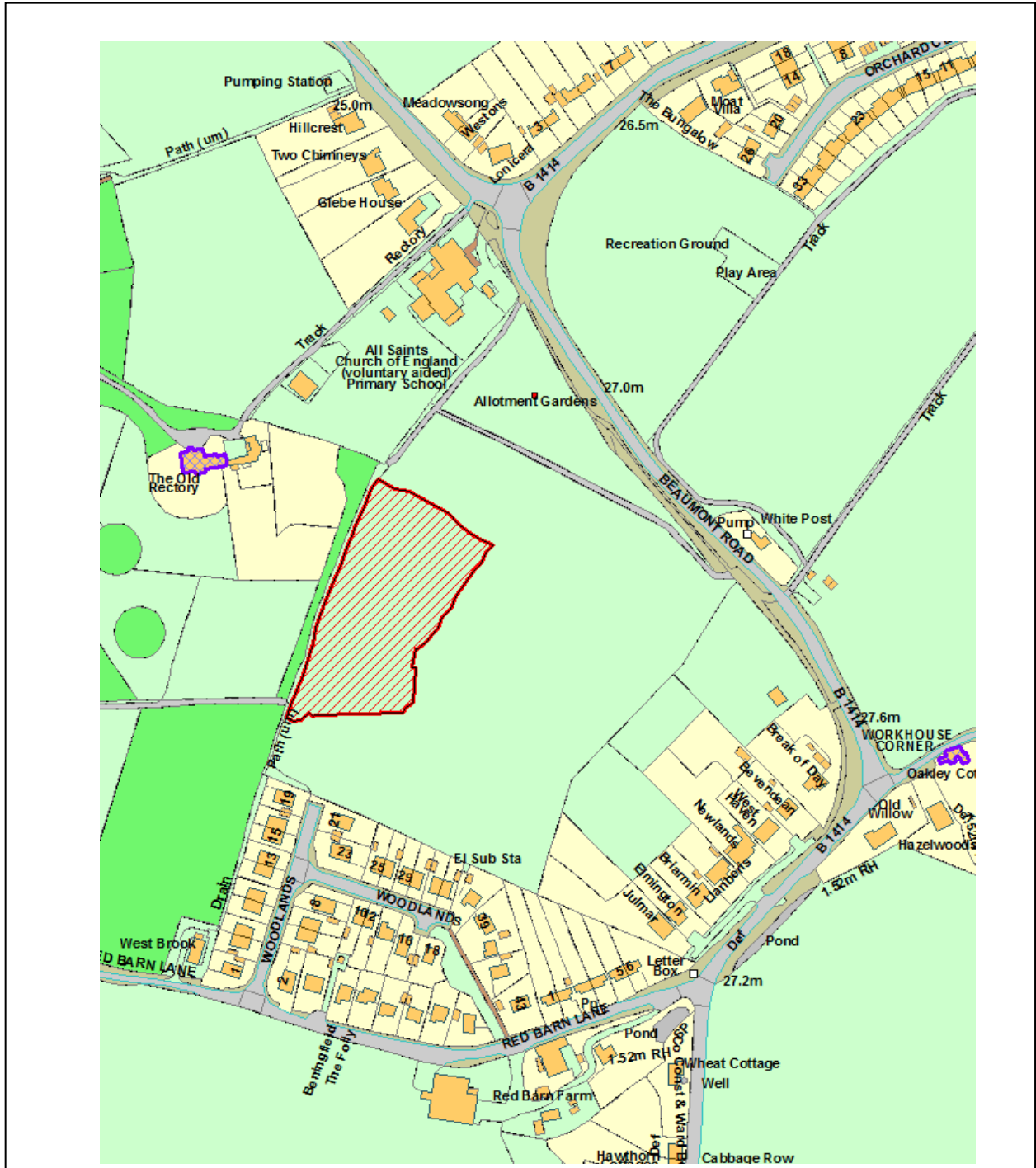


PLANNING COMMITTEE

11th DECEMBER 2018

REPORT OF THE HEAD OF PLANNING

A.3 PLANNING APPLICATIONS – 18/00352/DETAIL - ALLOTMENT FIELD ADJACENT GREAT OAKLEY PRIMARY SCHOOL BEAUMONT ROAD GREAT OAKLEY, Essex, CO12 5BA



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Application:	18/00352/DETAIL	Town / Parish: Great Oakley Parish Council
Applicant:	Mr Thompson - George Thompson (Great Oakley) Ltd	
Address:	Allotment Field adjacent Great Oakley Primary School Beaumont Road Great Oakley Essex CO12 5BA	
Development:	Reserved matters for Phase 1 (23 dwellings) following outline approval for 15/01080/OUT - Outline planning permission for the erection of 51. no 2/3/4 bed dwellings to Passivhaus standards.	

