Proposals (5of 6)
- 16.2030.06 Rev A Soft Landscape Proposals (6of 6)

Matters under consideration

- 6.4 The principle of development has already been established through the grant of outline planning permission (application 15/00133/OUT). The report to Planning Committee on 19th April 2016 considered the following matters:
- Principle of development;
 - Highways, transport and accessibility;
 - Flood risk and drainage;
 - Infrastructure impact
 - Landscape, visual impact and trees;
 - Open space;
 - Ecology;
 - Impact upon neighbours;
 - Council Housing / Affordable Housing;
 - Indicative design and layout upon the Conservation Area; and
 - Other issues (including loss of agricultural land).
- 6.5 The reserved matters under consideration as part of this application are:
- Layout;
 - Landscape;
 - Scale; and
 - Appearance

Layout

- 6.6 The proposed layout of the scheme involves 50 dwellings accessed via a new access road off Heckfords Road which passes through an area of land to remain undeveloped and crosses Moors Lane before the development starts. The irregular and, in parts, narrow shape of the site dictates that a large part of the site is in the form of two rows of dwellings orientated in a front-to-front layout overlooking the new highway and areas of open space.
- 6.7 The main spine road passing through the centre of the site extends almost all the way to the very eastern edges of the site and provision is made for extending into adjoining land in the future. Officers note that the land north of the site is subject of a separate outline planning application (see Report A.4) for a doctors surgery and an additional 25 dwellings.

Retaining an undeveloped gap

- 6.8 Condition 5 of the outline planning permission required that the reserved matters shall be in general conformity with the submitted Illustrative Masterplan dated 7th March 2016 but with the exclusion of any dedicated pedestrian access route via Moors Lane, as shown on that drawing. That master plan drawing was submitted to the Council by the applicants to address local concerns (raised in relation to the earlier refused application) about the potential impact of development on views in and out of the Conservation Area, particularly as seen through gaps between properties looking out onto the green. The reason for the

Council specifically seeking to avoid a dedicated pedestrian access route via Moors Lane was also in response to local concerns.

- 6.9 The illustrative Masterplan included a notable undeveloped section in the centre of the site which had been included to facilitate a visual link between the village green and the wooded area to the north. However, in the proposed reserved matters layout, as originally submitted, only a very small gap had been included and this attracted some objections from local residents. Initially the applicants suggested that the grant of planning permission 13/00648/FUL, in 2013, for a block of three apartments on land adjacent The Moors negated the need for an undeveloped gap because the new building would block out views between the village green and the woodland in any event. It is understood that a physical start has been made on that development.
- 6.10 However, even if this were the case, the condition clearly requires general conformity with the Masterplan and the absence of an undeveloped gap would be a breach of that condition. In response to Officers' concerns, the layout was amended to change the location of one of the dwellings and therefore create a more substantial undeveloped gap. Whilst the gap is still not as big as that shown in the Masterplan, it is more in the spirit of what the Masterplan is trying to achieve and Officers consider that general conformity is achieved.

Pedestrian access along Moors Lane

- 6.11 Condition 5 of the outline planning permission required general conformity with the Masterplan but with the exclusion of any dedicated pedestrian access route via Moors Lane, as shown on that drawing. The submitted Masterplan had shown Moors Lane as the principal pedestrian access route which was unacceptable to the Highway Authority and raised concerns amongst local residents. The technical highway drawings therefore required a new footway to be created along Heckfords Road, which must be put in place prior to the occupation of the development.
- 6.12 Some residents have suggested that the reserved matters application fails to comply with the general conformity condition because Moors Lane and its connection to Moors Close is still shown on the plans and is incorporated into the development. There are suggestions that any right of way along Moors Lane should be extinguished and that the gateway should either be fenced off or hedged over. However, the proposed layout does not seek to encourage pedestrian movements along Moors Lane and the footpaths all connect to the proposed footway onto Heckfords Road. Therefore Moors Lane is not shown as a dedicated pedestrian access and Officers are comfortable that the intention of the planning condition has been met.

Connections to adjoining land

- 6.13 The layout includes sections to the north of the site, to the east and in the north-east corner where the roads extend almost to the very edge of the site boundaries thus allowing the potential for access to adjoining land in the future. This has attracted objections from the Parish Council and some residents, concerned about future phases of development. Indeed, application 16/01999/OUT (see Report A.4) proposes a further 25 dwellings on adjoining land to the north east.

- 6.14 However, this approach is not uncommon in new developments and there is no planning policy reason why a scheme should be refused or amended for including such potential connection points. Any future developments on adjoining land would require planning permission and would be assessed on their merits against relevant policies at the appropriate time. Including access points does not make it a foregone conclusion that further development will be permitted, but on the same token, it keeps the option open if or when further development is required.
- 6.15 Officers do not propose any amendments to remove these potential connection points from the layout.

General principles

- 6.16 Officers consider that the proposed layout is acceptable for this location, that the development includes open spaces at logical locations that will minimise visual impacts on the wider area and provide for sustainable drainage features. The layout seeks to follow well established 'secured-by-design' principles by having properties laid out front to front and back to back.

Garden and dwelling sizes

- 6.17 Policy HG9 in the adopted Local Plan sets minimum private amenity standards for new dwellings which require a minimum of 100 square metres for any house of 3 or more bedrooms, 75 square metres for any 2 bed house and 50 square metres for any 1 bed house.
- 6.18 The majority of the plots on this development achieve these minimum requirements and generally exceed the requirements comfortably. The only exception are the five properties on plots 27 to 31 which are specifically designed in an 'almshouse style'. Officers have explored this with the developers who have explained that they are trying to retain some smaller, more affordable market units within the scheme by deliberately trying to discourage extensions being built in the future, and making the houses bigger with additional bedrooms. These homes are being provided with first time buyers in mind. The smaller gardens have been offset with an over provision of public open space for people to be able to enjoy on a communal basis. Officers are satisfied that the shortfall represents only affects a small number of dwellings and that generally across the site the standards are met and exceeded very comfortably.
- 6.19 For dwelling sizes, neither the adopted Local Plan nor the emerging plan contains specific standards as these are to be required at a national level through the building regulations. However, the properties proposed have gross internal floor areas (GIA) are generally in excess of the minimum requirements that were being promoted by the Council, in line with the London Design Guide, in the earlier iteration of the draft Local Plan. The 2-bed properties on the site have GIAs of between 62 and 110 sqm; the 3-bed properties range from 127 to 134 sqm; and the 4-bed properties range from 162 to 228 sqm.

Landscape

- 6.20 The applicants have submitted landscaping proposals for the development. This shows the provision of trees and hedges for individual properties as well as trees and planting associated with the open space and the site boundaries. The landscaping scheme for the development proposes. The landscaping proposal is required as a condition of the original outline planning permission and the Council's Principal Tree and Landscape Officer has considered the proposal in detail and is satisfied that it represents an acceptable approach.

Scale

- 6.21 The proposed height of properties throughout the site is acceptable for the area with particular care taken to ensuring that the bungalows are located in central parts of the site where visual gaps between the village green and the woodland might exist. The properties adjoining those in Moors Close are set back well in excess of minimum back to back standards and are at a plot density that is in keeping with the existing established pattern of development. Concerns over private amenity, overlooking or loss of light are therefore kept to a minimum.

Appearance

- 6.22 The key consideration in relation to the appearance of this development is its impact upon the setting and appearance of the Great Bentley Conservation Area. Whilst the site does not itself form part of the designated Conservation Area, there are key gaps in the built frontage of development around the green. These afford some glimpse views out to the site and the woodland beyond and, as a result, there is potential for new development to be visible and have a visual impact upon what can be seen from the village green. As explained above, the applicants have revised the proposed layout to include a more substantial undeveloped gap within the centre of the site and the properties will be set well away from Heckfords Road itself.
- 6.23 Turning to the individual design of properties, being a site that backs onto existing established development and that will not be readily visible from main public viewpoints within the Conservation Area, there is no set theme of design or architecture that development should be expected to follow. Also, the architecture throughout Great Bentley is fairly mixed and there is no obvious prevailing style to follow or reflect. The range of traditional designs within the scheme are considered acceptable to Officers for this location.
- 6.24 House Type 1 is a 3-bedroom bungalow of simple traditional design. There are nine of these bungalows mixed within the development. The almshouses comprise a terrace of five smaller 1 ½ storey 2-bed terraced houses arranged around an area of open space with smaller rear gardens and parking spaces to the rear.
- 6.25 House Type 3 is a 2bedroom house of traditional design with a simple porch and symmetrical window layout, of which there will be four within the development. House Type 4A is 4-bed gable fronted house with an integral garage – again there will four of these within the development. House Type 5 is a 3-bed house, gable fronted with a bay window of which there will be five. House Types 6 and 6A represent 5 x 4-bed houses – one type with a attached garage and the other variation with a room above the attached garage and a design that includes a symmetrical window layout and bay window features on one side.

- 6.26 House Type 7 is a more substantial 4-bed house type with a double garage and more decorative features around the front door, of which there will be 7 on site. House Type 8 follows a neo-Georgian grand design with sash windows and lighter materials of which there will be five. House Type 9 is another large 4-bed unit with more substantial decorative features around doors and windows of which there will be three.
- 6.27 The three affordable units to be transferred to the Council are in a terrace, in simple but traditional form with the larger 3-bed property forming a gable end to the scheme.

Flood Authority Objection

- 6.28 Officers note the objection from Essex County Council in its capacity as the local Flood Authority, requiring a detailed drainage scheme. However, as one of the pre-commencement conditions on the outline application is to secure a drainage plan, Officers do not see it necessary to withhold reserved matters approval. The details will need to be provided and agreed by the Council in consultation with ECC before any development can commence.

Discharge of planning obligations

- 6.29 Outline planning permission was granted following the completion of a s106 legal agreement dated 5th September 2016 entered into by the Council, Essex County Council, the landowners and the developers. The s106 agreement contains for schedules of obligations as summarised below.

Schedule 1 – Education Contribution and Secondary School Transport Contribution

- 6.30 Schedule 1 requires the owner/developer to make financial contributions towards early years and childcare, primary education and secondary school transport based on Essex County Council's standard formula. Half of the money has to be paid to Essex County Council before development commences and the other half of the money must be paid before 26 of the dwellings can be occupied. After ten years, the owner/developer can request that any unspent money be returned.

Schedule 2 – Affordable Housing

- 6.31 Schedule 2 requires three of the dwellings to be built and transferred to the Council for £1 each before 60% of the market dwellings, i.e. 28 of the dwellings can be occupied. The three affordable dwellings are identified in the submitted plans.

Schedule 3 –Open Space

- 6.32 Schedule 3 requires the owners to submit an open space specification and management plan for the Council's approval before any of the new dwellings can be occupied and that the open space itself be laid out ready for use before 80% (i.e. 40) of the dwellings can be occupied.

Schedule 4 – Health Contribution

- 6.33 Schedule 4 requires a sum of just over £15,000 to be paid to the Council before 26 of the dwellings can be occupied, This will then be transferred to the NHS for providing healthcare facilities at the Hollies GP practice. The money has to be paid back to the developer if it has not been spent within 5 years of receipt.

Schedule of accommodation

Plot	Size/Type	Gross internal area (sqm)	Garden size (sqm) approx.	Parking	Policy compliant ?
Plot 1	4 bed house (HT-8)	172	570	3	Yes
Plot 2	4 bed house (HT-7)	183	360	4	Yes
Plot 3	2 bed bungalow (HT-1)	110	156	3	Yes
Plot 4	3 bed house (HT-5)	128	300	3	Yes
Plot 5	4 bed house (HT-6A)	190 sqm	288	3	Yes
Plot 6	4 bed house (HT-8)	172 sqm	400	6	Yes
Plot 7	3 bed house (HT-5)	128 sqm	280	2	Yes
Plot 8	2 bed house (HT-3)	100 sqm	280	2	Yes
Plot 9	3-bed house (HT-4A)	134	132	2	Yes
Plot 10	4 bed house (HT-8)	172 sqm	310	6	Yes
Plot 11	4 bed house (HT-7)	183 sqm	320	4	Yes
Plot 12	4 bed house (HT-9)	228 sqm	200	4	Yes
Plot 13	4 bed house (HT-6)	163 sqm	200	2	Yes
Plot 14	2 bed house (HT-3)	100 sqm	140	2	Yes
Plot 15	3 bed house (HT-5)	128 sqm	120	2	Yes
Plot 16	2 bed house (HT-3)	100 sqm	130	2	Yes
Plot 17	2 bed affordable house (HT-10)	62 sqm	110	2	Yes
Plot 18	2 bed affordable house (HT-10)	62 sqm	96	2	Yes
Plot	3 bed affordable	75 sqm	96	2	?

19	house (HT-10)				
Plot 20	3-bed house (HT-4A)	134 sqm	450	2	Yes
Plot 21	2 bed bungalow (HT-1)	110 sqm	450	2	Yes
Plot 22	2 bed bungalow (HT-1)	110 sqm	240	3	Yes
Plot 23	2 bed house (HT-3)	100 sqm	190	2	Yes
Plot 24	3 bed house (HT-5)	128 sqm	250	3	Yes
Plot 25	2 bed bungalow (HT-1)	110 sqm	280	3	Yes
Plot 26	4 bed house (HT-6A)	190 sqm	300	3	Yes
Plot 27	2 bed house (HT-2)	98 sqm	60	2	No
Plot 28	2 bed house (HT-2)	98 sqm	60	2	No
Plot 29	2 bed house (HT-2)	98 sqm	60	2	No
Plot 30	2 bed house (HT-2)	98 sqm	60	2	No
Plot 31	2 bed house (HT-2)	98 sqm	60	2	No
Plot 32	2 bed bungalow (HT-1)	110 sqm	150	3	Yes
Plot 33	2 bed bungalow (HT-1)	110 sqm	220	3	Yes
Plot 34	4 bed house (HT-7)	183 sqm	320	4	Yes
Plot 35	3-bed house (HT-4A)	134 sqm	100	3	Yes
Plot 36	3 bed house (HT-5)	128 sqm	140	2	Yes
Plot 37	4 bed house (HT-7)	183 sqm	200	4	Yes
Plot 38	3-bed house (HT-4A)	134 sqm	100	2	Yes
Plot 39	4 bed house (HT-7)	183 sqm	200	4	Yes
Plot 40	2 bed bungalow (HT-1)	110 sqm	170	2	Yes
Plot 41	2 bed bungalow (HT-1)	110 sqm	200	2	Yes
Plot 42	2 bed bungalow (HT-1)	110 sqm	160	2	Yes
Plot	4 bed house	172 sqm	440	4	Yes

43	(HT-8)				
Plot 44	4 bed house (HT-7)	183 sqm	340	4	Yes
Plot 45	4 bed house (HT-6A)	190 sqm	300	2	
Plot 46	4 bed house (HT-9)33	228 sqm	680	4	Yes
Plot 47	4 bed house (HT-8)	172 sqm	300	4	Yes
Plot 48	4 bed house (HT-9)	228 sqm	800	4	Yes
Plot 49	4 bed house (HT-7)	183 sqm	290	4	Yes
Plot 50	4 bed house (HT-6)	163 sqm	170	2	Yes

Conclusions

- 6.34 The principle of development has already been established through the grant of outline planning permission and the reserved matters proposal is considered by Officers to be acceptable. The recommendation is therefore approval.

Background Papers

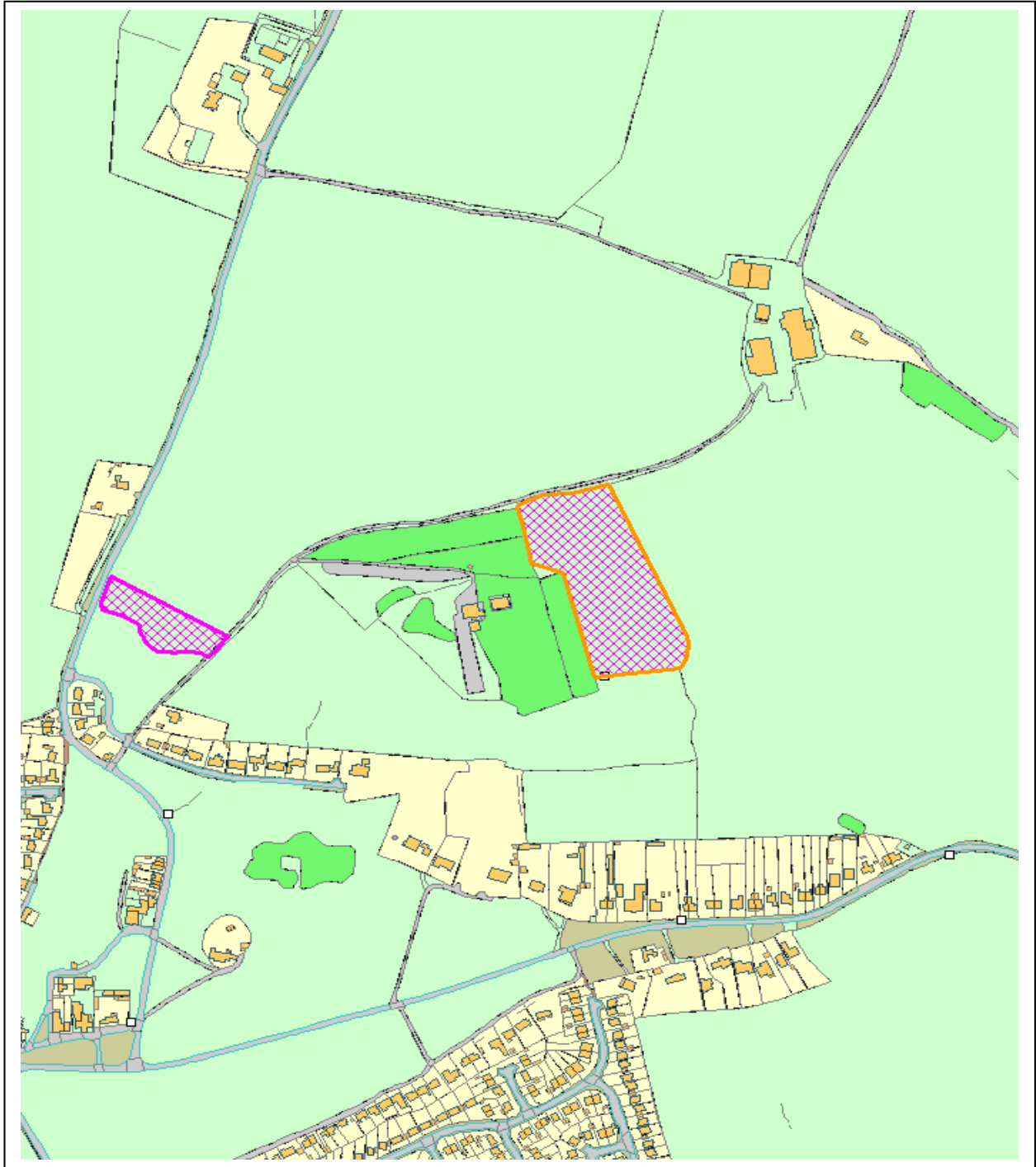
None.

PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION – 16/01999/OUT - LAND EAST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS



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Application:	16/01999/OUT	Town / Parish: Great Bentley Parish Council
Applicant:	Mr. Stephen Williams – Hills Building Group	
Address:	Land east of Heckfords Road, Great Bentley, Essex CO7 8RS	
Development:	A doctors surgery and twenty five dwellings, associated infrastructure and landscaping.	

1. **Executive Summary**

- 1.1 This is an outline planning application effectively seeking approval for an extension of the already approved 50-home Admirals Farm development north of Great Bentley to include additional land 1) for a doctors surgery and 2) for 25 more dwellings. As an outline application, permission is only being sought at this stage for the principle of development, although indicative drawings have been supplied to indicate how the surgery and housing could possibly be accommodated on the two areas of land in question.
- 1.2 The adjoining land at Admirals Farm already has outline planning permission for 50 dwellings and the reserved matters application for the detailed design and layout is the subject of the separate report A.3.
- 1.3 The provision of a new doctors surgery for the village to replace the existing one at the Hollies represents a significant social benefit which is supported by the local surgery itself and the NHS in principle (although there is no firm commitment from the NHS at this stage to secure its delivery). The application for the surgery land and the additional 25 dwellings is a departure from both the adopted and the emerging Local Plans and has attracted objections from around 20 residents, mostly concerned about the impact of continued development around Great Bentley and issues of traffic and pedestrian safety. The proposal is supported however, in principle, by Great Bentley Parish Council – mainly because of the potential surgery.
- 1.4 From reports A.1 and A.2, the Committee will be aware that there is considerable local concern about the continued development of Great Bentley. For the Thorrington Road and Plough Road applications, Officers considered that the housing land supply position combined with the positive progress of the new Local Plan justified their refusal. For this application however, Officers have given weight to the potential to deliver a new surgery for the village and, mindful of Parish Council support, are recommending approval, on balance.
- 1.5 The 25 new dwellings would be accessed via the eastern end of approved Admirals Farm scheme and the surgery would be accessed at the western end of the development, closest to Heckfords Road. Subject to the relevant s106 contributions towards education provision (if necessary), on-site affordable housing and the transfer of land to the GP surgery, the proposals are considered acceptable. Technical matters relating to highways and ecology have also been addressed to Officers' satisfaction – although comments from Essex County Council on the applicant's revised surface water drainage strategy will be reported to the Committee on the night of the meeting.

Recommendation: Approve Outline

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
 - Council/affordable housing;
 - Education contributions; and
 - Securing the land for a new GP surgery.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:
 - 1. Standard 3 year time limit for submission of reserved matters application;
 - 2. Standard 2 year limit for commencement of development following approval of reserved matters;
 - 3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
 - 4. Residential development to contain up to (but no more than) 25 dwellings;
 - 5. Highways conditions (as recommended by the Highway Authority);
 - 6. SUDS and drainage conditions as requested by Essex County Council;
 - 7. Hard and soft landscaping plan/implementation;
 - 8. Ecological mitigation/tree protection measures;
 - 9. Construction methods plan;
 - 10. Details of lighting, materials and refuse storage/collection points; and
 - 11. Archaeological investigation and report works;
 - 12. Site lighting strategy; and
 - 13. Broadband.
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy**National Policy:****NPPF National Planning Policy Framework (2012)**

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the

NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role, and;
- an environmental role.

- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Section 8 of the NPPF relates to promoting healthy communities. In paragraph 70, the NPPF states that planning policies and decisions should plan positively for the provision and use of community facilities and other services and should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- 2.6 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

Local Plan Policy:

- 2.7 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL7: Rural Regeneration: Supports developments that provide new affordable village housing, employment opportunities and local services.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM1: Access for All: Requires buildings and spaces accessible to visitors, customers or employees to provide safe and convenient access for people of all abilities.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM3: Protection of Existing Local Services and Facilities: Guards against the loss of community facilities and local services unless replacement facilities are provided within reasonable walking distance of an equal benefit, which are readily accessible to local people and served by viable public transport.

