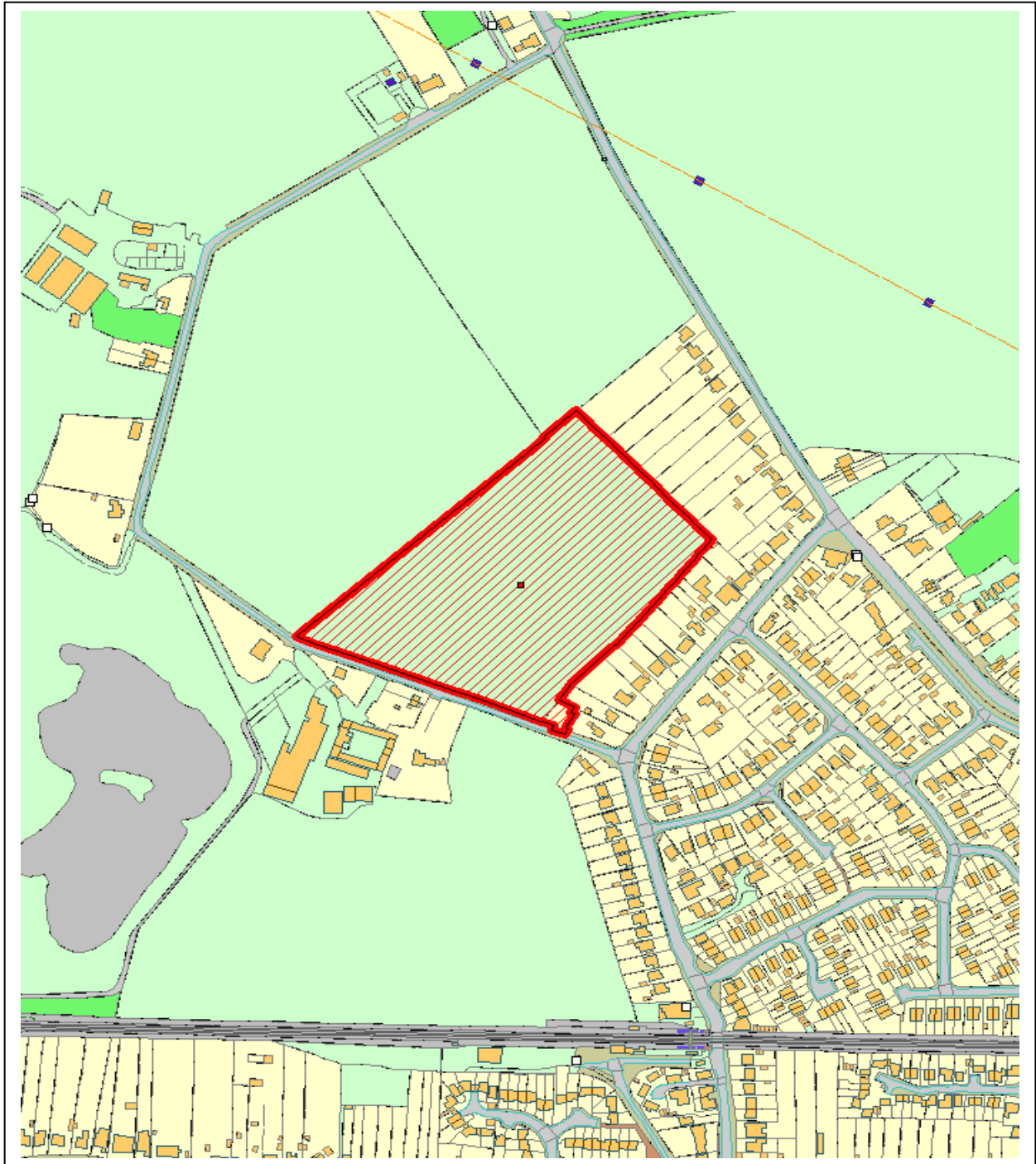


PLANNING COMMITTEE

21 August 2018

REPORT OF THE HEAD OF PLANNING

A.4 **PLANNING APPLICATION – 18/00367/FUL - LAND NORTH OF COCKAYNES LANE, ALRESFORD, CO7 8BT.**



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<b>Application:</b>	18/00367/FUL	<b>Town / Parish:</b> Alresford
<b>Applicant:</b>	Taylor Wimpey UK Ltd	
<b>Address:</b>	Land North of Cockaynes Lane, Alresford, CO7 8BT	
<b>Development:</b>	Erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.	

## 1 **Executive Summary**

- 1.1 This is an application for Full Planning permission, following the grant of 15/00120/FUL on appeal for up to 60 dwellings on land to the north of Cockaynes Lane. The proposal is for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.
- 1.2 The site lies outside of the settlement development boundary for Weeley within the adopted Local Plan, but in the emerging Local Plan it is specifically included within the defined settlement boundary of Alresford. The emerging plan has now reached a relatively advanced stage of the plan-making process, and the Council relies on this to boost the supply of housing in line with government planning policy and to maintain a five-year supply of deliverable housing land. The site also benefits from the grant of an extant planning permission for up to 60 houses on appeal and this should carry considerable weight in the decision making process.
- 1.3 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 1.4 Officers are content that subject to the imposition of reasonable planning conditions and S106 planning obligations that the general principle of this level of development on the site is acceptable. It is in keeping with both the site's location on the edge of the village and along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst significantly boosting housing supply within the district in line with the Council's own emerging Local Plan.
- 1.5 The recommendation is therefore to approve outline planning permission subject to the completion of a legal obligation under Section 106 of the Town and Country Planning Act 1990 and a number of controlling conditions.