1. Executive Summary

- 1.1 This application is referred to Planning Committee due to the request of Members at the meeting of 15 December 2015, who asked that the proposal be referred to them irrespective of the recommendation, as it is a significant development in a smaller rural settlement. The development also represents a departure from the adopted Development Plan, being located outside the settlement development boundary in the Tendring District Local Plan 2007.
- 1.2 The application follows the grant of a hybrid planning application (15/01080/OUT) that sought full planning permission for public open space, including a village green and children's play area; the provision of a village hall, doctors surgery and village shop; and outline planning permission for 51no dwellings built to Passivhaus Standard.
- 1.3 The application site is situated to the south western end of the village of Great Oakley. It comprises of an agricultural field which is classed as Grade 2 agricultural land and covers an area of approximately 1.4 hectares. The site is flanked to the north east with allotments, beyond which, on the opposite side of Beaumont Road, is the village sports field. All Saints Primary School and 'Oakey Dokey's Nursery' are to the north west. An existing footpath runs along the western border of the site, providing a pedestrian link between the school and the Woodlands residential development to the south. To the east of the site are the properties which front onto Beaumont Road and the area of land which was granted outline planning permission for 17 no dwellings (15/00987/OUT).
- 1.4 The submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 6 imposed upon the grant of outline planning permission 15/01080/OUT on 31 March 2016. The proposal is for the construction of the first of two phases of the residential element of the site, being for 23 custom-build Passivhaus dwellings, comprising a mix of 2, 3 and 4 bedroom units, including 3no affordable housing units to be gifted to the Council. The scheme, named Oakley Orchards, which would consequently contribute to the Council's self/custom build land supply, with 38 people currently on the Council's register.
- 1.6 Overall it is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of house types with well-designed public and private spaces. The public realm through additional landscaping, including high quality boundary treatments and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.

Recommendation: Approve

Conditions:

1. Development to be carried out in accordance with the approved plans.

2. Adherence to Plot level Exterior Finish Materials and Colours schedule.
3. Each vehicular parking space to have minimum dimensions of 2.9 metres x 5.5 metres.
4. Laying out of parking and turning areas prior to occupation of dwelling/s that they would serve.
5. The recommendations made in the Arboricultural Method Statement (AMS) and shown on the Tree Protection Plan to be adhered to during construction.

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. Paragraph 213 of the NPPF (2018) 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. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.
- 2.9 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). 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 planned 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.

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 Great Oakley as a 'Smaller Rural Settlement'.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries. The boundary for Great Oakley 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 towards 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.

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.

LP7: Self-build and Custom-built Homes: Sets out the circumstances under which aspirational or self-build homes could be built outside of settlement development boundaries, but within a reasonable proximity of the District's more sustainable urban settlements and rural service centres.

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 (2018)

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

3. Relevant Planning History

00/01741/OUT - Sought planning permission for change of use of 0.8 hectares of field from agricultural use to plot for a new village hall building and car parking for use by hall/school/recreation field. This application was closed on 31/12/2002 as it was considered to be inactive.

15/01080/OUT - Hybrid application consisting of: Outline planning permission sought for the erection of 51. no 2/3/4 bed dwellings to Passivhaus standards; and Full planning permission sought for public open space, including a village green & children's play area & the provision of a village hall, doctors surgery & village shop – Approved 31/3/16.

17/00923/OUT - Variation of Condition 2 of planning permission 15/01080/OUT - to permit changes to the layout and design of the surgery/shop (the full element of the hybrid permission) – Approved 8/9/16.

4. Consultations

Anglian Water	They have reviewed the foul drainage strategy and flood risk assessment, along with the surface water drainage information and conclude that the proposal would not have detrimental effects upon the public foul and surface water sewerage network.
Building Control and Access Officer	Fire Service access to be provided in accordance with B5 of Approved Document B Vol 1.
Environmental Protection	No objection subject to the submission of a Construction Management Scheme to be secured by condition. Officer note: This is covered by condition 17 on 15/01080/OUT.
ECC Highways	<p>The Highway Authority is currently in liaison over appropriate agreements under s278 and s38 of the Highways Act 1980 whereby appropriate highway infrastructure can be secured: 1) Access onto Beaumont Road; and 2) Access road to the Community Hall and Car Park.</p> <p>They have assessed the highway and transportation impacts of the proposal and do not wish to raise an objection to the proposal. Officer note: Recommended conditions have been covered by condition 11 of 15/01080/OUT, and it would be unreasonable to impose additional ones concerning the access onto the highway as access has already been approved.</p>
Essex Police	Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development; the Design

& Access Statement makes comment to the importance of effective lighting, security and that all windows and door sets are to be Secure By Design compliant.