COM4: New Community Facilities (including Built Sports and Recreational Facilities): Supports the provision of community uses subject to consideration of accessibility to local people, the character of the area, parking and traffic issues, and other planning or infrastructure constraints. For developments outside of settlement development boundaries, applicants need to prove a local need for the facility and demonstrate that there is no suitable site available within the settlement it is intended to serve.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM24: Health Care Provision: Supports proposals for new and improved health care facilities where they are accessible to the community they are intended to serve, would not have a materially detrimental impact on highway and pedestrian safety, can be served by a variety of transport modes and provide adequate car parking.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development. One of the strategic priorities of this policy is to ensure that essential healthcare infrastructure is provided as part of new developments of appropriate scale in the form of expanded or new doctors' and dentists' surgeries.

SP5: Place Shaping Principles: Requires the highest standards if built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Great Bentley as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision. The policy also states that the Council will work in partnership with the NHS to ensure that our residents can access high quality primary and secondary health care services and that new and improved services are put in place to serve the growing population.

HP2: Community Facilities: Supports the provision of new or enhanced community facilities to meet needs arising from growth.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016
16/01912/DET AIL	Proposed erection of 50 dwellings, garages and associated works.	Current	
16/01999/OUT	A doctors surgery and twenty five dwellings,	Current	

associated infrastructure and landscaping.

4. **Consultations**

TDC Building Control Please indicate how compliance with Section B5 from Approved Document B will be achieved.

TDC Open Space and Play There is currently a deficit of 1.73 hectares of equipped play in Great Bentley. However there is more than adequate provision in terms of formal open space.

Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit and put greater demand on already stretched facilities.

Due to the significant deficit of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. However, Great Bentley is well provided for in terms of open space and we do not consider that a contribution towards additional formal open space is necessary or relevant to this application.

ECC Highways The Highway Authority has no objections in principle but any Reserved Matters application should show the following details:

- 1) The junction with Heckfords Road being completed prior to commencement of this development and providing appropriate visibility splays in accordance with the submitted information;
- 2) The carriageway being no less than 5.5m in width along with 2x2m wide footways;
- 3) All parking and garaging facilities in accordance with current policy standards; and
- 4) All new units being provided with a transport information marketing pack.

ECC Schools Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional early years and childcare, primary and secondary school places.

However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional primary or secondary school places from this proposed development.

This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be

5 contributions allocated to a particular project to add school places in the area.

Anglian Water Assets affected: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater treatment: The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal: The proposed method of surface water management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.

Natural England Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Essex County Council Flood Authority The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

[Note: Revised information has been provided to ECC and Officers were, at the time of writing, awaiting confirmation from ECC that this objection had be addressed].

NHS England This development is likely to have an impact on the services of the Great Bentley Surgery (The Hollies). This GP practice does not have capacity for the additional growth as a result of this development.

As the proposal has a relatively low scale residential element, it is unlikely to have a considerable impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically with the health catchment of the development. However, the proposed provision of a new health facility does warrant further comment.

Additionally, it is understood that this outline application is part of a wider scale residential development on adjoining sites, covered by other separate planning applications; the cumulative impact of this development growth on primary healthcare provision in the area should be considered and mitigated appropriately.

The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy

document: The NHS Five Year Forward View.

Further to a review of the application, NHS England has no objection in principle to the proposed development. However, it must be made clear at the present time there is no agreement in place between the application and NHS England or the GP within Great Bentley, that this facility will be utilised by an NHS England funded GP Practice. Discussions between NHS England and Great Bentley Surgery are at a very early stage and as yet no decisions have been made. Please note any project proposed by the GP Practice is subject to CCG agreement and NHS prioritisation and approval processes.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. NHS England and the CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

Great Bentley Surgery

Great Bentley Surgery is a rural practice serving approximately 8,600 patients over a wide area of 25 square miles. Current challenges faced by local primary care include:

- Increasing population;
- Ageing patients and social care issues;
- Services previously in secondary care now offered in primary care;
- Increasing number of local healthcare providers;
- Diminishing NHS resources;
- Inability to recruit or retain GPs; and
- Current premises is too small.

Great Bentley Surgery has an excellent reputation and as a partnership we seek to continue to offer outstanding and innovative primary care despite the challenges we face.

Whilst we have a possible option to expand on our current site, this is a short term solution and may not allow us to meet the demands of the GP Forward View. This government initiative aims to transform UK primary care, including the development of working to scale models: practices working together to centralise services to a greater number of patients.

We can be at the forefront of this transformation offering more services locally to our patients in Tendring, an area in desperate need for a collaborative approach to primary care. To achieve this goal we need premises that can accommodate more patients, attract new GPs, expand service delivery and build an enviable functioning team of healthcare professionals.

A new building, as proposed in this planning application, would undoubtedly allow us to develop this vision.

5. Representations

5.1 22 representations have been received from local residents, mostly (17 of them) in objection to the new homes forming part of the proposal. Concerns include:

- Increase in already heavy traffic.

- Pedestrian safety here and elsewhere in the village will worsen.
- The junction of Heckfords Road and the A133 is dangerous.
- Not enough parking in the village.
- Negative impact on sense of community.
- Lack of public transport, particularly bus services.
- Disproportionate levels of development going to Great Bentley.
- No school places.
- No capacity at the doctors surgery and no guarantee of new surgery being built;.
- Chemist is constantly busy.
- Disruption to bats and other wildlife.
- Light pollution on the night sky.
- No safe passage to the proposed foot path on the west of Heckfords Road.
- Developers should be made to use brownfield sites first.
- The earlier scheme of 75 dwellings at Admirals Farm was refused.
- The settlement boundary in the draft Local Plan should be upheld.
- The development should be considered as two separate applications.
- The surgery is just a sweetener to get the additional homes.
- Dangerous location for the surgery at Heckfords Road.
- Development should be focussed on urban areas to aid their regeneration.
- Until the NHS has agreed that the surgery will be commissioned, no permission should be granted.
- Development is too distant from the centre of the village and amenities to be considered walkable.

5.2 Some of the representations are supportive of the development, particularly the surgery and the opportunity for the improvement and expansion of health facilities in the village.

5.3 Great Bentley Parish Council supports the application subject to the completion of a new footfall study which supports the development.

6. **Assessment**

The Site

6.1 The application site comprises two parcels of land that are physically separate from one another but that effectively represent an overall extension to the approved Admirals Farm development that adjoins Great Bentley village to the south.

6.2 The smaller 0.43 hectare parcel of undeveloped agricultural land closest to Heckfords Road is positioned immediately north of the new access road that is proposed as part of the Admirals Farm development upon which it is proposed to construct a new GP surgery with associated parking and infrastructure.

6.3 The larger 1.67 hectare parcel of undeveloped agricultural land, which is proposed for housing, lies to the east of the woodland around Great Bentley Pumping Station and to the north of the eastern end of the approved Admirals farm development. It is intended that the access road through the Admirals Farm scheme simply be extended into the application site to serve the additional phase of new dwellings.

6.4 The western (surgery) site is currently open countryside with limited landscape features, forming part of the wider Admirals Farm holding which extends from Great Bentley to the A133 and the A133 traffic can be seen in the distance from viewpoints on the site. The

eastern (housing) site is more contained within its own boundary vegetation and views from the site into the wider countryside and views into the site are fairly limited. The substantial agricultural buildings associated with Admirals Farm lie to the north east and the Pumping Station and associated woodland lies to the west.

The Proposal

- 6.5 The application is for a GP surgery and associated infrastructure and parking on the western site and for 25 dwellings on the eastern site. Only outline consent is being sought at this stage, but the proposal is supported by indicative drawings which show roughly how the buildings could potentially be accommodated on the site. Both developments would be accessed via the approved access road that forms part of the Admirals Farm development.

Architectural Drawings

- 3684 – 0001 Rev P01 Site Location Plan
- 3684 – 0010 Rev P01 Existing Site Block Plan
- 3684 – 0011 Rev P01 Proposed Site Block Plan

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Ecological Assessment
- Transport Statement
- Archaeological Desk Based Assessment
- Desk Based Contamination Assessment
- Soil and Agricultural Land Classification

Main Planning Considerations

- 6.6 The main planning considerations are:
- Local Plan and housing supply position;
 - Principle of development;
 - Highways, transport and accessibility;
 - Landscape, visual impact and trees;
 - Flood risk and drainage;
 - Ecology;
 - Education provision;
 - Healthcare provision;
 - Council Housing/Affordable Housing;
 - Open space;
 - Potential layout and density; and
 - Overall planning balance.

Local Plan and housing supply position

- 6.7 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.

- 6.8 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.9 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.10 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.
- 6.11 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.12 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush

Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.

- 6.13 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.14 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall – unless material considerations, such as overriding public benefits, indicate otherwise.

Principle of development

- 6.15 The application site(s) is located to the north of undeveloped land on the edge of Great Bentley that has already obtained outline planning permission for up to 50 dwellings. The subsequent reserved matters application for the detailed layout and design for that scheme is the subject of report A.3. It is intended that the proposed development would represent an extension to the approved Admirals Farm scheme.
- 6.16 The land in question lies outside of the village's settlement development boundary as defined in the adopted and emerging Local Plans but adjoins the revised boundary for the emerging plan that flows from the grant of planning permission at Admirals Farm. The settlement boundary policy aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing, or any other development, unless it is consistent with countryside policies.
- 6.17 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a

number of major residential proposals being approved either by the Council or following an appeal.

- 6.18 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Great Bentley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.
- 6.19 However, one of the main concerns raised by the Parish Council and a large number of local residents is the total number of new dwellings that have already gained planning permission on sites around Great Bentley and the cumulative impact that any additional homes and population could have on local services, traffic, other infrastructure and the character of the village. Whilst Great Bentley is categorised in the emerging Local Plan as a rural service centre where some sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in emerging Local Plan, as set out in paragraph 2.50, is meant to be modest, fair, achievable and sustainable.
- 6.20 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate and potentially unlimited levels of new housing. For these reasons, reports A.1 and A.2 recommend the refusal of planning permission for two schemes of up to 75 dwellings each in Thorington Road and Plough Road.
- 6.21 Based on the agreed objectively assessed housing need of 550 dwellings per annum over the 20 year period 2013-2033, Tendring will be planning for a dwelling stock increase of some 11,000 which equates to an approximate 16% increase to the district's housing. It would therefore follow that a strategy seeking to direct the majority growth to larger and more sustainable settlements will see dwelling stock increases above 16% in those settlements but for those villages further down the hierarchy, the growth would be proportionately less, and generally below 16%.
- 6.22 Major developments with planning permission in Great Bentley already include:
- 14/01750/OUT Station Field, Plough Road – 150 dwellings
 - 16/00133/OUT Admirals Farm, Heckfords Road – 50 dwellings
 - 15/01820/OUT Land west of Heckfords Road – 50 dwellings

- 6.23 These 250 dwellings represent an approximate 35% increase in the village's housing which, based on the district-wide housing need for the whole of Tendring is already disproportionate. If added to the permissions already granted, a further 25 dwellings as proposed in this outline application would increase the potential growth to around 39%.
- 6.24 The separate proposals for up to 75 dwellings each on land in Thorrington Road and Plough Road are purely residential. For those schemes there are no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might have led Officers to consider the proposals in an exceptional light and there is no support at all for those schemes from the Parish Council or local residents. In contrast, the current application for land off Heckfords Road provides land for a much needed GP surgery that, if built, would improve healthcare capacity to the benefit of both Great Bentley residents and people in the wider district that use Great Bentley surgery. This is an exceptional benefit that weighs more heavily in favour of this proposal and, despite a fair level of local objection, the Parish Council supports this application.
- 6.25 On balance, and despite the stronger housing land position and the positive progress of the Local Plan, Officers consider that this application could be supported in principle as a departure from local policy on the basis that the adverse impacts would be outweighed by the potential benefits. If the Committee does not agree with this approach, refusal for being contrary to the Local Plan (as recommended for Thorrington Road and Plough Road) would be a legitimate course of action that could be reasonably defended on appeal.

Highways, transport and accessibility

- 6.26 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.27 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The approval of the Admirals Farm development establishes that this location is generally acceptable in accessibility terms and if the surgery were constructed in this location, it would improve accessibility to and capacity of local health services whilst improving parking provision – which is a current concern amongst residents.
- 6.28 On the negative side, Officers are very aware of residents concerns about the safety of Heckfords Road and the adequacy of the footpaths, existing or proposed, in this location. However the approval of Admirals Farm and the subsequent loss of the appeal against the

refusal of permission for 50 dwellings on the western side of Heckfords Road combined with no objection from the Highway Authority would make it difficult to argue as a reason for refusal. Officers note the Parish Council's request for a footfall survey, but in the absence of any objection from the Highway Authority, and given their support for the proposal in principle, it is difficult to see what such a survey would achieve – particularly as there are no alternative proposals for a new GP surgery in Great Bentley and the fact that there is widespread concern about capacity and parking at the existing surgery.

- 6.29 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.30 The Highway Authority raises no objections in terms of highway capacity or safety to the application, in the full knowledge of the other proposals already consented or under consideration in the village. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles that would result from the various developments, but more traffic and queuing would undoubtedly have an effect on the character and enjoyment of the village. So, although cumulative impacts are not considered to be 'severe' and would not, by themselves, justify outright refusal of planning permission, there will naturally be an adverse social and environmental impact that, in the overall planning balance, weighs slightly against the development, although this must be weighed against the positive benefit of a new surgery and parking.
- 6.31 In conclusion, whilst the site enjoys reasonable access to local facilities and the highways impact are not considered to be severe, the development would increase traffic in the area and is a matter of great concern within the community. However, Officers consider that the overall benefits of the proposal on this occasion outweigh such concerns.

Landscape, visual impact and trees

- 6.32 The application sites are located to the north of Great Bentley where the land is generally flat and featureless, extending all the way to the A133 to the north. The sites offer views towards the A133 and can be seen from the A133 itself.
- 6.33 The surgery site is exposed with only the vegetation along Heckfords Road itself providing any form of enclosure whereas the housing site is very enclosed by its boundary vegetation. The proposals must however be considered in the context of the approved Admirals Farm developments which will naturally bring about a change in the character of this part of the village. The application is not supported by any specific landscape, visual impact assessment or tree surveys so Officers have assessed the impact of the development from the information provided and from knowledge of what exists on the ground.
- 6.34 Officers are satisfied that development on the land in question can be achieved in an appropriate manner with landscaping measures to minimise visual impacts, particularly in

the more exposed land proposed for the surgery. No significant trees are to be lost as a result of development on either portion of land but tree protection measures will be required, via planning condition, if the Committee is minded to approve.

- 6.35 From a settlement pattern and form perspective, the 25 dwellings extending out into the countryside in a 'finger' of development is not the most logical way in which the village could expand, although on the ground the intrusion into the countryside would not be that significant given the presence of the woodland around the pumping station to the west and the agricultural buildings to the north. Officers consider that the overall social benefit of the development outweighs the concern about maintaining a compact settlement pattern, however if the Committee takes an alternative view, the intrusion of the development into the countryside (a matter of planning judgement) could reasonably be cited as a reason for refusal alongside being contrary to the Local Plan.

Flood risk and drainage

- 6.36 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.37 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC has issued a 'holding objection' due to the lack of an adequate surface water drainage strategy and has highlighted the areas that would need to be addressed in order for the objection to be withdrawn. The applicant has submitted relevant information for ECC's consideration but, at the time of writing, Officers had yet to receive confirmation that this information addresses ECC's requirements.
- 6.38 Officers are expecting ECC's comments to arrive shortly after the publication of the Committee agenda and it is therefore proposed to update the Committee on the night of the meeting. If for whatever reason the holding objection has not been addressed before the meeting, Officers will advise the Committee how best to proceed with the determination of this application in the absence of that information.
- 6.39 Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Ecology

- 6.40 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be

avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.

- 6.41 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations. Natural England has offered no objection to the proposal subject to the Council's consideration of the ecological value of the site itself.
- 6.42 The land and woodland around the neighbouring Pumping Station is designated as a 'Local Wildlife Site' through the emerging Local Plan for the range of plant species across the land and the habitat for Slow-worm, Grass Snake and Adder. It has subsequently been surveyed for its potential for bat roosts and bat activity. The ecological assessment concludes that the proposed developments will not reduce the area of these habitats, their conservation value, management regimes or future ecological viability. It recommends a sensitive approach to lighting within the development to mitigate any potential impacts on bat activity.
- 6.43 The ecological value of the application site itself is also the subject of the applicant's ecological assessment. The surgery site is judged to be open flat featureless intensive arable agricultural land with negligible biodiversity or conservation value. The ecologist also considers that the development of the surgery would not impact upon the bat populations in the wider area and no further surveys are required.
- 6.44 The land proposed for 25 dwellings is identified as an intensive arable field with no biodiversity or conservation value. A wet ditch within the adjacent woodland affects one of the site's boundaries and was surveyed for any amphibian presence. The survey found no protected amphibian species and no further surveys are recommended. To the northern and eastern boundary of the site is a mature treeline with relict hedgerow and occasional gaps. The assessment considers that this linear habitat does have mixed general conservation value and should be retained and enhanced as part of any future biodiversity provision – as is proposed by the applicants. Within the eastern hedge/tree was an active fox earth. It had no associated badger field signs and could be considered as any type of badger sett. It is suggested that some protection however be given as part of the ecological mitigation for the development.
- 6.45 Officers note the findings of the assessment and if the proposal were granted planning permission, mitigation and enhancement measures would be secured through a planning condition.

Education provision

- 6.46 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. A large number of local residents have expressed concern that local

schools will not be able to cope with the expected increase in population arising from the 25 new homes, particularly when considered alongside other proposals for major residential development already approved in Great Bentley.

- 6.47 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. Because of the restrictions imposed by the government under the Community Infrastructure Levy (CIL) regulations, which prevent Councils securing any more than five financial contributions towards any one piece of infrastructure (e.g. Great Bentley Primary School), ECC has resolved not to request a financial contribution – reserving the opportunity to secure contributions from other larger developments, if necessary.
- 6.48 Based on ECC's standard formula, a development of an extra 25 dwellings would be expected to generate the need for up to 2.3 Early Years and Childcare (EY&C) places, 7.5 primary school places, and 5 secondary school places. Under normal circumstances, and based on its advice on the Thorington Road and Plough Road applications, ECC would be inclined to request contributions in the region of £32,000 for EY&C, £92,000 for primary provision, £93,000 for secondary provision and £21,000 for school transport – a contribution of around £238,000 in total.
- 6.49 If the Committee resolves to accept the Officer recommendation to refuse the Thorington Road and Plough Road applications and if it is minded to approve this application, Officers will re-consult ECC to confirm whether or not they wish to secure the above contributions from this development through the s106 agreement.

Healthcare provision

- 6.50 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision, another matter of considerable concern amongst local residents. Again through Policy QL12 in adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision. As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population. For this particular proposal, a new GP surgery is proposed on one of the sites which would replace, modernise and expand upon facilities at the existing surgery at The Hollies.
- 6.51 NHS England has written to the Council to state that it has no objection in principle to the proposed development. However, there is no formal agreement in place between the applicant, the NHS or the local GPs and no guarantee, at this stage, that facility will be utilised by an NHS funded practice. Discussions between the parties are at a very early stage. Great Bentley Surgery itself has a possible option to expand on its current site, but this is only seen as a short term solution and, with an eye on the government's vision for primary health care provision, the surgery welcomes the opportunity to create a new building on the application site.

- 6.52 Wider potential benefits include the provision of additional parking – something that the current surgery is deficient of, leading to on-street parking in and around the village green. Concerns about the new location for a surgery mainly relate to it being located further from the centre of the village and accessible by foot via the footpath proposed for Heckfords Road, which is considered by residents to be unsafe. There is however no alternative site for a new surgery being proposed anywhere else in the village at this time. .
- 6.53 The Parish Council supports the development in principle and there is some recognition amongst residents, amongst the objections, of the potential benefit to the village and the wider community of securing a purpose built surgery on the site in question. There is some suggestion within the representations received from local residents that none of the 25 dwellings should be built or occupied until the surgery has been built or at least formally commissioned.
- 6.54 Officers consider that the potential to deliver a new surgery is key to the success of this planning application. Had the proposal been for 25 dwellings only, the recommendation would have been refusal, for being contrary to the Local Plan – consistent with the approach taken to the separate Thorrington Road and Plough Road applications (see reports A.1 and A.2). There needs therefore to be some connection between the development of 25 dwellings and the delivery of the surgery.
- 6.55 Officers have considered the following options, that would be secured through either planning conditions or a s106 legal agreement:
- 1) No residential development until the surgery is constructed and operational;
 - 2) A limit to the number of dwellings that could be occupied prior to the completion of the surgery;
 - 3) No residential development until there is at least formal agreement to commission a new surgery; or
 - 4) No residential development until the land is transferred, for a nominal sum, to either the Council or another appropriate body e.g. the NHS or the GP Practice.
- 6.56 Any such restriction would need to be reasonable, justified and workable. On one hand the community does not want to be left in a position where 25 homes are built but no surgery ever prevails, equally the delivery of the surgery is somewhat out of the developer's hands and it might be unreasonable to stop them building because of delays caused by third parties. Furthermore, whilst the developer is seeking planning permission for a surgery, there is no suggestion that they will commit to building it from their own funds, given that it would be a multi-million pound project. The funding would come primarily from the NHS, the surgery and other relevant investors via the standard commissioning process.
- 6.57 If the Committee is minded to approve planning permission, Officers consider that the most reasonable approach to delivering the surgery will be to secure the land for a nominal sum, giving the surgery and the NHS the freedom to develop the site as and when the funding becomes available. Naturally, if the Committee is concerned that this offers an insufficient guarantee of delivery, one of the more stringent approaches could be explored or the application could be refused – but in the latter, the opportunity for the surgery might be lost.

Council Housing/Affordable Housing

- 6.58 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. If minded to approve this application, up to 7 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement and the applicant has indicated that they would be willing to provide the full policy-compliant contribution of affordable housing.

Open space

- 6.59 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in Great Bentley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.60 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of the residential development.

Potential layout and density

- 6.61 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that a surgery and 25 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.62 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. For the surgery site, a simple L shape block in the centre of the land is shown with space around it for public open space, patient parking and staff/service access. There is very limited detail upon which to assess the visual impacts and/or parking requirements against at this stage; however, as there is no objection in principle from either NHS England, the local GP practice or Essex County Council Highways, Officers must be satisfied that the land is sufficient in size to accommodate such a facility in an appropriate manner – with details to follow at a later stage.
- 6.63 For the residential land, a more detailed dwelling layout showing individual plots, the footpath and highway arrangement and open space is shown. 25 dwellings on a 1.67 hectare site with at least 10% open space would result in a net density of 17 dwellings per

hectare – which is a low density that would be suitable for a edge of village site. The dwellings shown are all detached plots. The development would follow on naturally from the approved Admirals Farm development in terms of its indicative layout and density.

Overall Planning Balance

- 6.64 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.65 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.66 In March 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.
- 6.67 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.68 Economic: The surgery if constructed would bring about potential for additional employment and the services expand to deal with a larger number of patients. There would also be temporary employment opportunities during the construction phases. The 25 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The overall economic effect is therefore positive.