**Recommendation:** That the Head of Planning is authorised to grant planning permission for the development subject to:-

- a) The completion of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months of the date of the Committee's resolution to approve, dealing with the following matters:

1. Affordable Housing – 11no units to be transferred to a Registered Provider;
  2. Education – Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
  3. Healthcare – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
  4. Public Open Space and equipped play areas - To be transferred to Council and laid out before transfer, with a financial contribution towards future maintenance.
- 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 implementation.
2. Development to be carried out in accordance with the approved plans.
3. External finishing materials on the dwellings to be in accordance with the Colour of Materials Layout Plan.
4. Hard surfaces to be in accordance with Surface Materials Layout Plan.
5. Boundary treatments to be installed in accordance with Boundary Treatment Layout Plan.
6. Construction of the access in accordance with approved plans;
7. Provision of visibility splays;
8. No unbound material to be used within 6m of the highway;
9. No discharge of surface water onto the highway;
10. Parking and turning facilities to be provided prior to occupation of dwellings, spaces and garages to meet ECC standards;
11. Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.
12. Construction Method Statement to submitted and be adhered to throughout the construction period, to provide for:
  - i. Safe access to/from the site
  - ii. The parking of vehicles of site operatives and visitors
  - iii. Loading and unloading of plant and materials
  - iv. Storage of plant and materials used in constructing the development
  - v. Wheel and underbody washing facilities
  - vi. The erection and maintenance of security hoarding
  - vii. Measures to control the emission of dust and dirt during construction
  - viii. A scheme for recycling/disposing of waste resulting from construction
  - ix. Delivery and construction working hours
  - x. Site lighting
  - xi. Scheme to minimise the risk of offsite flooding caused by surface water run-off

and groundwater during construction works and prevent pollution.

13. Submission and implementation of a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context prior to the commencement of the development.
14. Submission and implementation of a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies prior to the commencement of the development of each phase.
15. Submission and implementation of a foul water strategy prior to commencement of development.
16. A Programme of Archaeological and geoarchaeological evaluation.
17. No piling to be undertaken without prior written agreement.
18. External lighting scheme, to minimise light pollution and impact upon bats.
19. Submission of a Construction Environmental Management Plan, to manage the effects of site clearance and construction operations on the natural environment.
20. All trees and hedgerows to be retained to be protected in accordance with BS5837, unless otherwise agreed.
21. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.
22. Protected species surveys results and mitigation in respect of dormice and reptiles to be submitted (and implemented if necessary) prior to commencement of development.
23. Submission of a Landscape and Ecology Management Plan to specify how areas of green space to be managed, including measures to create new habitats, as well as general biodiversity enhancement and safeguarding protected species, to include ecological enhancement measures as set out in para. 5.36 of the Ecological Impact Assessment.
24. Pre-construction badger survey and monitoring for signs of new sett digging; Covering any open excavations with wooden boards, or fitting them with appropriate escape ramps; Monitoring of site for any new sett excavation during prolonged remediation, construction or landscaping works.
25. Vegetation clearance to take place outside of the bird nesting period (i.e. outside of March to August inclusive), or failing that following confirmation by a suitably qualified ecologist that nesting birds are absent from the habitats to be cleared.
26. Adherence to Secured by Design Principles and certification.

## 2 **Planning Policy**

### National Policy

#### *National Planning Policy Framework 2018 (NPPF)*

- 2.1 The NPPF 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 The NPPF sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.4 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.
- 2.5 Section 5 of the NPPF relates to delivering a sufficient supply of homes. It requires Councils to boost significantly the supply of housing informed by a local housing need assessment. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements including a 5%, 10% or 20% buffer: to ensure choice and competition in the market for land; where the LPA wishes to demonstrate a five year supply of deliverable sites through an annual position statement to account for any fluctuations in the market during that year; or where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply respectively. (NPPF para. 73). 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.
- 2.6 Paragraph 38 of the NPPF states "Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,... and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

#### *National Planning Practice Guidance (PPG)*

- 2.7 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.
- 2.8 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 213 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 48 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.
- 2.9 As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 2.10 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 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.
- 2.11 In relation to housing supply, the NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.12 At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivery over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

*Tendring District Local Plan (2007)* – as 'saved' through a Direction from the Secretary of State.

Relevant policies include:

QL1: Spatial Strategy: Directs most new development towards 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.

ER3: Protection of Employment Land: States that the Council will ensure that land in employment use will normally be retained for that purpose.

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011.

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 has 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 publically accessible buildings to provide safe and convenient access for visitors, customers and employees 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.

COM4: New Community Facilities (including Built Sports and Recreation Facilities): Supports the creation of new community facilities where they are acceptable in terms of accessibility to local people, impact on local character, parking and traffic and other planning considerations.

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.

COM22: Noise Pollution: Requires noise-sensitive developments including houses and schools to be either located away from, or protected from (through mitigation measures) existing sources of noise.

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 developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, towards 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 a 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.

TR1: Transport Assessment: Requires major developments to be supported by a 'Transport Assessment' and states that developments that would have materially adverse impacts on the transport system will be refused unless adequate mitigation measures are put in place.

TR2: Travel Plans: Requires 'Travel Plans' for developments likely to have significant transport implications.

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. Requires developments affecting an existing public right of way to accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

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.

TR8: 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 Publication Draft (June 2017)*

Relevant policies include:

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

SP2: Spatial Strategy for North Essex: Existing settlements will be the principal focus for additional growth across North Essex within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure settlements maintain their distinctive character and role. Re-use of previously-developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

SP3: Meeting Housing Needs: The local planning authorities will identify sufficient deliverable sites or broad locations for their respective plan period, against the requirement in the table below.

SP5: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP6: 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 Alresford as a 'Rural Service Centre'.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Alresford extends to include the application site.

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 that 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.

HP2: Community Facilities: Requires development to support and enhance community facilities where appropriate, including by providing new facilities on site or contributing towards enhanced community facilities elsewhere to meet needs arising from the proposed development.

HP3: Green Infrastructure: Will be used as a way of adapting to, and mitigating the effects of, climate change, through the management and enhancement of existing spaces and habitats and the creation of new spaces and habitats, helping to provide shade during higher temperatures, flood mitigation and benefits to biodiversity, along with increased access.

HP5: 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 sources of new housing that will contribute towards meeting objectively assessed housing needs in the period up to 2033. The application site is one of the

'Strategic Allocations' for mixed-use development expected to deliver a large proportion of Tendring's new 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, either on site and/or through financial contributions. The policy 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.