Open Spaces and Play

It is noted that this application includes provision for additional open space and play facilities which is welcomed, and they are satisfied with the open space allocation, design and layout. They also note that future management of the open space and play facilities would be put with a management company, so no further involvement from Public Realm is required.

Principal Tree and Landscape Officer

The main body of the application site is in agricultural purposes and there are no trees or other significant vegetation in the main body of the land.

On the boundary of the application site there are several large and prominent trees. Several of these trees make a positive and significant contribution to the character and appearance of the area.

The trees on the eastern boundary are afforded protection by Tree Preservation Order ref TPO/15/08 entitled 'Land North of Break of day and Newlands, Beaumont Road, Gt Oakley'. The western boundary is also well populated with established trees.

A Tree Survey and Report carried out by DF Clarke was submitted with the outline planning application and provides an accurate description of the health, condition and viability of the trees on the boundary and shows the extent to which they are a constraint on the development potential of the land.

The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

Section 3.10.1 of the tree report states that:- Following planning consent a detailed arboricultural method statement may be required and should be developed with other members of the design team:

If the information contained within and recommendations made in the Arboricultural Method Statement (AMS) and shown on the Tree Protection Plan are followed and adhered to for the duration of the construction phase of the development then the development of the land can take place without causing significant harm to the trees identified in the AMS. It is clear that some works will be required to reduce the impact of low overhanging branches but this will not significantly affect the amenity value or long term viability of retained trees.

In terms of new planting the information provided relating to soft landscaping provided is sufficient to secure an adequate level of new planting.

5. Representations

5.1 Great Oakley Parish Council state that they continue to support the application.

5.2 Five letters of representation have been received from third parties, three objecting to the scheme, one supporting and one providing neutral comments. The objections received raise the following points that are relevant to this reserved matters application:

- The proposal would give rise to noise and disturbance;
- Concerns over capacity of GP surgery and school resulting from new residents.

5.3 The letter of support states that after reviewing the plans and the layout of the whole site they were pleased to see that the area adjacent to Woodlands is proposed to be a green area which would look lovely, along with the houses which would be of a high quality. They look forward to seeing the village grow with an additional lovely looking estate, whilst hoping that the mud track between Woodlands and the primary school is changed to a well lit road.

5.4 The final letter raises concerns with regard to the capacity of the GP surgery and school, as well as highway safety impacts, but state that they have made neutral comments as they don't live in the village.

6. Assessment

Site Context

6.1 The application site is situated to the south western end of the village of Great Oakley. It comprises of an agricultural field which is classed as Grade 2 agricultural land and covers an area of approximately 1.4 hectares. The site is flanked to the north east with allotments, beyond which, on the opposite side of Beaumont Road, is the village sports field. All Saints Primary School and 'Oakey Dokey's Nursery' are to the north west.

6.2 An existing footpath runs along the western border of the site, providing a pedestrian link between the school and the Woodlands residential development to the south. To the east of the site are the properties which front onto Beaumont Road and the area of land which was granted outline planning permission for 17 no dwellings (15/00987/OUT).

Proposal

Summary

6.3 The submitted application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 6 imposed upon the grant of outline planning permission 15/01080/OUT on 31 March 2016.

6.4 The description of the outline aspect of the proposed development for 15/01080/OUT, and as approved by the Council was for 51no dwellings built to Passivhaus Standard. This application essentially amounts to the first of two phases of residential development, within the western half of the whole site, being for 23 dwellings.

6.5 Revisions have been made to the application as originally submitted, and include amended drawings as well as additional/revised documents, in totality the application submission comprises:

- Planning application forms;
- Site Context Plan;
- Phasing Plan;
- Location Plan;
- Topographical Survey;
- Site Layout Plan;
- Affordable Housing Plan;
- Elevations and Floor Plans for each unit;

- Street Elevations/Site Sections;
- Carports - Elevations and Floor plans;
- Exterior Finish Guide and Colour Palette;
- Construction and Highway plans;
- Drainage and power network plans;
- Drainage calculations;
- Landscape plans, sections and specifications;
- Arboricultural method statement;
- Tree protection plans;
- Open Space Plan, Specification & Management Plan;
- Planning Statement;
- Design and Access Statement;
- Design planning & custom build additional information; and
- Density and Layout addendum.