- 6.69 Social: The provision of an additional 25 dwellings toward meeting projected housing need is a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery. The potential to deliver a new surgery better equipped to meet the needs of a growing population is however a significant social benefit, particularly as the proposal is supported by the existing GP practice and, in principle, by the NHS.
- 6.70 Environmental: The environmental impacts of the proposal have required very careful consideration. The ecological impacts are expected to be low and the visual impact, with appropriate landscaping, should be acceptable. The way in which the residential phase of development extends into the countryside represents an illogical intrusion however, although the impacts in visual terms would be limited by the woodland and agricultural buildings within the land's proximity.
- 6.71 The Committee will be updated on the status of Essex County Council's holding objection to the submitted surface water drainage strategy.
- 6.72 In the overall planning balance, Officers consider that whilst this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan, and represents an unusual intrusion of development into the countryside to the north of the village, the potential for a new surgery is a significant planning benefit that outweighs the development's adverse impacts. With suitable safeguards to ensure the land is transferred to a nominated body to deliver the surgery, the application is recommended, on balance, for approval.

Background Papers

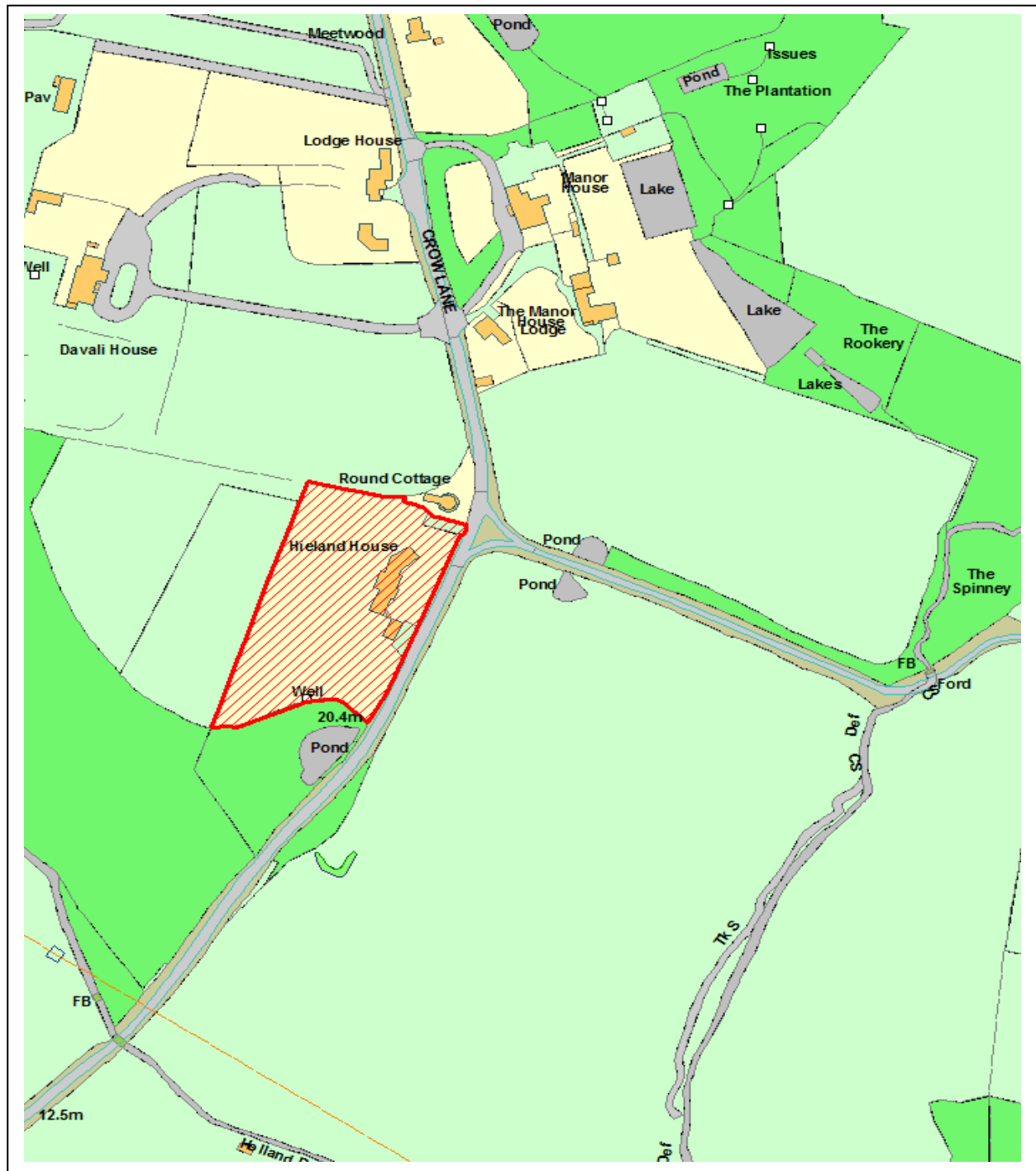
None.

PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.5 PLANNING APPLICATION - 16/01920/FUL - HIELAND HOUSE, CROW LANE, TENDRING, CO16 9AW



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Application:	16/01920/FUL	Town / Parish: Tendring Parish Council
Applicant:	Mr D Messenger - EHG Capital Ltd	
Address:	Hieland House Crow Lane Tendring	
Development:	Use of property for weddings and similar functions.	

1. **Executive Summary**

- 1.1 This planning application has been referred to Planning Committee due to the high level of representations received from residents in respect of the noise impact of the proposals.
- 1.2 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The area is predominantly rural in character.
- 1.3 This application is solely for the change of use of Hieland House from a domestic dwelling to a venue for weddings and similar functions. There are no alterations or extensions proposed to the property.
- 1.4 An identical planning application (Planning Reference - 16/00925/FUL) was refused in October 2016 due to the acoustic survey that was submitted being inconsistent with the activities proposed. This re-submission attempts to overcome the previous sole reason for refusal through the submission of an acoustic survey that accurately reflects the proposals.
- 1.5 In the absence of any objections from the Council's Environmental Health Department, Essex County Council Highways and the Council's Trees and Landscaping Officer the development, in accordance with the conditions recommended below, is considered to be acceptable in respect of its impact upon residential amenity, highway safety, heritage impacts and visual amenity and tree concerns. As such the application is recommended for approval.

Recommendation: Approve

Conditions:

- **Time Limit**
- **Limit Functions continuing after 7pm to 14 per year ceasing at midnight**
- **No events to take place on a Sunday beyond 6pm**
- **Doors shall be fitted with automatic closers**
- **Visibility splays to access (2.4 metres by 48 metres to the north and 2.4 metres x 55 metres to the south)**
- **Vehicular turning/parking facilities provided prior to first use and retained thereafter**
- **No unbound materials within first 6m of access**
- **Access to be constructed at right angles to road at a width of no less than 6m**
- **No gates to be installed to access**
- **Details of RPA's of trees to northern boundary and use of 'no dig' technology in areas where parking extends into those areas.**
- **All parking spaces being 2.9m x 5.5m in size**
- **Details of acoustic fencing to parking area**

- No amplified music outside of the function room (labelled Wedding Ceremony Room on approved plans)
- Details of external lighting scheme
- Details of an overspill parking area for 20 vehicles
- Limit firework displays to 4 per year prior to 11:30pm only
- Submission of Noise Mitigation Details (Informative Signage to Guests & Staff Requirements during noise sensitive hours)
- Accordance with Approval Plans

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER16 Tourism and Leisure Uses

COM22 Noise Pollution

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL3 Sustainable Design

PP8 Tourism

PPL3 The Rural Landscape

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

16/00925/FUL	Use of property for wedding and similar functions.	Refused	21.10.2016
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4. Consultations

Environmental Health

(First Comments)

Environmental Health would recommended a condition is put in place ensuring all windows and doors in the function room be generally kept closed when amplified music is playing apart from ingress and egress.

Also within one month of proposed use and completion of sound control measures, to submit a noise report confirming previous details and subsequent measurement data demonstrating compliance.

(Revised Comments)

Agree to inclusion of conditions as listed below;

- Limit Functions continuing after 7pm to 14 per year ceasing at midnight
- No events to take place on a Sunday beyond 6pm
- Doors shall be fitted with automatic closers
- Details of acoustic fencing to parking area
- No amplified music outside of the function room at any time and sound system directed away from open windows
- Limit firework displays to 4 per year prior to 11:30pm only
- Noise level at receptor properties must not exceed that which the noise impact report states would be the maximum (section 6 of acoustic survey)

ECC Highways Dept

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 48 metres to the north and 2.4 metres x 55 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the development the vehicular parking and turning facility, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 6 metres, shall be retained at that width within the site and shall be provided with an appropriate dropped kerb vehicular crossing.
- At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Tree and
Landscaping Officer

The proposed construction of the new car parking area on the existing lawn has the potential to adversely affect the trees situated on the front boundary of the application site and the land to the north.

A site visit reveals that the proposed car park is in a location where there appears to be sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees.

If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary. If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig' construction techniques should be provided.

Regeneration

The Regeneration Team generally supports this application as not only will it provide at least 4 additional full time jobs in the short term, it will also provide an additional unique venue for weddings and other special events.

However they would like to see an assurance that any noise created

on the days and evenings the venue is operational is kept to a minimum to ensure it will not have a detrimental impact on the neighbouring properties.

5. Representations

Tendring Parish Council objects to the application for the following reasons;

- excessive, obtrusive noise and disco music emanating from open doors and windows at the property spilling out across the road and fields to nearby properties;
- serious risk of road traffic accidents from increased peak traffic at event times;
- a precedent being set by the conversion of an aspirational large residential property, in a country village setting, for commercial use;
- the conversion and use as a commercial property has continued for over 2 years without planning permission;
- noise report is flawed as no data taken to represent a live event with open windows/doors at night;
- application forms states venue will be connected to mains drainage, there is no mains drainage in the village;
- impossible to keep party goes in a relatively small function room, high risk of spill out of residents into garden causing noise nuisance;
- part of property has been converted into office use without permission;
- clear intention to use marquee for weddings;
- totally inappropriate place for a party/wedding/event business due to rural/agricultural character of the Crow Lane.

A total of 26 objections have been received. The comments received are summarised below:

- intolerable noise to local residents, affecting sleep and enjoyment of property.
- dangerous bend on narrow country lane and concerns over increased level of traffic utilising the site.
- not on mains drainage/likelihood for septic tank to overflow.
- no economic benefit to local community.
- already sufficient level of wedding venues in the locality.
- residential area and therefore no need for a commercial enterprise in this location.
- noise report is flawed and does not consider the actual circumstances emanating from the use of the premises. The survey fails to address noise being caused from windows/doors remaining open during evening events.
- firework displays upsetting pets and wildlife.
- car parking provision inadequate.
- loss of residential unit
- building already used in past for functions/office use without planning permission in place.
- light pollution
- taking business away from Tendring Village Hall.
- noise survey does not provide reassurance that the noise impact would not be loud and not cause a disturbance to local residents.

6. Assessment

The main planning considerations are:

- Site Description
- Proposal

- Planning History
- Principle of Development
- Highway Considerations
- Residential Amenities
- Heritage Impact
- Tree/Landscaping Considerations

Site Description

- 6.1 The application site is located on the western side of Crow Lane to the north of Weeley and to the south of Tendring. The site accommodates a large dwelling that was extended extensively in the 1990's. The property is set within spacious grounds behind a frontage wall with entrance piers. To the north of the site are a number of detached properties most of which are set within large grounds. Directly to the north is a listed building known as Round Cottage. To the south is woodland. There are three existing vehicular access points, one adjacent to the northern boundary and an 'in' and 'out' arrangement to the centre of the plot.
- 6.2 The surrounding area is largely agricultural in character although a cricket ground and a restaurant are located at the northern end of the lane towards Tendring village.
- 6.3 As stated above the house has been extended with two wings on the northern and southern side of the original core of the dwelling. The northern wing is currently utilised as office space in conjunction with the applicant's wedding business. The southern wing contains the main entrance and the function room. The northern boundary of the plot is well screened by existing timber fencing and trees and shrubs.

Proposal

- 6.4 This application is solely for the change of use of Hieland House to allow it to be used for holding weddings and similar functions. There are no alterations or extensions proposed to the property.
- 6.5 This application therefore seeks to establish the venue as a formal wedding and function suite. The supporting documentation confirms that weddings and other functions would take place within the large extension to the southern wing and that the venue would accommodate a maximum of up to 60 guests.
- 6.6 Most functions would take place during the daytime on weekdays and these would cease at 7pm. These would take the form of coffee mornings, fund raising events and children's parties/clubs. The applicant's agent has confirmed that the number of events taking place beyond 7pm would be restricted to 14 per year and that these would cease at 12 midnight.
- 6.7 A new internal access road and parking area is proposed. The parking area would serve 22 spaces.

Planning History

- 6.8 A sporadic function use has been operating from the building over last two years under the provisions of the General Permitted Development Order. These functions have included a number of weddings, birthday parties and anniversaries and fund raising events.
- 6.9 Planning permission was submitted and refused last year under planning reference 16/00925/FUL. As part of the refused planning application an acoustic assessment was undertaken, which did not specifically address the proposals being applied for. The survey referred to the use of a marquee, the use of the grounds for up to 100 guests and a car

parking area to the rear of the site. In view of the inconsistencies between the survey submitted and the actual proposals it was not adequately demonstrated that the development proposed, in terms of the use of the building for functions and the use of the proposed parking area, would not adversely impact upon local resident's amenity. This planning application has now been re-submitted with an acoustic assessment that accurately reflects the development proposals.

Principle of Development

- 6.10 The site is located in a rural location outside of any defined settlement boundary. The National Planning Policy Framework at paragraph 28 supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings and seeks to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. Emerging Policy PP13 reflects this stance and supports the conversion and re-use of buildings in the countryside to employment, leisure and tourism uses.
- 6.11 In this instance, the proposed function use will employ 4 full time members of staff and through the use of the venue for functions will bring people into the area assisting in the growth of the rural economy. The use of the venue for charity/fundraising events will also provide a meeting place for the local community promoting social cohesion.
- 6.12 As such the development would be in accordance with Government Guidance as contained in the National Planning Policy Framework, which supports economic growth and the expansion of all types of business and enterprise in rural areas. Consideration therefore turns to the detailed aspects of the proposals and particularly, given the previous reason for refusal, the impact upon local resident's amenities.

Highways Considerations

- 6.13 In view of the proposed change from a domestic use to a leisure use and highway implications this could cause a site specific Transport Statement has been carried out. The statement concludes the following;
- 6.14 'The proposed change of use would include the improvement of the site access. The site access currently has a substandard visibility envelope. The visibility envelope which would be available with the revised site access arrangements would meet nationally recognised design standards. Annual vehicle movements are expected to be similar with the proposed uses as compared to the extant residential use. There will be increases in weekend flows however these will largely be compensated for by decreases in weekday flows such that there would be a net increase of less than 5%.
- 6.15 Based on the findings of this Highways Statement it can be concluded that the effect of granting consent for this development in transport and highway terms would not cause noticeable harm and consequently could not be considered as having a severe effect'.
- 6.16 Essex County Council Highways have reviewed the proposals and the findings of the transport statement and do not object to the application subject to the conditions stated above concerning the provision of visibility splays to the new centralised access, the parking/turning area being provided prior to first use, no unbound material in first 6m of highway access, the vehicular access being to a width of 6m and formed at right angles to the road, no gates to the site access and parking spaces being 2.9m x 5.5m in size. These requirements will be secured through the use of appropriately worded conditions.

- 6.17 In terms of parking provision, the layout shows that 22 parking spaces would be provided on the land to the north of the building. This area is in addition to the existing 6 spaces provided for staff. The Council's parking standards state that for function/conference centres in rural areas parking provision shall be determined on each proposals individual merits. The supporting documentation states that a maximum of 60 guests could be at an event. Whilst it is acknowledged that some guests may attend a function via minibus or taxi an overspill parking area should be agreed. The applicant has confirmed that they are open to a condition securing details of an overspill parking area to the west of the proposed parking arrangement. This would provide parking for 20 additional vehicles, which is considered to be acceptable.

Residential Amenities

- 6.18 The use of the property for functions has the potential to impact upon residents living to the north of the application site, through noise and disturbance from the use of the building itself and from the use of the proposed car parking.
- 6.19 As stated above the previous application (Ref - 16/00925/FUL) was refused solely on the basis that the accompanying acoustic assessment was not consistent with the activities and development proposed. Consequently, this planning application has now been submitted with an assessment that accurately reflects the proposals.
- 6.20 The acoustic assessment concludes the following;
- That amplified music contained to within the function room, if played at a reasonable level that allows conversation and dancing, is predicted to be at levels significantly below the existing ambient noise level affecting all identified receptors during the daytime and late evening hours;
 - Assessment assumes windows and doors would be closed when amplified music is playing. However, if windows were to be opened for ventilation purposes the noise levels would still be well below the ambient levels at the identified receptors, but the sound may be audible in the gardens of the receptors due to the character of the music. The music is still unlikely to disturb sensitive receptors but windows and doors are recommended to be kept closed when loud music is playing;
 - The context of the use should be taken into consideration as mitigation. The number of functions continuing beyond 7pm will be restricted to 14 only. Therefore relatively few days will have the potential to generate audible sound, even if windows were to be opened for ventilation purposes;
 - Traffic entering and leaving the site is unlikely to be noticeable for activities during the week as it will be sporadic and an insignificant volume compared to current traffic flow. At the weekend for wedding functions there will be a temporary increase in traffic which may well be noticeable by local residents. However, the relatively short periods of impact in the day and few events in a year, it is not expected that site traffic will disturb residents;
 - Noise from the closing of car doors in the parking area adjacent to the northern boundary does have the potential to disturb residents at 'Round Cottage', which is less than 10m away. It is therefore recommended that barriers are erected directly around the parking spaces at least 1.8m high and 25mm thick to act as a noise buffer;
 - Signage should be installed asking guests to respect neighbour's amenity and staff members should be in attendance to remind guests if necessary during noise sensitive hours.

- 6.21 The Council's Environmental Health Department have reviewed the submitted acoustic survey. Their original comments suggested conditions relating to all windows and doors being closed during the playing of amplified music and the submission of a further noise report 1 month after the use commencing to check compliance. However, both of these conditions would fail to meet the planning conditions tests. The closure of all doors and windows would not be enforceable due to the high level of movements associated at a wedding function and the request for a further sound report would not be reasonable as the noise levels stipulated in the submitted acoustic survey can be secured via condition.
- 6.22 In view of the conditions recommended by Environmental Health being unenforceable and not reasonable, a list of enforceable and reasonable conditions that are relevant to the development proposed were forwarded onto Environmental Health colleagues for comment. The conditions are listed in the recommendation above and include; limiting functions after 7pm to 14 per year and ceasing at midnight, no events on Sundays beyond 6pm, doors being fitted with automatic closers, details of the acoustic fencing to the parking area being provided prior to commencement, no amplified music outside of the function room and sound system directed away from windows, limit firework displays to 4 per year prior to 11:30pm only and noise levels at receptor properties not exceeding those stated within the noise survey report (factoring in a 15Db increase for open windows). Environmental Health Officers have now confirmed that they are satisfied with the conditions proposed.
- 6.23 In addition to the conditions noted above which aim to mitigate the impact, it must also be noted that the intended function room is located within the southern wing of the building at the furthest point from the nearest noise sensitive receptors. This means that sound will generally be directed away from the receptors, and/or be shielded by the bulk of the house. The resultant noise at the nearest receptors is therefore considerably below the existing ambient levels during the daytime and at night even when allowing for the 15Db increase for open windows during hot weather.
- 6.24 Therefore in view of the findings of the acoustic survey and the relatively infrequent nature of functions extending on beyond 7pm it is considered that the impact upon local residents would fall within acceptable tolerances. The imposition of the conditions stated above will assist in mitigating against any perceived impact upon local resident's amenity and provide baseline noise levels which any concerns can be assessed against in the future.

Heritage Impact

- 6.25 Directly to the north of the site is a Grade II Listed Building known as 'Round Cottage'. This is a lodge dating back to the 19th Century and is octagonal in shape. The construction of the parking area will be close proximity to the listed property. However, the parking will consist of a gravel surface and will be supplemented by planting. Furthermore, the parking spaces will replace an existing driveway. The acoustic survey recommends the provision of 1.8m fencing to the rear of the parking area. However, this fencing would be seen against the backdrop of the existing fencing present on the northern boundary of the site and therefore have a low impact.
- 6.26 The impact upon the setting of the adjacent listed building is therefore considered to be minimal.

Visual Amenity/Trees

- 6.27 The only external changes proposed are those to the access and through the creation of an external parking area. The parking area would be set to the side and rear of the property on its northern side and therefore be largely screened in views from Crow Lane by the existing

property, current vegetation and by the existing wall to the front of the site. The impact upon visual amenity from the proposals would therefore be minor.

- 6.28 In regard to the car park area and the impact upon existing trees, the Council's Tree Officer has commented as below;
- 6.29 'A site visit reveals that the proposed car park is in a location with sufficient separation between the engineering works and the trees that there will not be an incursion into the Root Protection Area, of the existing trees. In terms of the construction of the car park the development proposal does not threaten harm to the existing trees on the application site or adjacent land. If planning permission is likely to be granted then a condition should be attached to secure details of the extent of the Root Protection Areas (RPA's) of the trees on the eastern boundary. If, and only if, the hard surfacing associated with the construction of the car park is within the RPA's of the trees then details of 'no dig' construction techniques should be provided'.
- 6.30 As such a condition is recommended to secure details of the Root Protection Areas of the trees on the northern boundary along with the use of 'no dig' technology if the parking areas extend into those protection areas.

Background Papers

None.