CP2: Improving the Transport Network: States that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

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.

#### *Supplementary Guidance*

Essex Design Guide for Mixed Use and Residential Areas (2005)

Essex County Council Car Parking Standards – Design and Good Practice (2009)

### **3 Relevant Planning History**

15/00120/OUT - Outline application for up to 60 dwellings - Appeal APP/P1560/W/16/3149457 allowed 1 December 2016.

17/01817/FUL - Junction improvements at Cockaynes Lane and repositioning of 2no. residential dwellings – approved 15 December 2017. This permitted the construction of the access into the application site and the associated footway along the northern edge of the lane.

### **4 Consultations**

#### **Building Control and Access Officer**

No comments at this stage.

#### **Environmental Protection**

No objections raised to the proposal subject to the imposition of conditions covering construction and demolition noise/dust/light.

#### **Principal Tree and Landscape Officer**

The main body of the land is currently in agricultural use.

The southern boundary of the application site is marked by an established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn. There are old stumps in the hedgerow that have produced suckering growth. They are Sweet Chestnut and Ash. There are several trees on the boundary that form part of the hedgerow: six of which are afforded protection by means of Tree Preservation Order TPO/14/10 Cockaynes Lane, Alresford.

In order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that they would be physically protected should consent for development be granted the applicant would normally be required to provide a full Tree Survey and Report to show how works associated with the development of the land will be undertaken to avoid having an adverse impact on the long term health and viability of the trees situated on the land.

In this case the protected trees are situated on part of the site allocated as public open space and are not threatened by the

development proposal. Therefore such a report is not considered necessary in this instance. However should consent be likely to be granted then a condition should be attached to ensure that the trees are protected during the construction phase of the development. This information should be in accordance with the recommendations contained in BS5837: 2012 Trees in relation to design, demolition and construction

In essence this will mean taking steps to ensure that the site compound and any associated works do not encroach into the Root Protection Areas of the protected trees.

The eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees.

Much of the northern boundary is marked by a strong boundary hedgerow abutting the rear gardens of properties fronting the B0127. The hedgerow contains several Oaks and a pollarded Ash that are mature healthy specimens. As the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order; however it would be desirable if they were to be retained.

The western boundary is planted with young, but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak. These trees are not threatened by the development proposal.

Soft landscaping proposals show both the cutting back and removal of sections of the boundary vegetation and new planting to strengthen in other areas to retain the screening benefit that this vegetation provides. In terms of tree and shrub planting in the main body of the application site the soft landscaping proposals are comprehensive and acceptable.

## **Waste Management**

No comments at this stage.

## **Anglian Water**

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

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 and they request a condition requiring the drainage strategy covering the issue(s) to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted.

They therefore recommend that the applicant needs to consult with themselves and the Environment Agency.

**Essex County Council  
(ECC) Archaeology**

A Desk-Based Assessment has been submitted with the application which takes into account the information from the HER, cropmark data and the information from the archaeological investigation carried out to the South of Cockaynes Lane. Evaluation of this site led to excavation in two discrete areas close to the Lane, the features uncovered dated to the late Iron Age and Roman period and prehistoric finds were also recovered, other features were postmediaeval in date. It is likely that some of these agricultural landscape features continue into the proposed development area and that further evidence for settlement and activity may be preserved.

**ECC Economic Growth  
and Development  
(Education)**

**Early Years and Childcare**

The proposed development is located within the Alresford Ward, and according to Essex County Council's childcare sufficiency data, there are 6 providers showing 2 vacancies across the Ward. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed, therefore a contribution of £131,710 is required to mitigate the development impact on local early years and childcare provision.

**Primary Education**

The development sits within the priority admissions area of Alresford Primary School, which currently has an official capacity of 143 places. The School is at or close to capacity in most year groups and has agreed to take thirty reception age pupils this September. Essex County Council's '10 year plan' to meet demand for school places, alludes to permanent expansion of the School the following year. Looking at the wider area (Tendring Primary Group 3) forecasts suggest a need for further expansions with 64 additional reception places having to be found by the end of the 10 Year Plan. Based on the demand generated by this proposal, a developer contribution of £385,081 is sought to mitigate its impact on local primary school provision.

**Secondary Education**

The proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to the Essex County Council's document 'Commissioning School Places in Essex' by the academic year commencing September 2021 it will require 99 additional places. Based on the demand generated by this proposal a developer contribution of £389,995 is sought to mitigate its impact on secondary school provision.

**Secondary School Transport**

The secondary school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school. The cost is

estimated at £3.65 per pupil for secondary school transport for 195 days per year. It is practice to seek costs for a 5 year period. Based on the demand generated by the proposal a transport contribution of £59,787 is required.

#### **ECC Flood and Water Management**

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, they stated that they wished to issue a holding objection to the granting of planning permission.

Since then the applicant has submitted a Drainage rebuttal note which responds to the issues raised by both ECC and Anglian Water, along with Drainage flow calculations.

Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner. However, the absence of a further consultation response should not delay the issue of a decision, bearing in mind that in allowing appeal APP/P1560/W/16/3149457, the Inspector imposed a condition requiring full details of surface water drainage works to be submitted to and approved in writing by the local planning authority prior to the commencement of development. This would also be in accordance with Anglian Water's request to impose a condition.

#### **ECC Highways**

There are a number of local highway improvements associated with land to the South of Cockaynes lane that shall be completed prior to occupation of the above proposal. This includes amendments to the alignment of Cockaynes Lane, pedestrian/cycle link from the SE corner to Station Road and upgrades to the two closest bus stops. These works are required to make adequate provision within the highway for the additional traffic generated as a result of the proposed development.

They have assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the imposition of conditions covering the following: Construction of the access in accordance with approved plans; provision of visibility splays, No unbound material to be used within 6m of the highway; No discharge of surface water onto the highway; Parking and turning facilities to be provided prior to occupation of dwellings; and Residential Travel Information Pack for sustainable transport to be provided for each dwelling on occupation.