6.6 These revisions to the original submission are summarised thus:

- Minor amendments to the plot curtilages resulting in a net addition of 312m² of private on-plot amenity space;
- Re-orientation of homes on 7 plots to improve access and provide better outlook;
- Removal of 6 carports/conversion to on-plot or allocated parking;
- Changes to fenestration on several plots to minimise overlooking, including making some windows obscure through the use of stained glass;
- Minor changes to colour selection for exterior finishes.

Background to Custom Build

6.7 The Housing and Planning Act 2016 placed a duty on Councils to grant sufficient suitable development permission of serviced plots of land to meet the demand for self/custom build housing. Since 1 April 2016 English local planning authorities have had to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area. Currently there are 38 people on the Council's register.

6.8 Furthermore, the National Planning Policy Framework in paragraph 61 requires Councils to plan for a mix of housing based on the needs of different groups in the community which includes people wishing to build their own homes as a Self-Build or Custom-Built home. As recognised with the emerging Local Plan (ELP), the majority of the new homes that will be built in Tendring up to 2033 will be on sites specifically allocated for development which tend to be acquired by volume house builders and local developers who will aim to deliver new housing to meet the needs of the mass market. However this leaves few opportunities for the construction of individual properties of bespoke and more innovative architectural design, larger more spacious properties for the higher end of the market and self-build 'grand designs' for people wanting to build a home to live in themselves.

6.9 Consequently, ELP Policy LP7 sets out the circumstances under which aspirational or self-build homes could be built outside of settlement development boundaries, but within a reasonable proximity of the District's more sustainable urban settlements and rural service centres.

Oakley Orchards

6.10 The original outline planning permission for this site was for the erection of 51 no 2/3/4 bed dwellings to Passivhaus standards, but this reserved matters application goes one step further in specifying that the dwellings would form a custom build development, named Oakley Orchards, which would contribute to the Council's self/custom build land supply.

6.11 The initial approach to the Phase 1 reserved matters for Oakley Orchards considered reserving appearance on dwellings and making final reserved matters on each plot as customised.

However, following further consideration and discussions with Officers, it was agreed that this led to uncertainties and that full details of appearance were to be considered in this application.

- 6.12 For this scheme, the submitted plot sheets (floor plans and elevations of each dwelling) and palette of finishes will form de-facto 'plot passports' for new home owners. Where new home purchasers wish to make small amendments to the external appearance of the building, an application for non-material amendment/s for that plot could be submitted to approve the new details. Where the home purchaser wishes to make more significant changes, including changes to fenestration, an application to vary approved plans (a minor material amendment) would need to be submitted to the local planning authority.
- 6.13 For Oakley Orchards the design team have worked with specialist builders of bespoke homes to design homes which aim to reflect Essex and rural village life. The timber-framed homes would be partially constructed off-site and using/re-using sustainable materials as much as possible. This approach minimises waste, speeds up construction, reduces noise and disturbance to existing residents during the build, and ensures high quality and energy efficiency in buildings.
- 6.14 Serviced Plots at Oakley Orchards would be purchased from the developer and future home owners would contract directly with the builders to build their home to suit their lifestyle/customise to their needs and requirements.
- 6.15 With regard to the amendments to the scheme the design principles and layout fundamentals remain unchanged with key design principles still being: community focused design, rural non-uniform appearance, highest energy efficiency standards, resident ownership and management of communal spaces, and custom build approach to delivery. During planning consideration the applicant states that it has been useful to also highlight the constraints and objectives in the phasing design: As well as the desire to not elongate the communal orchards, the presence of the water mains easement and the location for undergrounding electric cables were also defining factors for the southern limit to homes in phase 1.
- 6.16 The objectives which guided the housing mix in phase 1 were to deliver the affordable homes (plots 33, 34 & 35) early and to include more 2 bed (and 2 bed with study) homes than were proposed in the outline. This is in response to specific local families who have shown an interest in accessing smaller homes which would suit their budget and lifestyle. The basic house types are as initially submitted; all exceed space standards and would provide generous natural light. Detailed elevations and floorplans have been produced for each plot. Building Heights and boundary treatments have not been amended, although some plots have had their curtilage expanded where this could be achieved without significant loss of communal space.
- 6.17 The use of carports ensures that garaging space is not converted to other uses, however, in order to improve visual amenity and increase on-plot private space, some carports have been removed or reduced from double to single width. The applicants cite surveys of new build estates which find only 20-30% of garages are used for parking with most being used for storage and/or increased living space.
- 6.18 As explained in the Design and Access statement, the development layout reflects the applicant's community responsive design which prioritises neighbours over vehicles and introduces large areas of common greens and nature-based SUDS and edible landscapes. The result is a smaller areas of private curtilage in some cases, with an increase of public and communal green space and an overall layout which is broadly consistent with the permitted outline illustrative proposed block masterplan, but differs in layout detail.
- 6.19 The main planning considerations for this reserved matters application are:
 - Design and Layout;
 - Living Conditions; and
 - Planning Obligations.