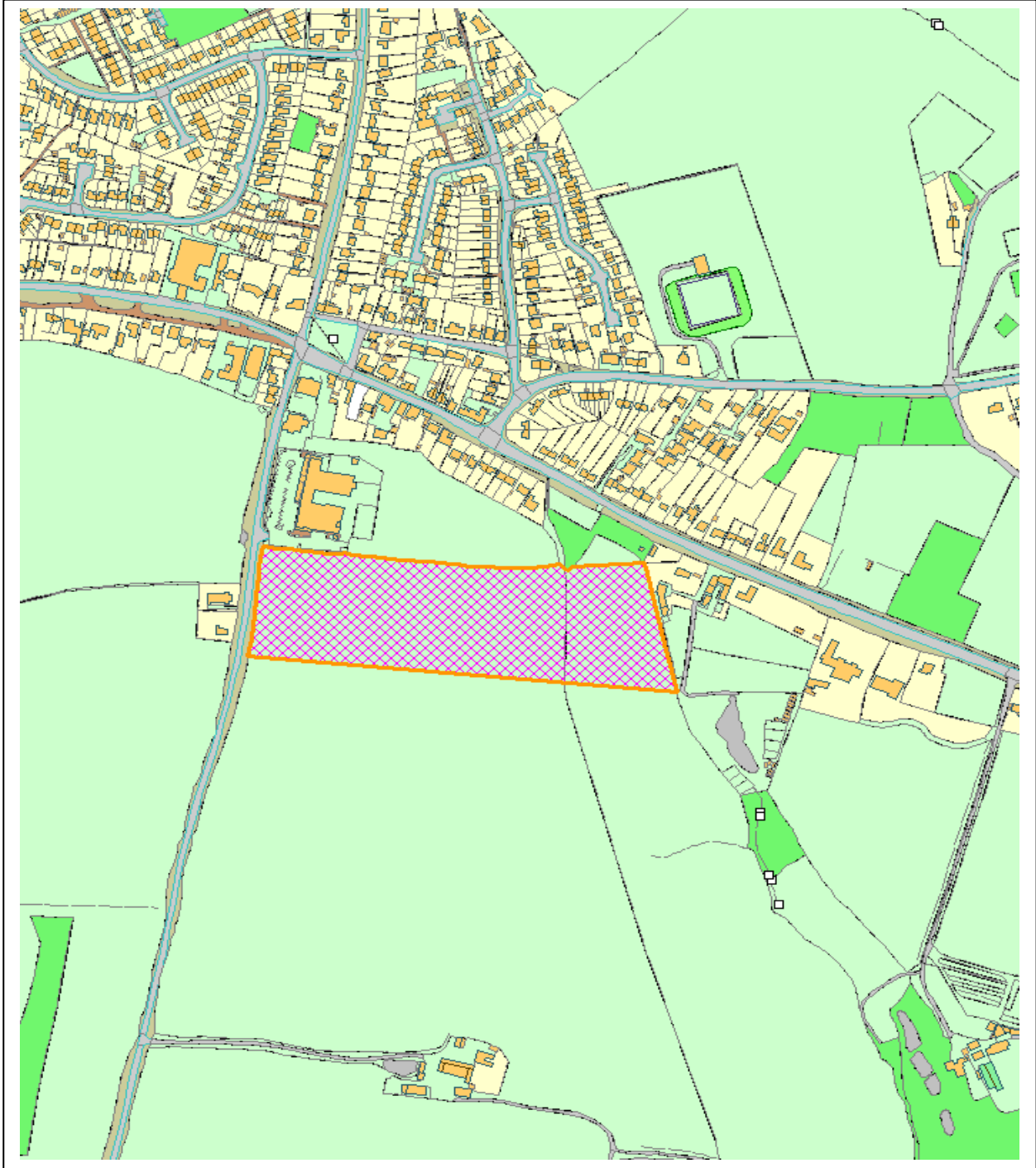
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PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.6 PLANNING APPLICATION - 16/01797/OUT - LAND ADJACENT MARKET FIELD SCHOOL, SCHOOL ROAD, ELMSTEAD, CO7 7ET



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Application:	16/01797/OUT	Town / Parish: Elmstead Market Parish Council
Applicant:	Mr J Hills	
Address:	Land adjacent Market Field School School Road Elmstead	
Development:	Outline application for the erection of 62 dwellings, associated garaging, parking and infrastructure.	

1. **Executive Summary**

- 1.1 The is an outline planning application seeking approval for the principle of developing 62 dwellings, with all other matters reserved for approval through a detailed application at a later date. The site is 4.37 hectares of open agricultural land located to the south of the main village and immediately south of Market Field School. The application has attracted a mix of support and objection from local residents although Elmstead Market Parish Council object to the application. Councillor Nicholls has specifically requested that the application be determined by the Committee.
- 1.2 The applicant for the application has however referred the matter to Appeal against non-determination of the application and therefore the Council can no longer determine the application. This report sets down why officers consider that the application would have been recommended for refusal and members are invited to endorse this recommendation as the basis for defending the forthcoming appeal.
- 1.3 In recent months a number of similar greenfield sites, outside the Development Boundary and other sites have been permitted providing a significant number of extant planning permissions for new residential development either permitted by the Council or from the Secretary State following an appeal.
- 1.4 Elmstead Market is defined as a 'village' in the adopted Local Plan and as a 'rural service centre' in the emerging Local Plan and whilst some growth will be accommodated, the levels of development that have been approved are already well above what was ever envisaged to be appropriate and proportionate for such a rural location. Although Elmstead Market is considered to be one of the district's larger and more sustainable villages, this is not a justification for supporting or allowing unlimited growth.
- 1.5 The technical reports provided by the applicants along with the comments from statutory agencies suggest that there are no site-specific technical reasons why the proposed development could not proceed. However Officers are conscious that the cumulative impacts of this development alongside others already approved in the village are of great concern to the Parish Council and some local residents. Even though mitigation measures could be put in place to reduce impacts to a technically acceptable level, the effect of many new developments in the village on its character, including those resulting from additional traffic and permanent loss of agricultural land would be adverse and, in line with the NPPF, these need to be weighed up against the benefits of development.
- 1.6 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led'

approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

Recommendation: Refuse

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Elmstead Market as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Elmstead Market. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Elmstead Market and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No s106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role, and;
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future

housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

- 2.5 Paragraph 187 of the NPPF states "Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".

Local Plan Policy:

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as 'saved' through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Elmstead Market as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also

requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

16/01797/OUT	Outline application for the erection of 62 dwellings, associated garaging, parking and infrastructure.	Current
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4. Consultations

Building Control and Access Officer	No comments at this time.
Environmental Health	Pollution and Environmental control have no comments to make on this application
Anglian Water Services Ltd	Note that AWA has assets located in close proximity to the development. Development is in the catchment of Thorrington Water Recycling Centre which has available capacity. Request full drainage strategy in respect of Foul Sewerage network.
ECC Highways Dept	<p>The Highway Authority has assessed the details of this application and in principle does not raise any objections. However, any reserved matters application should show the following details;</p> <ol style="list-style-type: none">1) The access shall be constructed as a 5.5m road with 2x 2m wide footways, and 6m kerb radii at the bellmouth,2) The access shall provide visibility splays measuring 2.4 x 90m in both direction. If these are unachievable and reduced visibility splays are proposed any reduction in requirements will be supported by a full speed survey showing that this reduction will not create a highway safety or efficiency issue.3) A new 2m wide footway shall be constructed across the site frontage,4) The two nearest bus stops on Clacton Road shall be improved with appropriate infrastructure to cater for the increase in public transport users5) All parking and turning facilities will be provided in accordance with current policy standards,6) All new dwellings shall be given transport information marketing packs.
Tree & Landscape Officer	The application site is agricultural land and has been planted with a winter wheat crop. There are established hedgerows on the northern, western and part of the eastern boundaries and a few individual trees and groups of trees in the hedgerows. There is a single Oak situated close to the southern boundary at a mid-point between the eastern and western boundaries.

In order to show the potential impact of the development on the tree the applicant has provided a Tree Survey and Report. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction; Recommendations.

The tree report provides an accurate description of the health, condition and amenity value of the trees on the land. The development of the land would necessitate the removal of part of the hedgerow on the western boundary in order to create a new access from the highway and the single Oak.

The removal of the section of hedgerow would not cause harm to the appearance of the area and mitigation planting could be carried out to compensate for the loss of the hedgerow and small hedgerow trees.

The large single Oak is a prominent feature in the landscape and has high visual amenity value. The tree report provides an accurate description of the health and condition of the tree. In this respect the tree has a reasonable safe useful life expectancy in its current setting but its defects mean that it is not viable in the long term if the development proposal is likely to proceed. Therefore it is not considered expedient to make it the subject of a tree preservation order (TPO).

As the development proposal does not threaten the removal of any of the boundary hedgerows or trees situated within them it is not considered necessary to formally protect any of those trees. If planning permission is likely to be granted then it may become necessary to protect boundary trees, by way of a TPO, to deal with post-development pressures.

The information contained in the tree report shows the extent of the trees Root Protection Areas (RPA's) that would need to be fenced off, to protect the roots of retained trees, during the construction phase of any development that may be given planning permission. Any development should be carried out in accordance with the information contained in the tree report

If planning permission were likely to be granted then a condition should be attached to secure details of the indicative soft landscaping shown on the site layout plan to soften, screen and enhance the appearance of the development.

In terms of the impact of the development proposal of the local landscape character it is important to note that the application site is within the Bromley Heaths Landscape Character Area (LCA) as defined in the Tending District Council Landscape Character Assessment. Key characteristics of the Bromley Heaths LCA are the exposed and windswept plateau with large scale productive arable fields divided by low gappy hedgerows. The LCA has a network of narrow lanes connecting scattered farms and villages. The area is typified by a low density settlement pattern.

The application site is not absolutely typical of the LCA however it is in an exposed location and views of the site from the Public Right Of Way running up to the site and through from the south will be affected

by the proposed development. Therefore it will be important to secure new landscaping on the southern boundary of the site to screen and enhance views of the development from the open countryside

Although the development is of a significant scale it is reasonably well contained by the school to the north, land that appears to be residential curtilage to the east and the highway (School Road) to the west. If soft landscaping were to be carried out on the southern boundary then the application site would be relatively well assimilated into its setting.

ECC Schools Service

Have requested a contribution to primary school provision of £227,255, for secondary school provision £230,156 and for school transport contribution of £52,303.20.

ECC SuDS Consultee

No objection subject to conditions requiring a detailed surface water drainage scheme.

Essex Wildlife Trust

Raise concerns regarding possible discharge of surface water into Elmstead Brook and potential for contamination.

Essex County Council
Archaeology

Request attachment of condition for a programme of archaeological evaluation

5. Representations

- 5.1 Elmstead Market Parish Council has objected strongly to the application for the following reasons:

Countryside Location:

The development would adversely affect the character and appearance of the local landscape. Landscape character is the subject of Policy EN1 which seeks to conserve the settings and character of settlements. The site is in a rural area on the very edge of the village with only 2 other houses nearby.

The location is visually isolated from the settlement of the village and this development would affect the street scene and the intrinsic character and beauty of the countryside which is predominantly rural in character.

Policy QL11 requires development to be compatible with surrounding land uses and this development would not be compatible as it's surrounded as follows: The current boundaries include: Special Needs School North – Stable units to the East – Agricultural Fields to the South – 2 isolated houses to the West.

The development is outside the existing village development parameters and would extend the village boundaries of development.

Village Growth

The village already has 148 approved housing developments for a village size of just under 800. This equates to an 18.5% increase which is above the national 17% threshold. The addition of these 62 houses would take our percentage to over 26%. The applicant's planning statement paragraph 12 states that the six rural service centres, of which Elmstead Market is one, are expected to deliver 333 dwellings for the period to 31st March 2032. With the 148 already approved in Elmstead, the village is already providing more than a third of this total. We are clearly already exceeding suggested growth levels.

In total we have 72 houses in application (including these 62) and 36 awaiting an appeal decision.

Further development of this application will increase above the guidelines and start turning Elmstead into a town and not a village.

Facilities and Sustainability:

No additional facilities or amenities have been included to help the sustainability of the village.

Village facilities are needed as the current facilities are unable to sustain further development.

The school adjoining this development is not the village primary school, but a special needs school for the whole of Essex.

Access:

The development is situated on a single carriageway road and next to a busy school. The road enters into the village at a busy junction with no lights or roundabout. A development has already been agreed for 50 houses on the same road, the increase of traffic and construction vehicles would be excessive for the country road.

We are currently in negotiation with Essex County Council regarding our lease of the field next to this development. The lease includes an agreement to share this land with Market Field School. Essex County Council have asked us to explore ways we can make this field safe after some serious incidents for the pupils of the special needs school. We have submitted suggestions for improving the security of this field, but this development could pose further safety issues for the children in this school.

Housing:

62 houses would be an over-development of the size of land and would equate to the largest single development for our village. The site offers no open greenspace and no amenities for the village.

Support Comments:

We notice on the Tendring District Council website that there are letters of support for this development from people outside of the village. We recognise that they have children attending this school and feel a respite house would be a benefit to the school. Although we acknowledge this facility, it shouldn't be at the expense of the village and countryside, with the overpopulation it will cause.

An alternative arrangement could be found within the current households in Elmstead.

Local Business Objections:

We have been approached by the owners of the stables which border the east of this development. They have asked us to support their objection of this development because

of the harm it would have on their livelihood and stables. The owners are concerned because the water coming off the development will flow into their conservation pond, and from there flows to the ornamental water gardens at Beth Chatto. Pollution or flooding would be extremely detrimental to these waterways. More details have been supplied with the objections made by Mr Jennings and The Beth Chatto Gardens.

Loss of Agricultural Land

This development would incur the loss of another 11 acres of prime agricultural land.

Elmstead Parish Council would like to record that if the planning application is permitted we would like to be consulted on the reserved matters.

- 5.2 Twenty six letters of objection and support for the scheme were received.
- 5.3 Of the 20 letters of support received comments related specifically to the additional play area and agricultural area to be set aside for use by the adjacent special needs school.
- 5.4 Objectors to the scheme raised the following comments:
 - Potential for flooding downstream.
 - Loss of agricultural land
 - Increased traffic and associated dangers
 - Impact on sewerage
 - Site outside development boundary

6. Assessment

The Site

- 6.1 The application site comprises of 4.37 hectares of oblong shaped arable agricultural land located to the south of Elmstead Market and just outside the existing Development Boundary for the village. The Market Field School is located immediately to the north of the application site. Site access is taken directly from School Road. A mix of hedging and trees are located to the site frontage with School Road. The eastern end of the application site also partially adjoins existing residential development fronting Clacton Road.

The Proposal

- 6.2 The application is for 62 dwellings associated garaging, parking and infrastructure with all matters reserved. The indicative layout supplied by the applicant shows a central site access from School Road serving a mix of dwelling types. Part of the layout is shown as a large oval shaped area accommodating 13 dwellings with the main service road through the site serving cul-de-sacs and leading to the east of the site to a large pond/swale which again is surrounded by new dwellings. The proposed layout is considered to make effective use of the available land. The applicant has also provided a Local Area for Play, an ecological corridor and a dedicated area for use by the adjoining school related to agriculture/horticultural projects. An existing public footpath across the site is shown as being retained.

Architectural Drawings

- 16/08/01 – Location Plan

- 16/08/02 – Indicative Site Layout
- Indicative elevational/street scene drawings.

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment – 10851
- Transport Statement CCE/T241/TS-02
- Arboricultural Statement – 5464.

Main Planning Considerations

The main planning considerations are:

- Local Plan and housing supply position;
- Principle of development;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Education provision;
- Healthcare provision;
- Council Housing/Affordable Housing;
- Open space;
- Potential layout and density; and
- Overall planning balance

Local Plan and housing supply position

- 6.3 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.4 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.5 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new ‘garden communities’ and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.6 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the ‘Objectively Assessed Housing Need Study’ November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.
- 6.7 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding ‘UPC’ (Unattributable Population Change), she considered that, in the interim, the Council’s application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.8 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council’s general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was ‘limited’.
- 6.9 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered ‘up to date’ and, in such cases, the ‘presumption in favour of sustainable development’ set out in paragraph 14 of the NPPF is engaged. ‘Sustainable Development’, as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the ‘presumption in favour of sustainable development’, authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.10 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector’s decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over

the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of development

- 6.11 The application site is located immediately south of the existing development boundary for Elmstead Market and adjoins the Market Field School. The site is also located outside the village's settlement development boundary as defined within the emerging Local Plan. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.12 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.13 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Elmstead Market is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Elmstead Market could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.
- 6.14 As noted a key concern of the Parish Council is the fact that there are already 148 approved housing developments within the village. It is considered that the village does not have the facilities or services to sustain yet more residential development. The Parish Council have also raised concern with regard to access and the impact of additional traffic on School Road. Noting the Parish Council comments although Elmstead Market is categorised in the emerging Local Plan as a rural service centre where some sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in emerging Local Plan, as set out in paragraph 2.50, is meant to be modest, fair, achievable and sustainable.
- 6.15 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth, should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate and potentially unlimited levels of new housing.
- 6.16 Based on the agreed objectively assessed housing need of 550 dwellings per annum over the 20 year period 2013-2033, Tendring will be planning for a dwelling stock increase of some 11,000 which equates to an approximate 16% increase to the district's housing. It would therefore follow that a strategy seeking to direct the majority growth to larger and

more sustainable settlements will see dwelling stock increases above 16% in those settlements but for those villages further down the hierarchy, the growth would be proportionately less, and generally below 16%.

6.17 Major developments with planning permission in Elmstead Market already include:

- Charity Field, School Road, 50 dwellings (14/01728/OUT)
- Clacton Road, 32 dwellings (15/00675/OUT)
- Meadow Close, 20 dwellings (14/01238/OUT)
- Church Road, 20 dwellings (14/01292/OUT)

6.18 These 122 dwellings represent an approximate 17% increase in the village's housing which, based on the district-wide housing need for the whole of Tendring already delivers Elmsteads fair share of growth. If added to the permissions already granted, a further 62 dwellings as proposed in this outline application would increase the potential growth to around 26%.

6.19 The 62 dwellings proposed is a purely residential scheme that despite the land offered for use by the school, offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead Officers to consider the proposal in an exceptional light and there is no support from the Parish Council. Given the improving housing land situation, the positive progress of the Local Plan and lack of community support, Officers consider this to be an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the community's concerns about the disproportionate level of housing going to Elmstead Market.

6.20 Officers therefore recommend the refusal of planning permission with the suggested refusal reasons forming the basis for the Councils case against the proposed scheme at the forthcoming appeal. As noted, the Rush Green appeal decision mentioned above demonstrates that Tendring is now in a stronger position to defend against unwanted proposals that are contrary to the adopted and emerging Local Plans.

Highways, transport and accessibility

6.21 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe

6.22 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. As noted the application is in fact fairly well related to local facilities including the adjacent school and other village services located on Clacton Road. Bus stops are available within easy walking distance of the site. The site therefore offers a reasonable level of accessibility which is reflected in Elmstead Markets categorisation as a rural service centre in the emerging Local Plan.

6.23 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic

including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

- 6.24 The Parish Council and some local residents have raised concern about additional traffic and the cumulative increase in traffic that could arise as a result of the housing developments that have already obtained planning permission nearby. However the Highway Authority raises no objections in terms of highway capacity or safety to the application. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles that would result from this development.
- 6.25 In conclusion, whilst the site enjoys good access to local facilities and the highway impacts are not considered to be severe, an additional 62 dwellings would increase traffic in the area and is clearly a concern within the community. The development is not required to meet local housing needs and in refusing planning permission for the reasons set out in this report, this concern can be averted.

Landscape, visual impact and tree

- 6.26 As noted the site is open in nature with some level of mature planting and trees to the site boundaries. However development of the site would have a significant change to the character and appearance of this part of the village, particularly when viewed from the south. As noted by the Council's Principal Tree and Landscape Officer the application site is not absolutely typical of the existing Landscape Character Area although it is in a relatively exposed location - views of the site from the Public Right Of Way running up to the site and through from the south will be affected by the proposed development. Therefore it will be important to secure new landscaping on the southern boundary of the site to screen and enhance views of the development from the open countryside. The Principal Tree and Landscape officer concludes that although the development is of a significant scale it is reasonably well contained by the school to the north, land that appears to be residential curtilage to the east and the highway (School Road) to the west. If soft landscaping were to be carried out on the southern boundary then the application site would be relatively well assimilated into its setting.
- 6.27 If development were considered acceptable in principle, it is clear that the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. The development would however bring about a significant change in the character of this area of the village which affectively lies at the southern gateway to the village. The loss of currently open undeveloped land would be an adverse impact to be weighed against the benefits of development. Because the development is not required to meet local housing needs it is recommended that planning permission be refused for the reasons set out in this report.

Flood risk and drainage

- 6.28 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.

- 6.29 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.30 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.31 In addition, Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. A foul water strategy would however need to be approved before development could take place. Based on the details contained within the FRA and Drainage Report and subject to appropriate conditions, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Ecology

- 6.32 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.33 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations. The concerns raised by the Essex Wildlife Trust in respect of possible discharge of surface water into Elmstead Brook and potential for contamination are noted. However the applicant would be expected to provide full surface water drainage details for approval by condition and officers are satisfied that the concern raised can be adequately dealt with at that time.
- 6.34 The applicant has prepared and submitted an Ecological Assessment to assess the ecological value of this site and immediate area and the potential impact of the development. The report concludes that the site is not within any statutory conservation designation nor will it impact on any nearby such sites. Specific protected species have not been identified within the site but the report suggests additional investigation of a pond outside but close to the site should be assessed for the presence of Great Crested Newts.
- 6.35 Officers note the findings of the report and the potential to deliver an enhanced wildlife habitat within the proposed pond and future site landscaping. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development.

Education provision

- 6.36 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision.
- 6.37 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. The LEA have requested a contribution to primary school provision of £227,255 based on the fact that the Brightlingsea/Elmstead forecast planning group has a Primary school shortfall of 187 permanent places. A contribution for secondary school provision of £230,156 is requested based on the fact that the Colne Community School and College is forecast to have a deficit of 45 permanent places by 2020/21. A school transport contribution of £52,303.20 is also requested as the development would generate the need for transport provision for an additional 12.4 Primary school pupils.
- 6.38 It is recommended that one of the reasons for refusal put forward in defending the forthcoming appeal refers to the lack of a s106 to secure the necessary contributions. The applicant has not indicated they are unwilling to enter into such an agreement.

Healthcare provision

- 6.39 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision, another matter of considerable concern amongst local residents. Again through Policy QL12 in adopted Local Plan and Policy HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision.
- 6.40 As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population.
- 6.41 In the absence of an up to date adopted Local Plan, Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development and others proposed in the Elmstead Market area. Through adopted Policy QL12 and emerging Policy HP1, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity.
- 6.42 However in this particular case although the NHS have been consulted through the application process no request has been received for contributions from this development.

Council Housing/Affordable Housing

- 6.43 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or

acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.

- 6.44 If minded to approve this application, up to 19 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement. The lack of a s106 agreement to secure the necessary level of affordable housing will be included as a reason for refusal in order to defend the forthcoming appeal.

Open space

- 6.45 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has not specifically commented on the application and it is therefore recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.46 If the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. Again it is recommended that the lack of a s106 agreement forms part of the refusal reasons for the application which will be defended at the forthcoming appeal.

Potential layout and density

- 6.47 As an outline planning application with all matters reserved, but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 62 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.48 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show an estate development served by a single access point from School Road leading through the site and serving an oval shaped area of dwellings along with other cul-de-sacs and an area of dwellings laid out around a new pond/swale to the east part of the site. The site density is just under 15 dwellings per hectare which taking into account the locality of the site on the edge of the village would be considered acceptable. An ecological corridor is shown to the northern boundary with more general landscaping indicated to the south-west corner of the site. A more detailed landscaping scheme would be required under Reserved Matters. A footpath is shown linking through to the school on the west boundary. As noted a 'school area' has been made available close to the northern boundary with direct access provided from the school. An existing footpath which runs north to south towards the western part of the site is retained.
- 6.49 There are no specific existing residential dwellings directly affected by the development although there are some existing dwellings located immediately opposite to the site entrance on School Road. Based on the indicative drawings, Officers consider that there is plenty of scope to achieve a detailed layout on the site that minimises impacts on the amenities of the neighbouring property and provides an attractive development on what is a relatively prominent site. It is not therefore proposed to make density a reason for refusal.

Overall Planning Balance

- 6.50 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal

of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.