#### **Essex Police**

Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development, especially as Designing Out Crime is mentioned so prominently on p38 of the DAS. Incorporating Secured by Design into the development is always preferable in order that security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development.

Essex Police, in supporting the ethos of Sections 58 & 69 of the NPPF, provide a free, impartial advice service to any applicant who request this service.

#### **NHS England**

The proposed development is likely to have an impact on the services

of Coach Road Branch Surgery (part of the Colne Medical Centre) operating within the vicinity of the application site. The GP practice and branch surgery do not have capacity for the additional growth resulting from this development.

The development could generate approximately 176 residents and subsequently increase demand upon existing constrained services. The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Coach Road Branch Surgery (Colne Medical Centre), a proportion of the cost of which would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £27,800. Payment should be made before the development commences.

## **5 Representations**

- 5.1 Alresford Parish Council do not agree with the increase in housing numbers and their preference would have been bungalows to the rear of the properties in Station Road which would be more in keeping with that particular area of the village.
- 5.2 5no letters of objection have been received by the Council from local residents. The letters of objection raise the following concerns:
- Concern that the new application is a 40% increase on the original application and the village has had a huge amount of development passed in a very short space of time.
  - Traffic along Colchester Main Road is already at a terrible level during rush hour and exiting properties along there is getting more difficult.
  - Concern that no consideration has been given for the impact of traffic of both the North and South site together.
  - Request for consideration that the entrance on Station Road remains to lessen the burden of traffic on Cockaynes Lane.
  - The extra 23 houses proposed have considerably smaller gardens and is not in keeping with other properties along the road.
  - Loss of hedges of properties without proper prior notification and consideration of at least a 2' gap between existing hedges and new fencing.
  - This development will add problems to an already overloaded school and medical service.
  - The offer of £25k would not remotely help towards the overload that will be placed on infrastructure.

## **6 Assessment**

### Site Context

- 6.1 The application site comprises 3.93 hectares of agricultural land that is situated to the north east side of Cockaynes Lane which has a mature field hedge running along its shared boundary, to the western end of which are 6no trees protected by Tree Preservation Order



No. TPO 14/0010. Cockaynes Lane is currently a single lane road with no pavements, but has wide verges (with drainage ditches either side).

- 6.2 The site is relatively flat semi-improved grassland, but does slope gently from east to west and is quite visually self-contained. It also includes the rear half of 26 Station Road, which is within the ownership and control of the applicant.
- 6.3 The north eastern and south eastern boundaries of the site back on to existing dwellings that front on to the B1027 and Station Road respectively, all of which have deep rear gardens. These existing dwellings comprise a mixture of bungalows, chalet bungalows and two storey houses, with no clearly discernible architectural theme. To the north west of the site is another field hedge, beyond which is open farmland. To the south west of the site and on the opposite side of the lane is a cluster of development comprising residential, equestrian and commercial buildings.
- 6.4 Alresford benefits from a range of existing local services which include a pre-school and primary school, pub, medical centre, convenience shop and post office amongst others. In recognition of these services and other factors, Alresford is designated as a Rural Service Centre in the draft Local Plan.
- 6.5 The application site is also served by several bus services that link to nearby settlements with the village also having a railway station that provides a service from Clacton/Walton to Colchester and beyond to London.

#### Proposal

- 6.6 As set out at the head of this report, full planning permission is sought for the erection of 84 dwellings, including the provision of affordable homes together with means of access, parking, garaging, associated landscaping and public open space provision.
- 6.7 The application is supported by a wide suite of technical drawings and documents, these include:
- Site Location Plan;
  - Development Layout Plan;
  - Highways Layout Plan;
  - Parking Layout Plan;
  - Vehicle Tracking drawings;
  - Refuse Strategy Layout Plan;
  - Affordable Housing Plan;
  - Colour of Materials Layout Plan;
  - Surface Materials Layout Plan;
  - Boundary Treatment Layout Plan;
  - Storey Heights Layout Plan;
  - Garden Areas Layout Plan;
  - Floor Plans and Elevations of all house types and garages;
  - Street Scene drawings;
  - 3D view drawings;
  - Hard and Soft Landscape Plans;
  - Landscape Masterplan;
  - Drainage strategy layout plan;
  - Drainage rebuttal note which responds to the issues raised by Anglian Water and ECC LLFA;
  - Drainage flow calculations;
  - Archaeological Desk-Based Assessment;

- Design and Access Statement;
- Planning Statement;
- Exhibition Report;
- Draft Heads of Terms;
- Foul & surface water drainage & SUDS report; and
- Ecological Impact Assessment.

- 6.8 The application proposes one main vehicular access point into the site off Cockaynes Lane, due west (and on the opposite side) of the access permitted pursuant to the grant of 14/01823/OUT which was allowed on appeal on 1 June 2016 (appeal ref: APP/P1560/W/15/3124775) for the land to the south. Part of the existing roadside hedge would need to be removed to make way for this, although this would be well clear from the TPO trees and the applicant's drawings show new hedge planting in lieu of this.
- 6.9 As highlighted above, the proposal also includes the rear half of the plot currently belonging to 26 Station Road, within which it is proposed to erect a 3 bedroom detached house (plot 1) which has been set back further within its plot as a result of revisions to the scheme since it was first submitted. This and two other detached houses on plots 2 and 3 would form the primary built frontage of the site leading to the site access, beyond which would be the retained hedgerow with the principal area of public open space and a surface water attenuation basin located behind.
- 6.10 The primary access road would lead from the new bellmouth junction created on the lane which would then meander through the site, off of which would be a number of spur (secondary) roads and private drives serving the proposed dwellings. The affordable houses (11no) would be located within the eastern corner of the site with each dwelling having at least 2no car parking spaces per plot, some of which would be in the form of garages with internal dimensions of 3m by 7m to meet the Council's adopted standards. An additional 25% parking spaces would be distributed quite evenly across the site for the use of visitors to the development.
- 6.11 The scheme would provide for a range of house types, detached and semi-detached, and would be providing 2, 3 and 4 bedroom units. The average net density would be 26.5 dwellings per hectare (dph) and private rear gardens would generally meet or exceed the standards set out within the Essex Design Guide.
- 6.12 The design of the housing would follow the design cues from the applicant's development to the south of the lane development, and would pay some regard to the Essex vernacular. The submission also provides details of the external finishing materials that would be employed within the scheme; these are to be determined by a number of character areas formed within the development.
- 6.13 The main planning considerations are:
- Principle of Development;
  - Highways, Transport and Access;
  - Design and Layout;
  - Landscape & Visual Impact;
  - Ecology and Nature Conservation;
  - Archaeology;
  - Flood Risk & Drainage;
  - Living Conditions; and
  - Planning Obligations.