Design and Layout

- 6.20 Paragraph 124 of the NPPF states that 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. Furthermore, Part 11 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.
- 6.21 The scheme proposes to provide 7no 2 bedroom houses, 8no 3 bedroom houses and 8no 4 bedroom houses created from 6no house types, at a net density of 24 dwellings per hectare (comparable to 26 dwellings per hectare as illustrated at the outline stage) . The layout of the site has evolved since illustrative proposed block masterplan at the outline stage was approved, and as with the matters of appearance, scale and landscaping, has been the subject of discussions between Officers and the applicant, both pre-application, as well as having been revised further during the processing of the current application. The scheme would also meet the Council's parking standards.
- 6.22 The theme of a Passivhaus scheme has already been mooted and approved by way of the grant of the outline permission; and the concept of a custom-build, community focussed development constitutes an evolution of this. As stressed by the applicant, this is not intended to be a typical volume housebuilder layout, and for Essex it would in many ways be a unique development where there would be a strong emphasis on communal living. All dwellings would have their own front door and private facilities enabling independent day to day living, however the layout proposed is far more organic in its approach. Each home is designed to have a distinct primary entrance and an open porch that is easy to see from the main approach to the house. This entrance also provides both a transition space between the private and shared realm and clear 'ownership' markers, thus encouraging residents to 'populate' these areas and bring the streetscape to life. Rear and side entrances provide convenience and add interest to rear elevations, along with timber joinery (no uPVC proposed), metal rainwater goods), bespoke balconies and balustrades, as well as glazing highlights with coloured/stained glass panels.
- 6.23 The proposed layout would contain three clusters, each with a variety of houses arranged around a communal green space. These spaces would contain only low-speed lanes so that it is safe for children to 'spill out' of the houses to play. Houses of varying sizes and scales are to be placed alongside each other, as is typical of traditional villages; and in order to benefit from passive solar energy, the individual houses are proposed to be orientated and designed so that they can utilise glazed elements to heat the homes in winter and cool them in them summer.
- 6.24 The scale of the proposed dwellings is quite typical of new housing currently being constructed within the district, however, much like the layout, their appearance would again be quite unique, with the aforementioned custom-build stance enabling future occupants to make further choices in how their dwelling looks and operates internally (through the appropriate planning process). Notwithstanding this, the proposed contemporary designs of the homes for Oakley Orchards seek to respect the Essex vernacular. A plot level exterior finish materials and colours schedule has been included with the application which denotes that elevations would be finished in either brick, cladding or render (with an option list of specified colours), whilst roofs would be handcrafted plain clay tiles.
- 6.25 Overall it is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of house types with well-designed public and private spaces. The public realm through additional landscaping, including high quality boundary treatments and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.

6.26 Therefore, in totality it is considered that the scale, layout, density, height and massing of the proposed buildings and overall elevation designs would reflect the area's local distinctiveness, whilst being in broad harmony with the character and appearance of the surrounding area.

Living Conditions

6.27 NPPF para. 127 f) states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

6.28 As highlighted above, the scheme before Members is the result of discussions between Officers and the applicant during the lifetime of the application, and a number of amendments ensure that there would be no direct mutual looking between habitable room windows and areas of private amenity space. Furthermore, outlook from a number of windows serving plots 20, 21, 26, 27, 31 and 32 has been enhanced so that neighbouring dwellings do not appear overbearing from future residents' point of view. In addition, the layout of the proposed development is such that passive solar gain (sunlight) is maximised, along with good levels of daylight within habitable spaces to be achieved.