- 6.51 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.52 In March 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.
- 6.53 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.54 Economic: Whilst the scheme is residential with no commercial premises provided, 62 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The overall economic effect is therefore positive.
- 6.55 However due to a number of relatively recent planning consents Elmstead Market is already expected to accommodate a significant increase in population and there needs to be a sensible limit to how much development one village can be expected to accommodate. The economic role of sustainable development, as set out in the NPPF, specifically requires sufficient land of the right type be made available in the right places and at the right time – Officers consider that Elmstead Market is already providing land for its fair share of housing.
- 6.56 Social: The provision of 62 dwellings toward meeting projected housing need is a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery. Elmstead Market is expected to accommodate a significant number of new dwellings over the next five years as a result of existing planning consents which is more than sufficient to address short-term local housing needs and absorb market demand.
- 6.57 As noted by the Parish Council there is already planning permission for 148 new dwellings representing an 18.5% increase in dwelling numbers, the additional 62 dwellings would take this to 26%. This is considered a disproportionate level of housing for a village that, as a 'rural service centre' features in the fourth category of the settlement hierarchy. The social role of sustainable development, as set out in the NPPF, requires housing to meet the needs of present and future generations with accessible local services that reflect the

community's needs and support its health, social and cultural well-being. The NPPF advocates a plan-led approach that actively seeks to direct development to the most sustainable locations and to allow an unlimited level of development around Elmstead Market does not reflect the positive approach set out in the emerging Local Plan which is progressing well through the plan making process.

- 6.58 The impacts of schools provision could be mitigated through financial contributions to be secured through a s106 agreement, if the application were to be approved – but Officers consider that more weight can now be given to the plan-led process which is designed to deliver housing, economic growth and infrastructure in a coordinated way.
- 6.59 Environmental: As noted the site is of low ecological significance, although it is relatively prominent. Through mitigation measures, the ecological and landscape impacts of the development could be kept to a minimum, although the impact on the character of the area is likely, at best, to be neutral but more likely slightly adverse – not significant enough to justify an outright refusal of planning permission.
- 6.60 Local concerns about traffic have also been taken into account and whilst there is no technical objection to the proposal on highway capacity of safety, additional traffic in the village, would have some additional adverse impact on the character of the village. But this in itself is not sufficient to justify refusal.
- 6.61 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations. Elmstead Market already has a significant number of planning consents for residential development and at this stage further significant developments in the village are considered unnecessary, disproportionate and the impacts of continued development on the character and enjoyment of the village represent adverse impacts that are no longer significantly and demonstrably outweighed by the benefits.
- 6.62 Although the letters of support received in respect of the benefits being provided to the adjoining school are noted this in itself does not offer an exceptional public benefit over and above additional housing that might lead Officers to come to a more positive on-balance view. The application is recommended for refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend against the forthcoming appeal.

Background Papers

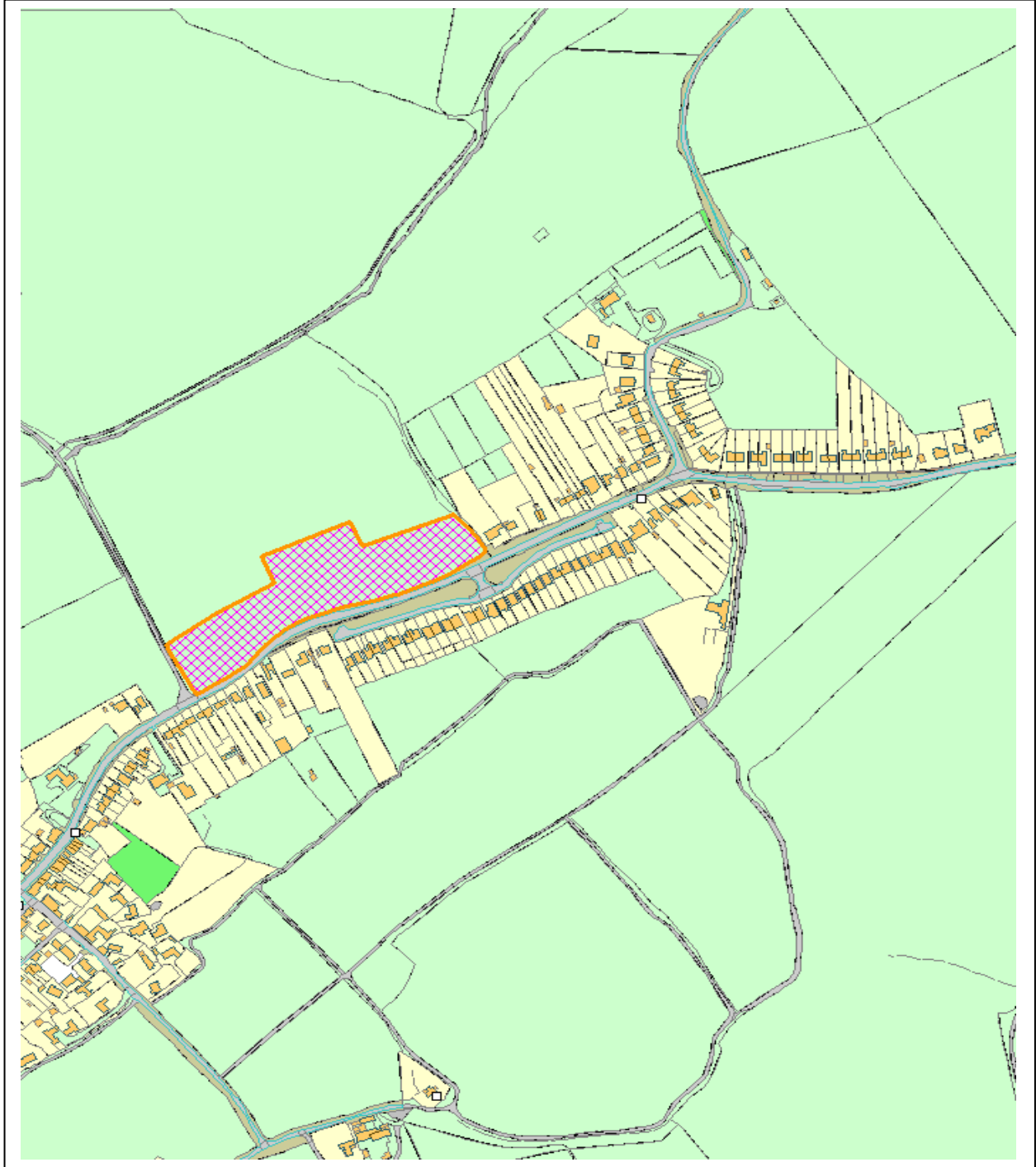
None.

PLANNING COMMITTEE

29 MARCH, 2017

REPORT OF THE HEAD OF PLANNING

A.7 PLANNING APPLICATION - 16/01642/OUT - GREAT OAKLEY LODGE, HARWICH ROAD, GREAT OAKLEY, CO12 5AE



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Application:	16/01642/OUT	Town / Parish: Great Oakley Parish Council
Applicant:	Mr Tim Spurge	
Address:	Great Oakley Lodge Harwich Road Great Oakley	
Development:	Erection of 30 dwellings, new access and landscaping.	

1. **Executive Summary**

- 1.1 This is an outline planning application seeking approval for the principle of developing 30 dwellings, with all other matters (with the exception of access and layout) reserved for approval through a detailed application at a later date. The site measures 2.04 hectares in area and currently consists of a strip of open agricultural land set behind existing mature hedging fronting Harwich Road. The development is shown as being accessed by a new central access point, serving a new service road, set behind the existing Harwich Road frontage. Ten letters of objection from residents has been received in respect of the application. Former Ward Councillor, Tom Howard requested that the application be considered by planning committee.
- 1.2 The applicant, has however, appealed to the Secretary of State against non-determination of the application and as a result the Council cannot now determine this application. However Members are requested to consider the following report and to confirm that the suggested reasons for refusal are put forward as part of the Councils case in defending the forthcoming appeal.
- 1.3 As noted from the report officers currently consider that the positive progress of the new Local Plan combined with the improvement in the district's housing land situation puts the Council in a stronger position to resist unwanted residential proposals and Officers are seeking the Committee's endorsement of this view. Recent Appeal decisions have confirmed the view that the Council are close to meeting their five year housing land supply and are in a stronger position to resist adhoc planning applications on greenfield sites which are not identified for development in the Local Plan or the emerging Local Plan.
- 1.4 Great Oakley is defined as a village in the adopted Local Plan and as a 'smaller rural settlement' in the emerging Local Plan and whilst some limited growth can be accommodated the relatively low level of service provision and infrastructure means that the village cannot sustain large increases in housing numbers. This is particularly the case when taking into consideration the number of residential dwellings approved more recently.
- 1.5 The technical reports provided by the applicants along with the comments from statutory agencies suggest that there are no site-specific technical reasons why the proposed development could not proceed. However officers consider that taking into account the nature and character of the locality, as well as other recent residential approvals within the village, outweighs the benefits of development in this case.
- 1.6 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

Recommendation: Refusal

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Great Oakley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Oakley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of the Great Oakley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- No s106 agreement to secure affordable housing and open space has been completed.

2. Planning Policy

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
 - an economic role;
 - a social role, and;
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area”*.

Local Plan Policy:

Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the ‘development plan’ unless material considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

Tendring District Local Plan (Adopted November 2007) – as ‘saved’ through a Direction from the Secretary of State. Relevant policies include:

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

QL2: Promoting Transport Choice: Requires developments to be located and designed to avoid reliance on the use of the private car.

QL3: Minimising and Managing Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

QL9: Design of New Development: Provides general criteria against which the design of new development will be judged.

QL10: Designing New Development to Meet Functional Needs: Requires development to meet functional requirements relating to access, community safety and infrastructure provision.

QL11: Environmental Impacts: Requires new development to be compatible with its surrounding land uses and to minimise adverse environmental impacts.

QL12: Planning Obligations: States that the Council will use planning obligations to secure infrastructure to make developments acceptable, amongst other things.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology: Requires the archaeological value of a location to be assessed, recorded and, if necessary, safeguarded when considering development proposals.

TR1a: Development Affecting Highways: Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking: Seeks to maximise opportunities to link development with existing footpaths and rights of way and provide convenient, safe attractive and direct routes for walking.

TR4: Safeguarding and Improving Public Rights of Way: Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

Tendring District Local Plan 2013-2033 and Beyond: Preferred Options Consultation Document (Published July 2016)

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Great Oakley as a 'Smaller Rural Settlement' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors

are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

00/01424/FUL	Conversion of redundant barn to office accommodation	Approved	06.12.2000
00/01425/LBC	Change of use of existing barn to office - materials as existing except for roof changed to pantiles	Approved	06.12.2000
01/00319/FUL	Variation of planning condition No. 3 of 99/01430/FUL to allow the making of up to 10 take-off movements in any one day on a permanent basis	Approved	24.04.2001
91/01030/LBC	Repair to structural timbers, using	Approved	14.11.1991

home grown oak. Repairs to foundation walls and plate, re clad using identical pattern weather board.

93/00773/FUL	Continued use of grassland for purposes of recreational flying and as a base for three light aircraft, use of caravan for meteorological equipment and safety equipment	Refused	26.10.1993
93/00990/FUL	(New Farmhouse, Great Oakley Lodge, Great Oakley) Alteration to farm entrance	Approved	05.11.1993
94/01021/LBC	(Great Oakley Lodge Farm, Great Oakley) Extensive upgrading and repair externally; alteration and repair internally	Approved	12.10.1994
95/01206/FUL	Continued use of former part of agricultural holding as an airstrip together with use of a caravan for meteorology and safety equipment storage (Renewal of permissions granted on appeal by letter 15 August 1994	Approved	21.11.1995
96/01267/FUL	Variation to Condition 4 of TEN/93/0773 to allow not more than 4 aeroplanes instead of three	Approved	03.12.1996
98/01284/FUL	Variation of Conditions 3 & 4 of permission granted on appeal by letter dated 15th August 1994 (subject to deletion of Condition 1 by planning permission TEN/95/1206): Continued use of part of agricultural	Approved	09.12.1998
99/01430/FUL	Variation of Planning Condition No. 3 of TEN/98/1284 to allow number of take-off movements to be increased from 5 to 10 and deletion of Condition 2 of TEN/98/1284 to allow such movements on a permanent permission.	Approved	24.11.1999
03/01557/OUT	Change of use renovation and conversion of barn to form holiday lets	Approved	01.04.2004
04/01855/FUL	Change of use of agricultural buildings to B2 use.	Approved	30.11.2004
05/01152/FUL	Variation of conditions 2, 3, 4 & 6	Approved	13.01.2006

of planning consent 02/02235/FUL to enable;

- a maximum of 30 take-offs in any one day, (without exceeding the current annual allowances).

- visiting aircraft to land and take off from the site, whilst still being limited to the overall restrictions on the numbers of movements controlled by condition 2, as may be modified, (currently only those 'based' at the site can land and take-off).

- gliding to take place on 3 days per year.

In addition, access improvements at the junction with Harwich Road.

05/01153/FUL	Demolish 'Nissen hut' and replace with 'Miracle Span' building for aircraft storage.	Approved	05.01.2006
05/01154/FUL	Use of building as aircraft support room.	Approved	05.01.2006
05/01155/FUL	Use of farm reservoirs as fisheries to include single storey portable building and the provision of toilet facilities	Approved	05.01.2006
06/00770/FUL	Variation of Condition 2 of planning permission 05/01152/FUL to enable the Local Planning Authority to authorise additional flights (in excess of 30 per day) on special occasions.	Approved	22.06.2006
96/00003/AGRIC	Third Reservoir	Determinati on	03.05.1996
12/00343/FUL	Five 10kW Photovoltaic tracker arrays.	Approved	29.05.2012
12/00405/FUL	Variation of condition 5 of planning permission T/APP/P1560/A/94/435398 to allow helicopters to operate from the aerodrome.	Approved	30.01.2013
16/01642/OUT	Erection of 30 dwellings, new access and landscaping.	Current	

4. **Consultations**

ECC SuDS Consultee	No objection subject to surface water drainage conditions.
UU - Open Space Consultation	Requests a financial contribution for replacement and enhancement of play equipment at Orchard Close Play Area.
Essex County Council Archaeology	No objection subject to planning conditions requiring trial trenching prior to development.
Tree & Landscape Officer	<p>The application site has a strong hedge on the boundary with the highway comprising primarily Elm and Hawthorn. The main body of the application site is in agricultural use and there are no trees or other significant vegetation on the main body of the land.</p> <p>In terms of the potential impact of the development proposal on the local landscape character it should be noted that the application site is situated in The Ramsey Valley System Landscape Character Area (LCA). The key characteristics of the LCA type are that it is a distinctive steep sided valley of Ramsey Creek and its tributaries extending inland from Harwich. Much of the land is set out in large fields that are intensively farmed.</p> <p>The Ramsey Valley System is a relatively narrow strip of land with the Tendring and Wix Clay Plateau LCA to the North and the Oakley Ridge LCA to the south. Whilst, in principle, the development proposal has the potential to have an adverse impact on all three LCA types the scale of the proposal considered against topography and existing development would have a fairly contained and localised impact on the landscape character. In this respect the greatest impact would be on the LCA within which the application site is situated</p> <p>In terms of the impact of the development proposal on the existing landscape character the Landscape Management Strategy section of the LCA sets out the aim to conserve the rural character of the river valley by maintaining low density of settlement and ensuring that built development does not intrude onto ridgelines. It is considered that the development would result in an intensification of the local development pattern that would to cause harm to the existing landscape character.</p> <p>Should planning permission be likely to be granted then a soft landscaping condition should be attached to maximise opportunities to secure new tree or shrub planting to improve the appearance and screening of the development and to help the dwellings to sit comfortably in their rural setting.</p>
Anglian Water Services Ltd	No objection noting the development is in the catchment of Harwich and Dovercourt Water Recycling Centre that has capacity for proposed flows.
ECC Highways Dept	<p>In principle the Highway Authority has no objections to the above noted proposal, but any Reserved Matters application should show the following;</p> <ol style="list-style-type: none"> 1) The new access road providing 2.4x43m vehicle visibility splays to the East and West, and a 5.5m wide c/way, with a 2m footways on Harwich Road and the house side of the new access road, 2) All parking and turning facilities according to current policy

standards,

3) All units being provided with transport information marketing packs,

4) The bus stop closest to the development site being improved by provision of a Littlethorpe Hassocks shelter to match the shelter on the other side of Harwich Road, and a flag bracket on the approach end of the shelter.

ECC Schools Service

Advised that no s106 contribution is being sought.

5. Representations

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

1. The site was not supported by the previous Local Plan Consultation meetings held in the village.
2. There is no demand for this additional housing stock within the Parish.

5.2 10 individual objections have been submitted in response to this planning application which include the following comments:

- Too much development already planned.
- Lack of local infrastructure and services.
- Highway dangers.
- Traffic generation.
- Impact on local landscape, loss of views and character.
- Loss of agricultural land.
- Lack of local employment opportunity.

5.3 There are no letters of support.

6. Assessment

The Site

6.1 The application site extends to 2.04 hectares in area and comprises of open agricultural land located to the north side of Harwich Road. Much of the site frontage is characterised by a mature hedge. Frontage only residential dwellings are located to the east and west of the site boundaries whilst to the southern side of Harwich Road the immediate locality is again characterised by frontage only development. The land forms part of a much larger area of agricultural land extending to the north of the village. The landscape slopes gently away from Harwich Road and is open and rolling in character.

The Proposal

6.2 The application is for the erection of 30 dwellings, including a new access and associated landscaping. The application is in outline with matters relating to Appearance, Landscaping and Scale reserved. Access and Layout details are submitted as part of the current application. The proposed scheme proposes a single new access from Harwich Road which then links to a service road serving the proposed dwellings. This mimics a similar layout located to the south of Harwich Road at Partridge Close. The scheme provides for a mix of detached, semi-detached and terraced dwellings laid out as a frontage only scheme. Indicative elevations show traditional designed dwellings incorporating a mix of materials including cladding, render and facing brick.

Architectural Drawings

- Location Plan
- RS16.31.SK04 – Proposed Block Plan
- RS16.31.SK07 - Typical Elevations

Reports and Technical Information

- Planning Statement
- 10212/R01/01 - Flood Risk Assessment
- 10212 - R02 – SuDS Assessment Report.

Main Planning Considerations

6.3 The main planning considerations are:

- Local Plan and housing supply position;
- Principle of development;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Education Contribution
- Council Housing/Affordable Housing;
- Open space;
- Potential layout and density; and
- Overall planning balance.

Local Plan and housing supply position

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.6 On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new ‘garden communities’ and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.7 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the ‘Objectively Assessed Housing Need Study’ November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.
- 6.8 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding ‘UPC’ (Unattributable Population Change), she considered that, in the interim, the Council’s application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.9 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council’s general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was ‘limited’.
- 6.10 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered ‘up to date’ and, in such cases, the ‘presumption in favour of sustainable development’ set out in paragraph 14 of the NPPF is engaged. ‘Sustainable Development’, as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the ‘presumption in favour of sustainable development’, authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.11 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces

to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

Principle of development

- 6.12 The application site is located to the north of an area of frontage only development located on Harwich Road with some additional frontage development located to the east and west of the site. The site is located outside the defined Development Boundary for the village both within the existing and the emerging Local Plan. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.13 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.14 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Oakley is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Great Oakley and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village.
- 6.15 As noted by the Parish Council and a number of local residents the village has already been subject to recent expansion and approvals for other residential schemes. They are concerned that existing infrastructure and services are unlikely to cope with any significant increase in development and would not be considered sustainable.
- 6.16 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made

sustainable. With this in mind, the Council should now be in a better position to protect villages from unfair, disproportionate and potentially unlimited levels of new housing.

- 6.17 Based on the agreed objectively assessed housing need of 550 dwellings per annum over the 20 year period 2013-2033, Tendring will be planning for a dwelling stock increase of some 11,000 which equates to an approximate 16% increase to the district's housing. It would therefore follow that a strategy seeking to direct the majority growth to larger and more sustainable settlements will see dwelling stock increases above 16% in those settlements but for those villages further down the hierarchy, the growth would be proportionately less, and generally below 16%.
- 6.18 Taking into account other recent approvals within Great Oakley including land at Sparrows Corner for 8 dwellings (15/01774/OUT), 17 on land at 'Break of Day' (15/00987/OUT) and for 51 dwellings at Beaumont Road (15/01080/OUT), Great Oakley is already expected to accommodate a housing stock increase of around 23%. The proposal at Harwich Road for an additional 30 dwellings outside the Development Boundary is considered to be unsustainable, taking into account the relatively limited access to services within the village. Given the improving housing land situation, the positive progress of the Local Plan and lack of community support, Officers consider this to be an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the community's concerns about the disproportionate level of housing being developed within Great Oakley.
- 6.19 Officers therefore recommend that members support the suggested reasons for refusal which will be used to defend the forthcoming Appeal. As noted above the recent Rush Green appeal decision demonstrates that Tendring is now in a stronger position to defend against unwanted proposals that are contrary to the adopted and emerging Local Plans.

Highways, transport and accessibility

- 6.20 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.21 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although the application site is located in a semi-rural location it is still within walking and cycling distance of existing local services and does have access to a regular bus service.
- 6.22 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic

including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

- 6.23 The local community has raised concerns in respect of additional traffic movements and potential highway dangers in this location. However the Highway Authority raises no objections in terms of highway capacity or safety to the application. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles generated by the proposed development. No highway objection is therefore presented against the scheme.

Landscape and Visual Impact

- 6.24 As noted the application site is located on an area of open agricultural land which affords open views over landscape to the north of the village. The Council's Principal Tree and Landscape Officer notes that the site has a strong hedge on the boundary with the highway comprising primarily Elm and Hawthorn. The main body of the application site is in agricultural use and there are no trees or other trees or other significant vegetation on the land.
- 6.25 In terms of the potential impact of the development proposal on the local landscape character it should be noted that the application site is situated in The Ramsey Valley System Landscape Character Area (LCA). The key characteristics of the LCA type are that it is a distinctive steep sided valley of Ramsey Creek and its tributaries extending inland from Harwich. Much of the land is set out in large fields that are intensively farmed. The Ramsey Valley System is a relatively narrow strip of land with the Tendring and Wix Clay Plateau LCA to the North and the Oakley Ridge LCA to the south. Whilst, in principle, the development proposal has the potential to have an adverse impact on all three LCA types the scale of the proposal considered against topography and existing development would have a fairly contained and localised impact on the landscape character. In this respect the greatest impact would be on the LCA within which the application site is situated. In terms of the impact of the development proposal on the existing landscape character the Landscape Management Strategy section of the LCA sets out the aim to conserve the rural character of the river valley by maintaining low density of settlement and ensuring that built development does not intrude onto ridgelines. It is considered that the development would result in an intensification of the local development pattern that would cause harm to the existing landscape character. The Council's Principal Tree and Landscape officer suggests that if planning permission were to be granted then a soft landscaping condition could be attached to maximise opportunities to secure new tree or shrub planting to improve the appearance and screening of the development and to help the dwellings to sit comfortably in their rural setting. On this basis although accepting there would be some impact on the adjoining landscape it is considered possible to mitigate the impact of the development and therefore a refusal reason on grounds of landscape impact is considered difficult to sustain.