### Principle of Development

- 6.14 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 significant material consideration in this regard.
- 6.15 The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 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 48 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.
- 6.16 As of 16<sup>th</sup> June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.
- 6.17 With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices.
- 6.18 The application site is not allocated for development in the adopted Local Plan and it lies outside (albeit adjacent to) the 'settlement development boundary' for Alresford. In the emerging Local Plan it is however included within the settlement development boundary. In applying the guidance within paragraph 48 of the NPPF, the Local Plan has reached a relatively advanced stage of the plan-making process and Officers are of the view that the proposal is in line with the policies in the NPPF to boost the supply of housing and achieve a balance between economic, social and environmental factors. On this assessment, the allocation of the site for development can carry a reasonable level of weight in the determination of this planning application.
- 6.19 Furthermore, the Council's ability to demonstrate an ongoing five year supply of deliverable housing sites, in line with paragraph 73 of the NPPF relies on some of the sites allocated for development in the emerging Local Plan obtaining planning permission in the short-term, in order for them to start delivering new homes from the middle part of the plan period. In addition, the site benefits from an extant outline planning permission (15/00120/OUT allowed on appeal) for the erection of up to 60 dwellings and therefore it is considered that the principle of development on this site is acceptable.

### Highways, Transport & Access

- 6.20 Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 6.21 Paragraph 102 of the NPPF requires Councils, when making decisions should ensure:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users; and
  - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 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. The application site is within walking distance of the convenience store, the primary school and bus stops, as well as the railway station with services to and from Clacton, Colchester and beyond. For a rural location, the site offers a reasonable level of accessibility which is reflected in Alresford categorisation as a Rural Service Centre in the emerging Local Plan.
- 6.23 Policy TR1a 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 CP1 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 It is acknowledged that some local residents have objected to the proposal with concerns about the development's impact on Cockaynes Lane, general road safety and road capacities in the village. Essex County Council, in its capacity as the Local Highways Authority, has considered the proposal and concluded that it would be acceptable from a highways perspective subject to a number of conditions, the subject of which, as highlighted within the summary of their response are included at the head of this report.
- 6.25 The Council's adopted parking standards state that a minimum of 1 space per dwelling should be provided for 1 bedroom dwellings and a minimum of 2 spaces per dwelling should be provided for 2 and more bedroom dwellings. Also 0.25 space per dwelling is required for visitor parking. Parking spaces should measure 5.5 metres by 2.9 metres and garages (to be counted towards parking provision) should measure 7 metres by 3 metres. The proposed development has been laid out in a manner that adheres to these standards and pays regard to the need to plan for sustainable access for all.
- 6.26 The transport impacts of the development are not considered to be severe and, from this perspective, refusal of planning permission on such grounds would not be justified, particularly bearing in mind the presence of the extent planning permission for up to 60 dwellings. Therefore it is considered that the proposal, during either the construction or operational phases would not have a detrimental effect upon the highway network or the general accessibility of the surrounding area with sustainable mitigation measures proposed and to be secured by the appropriate means.

### Design and Layout

- 6.27 Paragraph 170 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective

engagement between applicants, communities, local planning authorities and other interests throughout the process.

- 6.28 The proposed quantum of development has increased since the original appeal scheme was submitted, however at an average net density of 26.5 dwellings per hectare (dph) and with private rear gardens meeting or exceeding the standards set out within the Essex Design Guide it would not give rise to an over-development of the site. Furthermore, the Parish Council's views with regard to the scale of the dwellings to the rear of the properties in Station Road are noted, the minimum building to building distance of over 41m between the proposed development and existing dwellings, it is considered that the scheme would not over-dominate its built context.
- 6.29 In addition, with no clearly discernible building form or architectural theme along either the B1027 or Station Road, and with the design of the proposal taking some cues from the Essex Design Guide, Officers consider that the scheme would respond positively to local character, provide buildings that exhibit individual architectural quality and house-types with well-defined public and private spaces. The public realm through additional landscaping, street furniture and other distinctive features would also assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, as well as including parking facilities that are well integrated as part of the overall design.
- 6.30 In totality it is considered that the scale, layout, density, height and massing of buildings and overall elevation design would harmonise with the character and appearance of the surrounding area.

#### Landscape & Visual Impact

- 6.31 NPPF para. 170 stipulates that the planning system should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes. The Planning Practice Guidance (PPG) states where appropriate, Landscape Character Assessments should be prepared to complement Natural England's National Character Area profiles. Landscape Character Assessment is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place.
- 6.32 As highlighted above, the main body of the land is agricultural in nature. The Tree and Landscape Officer has stated that in order to assess the extent to which the trees are a constraint on the development of the land and to identify the way that they would be physically protected, the applicant would normally be required to provide a full Tree Survey and Report to show how works associated with the development of the land would be undertaken to avoid having an adverse impact on the long term health and viability of the trees situated on the land.
- 6.33 In this case the protected trees are situated on part of the site allocated as public open space and are not threatened by the development proposal. Therefore such a report is not considered necessary in this instance. However, they advise that should permission be granted then a condition should be attached to ensure that the trees are protected during the construction phase of the development.
- 6.34 The south western boundary of the application site is marked by an established countryside Hedgerow comprising primarily of Blackthorn with some Hawthorn and there are old Sweet Chestnut and Ash stumps in the hedgerow that have produced suckering growth. There are several trees on the boundary that form part of the hedgerow: 6no of which are afforded protection by means of a TPO, but would be unaffected by the proposal, provided that adequate measures are put in place to ensure that the site compound and any associated works do not encroach into the Root Protection Areas of the protected trees.