6.29 As shown on the submitted site layout plan, each house would be provided with a private garden/sitting out area, although not all of these (6no) would be wholly in accordance with the 100 sq.m., with a shortfall of between 32sq.m. for plot 15 to 12sq.m. for plot 16. Essex Design Guide (EDG) standard for houses of three or more bedrooms. However, the 2018 version of the EDG also highlights that whilst every home should have the benefit of some individual private or communal private amenity space, homes in larger developments can also benefit from access to a generous provision of public space that has been designed to meet the needs of a wide range of people. Of the 1.4 Ha site area, 33.6% (4,800m²) of this would be landscaped public open space, including 1,440m² as communal orchard greens and herb garden, therefore Officers consider that this amounts to a generous over-provision which mitigates the slight under-provision of private amenity space.

6.30 The open space clusters are to be arranged to create a central green public area, which is planned to be a bright, planted area which runs north to south, and would be signposted as a permissive path in addition to the existing Public Right of Way, thereby connecting the new development to the wider community and users of the Village Hall and community hub. It is proposed to be enlivened with a swale containing running water which would lead to the SUDs ponds, and the winding central area widens to form an enclosed 'outdoor room'. This is proposed to be a place in its own right i.e. not merely a movement corridor; and tree planting would quickly give an established natural character to this area, and communal orchards and the herb garden provide an opportunity to participate in growing and harvesting to further enhance the living environment of the site.

6.31 In conclusion on this issue it is considered that the proposal would provide acceptable living conditions for future residents, and as such their amenities would be protected with the proposal in compliance with the NPPF and the development plan.

Planning Obligations

Affordable Housing Plan

6.32 Part One of Schedule 2 of the S106 agreement attached to 15/01080/OUT required the applicant to submit an Affordable Housing Plan with the first application for the approval of reserved matters. Such a plan has been submitted and identifies a terrace of 3no dwellings at plots 33,34 & 35 to be gifted to the Council.

6.33 Pursuant to the advice of the Housing team, the plans for the affordable units have been amended to provide 2no double bedrooms as opposed to a double and 2no single bedrooms.

Further, they have raised no objections to the fencing and car ports relating to them as they do not want the council properties to be different from the others on the site and support the principle of a tenure-blind development. This will need to be confirmed in writing to the applicant by the Council in due course.

Open Space Plan, Specification & Management Plan

- 6.34 Schedule 3 of the S106 agreement required the applicant to submit an Open Space Plan, Open Space Specification and Open Space Management Plan with the first application for the approval of reserved matters to the Council. In response to this, the applicant has submitted an Open Space Delivery and Specification Statement, in addition to Landscape plans, sections and specifications.
- 6.35 The terms of this submission confirm that the management of the residential area open space (as well as part of the community area) will be the responsibility of a Resident-owned Community Interest Company (CIC) and that home owners will be charged a proportionate management fee to cover landscape maintenance, maintenance of unadopted roads, and operations services such as dog waste bins which will likely be required in communal areas. The terms provide an undertaking for the present owner to take responsibility for maintenance whilst the development is being built. Once completed the Resident-owned CIC will be able to commission alternative maintenance and will set their maintenance charges. The terms also clarify that the Parish Council would be a shareholder of the CIC.
- 6.36 Officers consider this to be an acceptable solution, particularly bearing in mind the custom-build nature of the proposal. However, as with the Affordable Housing Plan, in order to discharge this obligation, it will be necessary for the Council to approve this in writing prior to commencement of development.

Conclusion

- 6.37 The application seeks the approval of Reserved Matters for Appearance, Landscaping, Layout, and Scale, pursuant to condition 6 imposed upon the grant of outline planning permission 15/01080/OUT on 31 March 2016. The proposal is for the construction of the first of two phases of the residential element of the site, being for 23 custom-build Passivhaus dwellings, comprising a mix of 2, 3 and 4 bedroom units, including 3 no affordable housing units to be gifted to the Council. The scheme, named Oakley Orchards, which would consequently contribute to the Council's self/custom build land supply, with 38 people currently on the Council's register.
- 6.38 It is considered that the proposal would respond positively to local character, provide buildings that exhibit individual architectural quality and a mix of house types with well-designed public and private spaces. The public realm through additional landscaping, including high quality boundary treatments and other distinctive features would assist in creating a sense of place, and provide streets and spaces that are overlooked and active, promoting natural surveillance and inclusive access, include parking facilities that are well integrated as part of the overall design.
- 6.39 Further, it is considered that the proposal would provide acceptable living conditions for future residents of the scheme, and as such their amenities would be protected with the proposal being compliant with the NPPF and the development plan.

Background Papers

None