Flood risk and drainage

- 6.26 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk),

the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.

- 6.27 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.28 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.29 In addition, Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows. The sewerage system also has available capacity. In summary it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

Ecology

- 6.30 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.31 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations. Natural England has offered no objection to the proposal subject to the Council's consideration of the ecological value of the site itself.

- 6.32 The applicant has not submitted a preliminary ecological survey with the application. In terms of the ecological value of the site, as noted the site is currently in use as an arable field although does have a mature hedge to the site frontage which will be removed to facilitate the proposed scheme. It is proposed to then plant a mixed planting scheme between Harwich Road and the proposed service road which arguably would mitigate the loss of the existing hedge. Coupled with additional landscaping to be agreed at a later date it is difficult to justify an objection on ecology grounds in this case, despite the lack of a preliminary ecological survey.

Education provision

- 6.33 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. Essex County Council as the Local Education Authority has been consulted on the planning application and has stated that there is no requirement for education provision in this case.

Council Housing/Affordable Housing

- 6.34 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.35 If minded to approve this application, up to 9 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement. To date agreement with the applicant regarding s106 requirements has not been concluded and this will pursued through the forthcoming Appeal process. The absence of a s106 agreement to secure the necessary level of affordable housing should be included as a reason for refusal, to ensure that this matter is properly addressed at appeal.

Open Space

- 6.36 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play at the Orchard Close play area. It is recommended that a contribution is sought for the replacement and enhancement of play equipment.
- 6.37 The current absence of an agreed s106 agreement to secure necessary play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed through the appeal process.

Potential layout and density

- 6.38 As an outline planning application, detailed design, landscaping and scale are for future reserved matter consideration. The applicant has however submitted Access and Layout detail as part of the current application. The scheme is shown as frontage only development served by a new access road set behind the main Harwich Road frontage. Thirty dwellings are proposed consisting indicatively of 6 x two bed dwellings, 16 x three bed dwellings and 8 x four bed dwellings with a mix of detached, semi-detached and terrace units. A central access point is provided from Harwich Road with a bank of landscaping set between Harwich Road and the new service road behind. Effectively the development 'infills' a large open gap of approximately 300 metres in length.
- 6.39 The development is set between Park Pale Barn to the east and adjoins a farm track and a new bungalow under construction to the west of the site. The proposed layout is not considered to harm neighbour amenity and the proposed layout can comfortably accommodate the proposed level of development at just under a density of 15 units per hectare. The proposed garden sizes again comfortably achieve the Councils minimum garden standards. The layout reflects the general pattern of development in the locality. Based on the proposed and indicative details it is not proposed to raise objection with regard to layout, density or access.

Overall Planning Balance

- 6.40 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.41 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.42 In March 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal

endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.

- 6.43 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.44 Economic: Whilst the scheme is residential with no commercial premises provided, 30 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The overall economic effect is therefore positive.
- 6.45 However as noted two recently approved schemes in Great Oakley providing an additional 76 dwellings should be taken into account when considering the designation of Great Oakley as a smaller rural settlement. Arguably Great Oakley has already received a greater share of development than would have been anticipated under emerging planning policy. The economic role of sustainable development, as set out in the NPPF, specifically requires sufficient land of the right type be made available in the right places and at the right time – Officers consider that Great Oakley is already providing land for its fair share of housing.
- 6.46 Social: The provision of 30 dwellings toward meeting projected housing need is a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery. Great Oakley is already expected to accommodate the additional dwellings referred to above, within the next five years, which is considered more than sufficient to address short-term local housing needs and absorb market demand. This stance reflects the designation of Great Oakley as a smaller rural settlement. The social role of sustainable development, as set out in the NPPF, requires housing to meet the needs of present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF advocates a plan-led approach that actively seeks to direct development to the most sustainable locations and Officers consider that additional development above that currently approved within Great Oakley does not reflect the positive approach set out in the emerging Local Plan which is progressing well through the plan making process.
- 6.47 Environmental: The environmental impacts of the proposal have required careful consideration. Whilst the site is considered of low ecological significance, as noted by the Councils Principal Tree and Landscape officer the site is exposed in visual landscape terms. As previously discussed the ecological and landscape impacts of the development could be kept to a minimum through mitigation measures, although the impact on the character of the area is likely, at best, to be neutral but more likely slightly adverse – however not significant enough to justify a reason for refusal in this instance.
- 6.48 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough

to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations. Great Oakley is already well provided for in terms of extant consents for additional residential dwellings and further significant developments in the village are considered unnecessary, disproportionate and the impacts of continued development on the character and enjoyment of the village represent adverse impacts that are no longer significantly and demonstrably outweighed by the benefits.

- 6.49 The development is not supported by the community and offers no exceptional public benefits over and above additional housing that might lead Officers to come to a more positive on-balance view. The application is recommended for refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend the forthcoming appeal and members are requested to endorse the suggested reasons for refusal.

Background Papers

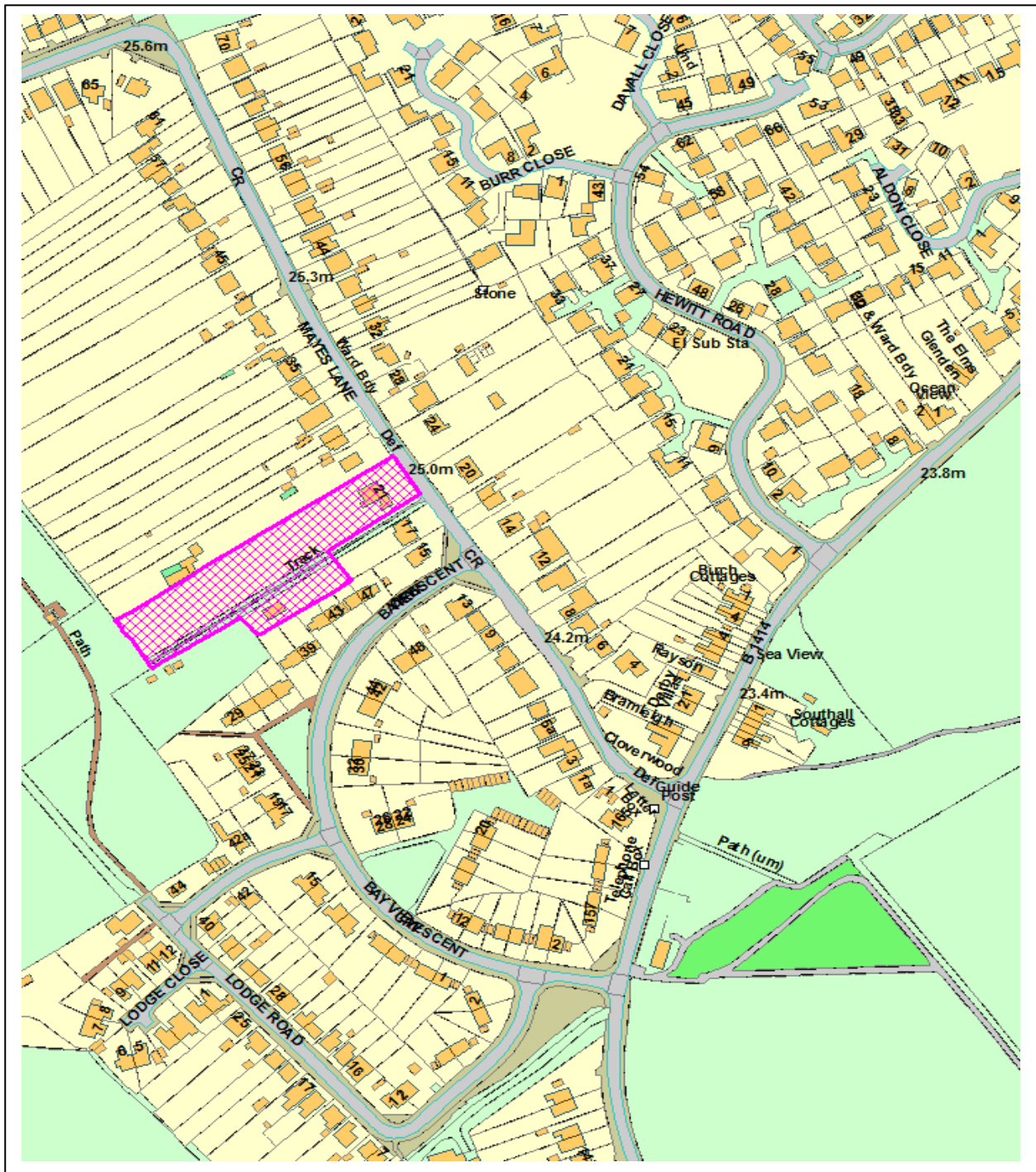
None.

PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.8 PLANNING APPLICATION - 16/02084/OUT - 21 MAYES LANE, RAMSEY, HARWICH, CO12 5EJ



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Application:	16/02084/OUT	Town / Parish: Little Oakley Parish Council
Applicant:	Mr T Palmby - Tucia Properties	
Address:	21 Mayes Lane Ramsey Harwich CO12 5EJ	
Development:	Alteration of one dwelling and erection of 5 no. bungalows.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee at the request of Cllr. D. Land (as the District Councillor of the neighbouring ward) as it represents a contentious application with the local community and is a revision of a previous application that was refused by the Planning Committee and where the subsequent appeal was also refused by the Planning Inspector.
- 1.2 This application seeks outline planning permission with all matters reserved for the alteration of one dwelling and the erection of 5 no. bungalows.
- 1.3 The application site is situated outside of, but adjacent to, the defined settlement development boundary as set out in the Adopted Local Plan (Tendring District Local Plan 2007); but wholly within the boundary in the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document).
- 1.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary of the Adopted Plan.
- 1.6 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries weight.
- 1.7 Unlike the situation for much of 2016, the NPPF obligation to release land for housing development contrary to the Local Plan is much reduced now that the Draft Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.
- 1.8 The Council must also have regard to the recent appeal decision on this site where the Inspector concluded that the main issue in the determination of the appeal was whether the housing proposal in this location would represent a sustainable form of development having regard to its effect on the character and appearance of the area and to the NPPF and Local Plan.

- 1.9 The Inspector considered the site to be located in a socially sustainable location and that it would meet the economic strand of sustainability. In respect of the environmental impact, it the Inspector considered that the density of the development at 13 dwellings would have an adverse impact on the open character and appearance of the area that would not be outweighed by the potential benefits of the residential development.
- 1.10 The current scheme proposes the erection of 5 no. single storey dwellings set within generous curtilages with ample opportunity for boundary planting/landscaping. Officers consider that, subject to the detailed design of the bungalows being acceptable, that the revised scheme has overcome the Planning Committee's and Planning Inspector's previous grounds for refusal and that the site can be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations.
- 1.11 The revised scheme for 5 no. bungalows is therefore recommended for approval.

Recommendation: Approve

Conditions:

- Time Limit – Outline
- Time Limit – Submission of Reserved Matters
- No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- Single storey dwellings only
- Materials
- Boundary treatments
- Submission of hard/soft landscaping scheme including tree protection details/scheme
- Implementation of landscaping scheme
- The access road being constructed as a 6m wide shared use route with 8m radii kerbs at the bellmouth
- Visibility splays measuring 2.4mx43m to the north and south
- No unbound materials in first 6m of accesses
- All parking and turning facilities including garages and parking space dimensions in accordance with current policy standards
- Details of communal refuse store to be provided
- Timing of vegetation clearance and bat survey as set out in Phase 1 Habitat Survey
- Lighting details
- Surface water drainage scheme as part of reserved matters application

2. Planning Policy

National Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Local Plan Policy

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN13 Sustainable Drainage Systems

TR1A Development Affecting Highways

TR4 Safeguarding and Improving Public Rights of Way

TR5 Provision for Cycling

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

PPL4 Biodiversity and Geodiversity

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

00/01177/FUL	Proposed single storey rear extension and alterations	Approved	14.08.2000
03/00637/FUL	Convert existing garage to residential and retention of rear conservatory and detached double garage.	Approved	27.05.2003
16/00223/OUT	Demolition of one dwelling and erection of residential development of up to 13 houses and bungalows.	Refused	12.02.16

The latter application was subsequently dismissed at appeal on 20.09.16 under Planning Inspectorate reference APPP1560/W/16/3154350.

4. Consultations

4.1 **Building Control and Access Officer** – raise no adverse comments at this time.

4.2 **Environmental Health** – no comments received.

4.3 **Essex County Council Highways** – advise that from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

- The access road being constructed as a 6m wide shared use route with 8m radii kerbs at the bellmouth
- Visibility splays measuring 2.4mx43m to the north and south
- No unbound materials in first 6m of accesses
- All parking and turning facilities including garages and parking space dimensions in accordance with current policy standards
- 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.

4.4 **Principal Tree & Landscape Officer** – The front garden of 21 Mayes Lane is well populated with established conifers. They make a pleasant contribution to the appearance of the area but their amenity value is not so great that they merit protection by means of a Tree Preservation Order. The rear garden is set to grass and is populated with a reasonable range of fruit and ornamental trees as well as garden shrubs and hedging. The trees are pleasant features in their setting, the most prominent being an early mature Blue Cedar and a multi-stemmed Maple. However only those trees close to the rear of the existing dwelling can be seen from a public place and therefore the contribution that they make to the amenity of the locality is commensurately low. Because of the low visual amenity value of the trees on the land it is not considered necessary for the applicant to provide a complete Tree Report and survey however if consent were likely to be granted for the development of the land then any retained trees should be protected in accordance with the guidelines contained in BS5837: 2012 Trees in relation to design, demolition and construction. Should consent for the development of the land be likely to be granted then a condition should be attached to secure new tree planting and soft landscaping to enhance the appearance of the development. New tree planting, other soft landscaping and the treatment of boundaries will be key elements of the design if a successful site layout is to be achieved. New tree planting should be carried out in prominent locations with shrub borders contributing to the appearance of the public realm. Site boundaries should not be demarcated by close board or panel fences as they would be incongruous features in this semi-rural setting.

4.5 **Essex Wildlife Trust** - no comments received

4.6 **Natural England** – standard response with advisory comments that it is for the Council to consider the potential impacts on protected species and whether the proposal is consistent with national and local policies on the natural environment.

5. **Representations**

5.1 Cllr D. land has requested that the application be determined by Planning Committee as it represents a contentious application with the local community and is a revision of a previous application that was refused by the Planning Committee and where the subsequent appeal was also refused by the Planning Inspector.

5.2 Little Oakley Parish Council object to this application for the following reasons:

- The proposal is backland development and does not meet all the criteria set out in Policy HG13
- The development would be out of character with the surrounding area and would be detrimental to the visual amenity and character of the area setting a harmful precedent. There are several large plots in the area where developments such as this would cumulatively and significantly alter the character of the area
- The access to the site is unacceptably close to the existing junction of Bayview Crescent and there is an existing bus stop between them. It would create a highways safety risk to both junctions and the use of the bus stop
- The proposal represents overdevelopment. It is on a site half the size of the site that was refused planning permission for 13 dwellings so represents a similar density to the refused application. It will be visible from other gardens along Mayes Lane, along the access road, from the rural land behind and along the footpath towards Two Village Primary School. It would create an uncharacteristically dense and urban built form in a semi rural area and would appear cramped in relation to other properties.
- All documents submitted with the application refer to the site being in Ramsey, this is incorrect, as it is within the Parish of Little Oakley. The boundary between Little Oakley and Ramsey runs through the centre of Mayes Lane.

5.3 The Harwich Society objects to this application for intensive backland development on the fringe of the town. The proposed density and layout is out of keeping with the locality and represents piecemeal backland development. The proposal is of similar character to the previous piecemeal application for 13 dwellings overlapping this site which has recently been dismissed at appeal.

6. **Assessment**

The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character and Appearance;
- Neighbouring Amenity;
- Highway Considerations;
- Biodiversity; and,

- Legal Obligations.

Site Context

- 6.1 The application site is situated on the eastern side of Mayes Lane, within the Parish of Little Oakley. The site currently comprises of a detached bungalow (No. 21 Mayes Lane) and its garden area and part of the rear garden of No. 17 Mayes Lane. It contains some trees and some outbuildings.
- 6.2 To the north of the site are residential properties that front onto Mayes Lane. These are a mixture of detached and semi-detached properties with long rear gardens. On the other side of the road are dwellings of a similar character. To the south of the site is the remaining garden and property to No. 17 Mayes Lane which is a detached bungalow and properties which front Bay View Crescent, which are also bungalows. To the east of the site is an area of open space at the Two Villages Primary School.

Proposal

- 6.3 This application seeks outline planning permission for the alteration of one dwelling and erection of 5 bungalows. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.
- 6.4 The site plan provided is therefore indicative only; however, it shows No. 21 Mayes Lane to be altered; and a new access created onto Mayes Lane to serve 5 detached bungalows to the rear of the altered dwelling.
- 6.5 This application is accompanied by the following documents:
- Design and Access Statement
 - Extended Phase One Habitat Survey
 - Bat Survey

Principle of Development

- 6.6 The site lies outside, but adjacent to the Settlement Development Boundary of the Saved Local Plan (Tendring District Local Plan 2007) and within the Settlement Development Boundary of the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document).
- 6.7 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.8 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary of the Adopted Plan. On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries weight.
- 6.9 Unlike the situation for much of 2016, the NPPF obligation to release land for housing development contrary to the Local Plan is much reduced now that the Draft Local Plan is

progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.

- 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.

Economic

- 6.11 Economically the construction and habitation of five 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.

Social

- 6.12 In terms of the social role, the site is located in the area of Harwich as set out in Policy QL1 of the Saved Plan which includes Dovercourt, Parkeston, Little Oakley and Ramsey. Within this Policy the area is identified as a town, on this basis it is considered that a significant amount of growth can be supported in this location. It is noted that within the Draft Plan, Little Oakley no longer falls within the area of Harwich as is classified within Policy SPL1 as a smaller rural settlement. The proposal falls below the ten dwelling limit and therefore represents a small-scale infill development.
- 6.13 The site is within close proximity of various community services all within walking distance of the site, in particular the Two Villages Primary School to the west of the site. The area, as a whole benefits from good transport links. The nearest bus stop is located adjacent to the site with a further stop at the south end of Mayes Lane close to the site. The location has provision to public transport that provides accessibility to Colchester. The railway station, which is approx. 3.2km away provides connections to London. Overall, this site has good access to services, facilities and public transport. It is therefore considered that the site is within a socially sustainable location with a number of local facilities within relatively close proximity to the site or accessible by public transport.

Environmental

- 6.14 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.
- 6.15 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site is close to the Settlement Development Boundary in the 2007 Plan and is within it in the 2016 Draft Local Plan with development to the north of the site. The proposed development will make further sense in terms of settlement shape.
- 6.16 As a result, development would be comparable with existing development in the locality, as far as environmental impact is concerned. On this basis, and given the inclusion of the site within the defined settlement boundary in the draft Local Plan, Officers consider that a more positive approach is justified in this instance to development, as the development of this site

can be achieved in keeping with the aims and objectives of National Planning Policy Framework.

- 6.17 Furthermore, the previous proposal for up to 13 dwellings on an altered but similar size site (previous 0.66ha, current 0.5ha) was subject to an appeal decision in October 2016 which is a strong material planning consideration. At paragraph 5 of that decision the Inspector concluded that this is a sustainable location.
- 6.18 In local Policy terms, different residential-based policies are considered throughout this report. However, the backland element of the proposed development is considered primarily against policy HG13. This policy states:
- 6.19 Proposals for the residential development of “backland” sites will be permitted where all of the following criteria are met:
- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
 - ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
 - iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
 - iv. the proposal does not involve “tandem” development using a shared access;
 - v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
 - vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
 - vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.
- 6.20 It is considered that the first criterion is addressed above. The proposal does not constitute an unusual shaped plot or development that would prejudice another area. It is considered that the proposal may well lead to other similar developments within the locality, however the potential harm any of these may cause is not known at this stage. The principle for development within any of the rear gardens at Mayes Lane will be a similar consideration as to what is stated here above. Parking, access, the tandem nature of the development and private amenity space, are covered elsewhere in this report. The impact of the proposed development on the countryside and the urban/rural divide is considered elsewhere in this report.

Visual Impact

- 6.21 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, in 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.

- 6.22 Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) and Policy SPL3 of the Draft Plan (Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.
- 6.23 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.
- 6.24 The development of the site to the rear of existing properties if compared solely to the properties to the north of the site in Mayes Lane would appear out of character with the existing pattern of development. However, it is considered that the proposed development is better related to the development to the south of the site in Bay View Crescent which comprises of bungalows set on smaller plots.
- 6.25 The layout is not being considered as part of this application and the plan submitted is indicative only. However it shows that the site is capable of accommodating the 5 bungalows at a density that does not appear out of character with the nearby development at Bay View Crescent, dependent on the design, appearance and layout, which will be subject to a future application.
- 6.26 The appeal for 13 dwellings was dismissed on the basis of harm to the character of the surrounding area from introducing “an intensively developed enclave into an area otherwise characterised by its open texture, where the built form makes up a small proportion of the overall space, and garden areas are generally large.” “..this effect would likely be exacerbated by the subdivision of the site into a series of relatively small fenced cells to create the private garden spaces relating to the new dwellings.” The significant reduction from total 13 dwellings to total 6 dwellings results in a spacious development, as shown on the indicative site plan, with each bungalow having generous front and rear gardens with plenty of opportunity for soft landscaping. The Inspector acknowledges at paragraph 12 that Bay View Crescent is “generally more closely textured than development along Mayes Lane”. The new proposal includes the majority of the rear garden to No 17 Mayes Lane overcoming a further concern raised at appeal that “It would furthermore not be directly contiguous with Bay View Crescent, separated from it by the rear garden of 17 Mayes Lane, and would be perceived therefore primarily in the context of development along Mayes Lane itself.” This new proposal is considered to preserve the suburban and semi-rural characteristics of the area and would therefore overcome this previous objection at appeal.

Neighbouring Amenity

- 6.27 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 SPL3 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'.
- 6.28 The appearance of the proposed bungalows is not included within this application, so it is not possible at this stage to fully assess the impact on neighbour's amenities. However, being single storey in height and given the generous amenity space it is considered that five

bungalows could comfortably be located on the site without harm to residential amenity in terms of overlooking or loss of light or outlook.

- 6.29 The proposed site access is situated between two residential properties; one proposed to be altered as part of the development (No. 21) and No. 17. The site access in this location has potential to result in an adverse impact on the residential amenity of these residents due to the coming and going of vehicles. There is potential for some mitigation measures to be incorporated along the boundary with No.17; any measures proposed will form part of the reserved matters application. Although, notwithstanding any mitigation measures proposed there is a distance of approx. 9 metres between the proposed site access and the existing bungalow at No. 17. It is considered that this is a sufficient distance especially as the garage is the nearest part of the dwelling and there is sufficient space for planting within the garden of No.17 if further planting is considered necessary. With regard to the impact on the altered dwelling (No 21), it is considered that the dwelling could be designed in a way that minimises any impact and therefore this relationship is considered acceptable.
- 6.30 The indicative layout plan shows the proposed southernmost bungalow approximately 14 metres from the rear wall of No 41 Bay View Crescent (but set back to the NW corner of their boundary) and approximately 22 metres from the rear wall of No 39 Bay View Crescent. As the dwellings are bungalows, as controlled by condition, and are set within spacious plots there would be no material harm to neighbouring amenity in terms of loss of light, outlook or privacy.
- 6.31 It is also considered that there is sufficient distance from the adjoining properties in Mayes Lane not to result in any significant adverse impact on neighbour's amenities.