- 6.35 The south eastern boundary is marked by a mixture of fences, walls and hedges with some scrubby vegetation and one or two small trees; and much of the northern boundary is demarcated by a strong boundary hedgerow abutting the rear gardens of properties fronting the B1027. This hedgerow contains several Oaks and a pollarded Ash that are mature healthy specimens, but as the trees cannot be seen from a public place their amenity value is relatively low therefore, they do not merit protection by means of a Tree Preservation Order. It would however be desirable if they were to be retained. The western boundary is planted with young, but fairly well established trees comprising Blackthorn, Ash, Birch, Hawthorn, Holly and a single Oak which are not threatened by the development proposal.
- 6.36 As soft landscaping proposals show both the cutting back and removal of sections of the boundary vegetation and new planting to strengthen in other areas to retain the screening benefit that this vegetation provides, the soft landscaping proposals are comprehensive and acceptable.
- 6.37 Because the application site comprises relatively flat land with established landscape features to its boundaries; and as it lies on the western edge of Alresford, with existing development situated along the northern eastern and south eastern boundaries, the locality is therefore already partly residential in character. Quite clearly, the proposed development would see a permanent change of land use (and therefore character) from farmland to residential use, and would inevitably result in a permanent significant effect upon the landscape, but views of this would be localised, particularly bearing in mind the development to the south of the lane. In addition, whilst for a greater number of dwellings, the principle of residential development on this site has already been deemed acceptable.
- 6.38 Therefore, in conclusion on this matter, it is considered that the proposal would not give rise to significant adverse effects upon the surrounding landscape, subject to mitigation measures which could be secured through the imposition of appropriate conditions.

#### Ecology and Nature Conservation

- 6.39 One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 6.40 The PPG highlights that section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its Biodiversity 2020 strategy.
- 6.41 An Ecological Impact Assessment (EclA) was submitted with the application, and to inform this, a range of surveys and investigations have been undertaken, including those for habitats, dormice and reptiles. The EclA highlights that the site is dominated by poor semi-improved grassland bounded by hedgerows and trees along the southern, northern and western boundaries; and that the scheme seeks to retain hedgerows and trees wherever practicable, with new hedgerow planting proposed along the eastern boundary and the creation of an attenuation basin within the area of Public Open Space (POS).

- 6.42 The EclA states that potential impacts to dormice and reptiles have been considered with precautionary measures to avoid, minimise or mitigate significant adverse effects set out, alongside those for nesting birds and badgers. Impacts to the nearby Colne Estuary Ramsar/SPA/SSSI and Essex Estuaries SAC have also been considered alongside a review of the Habitat Regulations Assessment (HRA) of Tendring District emerging Local Plan, with appropriate measures proposed to limit adverse effects. Opportunities for enhancement have been included within the scheme to create habitats of ecological importance within public open space and structural landscaping, including new tree planting and grassland.
- 6.43 In respect of bats the EclA states that the boundaries of the site provide potential linear features along which bats could travel and the open grassland provides potential foraging opportunities for bats. The adjacent habitats to the south-west of the site are likely to provide good potential foraging opportunities for bats given the mosaic of habitats and associated invertebrate prey. With regard to an assessment of the likely effects upon bats, the EclA states that new artificial lighting of retained habitat during the construction and operational phases and removal of trees and scrub may lead to adverse disturbance impacts to bats and other nocturnal wildlife, with a reduction of use in these areas. As such, based on the anticipated use of the site by bats, adverse effects significant at the Local level are predicted.
- 6.44 By way of mitigation, the EclA recommends that any new lighting scheme for the site will need to be sensitively designed to minimise illumination of the retained trees, hedgerow and boundary habitats. In addition, new landscaping provided within open space would contribute towards foraging opportunities for local bat populations.
- 6.45 No badger setts have been recorded within/adjacent to the site, however given that badger are known to occur in the local area, coupled with the availability of suitable habitat within/adjacent to the site, it is considered in the EclA that badgers could potentially make use of habitats at the site to forage and dig setts. Therefore, it advises that during the construction phase, badgers are at risk of falling into open excavations or entering open ended pipework (above 150mm diameter), risking an offence under the Protection of Badgers Act 1992. As mitigation, it is stated that measures would be implemented which could be secured via a planning condition.
- 6.46 Dormice are yet to be confirmed as present or likely absent at the site, however, as a precaution, the EclA advises that should this species be identified, consideration of potential effects have been made in respect to the species legislative protection. In the event that dormice were to be confirmed as present, site specific mitigation would be required. Broad mitigation measures are recommended: Enhancement of the retained on-site hedgerows to ensure no net loss of suitable foraging, breeding and hibernating habitat; Management would be implemented to avoid impacts to dormice making use of new habitats; Creation of new habitat suitable for dormice may also be sought to enhance on-site opportunities, including dense tree and/or shrub (including hazel) planting, which a range of native species planted to provide food resources throughout the year.
- 6.47 It goes on to state that the availability of nesting locations is often a limiting factor for dormouse populations. Therefore, dormouse nest boxes would be erected throughout dense boundary hedgerows at the site to increase availability. Field survey work is ongoing at the site, with full methods and results to date provided in the EclA appendices, the dormouse survey is anticipated to be complete by Autumn 2018 and therefore it would be necessary to prevent development, including site clearance and ground works from commencing until the results are received and any mitigation (if necessary) implemented.
- 6.48 The EclA states that no reptiles have been identified at the site to date, however, as a precaution, and given the nearby presence of reptile species and areas of suitable habitat

present at the site, it is taken that an on-site population is present until likely absence has been confirmed. Field survey work is ongoing at the site, with full methods and results to date provided in the EclA and is anticipated to be completed by this summer.