Highway Considerations

- 6.32 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 SPL3 of the Draft Plan.
- 6.33 Essex County Council Highways were consulted on the application; they raise no objection in terms of highway safety subject to the conditions set out above. It is possible that all these requirements can be met. On this basis, given the lack of objection from the highway authority, officers consider that the application is acceptable in highways terms and it is not possible to substantiate a reason for refusal on these grounds.
- 6.34 Some of the conditions recommended such as off-street parking being in accordance with Parking Standards, the position of garages and details for the provision of cycle storage do not need to be imposed as they will be dealt with by any future reserved matters application.

Impact on Trees/Landscaping

- 6.35 The front garden of 21 Mayes Lane is well populated with established conifers. They make a pleasant contribution to the appearance of the area but their amenity value is not so great that they merit protection by means of a Tree Preservation Order. At appeal the Inspector stated there were not "any individual trees which make a significant contribution to the character or appearance of the area."
- 6.36 The rear gardens are set to grass and are populated with a reasonable range of fruit and ornamental trees as well as garden shrubs and hedging. The trees are pleasant features in their setting however only those closest to the rear of the existing dwelling can be seen from a public place and therefore the contribution that they make to the amenity of the locality is commensurately low.

- 6.37 Because of the low visual amenity value of the trees on the land it is not considered necessary for the applicant to provide a complete Tree Report and survey at application stage. However, a condition is recommended to ensure that any retained trees are protected in accordance with the guidelines contained in BS5837: 2012 Trees in relation to design, demolition and construction. The details of proposed landscaping will form part of the reserved matters application. It is considered that landscaping will enhance the appearance of the development.

Biodiversity

- 6.38 Policies within Chapter 6 of the Tendring District Local Plan (2007) and Policy PPL 4 of the Draft Plan 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.
- 6.39 A Phase 1 Habitat Survey was submitted as part of the application. This concluded that:
- The scattered trees, hedgerows and dense scrub on site were suitable habitat to support nesting birds.
 - The scrub and hedgerow boundaries provided limited, suitable reptile habitat within the application site.
 - The outhouse with a pitched, interlocking clay tiled roof was deemed to be of low roosting bat potential, due to a broken tile on the northern façade.
 - The habitats within the zone of influence of the proposed development site are generally unsuitable for otter, water vole, white-clawed crayfish, great crested newt.
 - The site location is not suitable for dormice and no signs of badgers were identified.
- 6.40 This survey set out recommendations which included that one bat emergence survey or one dawn re-entry survey is undertaken of the outhouse identified as being of low roosting bat potential.
- 6.41 The Bat Survey concluded that no bats were observed emerging from the outbuilding and no evidence of bat presence was identified during the Preliminary Roost Inspection, indicating likely absence of roosting bats. Four bat species were identified foraging within the application site during the dusk emergence survey. The application site comprises predominantly of garden habitats and is relatively unlit within the surrounding landscape, therefore within the locality of the emergence survey, adjacent habitat was deemed to be of low to moderate quality for foraging and commuting bats.
- 6.42 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations.
- 6.43 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.

Flood Risk & Drainage

- 6.44 Policy EN13 of the Saved Local Plan and Policy PPL5 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.

- 6.45 As this application site is under 1 hectare and in outline form with all matters reserved it is considered that it is reasonable to condition that this information is submitted as part of the reserved matters application.

Legal Obligations

- 6.46 In contrast to the appeal proposal, the current proposal is for only five additional dwellings and is therefore before the threshold of ten dwellings so does not require any financial contribution towards public open space, or provision of affordable housing.

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 The current scheme proposes the erection of 5 no. single storey dwellings set within generous curtilages with ample opportunity for boundary planting/landscaping. Officers consider that, subject to the detailed design of the bungalows being acceptable, that the revised scheme has overcome the Planning Committee's and Planning Inspector's previous grounds for refusal and that the site can be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety and biodiversity considerations

Background Papers

None.

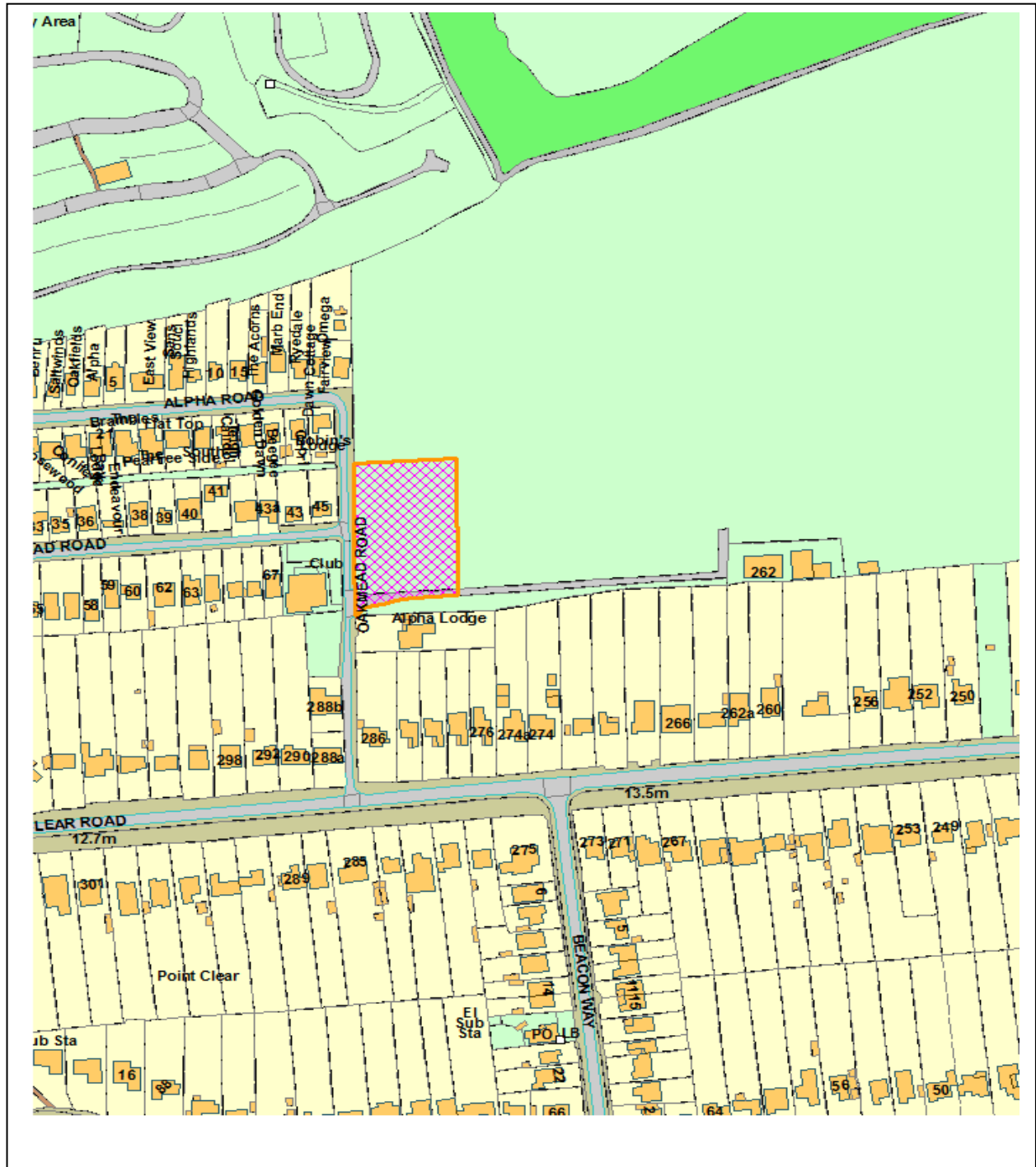
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PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.9 PLANNING APPLICATION - 16/01611/OUT - LAND ADJACENT TO OAKMEAD ROAD, ST OSYTH, CO16 8NW



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Application:	16/01611/OUT	Town / Parish: St Osyth Parish Council
Applicant:	Mr Parsons	
Address:	Land adjacent to Oakmead Road St Osyth	
Development:	Proposed 5 No. detached dwellings with associated garages and parking.	

1. **Executive Summary**

- 1.1 This application has been referred to Planning Committee at the request of Councillor Talbot.
- 1.2 This application seeks outline planning permission with all matters reserved for the construction of 5 no. detached dwellings with associated parking and garaging.
- 1.3 The application site is situated on the eastern side of Oakmead Road outside of, but adjacent to the defined settlement development boundary of Point Clear West as set out in the adopted Tendring District Local Plan (2007). In the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016, Point Clear is not shown within settlement development boundaries and, as a consequence, the application site is located well outside of the proposed boundaries.
- 1.4 The National Planning Policy Framework sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.5 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers considered that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF and as a result the proposed development cannot be refused solely on the basis that a site is outside the development boundary. However, the positive progress of the new Local Plan combined with the improvement in the district's housing land situation in recent months means that the urgency to release land for housing development contrary to the Local Plan has reduced considerably.
- 1.6 Whilst the housing land shortfall has reduced to a limited level, the Council must still apply paragraphs 14 and 49 of the NPPF and the presumption in favour of sustainable development is still engaged. This requires the economic, social and environmental impacts of development to be assessed and for the benefits of development to be weighed against any adverse affects.
- 1.7 Officers consider that this is a relatively small residential development adjoining the existing built up area of the village where adverse impacts would not significantly or demonstrably outweigh the benefits. It is considered that the site could be developed without raising any objections in respect of; the character and appearance of the area, residential amenity, highway safety, landscape impact and biodiversity considerations.

Recommendation: Approve

Conditions:

- 1) Time Limit – Outline
- 2) Time Limit – Submission of Reserved Matters

- 3) No Development until Reserved Matters (access, appearance, layout, landscaping and scale) submitted
- 4) Materials
- 5) Boundary treatments
- 6) Visibility splays of site maximum by 2.4m by 17m
- 7) Type 3 turning head shall be provided
- 8) Details of communal refuse store provided
- 9) Off-street parking in accordance with current parking standards
- 10) Timing of vegetation clearance
- 11) Lighting details
- 12) Biodiversity mitigation and enhancement provision
- 13) Removal of PD rights for fencing, walls and means of enclosure on the perimeter of the site boundary

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG9 Private Amenity Space

HG14 Side Isolation

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP4 Housing Layout

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan/Housing Supply Position

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

On 19th January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.

It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.

In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.

Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31st March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.

Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.

The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal.

3. Relevant Planning History

None relevant.

4. Consultations

ECC Highways Dept

It is noted that Oakmead Road is classified on the s36 List of Streets as a 'Private Street' and whilst maintenance of the route is not undertaken by Essex County Council, a highway right exists over the route and as such Essex County Council has a duty to protect the rights of the highway user. This Authority has assessed the details of this application and having regard to the fact that Oakmead Road is very quiet and the site is close to bus stops, the Highway Authority does not raise any objections to the principle of the development.

Any Reserved Matters application, however, should show the following aspects;

1) 2.4m x 17m visibility splays at the access which should measure no less than 4.1m for the first 6m, thereafter narrowing to no less than 2.4m, and no loose or unbound materials to be use in the surface treatment of the access within 6m of the highway boundary.

2) A suitable type 3 turning head, a passing bay as the proposed access is longer than 18m, and a refuse collection point as the route is longer than 25m

- 3) All parking and turning facilities should accord with current policy standards
- 4) All new units to be provided with transport information marketing packs

Tree & Landscape Officer The application site is set to grass with a strong boundary hedgerow adjacent to Oakmead Road. Other than the boundary hedgerow there are no trees or other significant vegetation on the land. It would appear that the retention of the boundary hedgerow is not threatened by the development proposal.

In terms of the impact of the development proposal on the local landscape character it is apparent that it has the potential to cause harm to character and appearance of the area.

The application site is situated in the St Osyth Coastal Slopes Landscape Character Area (LCA) as defined in the Tendring District Council Landscape Character Assessment. The LCA within which the application site is situated is a narrow strip of land with The St Osyth Coastal Ridge LCA to the north and both the Brightlingsea Drained Marshes LCA and the Brightlingsea Creek Marshes to the north and northwest.

The Tendring District Council Landscape Character Assessment describes the St Osyth Coastal Slopes LCA's importance as a setting for the Brightlingsea Marshes and refers to the domination of the area by large scale regular fields indicative of late enclosure divided only by intermittent hedges. The intensification of agricultural land and the expansion of built development on the edges of Clacton, Jaywick and Point Clear are indicators of change that have the potential to cause harm to the existing qualities of the local landscape character.

The strategy for the management of the LCA aims to conserve the rural, undeveloped setting to the Brightlingsea Drained Marshes. It also aims to ensure that the expansion of built development does not intrude onto the highly sensitive crests of slopes where development would be conspicuous on the skyline or restrict important views.

Whilst the application site is reasonably well assimilated with the existing development in Oakmead road it would set a precedent for the development on the western side of Oakmead Road and be out of keeping with the existing settlement pattern. The development would not be prominent on the skyline but would have a negative impact on the local landscape character by contributing to the urbanisation of the countryside.

Should planning permission be likely to be granted then a condition should be attached to secure details of the indicative soft landscaping shown on the site layout plan.

5. Representations

- 5.1 St. Osyth Parish Council raises an objection to the application which can be summarised and addressed as follows;

- The site has been the subject of a previous planning appeal.
There is no recent comparable planning or appeal history which relates directly to this site for residential development.
- Site borders Flood Zone 3.
- No existing surface water drainage.
- Site is within the Coastal Protection Belt
The impact on the Coastal Protection Belt is considered in the main assessment below.
- Access and use via an un-adopted road will increase maintenance for existing residents.
Highways is considered in the main assessment below. Private roads are maintained by the residents. Any additional residents would share responsibility but this is not a planning matter.

5.2 7 letters of objection have been received which can be summarised and addressed as follows;

- Private roads maintained by residents.
- Single unmade track with no footpaths.
- Increase in traffic will cause danger to pedestrians.
- Danger caused by construction traffic and oil delivery.
Highways is considered in the main assessment below. Private roads are maintained by the residents. Any additional residents would share responsibility but this is not a planning matter.
- No surface water drainage and this will exacerbate the flood issues.
- More houses will destroy natural soakaways.
This is a minor scale residential development where Anglian Water are not a statutory consultee. Permeable surfacing will be required and dealt with at the reserved matters stages. Drainage will be dealt with at the building regulations stages of the development.
- Within a flood risk area.
The site is not within a flood risk zone requiring a flood risk assessment.
- Design and 2 storeys not in keeping.
The application is in outline form only with all matters reserved, including design and scale which is covered in the main assessment below.
- Will cause overshadowing.
- Will result in a loss of privacy.
The application is in outline form only with all matters reserved. Neighbouring impact is considered in the main assessment below.
- Loss of pasture land detrimental to environment.
- Harmful to biodiversity and wildlife.
- Already overstretched infrastructure and amenities.
The principle of development including the impact on the environment and biodiversity is considered in the main assessment below.
- Sets precedent for remainder of site to be developed.
All applications are considered on their own merits in relation to all material planning considerations at the time of an application.

- Within Coastal Protection Belt.
The impact on the Coastal Protection Belt is considered in the main assessment below.
- Planning and appeal history of refusals still relevant.
There is no recent comparable planning or appeal history which relates directly to this site for residential development.

5.3 3 letters of support have been received including a petition of support with 43 signatories. The representations in support of the development can be summarised as follows;

- Will improve area and eventually the access and road.
- New houses will attract people to the area.
- No harm to residential amenities.
- Alpha Road residents do not need to use Oakmead Road for access.

5.4 An email from the Agent in response to the objections was received on 12th December 2016 and has been treated as additional information.

6. Assessment

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Character, Appearance and Landscaping;
- Neighbouring Amenity;
- Highway Considerations, and;
- Biodiversity.

Site Context

6.2 The application site is a rectangular area of land approximately 0.36 hectares in size lying to the east of Oakmead Road, to the north of the properties fronting Point Clear Road. The planning statement submitted with the application states that the site currently forms part of the curtilage of 262 Point Clear Road to the east of the application site but there is no planning history to validate that this area is residential curtilage. The site does lie adjacent to the existing access and driveway leading to 262 Point Clear Road and forms part of a larger lawned area having the appearance of residential curtilage and not open countryside. The site is therefore mostly open with a dense mature hedgerow along the western boundary with Oakmead Road

6.3 The site is outside the Flood Zone but is within the Coastal Protection Belt.

Proposal

6.4 The application seeks outline consent with all matters reserved for the construction of 5 detached dwellings with associated access, turning, garaging and parking.

6.5 Whilst all matters are reserved for later consideration, the 'Illustrative Block Plan' drawing has been submitted to indicate how development could be achieved within the application site. The indicative drawing shows vehicular access off the existing access from Oakmead

Road serving 262 Point Clear Road with the 5 residential properties situated off an internal access road. The properties would front Oakmead Road in a linear form.

- 6.6 The 'Illustrative View from Oakmead Road' drawing together with the Planning Statement describes the housing mix of 5 no. 4 bedroom properties, 1.5 storey scale in size and of a modern design and finish.
- 6.7 These properties are indicated as accommodating in excess of 100 square metres of private amenity space.
- 6.8 The submitted 'Illustrative Block Plan' drawing shows that there would be scope to provide additional hedgerow planting to the perimeter of the site which would make a positive contribution to the bio-diversity of the site.

Principle of Development

- 6.9 The application site is located outside of the defined settlement boundary as defined within the Tendring District Local Plan, 2007 which aims to direct new development to the most sustainable sites. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.10 Point Clear is identified as a village within Policy QL1 of the Tendring District Local Plan (2007) and on this basis it is considered that a modest amount of growth can be supported. Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.
- 6.11 Within the emerging Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 Point Clear has no defined settlement development boundary.
- 6.12 Given the limited weight that can currently be applied to the draft Local Plan, and the status of policy QL1, assessment of the principle of development falls to be considered under the National Planning Policy Framework (NPPF).
- 6.13 Chapter 6 of the NPPF has an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.14 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF. However, as explained elsewhere in this report, the housing land shortfall has reduced in recent months to a limited level and the new Local Plan is progressing well.
- 6.15 While a housing land shortfall still remains and in the absence of up-to-date policies, development proposals should not be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.16 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the 3 dimensions of 'sustainable development',

- economic;
- social, and;
- environmental roles.

6.17 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic

6.18 Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

Social

6.19 In terms of the social role, the development will deliver a small amount of new housing that will contribute towards meeting housing demand in the area. The Tendring District Council Local Plan Settlement Hierarchy April 2016 identifies Point Clear as falling within the second highest scoring settlements having access to local amenities and a good bus route.

6.20 The site itself is within reasonable walking distance of the local 'Nisa' convenience store on Point Clear Road and the Community Hall in Dumont Avenue. The nearby village of St. Osyth offers many more amenities including the St. Osyth Primary School.

6.21 There is an hourly bus service at the end of Oakmead Road into St. Osyth and Clacton.

6.22 Although Point Clear is has a limited range of jobs, shops, services and facilities, this is a relatively small development of a scale that would generally be appropriate for organic growth of a rural settlement. Overall officers consider that the application site performs reasonably in terms of the social role within the definition of sustainability.

Environmental

6.23 It is acknowledged that, in terms of settlement shape and form, development in this location is unlikely to have a significantly detrimental impact (subject to consideration against other Local Plan policies) as the site is located immediately opposite the settlement development boundary as defined in the saved Tendring District Local Plan (2007), with a number of residential dwellings sited to the east, south and west of the site.

6.24 The environmental role is about contributing to protecting and enhancing the natural built which is considered below under the heading Character and Appearance.

6.25 In considering the principle of development against the requirements of the NPPF, Officers consider that the adverse impacts are very limited and do not significantly or demonstrably outweigh the benefits.

Character, Appearance and Landscape Impact

6.26 The site is surrounded by existing residential development; to the north-west on Alpha Road, to the west of the site and to the south and east fronting Point Clear Road. The site forms part of a larger open area of lawned land enclosed along the northern and western

boundaries by a mature hedgerow appearing as part of 262 Point Clear Road and not part of the open countryside beyond. To the north and in line with the application site is mobile homes sited at The Orchards Caravan Park.

- 6.27 The development proposes 5 no. detached dwellings fronting Oakmead Road but accessed via a new internal access road off the existing driveway serving 262 Point Clear Road. The linear arrangement shown in the indicative layout plan is considered to represent an appropriate response to the pattern of built development in the vicinity. The presence of residential development and the existing caravans around the site ensures that the infill of this site would not adversely impact upon the character. The retention of the entire frontage hedgerow along Oakmead Road ensures that the development would not appear prominent or alter the existing street scene to the detriment of the locality.
- 6.28 Whilst scale is a reserved matter, the indicative details submitted show that the dwellings would be 2 storey in height served by integral single garages and of a modern design, appearance and finish. The properties fronting Point Clear Road differ in character to the area immediately to the west of the application site. Alpha Road and Oakmead Road comprise of a mixture of bungalows and chalet style dwellings of different architectural styles but overall traditional in appearance. These properties relate more closely with the application site. With a predominate character of bungalows, and in order to minimise the visual impact, a single storey development of a traditional appearance would be preferred at reserved matters stage.
- 6.29 The indicative layout provided shows that the dwellings would be served by a one access point off Oakmead Road set behind an internal access road and almost wholly screened by the mature hedgerow to be retained along the western boundary. This arrangement would reduce the visual impact of the development and respect the semi-rural character of the locality.
- 6.30 Therefore taking into consideration the current use and appearance of the site, the residential character of the surrounding area and the vegetation present on and around the site, it is considered that the proposed development would have a neutral impact upon the environment and would as a result satisfy the environmental strand of sustainability as defined within the NPPF.

Coastal Protection Belt

- 6.31 The site lies within the Coastal Protection Area as defined within the saved Tendring District Local Plan 2007 and the draft Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016. The defined area includes the entire coastal peninsular including the existing settlements of Point Clear and St Osyth in their entirety.
- 6.32 Policy EN3 of the 2007 Local Plan requires that development which does not have a compelling functional need, to be located outside of the Coastal Protection Belt. The emerging plan while carrying little material weight explains that the policy is to protect the open character of the undeveloped coastline.
- 6.33 The Coastal Protection Belt was originally drawn in 1984 and was a key strategic policy in Essex County Council's 2001 Replacement Structure Plan which was superseded by the East of England Plan in 2008 and subsequently abolished in 2012 with the introduction of the NPPF. The NPPF does however state, in paragraph 114 that local planning authorities should maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

- 6.34 The status to be given to local 'countryside protection' policies such as Coastal Protection Belt and Local Green Gaps has been clarified by a decision of the Court of Appeal (Cheshire East Borough Council v Secretary of State for Communities and Local Government & Anr. Case Number: C1/2015/0894) in which three judges overturned an earlier High Court decision which had determined that such countryside protection policies are not housing policies and should not be considered out of date if a Council cannot identify a sufficient supply of housing land. In overturning the High Court's decision, the Court of Appeal judges concluded that the concept of 'policies for the supply of housing' should not be confined to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. They concluded that this concept extends to policies whose effect it is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the green belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development.
- 6.35 This proposal is sited abutting the existing settlement against the backdrop of the existing substantial development that is Point Clear and will contribute to the overall housing need. The impact on the Coastal Protection Belt will be minimal having regard to the existing settlements also being entirely within this designated area.
- 6.36 The development is outside of the flood zone and the managed area of grass land that is currently the site does not have any impact on the habitat potential. The development will not significantly harm the landscape character or quality of the undeveloped coastline.
- 6.37 On the basis that development of this scale, in this location and on this site is unlikely to have a significant detrimental impact on the undeveloped landscape, Officers are not recommending refusal against the Coastal Protection Belt policy.

Neighbouring Amenity

- 6.38 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Draft Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 supports these objectives.
- 6.39 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings. The indicative layout shows that sufficient spacing is left to the residential properties adjacent to the site as to not cause loss of light or privacy.

Highway Considerations

- 6.40 Essex County Council as the Highway Authority has been consulted on the application (see above for full details). They raise no objection to the principle of the development and the vehicular access subject to conditions.
- 6.41 It is noted that objections have been received with regards to highway safety concerns, however as stated the Highway Authority have not raised any concerns from a highway

safety aspect, and Oakmead Road is classified as a 'Private Street' therefore Officers consider a refusal on this issue could not be substantiated.

- 6.42 The Council's 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 garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. It is considered that the site is capable of accommodating this level of parking and the submitted indicative plan demonstrates this.

Biodiversity

- 6.43 The site consists predominantly of improved grassland with boundary hedgerows with Brightlingsea Creek Marshes to the north of the site. As a result a phase 1 habitat survey has been submitted.
- 6.44 The site predominantly comprises of close-mown poor semi-improved grassland, with an unmanaged species-poor, defunct hedge along the western boundary. Young scattered trees border a hardstanding track along the southern boundary of the site. No habitats that occur within the survey area were considered to have high ecological importance on an international, national, regional, county, district or local scale. The habitats on site are of site significance only. The site is not considered suitable for roosting Bats, Reptiles, Water Voles, Otters, Great Crested Newts, Badgers, Hazel Dormice, and plants or invertebrates of significance.
- 6.45 Therefore, the survey concluded that the majority of the habitats are likely to be of low biodiversity value, but most of the field boundary hedgerow has the potential to be of value to several protected species as well as being of general biodiversity value themselves. However, as the proposed development is within the small northern section of the whole area surveyed, with the appropriate mitigation methods, no significant impacts upon protected species/habitats are predicted.
- 6.46 There are suitable features, within the area to be affected by the proposed development, which may provide habitats for birds and foraging bats. In particular the western boundary hedgerow. This hedgerow is due to be retained within the final development.
- 6.47 The inclusion of conditions relating to the timing of vegetation clearance and the use of sensitive lighting will help to ensure any impact upon nesting birds and foraging bats is minimal. Furthermore, there is an opportunity to increase the ecological value of the site, which is currently low, via wildlife friendly landscaping and the provision of bat and bird boxes.
- 6.48 As such the proposed development is not considered to adversely affect any nearby ecological designations, or protected species.

Background Papers

- 6.49 None.

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PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.10 PLANNING APPLICATION – 17/00028/FUL – MISTLEY CHURCH HALL, NEW ROAD, MISTLEY, CO11 1ER



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Application:	17/00028/FUL	Town / Parish: Mistley Parish Council
Applicant:	Mistley with Manningtree PCC	
Address:	Mistley Church Hall, New Road, Mistley	
Development:	Change of use from church hall to a single residential dwelling.	

1. **Executive Summary**

- 1.1 This application is referred to Planning Committee by Councillor G Guglielmi on the grounds that there have been a significant number of objections to the proposal.
- 1.2 The application seeks planning permission for the change of use of the existing Mistley Church Hall (Class D1) to a single residential dwelling (Class C3). The proposal will result in no external changes. The site lies within the Mistley Conservation Area and the building (excluding its rear extension) was listed at Grade II in December 2016.
- 1.3 The proposal will result in the loss of a community facility. Policy COM3 of the Tendring Local Plan 2007 states that in order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless replacement facilities are within a reasonable walking distance (800m), or it has been demonstrated that there is no longer a local need for the facility, or it is no longer viable.
- 1.4 The proposal meets the above criteria, with clear demonstration of adequate provision of similar facilities within a reasonable walking distance. In addition, the applicant states that the Church Hall will be re-deployed rather than lost, and clear demonstration the site is not financially viable in its current use.
- 1.5 The application site is located on New Road, adjacent to, but outside of any defined Settlement Development Boundary, as established in both the Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016).
- 1.6 The National Planning Policy Framework however sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 1.7 The site is considered to be located in a sustainable location, meeting the economic, social and environmental strands of sustainability. It is considered that the site can be developed without material harm in respect of; layout/design/appearance, impact to neighbours, heritage impact and highway safety. The application is therefore recommended for approval.

Recommendation: Approve

Conditions:

- 1) Time Limit
- 2) Approved Plans

2. Planning Policy

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

COM3 Protection of Existing Local Services and Facilities

EN17 Conservation Areas

EN22 Extensions or Alterations to a Listed Building

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG9 Private Amenity Space

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP3 Housing Density and Standards

HP2 Community Facilities

PPL8 Conservation Areas

PPL9 Listed Buildings

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. Relevant Planning History

TPC/95/40	Repollard 8 Lime trees annually for 5 years	Current	23.10.1995
10/01234/FUL	Erection of two sheds.	Withdrawn	24.02.2011
15/00414/FUL	Proposed replacement windows in rear elevation.	Approved	12.05.2015
16/01647/ACV	Nominated as an Assets of Community Value held and maintained by Tendring District Council.		27.01.2017

4. Consultations

Building Control and Access Officer	A Building Regulations change of use application would be required for this alteration. Otherwise no further comments at this time.
ECC Highways Dept	This site is served by an existing access and the conversion would reduce the number of vehicles associated with the site. As such the Highway Authority does not wish to submit formal comments.

5. Representations

- 5.1 Mistley Parish Council object to the proposal as the church hall has been a valued asset to the local community for more than a century and they would like it to continue to be.
- 5.2 40 letters of objection have been received. The points raised have been summarised below:

- Highly valued community asset;
- Continues to be used as a community facility;
- Inappropriate to change the buildings use given it is a Listed Building;
- No other comparable facilities within walking distance;
- Inadequate level of advertisement of the application;
- The PCC does not have the legal authority to change the use of the Church Hall;
- The building is not redundant as a community hall;
- The building is within a Conservation Area;
- The building is Grade II Listed;
- The building should not be altered or demolished;
- Residents will use facilities outside of the immediate area, increasing traffic;
- The site is a registered asset of community value;
- An increasing population will result in more need for this community asset;
- If they don't legally own the property, they should not be allowed to submit a planning application;
- The building is not suitable as a dwelling; and
- Unsure if the applicant has the deeds.

5.3 With respects to objections relating to the ownership of the site, the applicant has confirmed via email that nobody other than the applicant is the owner of the site, whilst planning is not concerned with land property registration, as planning permission goes with the land and could therefore only be implemented by the landowner.

6. **Assessment**

6.1 The main planning considerations are:

- Site Context
- Proposal
- Principle of Development
- Layout/Design/Appearance
- Impact to Neighbours
- Heritage Impact
- Highway Safety

Site Context

6.2 The application site is located on New Road, within the Parish of Mistley. Having regard to the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016), the site lies adjacent to, but outside of any defined Settlement Development Boundary.

6.3 The site falls within the Mistley Conservation Area and as of December 2016, the building is Grade II Listed and known as Mistley Institute. The surrounding area is predominantly rural, with numerous Grade I and Grade II Listed Buildings approximately 50 metres to the south-east, at The Green and along The High Street, whilst to the north-east are the Grade I Listed Mistley Towers, who are also a Scheduled Ancient Monument. All internal changes are confirmed to the rear extension which is excluded from the buildings listing.

Proposal

6.4 The current application seeks planning permission for the change of use from the existing Church Hall (Class D1) to a single residential dwelling (Class C3). The proposal will result in no external changes.

Principle of Development

- 6.5 Policy COM3 of the Tendring Local Plan 2007 states that in order to ensure that basic community facilities and local services are retained, redevelopment that would result in their loss will not be permitted unless replacement facilities are provided within a reasonable walking distance, or there is adequate provision of similar facilities within reasonable walking distance (800m), or it has been demonstrated that there is no longer a local need for the facility or it is no longer viable.
- 6.6 Within the submitted Design and Access Statement, the applicant has clearly demonstrated that there is adequate provision of similar facilities within a reasonable walking distance of 800 metres, with clear examples being St Mary and St Michael Church 200 metres to the west, Mistley Cricket Club Pavillion 400 metres to the west, Mistley Methodist Chapel 700 metres to the east and Mistley Norman School approximately 800 metres to the east. Furthermore, the applicant has also stated that the Church Hall will be re-deployed rather than lost, whilst in providing accounting information, has clearly demonstrated that it is not a financially viable building in its current use.
- 6.7 Therefore, the proposal meets the relevant criteria of Policy COM3 and it is considered that subject to detailed consideration as to the sites sustainability credentials below, the principle of development is acceptable.
- 6.8 The site is located adjacent to, but outside of, the Settlement Development Boundary (SDB) for Mistley, as established in the saved local plan and the Tendring District Local Plan Preferred Options Document (July 2016). Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.9 Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. However, given the limited weight that can be applied to the draft Local Plan, and the status of Policy QL1, assessment of the principle of development falls to be considered under the NPPF.
- 6.10 Chapter 6 of the National Planning Policy Framework (NPPF) has as an objective for the delivery of a wide choice of high quality homes. In order to facilitate this objective paragraph 49 of the NPPF sets out housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.11 It is accepted that the Council cannot demonstrate a deliverable 5 year housing land supply and as a result officers consider that Tendring District Local Plan (2007) Policy QL1, cannot be considered up-to-date as set out in paragraph 49 of the NPPF.
- 6.12 Based on the above it is considered that, in the absence of up-to-date policies, development proposals cannot be refused solely on the basis that a site is outside the development boundary. Paragraph 14 of the NPPF supports this view when it sets out that where relevant policies are out-of-date planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 6.13 On this basis and having regard to paragraphs 14 and 49 of the NPPF, the presumption in favour of sustainable development carries significant weight. As a result the current scheme falls to be considered against the three dimensions of 'sustainable development',

- economic,
- social and
- environmental roles.

- 6.14 The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

Economic:

- 6.15 It is considered that the proposal for 1 no. dwelling would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic strand of sustainable development.

Social:

- 6.16 The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.
- 6.17 Socially it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. The site is situated within Mistley, and is within walking distance to key facilities such as a post office, church, and school. Furthermore, the site benefits from footpaths and street lighting to these areas, with a good bus service running to the nearby towns. Therefore, on balance, the site is considered to meet the social strand of sustainability.

Environmental:

- 6.18 The environmental role is about contributing to protecting and enhancing the natural built and historic environment and is assessed below.
- 6.19 The site is located in a predominantly rural area, with large open fields to the north-west and south. However, further to the south-east, the character becomes more urbanised with examples of residential dwellings and retail units. Furthermore, the site does not fall within a recognised green open space and the design of the proposal will remain unaltered, therefore resulting in a neutral impact to the surrounding area. The impact on the historic environment is assessed under 'Heritage Impact' below and is deemed acceptable.

Layout/Design

- 6.20 The submitted plans show that there will be no external changes as a result of the proposal, and therefore it will result in a neutral impact to the character of the surrounding area.
- 6.21 Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. From the information that has been supplied, it is considered that there is sufficient space to accommodate 100 square metres of amenity space. The site is currently surrounded by a low level picket fence so is not private. Any replacement fence/wall would require planning permission as this is a Listed Building, however planting could provide more privacy and as such, a landscaping condition is imposed to control this.

Impact to Neighbours

- 6.22 Due to the location of the proposed dwelling, the only neighbouring property is adjacent to the east. However, given that there are no external changes proposed, there will be only a neutral impact to their existing amenities. Furthermore, the change of use from a church hall to a single residential dwelling is also likely to result in reduced disturbance.

Heritage Impact

- 6.23 Paragraph 128 of the National Planning Policy Framework ("the Framework") requires applicants to describe the significance of any heritage assets affected. This requirement is retained by draft Policy PPL9 of the 2012 Local Plan: Proposed Submission Draft, as amended by the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016). Paragraph 134 of the Framework adds that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.24 Mistley Institute, designed by William Douglas Caroe and built in 1911, has in December 2016 been awarded Grade II Listed Building status (List Entry Number: 1440369), with the exception of the rear south extension. It is considered to have historic interest due to it being an interesting example of a village institute established with the purpose of improving the education and well-being of local parishioners, its architectural interest due to its subtle architectural quality which imparts a welcome homeliness typical of the Arts and Crafts ethos, its interior merits, as well as use of building materials such as a combination of rich red brick and roof tiles and the tile creasing and roughcast render. Finally, it is afforded Listed Building status due to its associated group value with numerous surrounding listed buildings, notably the Grade I-listed and Scheduled Ancient Monument Mistley Towers opposite.
- 6.25 It is unfortunate that the building cannot be retained for the purpose for which it was designed; however this does not represent grounds on which planning permission could be refused.
- 6.26 Given this and that the site falls within the Mistley Conservation Area, the heritage impact is a key consideration to this application. As such the applicant has supplied a Heritage Statement to justify how the proposal will either preserve or enhance the building and local area.
- 6.27 Whilst the proposal will result in some minor internal amendments to the Grade II Listed Building, these changes are situated within the rear south extension, which does not form part of the buildings listing. Any further internal changes would need to be subject to Listed Building Consent, of which the applicant is clearly aware of within their Design and Access Statement. A note will be added for the avoidance of doubt.
- 6.28 Furthermore, due to there being no external changes there will be a neutral impact to the Mistley Conservation Area and the impact to nearby Listed Buildings will again be neutral due a minimum separation distance of 40 metres. Overall, despite the historic character of both the building and the surrounding area, there is not considered to be a harmful impact as a result of the proposal.

Highway Safety

- 6.29 The site would require no new access and there is sufficient parking for at least two vehicles as per the Adopted Essex County Parking Standards which state that each space

should measure a minimum of 5.5m x 2.9m and therefore there will be no highways implications as a result of this proposal.

- 6.30 Furthermore, Essex Highways Authority has stated that as the site is served by an existing access and the conversion would reduce the number of vehicles associated with the site, it does not wish to submit formal comments.

Conclusion

- 6.31 The change of use complies with Saved Policy COM3 and the residential use complies with the three strands of sustainability, as detailed within the National Planning Policy Framework. Any future internal or external alterations, including fencing/walls, ponds, pools, extensions and outbuildings would all require separate Planning Permission and/or Listed Building Consent, so would be subject to the Local Planning Authority's control.

Background Papers.

None.

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PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.11 PLANNING APPLICATION - 17/00190/FUL - PUBLIC CONVENIENCES, THE QUAY, HARWICH



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Application:	17/00190/FUL	Town / Parish: Harwich Town Council
Applicant:	Mr Nepean	
Address:	Public Conveniences The Quay Harwich	
Development:	Refurbishment and alterations to existing public conveniences.	

1. **Executive Summary**

- 1.1 The application site relates to the modest building containing the public toilets on the Quayside at Harwich.
- 1.2 The application has been referred to Committee as the Council owns the building and is the applicant.
- 1.3 The proposal is to refurbish the toilets - in particular to provide a disabled persons toilet, and to include a disabled platform lift for wheelchair users - as the building currently contains 2 steps as the floor level, is raised above the pavement level.
- 1.4 The Council needs to fulfil its duty to provide suitable disabled persons access to public buildings, and the structure can be readily adapted and the works are modest.
- 1.5 The building is sited between 2 prominent listed buildings, although the works would not harm the setting of those buildings or impact on the character of the area.
- 1.6 It is a sustainable location and the development meets the 3 arms of sustainable development as noted within the N.P.P.F.
- 1.7 The site falls within the flood-risk zone, although the use of the building will not change, nor would there be any increased risk, and the works will incorporate flood resilient construction.
- 1.8 The works are appropriate and will ensure that disabled persons needs are met within the town centre, which will aid tourism by all members of society and it is therefore recommended that permission be granted subject to conditions.

Recommendation: Approve

Conditions:

1. Time limit for commencement – 3 years
2. Development in accordance with submitted plans

2. **Planning Policy**

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM1 Access for All

COM2 Community Safety

COM3 Protection of Existing Local Services and Facilities

EN1 Landscape Character

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document (July 2016)

SP1 Presumption in Favour of Sustainable Development

SP5 Place Shaping Principles

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP1 Improving Health and Wellbeing

HP2 Community Facilities

PP8 Tourism

PPL1 Development and Flood Risk

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

3. **Relevant Planning History**

17/00190/FUL	Refurbishment and alterations to existing public conveniences.	Current
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4. **Consultations**

Building Control and Access Officer	No adverse comments at this time.
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Regeneration	The Regeneration Team fully support this application.
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5. **Representations**

There has been no response from Harwich Town Council at the date the report was prepared and no letters of representation have been received.

6. **Assessment**

The main planning considerations are:

- Principle of development
- Flood-risk
- Character and form of the development
- Overall planning balance

The Site

6.1 The site comprises a modest sized single-storey building that is sandwiched between two substantial and prominent listed buildings, the Pier Hotel and Quayside Court on the Quayside at Harwich, directly opposite the Ferry terminal, Tourist information centre and road-side car parking.

6.2 The building itself, whilst small in scale, never-the-less has rather ornate architecture, with three 'bays' topped with curved-arch detailing containing clam-shells and the outer two bays contain the entrance doors to the ladies and gents toilets, the centre-bay being blank. There is a stone frieze to the top of the parapet wall.

- 6.3 The building has a floor raised above the surrounding pavement with two-steps to the doors.
- 6.4 Only the façade of the building is visible as the adjoining buildings are more than 3 storeys in height.
- 6.5 The lower part of the façade is of white render to match the Pier Hotel to the left, and the upper walls are of grey brick, with recessed detailing, which matches the building to the right, and the building therefore does not jar with its surroundings despite being single-storey.
- 6.6 To the front of the building is a wide forecourt leading to the pavement and carriageway, where drop-kerbs aid the crossing of the street by pedestrians and wheelchair users.

The Proposal

- 6.7 The proposal is to provide a disabled persons w.c by installing a matching door within the central (currently blanked-off) bay, the extra space created by reorganising the internal space within the gents w.c, with some minor changes to the internal walls, although there is no reduction in the facilities available.
- 6.8 Externally, a 2m square platform that matches the profile and height of the existing steps is to be created to allow a level wheelchair access to the new w.c entrance door, and in front of that, a Gartec step lift is provided to raise a wheelchair user up to the raised floor level of the toilet building – around a 325mm difference in levels.
- 6.9 The sides of the lift unit and the platform are to be enclosed with stainless steel balustrades and the lift is in stainless steel.
- 6.10 The position of the lift and platform provide ready access across the pavement to the dropped kerbs.

Consideration

Principle of development

- 6.11 The public toilets are an essential community facility within the central area of Harwich, although they are at present not D.D.A compliant, and the works are essential to avoid discrimination.
- 6.12 Local Plan Policy COM1 seeks to resist new development that does not provide appropriate access for the disabled to new buildings to which the public will have access, and whilst the proposed development is to 'retro-fit' a disabled toilet within this public building, the general aim of the policy is met.
- 6.13 The building is of considerable age, and it needs to be brought up to modern standards for access in order for the Council to meet its statutory duty to cater for all members of society, and as tourists are encouraged to the area, it is important that all the needs of visitors are met.
- 6.14 The provision of the new facilities is therefore acceptable in principle.

Flood-risk

- 6.15 Whilst the site falls within the flood-risk zone, no change of use or increased vulnerability classification is proposed, the development merely changing access arrangements in to the building, and therefore there are no implications for flood-risk.
- 6.16 The existing building is tiled through-out and the new works will be of similar flood-resilient construction.
- 6.17 The lift and raised platform would remove flood-water capacity but to such a minor amount its impact would be negligible and would not result in the flooding of other land and the development raises no issues in relation to flood-risk.

Character and form of the development

- 6.18 The site falls within the historic town centre, the conservation area, and within the setting of several listed buildings, and therefore the appearance is particularly important.
- 6.19 Most of the works are internal within the building, and any excavation will be modest and in an area already disturbed by the relatively new paving/pavements and so the proposal would not harm any sensitive architecture.
- 6.20 The development proposed is a sensitive alteration to the building, providing a new door within a central 'bay' which reflects the architecture and fenestration of the outer 2 bays and the works to the building are appropriate.
- 6.21 It is the external works comprising the lift, raised platform and railings that have the potential to impact both on the character of the conservation area and the setting of the adjoining listed buildings.
- 6.22 The raised platform is well designed, and runs the line of the existing steps to the building in to the platform, thereby maintaining the form of the building
- 6.23 The lift and platform project forward of the building – by around 4m – projecting in to the forecourt to the front, although still a significant distance from the actual pavement of the public highway where the majority of pedestrians would be walking.
- 6.24 The adjacent listed building to the right-hand side has a feature stone staircase leading to a canted entrance that projects to a greater degree, and the listed building to the left has a projecting cast-iron canopy at first floor, and utilises the area below it as a covered forecourt for external seating, with planters and tables.
- 6.25 The principle of projecting features at the entrance to buildings is not therefore uncommon in the area, and whilst traditionally, these are generally more ornate and are a part of the architecture style of the building, the more functional role of the toilet building justifies a more functional entrance as proposed.
- 6.26 The new entrance is a very modern style although as the Quayside has an array of modern street furniture – including metal period-style street-lights, a red post-box, public seating, cast-iron litter bins and walls and cast bollards to define the parking bays adjacent to the road - the new structure will not appear out-of-place adjacent to the other structures within the street scene.
- 6.27 The proposal will not therefore harm (and therefore preserves) both the setting of the adjacent listed buildings and also the character of the Conservation Area.

Overall planning balance

- 6.28 The works to the building are architecturally sensitive, and the modern addition to the new entrance to the toilets is set back from the road and viewed against a 'busy' street scene with other street furniture and it will appear visually acceptable in the historic environment
- 6.29 The development will not cause any flooding of additional land, nor introduce any increase in vulnerability or change of use, and it is sited conveniently close to an existing verge crossing and therefore will not impact on highway safety.
- 6.30 On balance, the development would not cause any demonstrable harm, and is considered to be a sustainable one, and the benefits of the scheme – including improved access to a public building - are not out-weighted by any harmful impacts.
- 6.31 The development is therefore an appropriate one and recommended for approval.

Background Papers

None

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