- 6.49 In the event that reptiles are confirmed as present on-site the resulting mitigation measures would be informed by the species present and estimated population class size. Broad mitigation measures have been provided: A suitable receptor area would be provided through the creation of new habitat or, ideally, retention of existing habitat, on-site opportunities for this are well positioned within the area of the proposed POS, including the attenuation basin, much of which is anticipated to remain dry throughout the year. Once a suitable receptor area has become established a phased clearance would be undertaken to displace reptiles from areas of suitable habitat to be lost (i.e. field margin or scrub) and encourage them or translocate into the receptor area.
- 6.50 Therefore, in conclusion on this issue, it is considered that the proposal would not give rise to significant adverse effects upon ecology and nature conservation subject to the mitigation measures proposed which could be secured through the imposition of appropriate conditions.

#### Archaeology

- 6.51 Paragraph 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. In determining planning applications, NPPF para. 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Furthermore, para. 192 of the NPPF states that in determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.52 In its glossary, the NPPF highlights that "*There will be archaeological interest in a heritage asset if it holds, or potentially may hold, evidence of past human activity worthy of expert investigation at some point.*"
- 6.53 As highlighted by ECC Archaeology, a Desk-Based Assessment has been submitted with the application which takes into account the information from the Historic Environment Record (HER), cropmark data and the information from the archaeological investigation carried out to the south of Cockaynes Lane. Evaluation of this site led to excavation in two discrete areas close to the lane, the features uncovered dated to the late Iron Age and Roman period and prehistoric finds were also recovered, other features were postmediaeval in date. It is therefore likely that some of these agricultural landscape features continue into the proposed development area and that further evidence for settlement and activity may be preserved. It would therefore be appropriate to impose a condition that requires a programme of archaeological evaluation to be carried out; and subject to this, it is considered that the proposal would not give rise to detrimental effects upon Cultural Heritage or Archaeology.



### Flood Risk & Drainage

- 6.54 Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. Inappropriate development in areas at risk of flooding should be avoided.
- 6.55 The site is currently greenfield land and is located within Flood Zone 1, it is therefore at low risk from tidal/fluvial flooding. Construction would also be managed and controlled to ensure no contamination of groundwater is caused during the construction phase.
- 6.56 Anglian Water state that the foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. However, as it stands the development would lead to an unacceptable risk of flooding downstream, therefore a drainage strategy would need to be prepared in consultation with them to determine mitigation measures. They request that a condition requiring the drainage strategy covering the issue is imposed.
- 6.57 With regard to surface water, Anglian Water have stated that the surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H: This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. They state that if these methods are deemed to be unfeasible for the site, they require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted.
- 6.58 In relation to this, ECC Flood and Water Management have also objected to the proposal, stating that the Drainage Strategy submitted with this application does not comply with the requirements set out by Essex County Council's Drainage Checklist. Therefore they state that the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. As stated above, Officers are aware that ECC currently have staff resourcing issues and it is currently difficult to get responses from them in a timely manner. However an appropriate condition can be imposed which requires full details of surface water drainage works to be submitted to and approved in writing by the local planning authority prior to the commencement of development; this would also be in accordance with Anglian Water's request to impose a condition.
- 6.59 From this basis it is considered that the Council could not substantiate reasons for refusal of planning permission in respect of drainage matters and the proposal would not give rise to flood risk emanating from surface water generated by the proposal.

### Living Conditions

- 6.60 Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.61 With regard to privacy, the Essex Design Guide (EDG) states that "*with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable*". It goes on to state that "*where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15*

*metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved”.*

- 6.62 The distances between the new dwellings and the rear garden boundaries of dwellings fronting the B1027 and Station Road are in some instances below 15m, however due to the deep rear gardens of those properties the building to building distances would be far in excess of the EDG standard ranging from a minimum of 41.01m to 108.29m. The proposals would ensure that the living conditions of existing residents would be protected from overlooking, a loss of outlook and daylight/sunlight.
- 6.63 Furthermore, the submission indicates how landscaping would be retained and enhanced within the application site, so as to further mitigate the effects of the development. Officers consider that the detailed layout has been designed in a manner which achieves an appropriate relationship with the existing dwellings whilst being sympathetic to the character of the surrounding area and the wider landscape. All in all it is considered that the above measures would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts.

### Planning Obligations

- 6.64 For the avoidance of doubt and duplication, the socio-economic impacts that would be mitigated through planning obligations (in addition to any previously cited within this report) secured through S106 of the Town and Country Planning Act 1990, and the policy basis for requiring them, are included in this section of the report. Ultimately, para. 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 6.65 Consequently, this section also outlines the manner in which planning obligations would satisfy the tests set out in the Community Infrastructure Levy Regulations 2010 (CIL Regs) and paragraph 56 of the NPPF, which states that obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 6.66 Section 8 of the NPPF requires the planning system to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 6.67 Planning permission 15/00120/FUL, was allowed on appeal by APP/P1560/W/16/3149457 pursuant to a S106 agreement which included the following Heads of Terms: Affordable Housing – 3no units to be gifted to the Council; Education Contribution – Early Years and Childcare, Primary school, and Secondary school transport contributions; Healthcare – towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and Open Space – the transfer of land to the Council and payment of contributions towards maintenance and play equipment. Bearing in mind that these relate to an extant permission, it is considered that it would be unreasonable to request additional planning obligations, with the exception of an increase in contributions/provisions to reflect the uplift in unit numbers from up to 60no to 84no.

### *Affordable Housing*

- 6.68 Para. 62 of the NPPF requires, *inter alia*, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.69 Adopted Policy HG4 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, whereas draft Policy LP5 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, subject to viability testing.
- 6.70 As explained above, the extant planning permission requires that 3no affordable houses be gifted to the Council, this was an alternative to providing 25% of dwellings to be constructed and transferred to a Registered Provider at a time when Housing Association involvement was 'stalling' the commencement of some sites and gifting was the only way to get development moving. The applicant had been given advice from the Council's housing section and submitted the application soon after, but had been caught out by circumstances that resulted in a shift back to the adopted policy of providing affordable housing on-site at 30%.
- 6.71 Officers have worked with the applicant, who has agreed to provide 30% affordable housing on the uplift of 24 units which would equate to 8no dwellings. Combined with the 'gifted' 3no units, the scheme would give rise to a total of 11 affordable houses. This is a slightly unusual situation, and it is extremely unlikely that this combination of circumstances would occur at any other site within the District, this approach must therefore be considered to be a 'one-off' to reflect the very special circumstances surrounding the site and the time the application was submitted.

### *Education*

- 6.72 NPPF paragraph 94 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: Give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 6.73 Policy COM26 of the adopted Local Plan and Policy PP12 of the draft Local Plan require the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions.
- 6.74 Early Years and Childcare - The proposed development is located within the Alresford Ward, and according to Essex County Council's childcare sufficiency data, there are 6 providers showing 2 vacancies across the Ward. For Essex County Council to meet its statutory duties it must both facilitate sufficient places to meet free childcare entitlement demand and also ensure a diverse range of provision so that different needs can be met. Although there is some capacity in the area, the data shows insufficient places to meet demand from this proposal. It is, thereby clear that additional provisions will be needed, therefore a contribution of £131,710 is required to mitigate the development impact on local early years and childcare provision.
- 6.75 Primary Education - The development sits within the priority admissions area of Alresford Primary School, which currently has an official capacity of 143 places. The School is at or close to capacity in most year groups and has agreed to take thirty reception age pupils this

September. Essex County Council's '10 year plan' to meet demand for school places, alludes to permanent expansion of the School the following year. Looking at the wider area (Tendring Primary Group 3) forecasts suggest a need for further expansions with 64 additional reception places having to be found by the end of the 10 Year Plan. Based on the demand generated by this proposal, a developer contribution of £385,081 is sought to mitigate its impact on local primary school provision.

- 6.76 Secondary Education - The proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills in Year 7. According to the Essex County Council's document 'Commissioning School Places in Essex' by the academic year commencing September 2021 it will require 99 additional places. Based on the demand generated by this proposal a developer contribution of £389,995 is sought to mitigate its impact on secondary school provision.
- 6.77 Secondary School Transport - The secondary school is in excess of the statutory walking distance from the proposed development and therefore Essex County Council is obliged to provide free transport to the school. The cost is estimated at £3.65 per pupil for secondary school transport for 195 days per year. It is practice to seek costs for a 5 year period. Based on the demand generated by the proposal a transport contribution of £59,787 is required.

#### *Healthcare*

- 6.78 NPPF paragraphs 91 and 92, amongst other things, state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.
- 6.79 Policy COM24 of the adopted Local Plan and Policy HP1 of the draft Local Plan support developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of transport modes and provide sufficient car parking; and require financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.
- 6.80 The proposed development is likely to have an impact on the services of the Coach Road Branch Surgery (part of the Colne Medical Centre) operating within the vicinity of the application site. The GP practice and branch surgery do not have capacity for the additional growth resulting from this development which could generate approximately 176 residents and subsequently increase demand upon existing constrained services. The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of extension, reconfiguration, refurbishment or potential relocation for the benefit of the patients at Coach Road Branch Surgery (Colne Medical Centre), a proportion of the cost of which would need to be met by the developer.
- 6.81 A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £27,800.

#### *Public Open Space*

- 6.82 NPPF paras. 91 and 92, amongst other things, state that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Policy COM6 of the adopted Local Plan and Policy HP5 of the draft Local Plan require residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

- 6.83 The site area is 3.93 Ha, 10% of which would equate to 3,930 square metres (sq.m.). The submitted Development Layout plan identifies a net area of 5,294 sq.m., excluding the surface water attenuation area of 1,969 sq.m. thereby exceeding the policy requirements, this is in addition to with financial contributions being made to the Council towards future maintenance and play equipment.
- 6.84 The above obligations are summarised here and overall, it is considered that they satisfy the tests for planning obligations set out in the CIL Regulations, which are necessary to: make the development acceptable in planning terms; directly relate to the development; and fairly and reasonable related to the development in scale and kind:
- 1) **Affordable Housing** – 11no units to be transferred to a Registered Provider;
  - 2) **Education** - Financial contribution towards Early Years and Childcare, Primary Education, Secondary Education and Secondary School Transport;
  - 3) **Healthcare** – Financial contribution towards improvement of services at Colne Medical Centre, including the Alresford Branch Surgery; and
  - 4) **Public Open Space and equipped play areas** - To be transferred to Council and laid out before transfer; with a financial contribution towards future maintenance.

#### Planning Balance/Conclusion

- 6.85 This is an application for Full Planning permission, following the grant of 15/00120/FUL on appeal for up to 60 dwellings on land to the north of Cockaynes Lane.
- 6.86 NPPF paragraph 10 stipulates that at its heart is a presumption in favour of sustainable development. For decision-taking (NPPF para. 11) this means approving development proposals that accord with the development plan without delay; but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 6.87 It has been acknowledged that the site is currently situated outside a defined settlement boundary, and therefore for all intents and purposes rural policies of restraint apply. However, the site benefits from an extant planning permission and therefore the principle of residential development on this site is acceptable.
- 6.88 The application is accompanied by a suite of technical drawings and documents supporting the proposal and all in all it is considered that no significant adverse or cumulative effects on the local environment or population would be caused, with it being deemed to be compliant with legislation and planning policy.
- 6.89 In addition, Officers are content that subject to the imposition of reasonable planning conditions and obligations that the general principle of this level of development on the site is considered acceptable; and is in keeping with both the site's location on the edge of the village, along with the need to facilitate on site strategic landscaping, open space and the retention of existing landscape features. Furthermore, the proposal would ensure that the living conditions of existing and future residents would be protected from any materially detrimental impacts whilst providing much needed housing, including affordable housing within the District.

#### Background Papers

None.