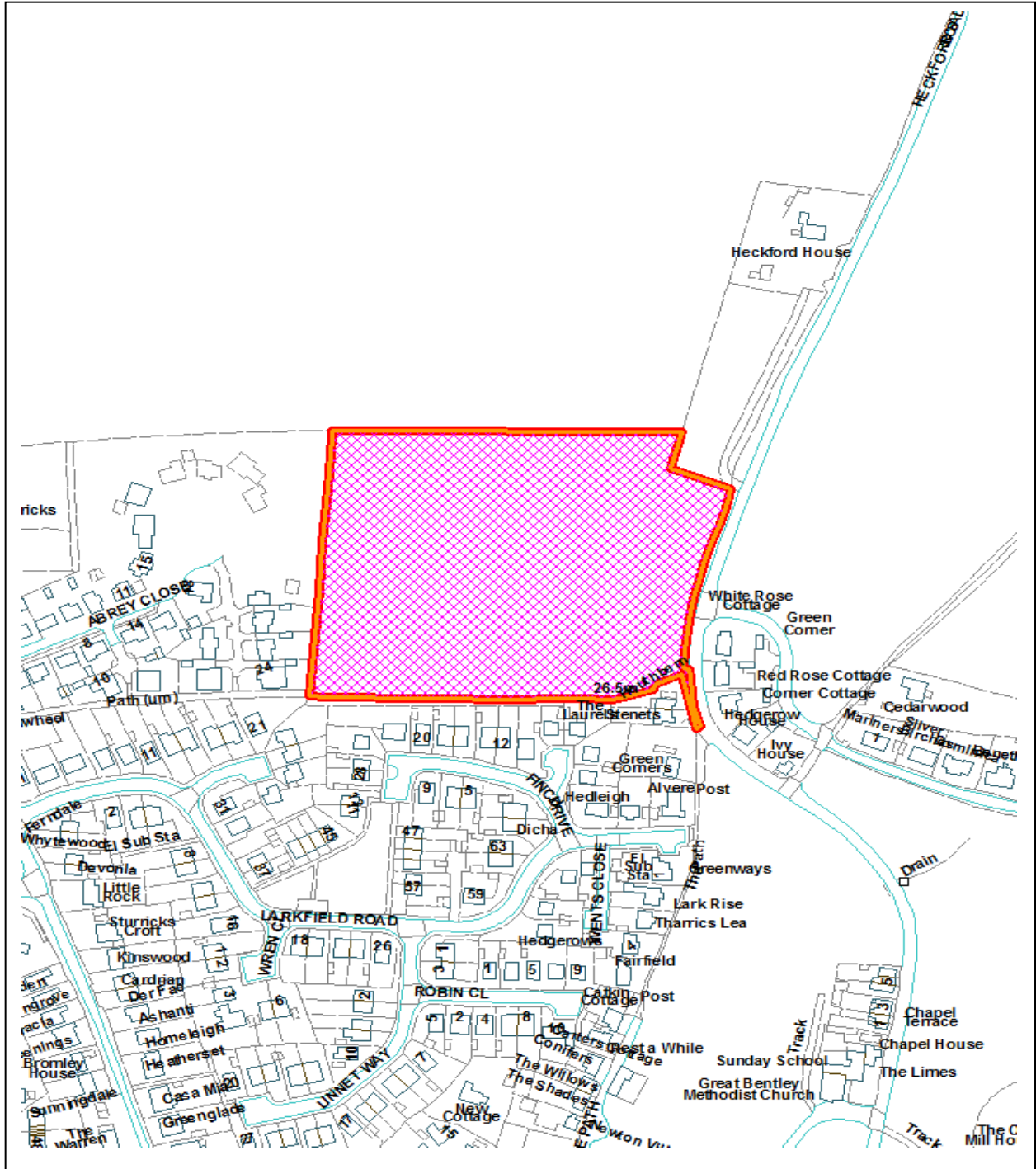


PLANNING COMMITTEE

7 SEPTEMBER 2016

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION – 16/00870/OUT - LAND WEST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RR**



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<b>Application:</b>	16/00870/OUT	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	Welbeck Strategic Land II LLP & M MacDonald, R MacDonald and R L MacDonald	
<b>Address:</b>	Land West of Heckfords Road, Great Bentley, CO7 8RR	
<b>Development:</b>	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	

## 1. Executive Summary

- 1.1 The is an outline planning application seeking approval for the principle of developing up to 50 dwellings with all other matters, with the exception of access, reserved for approval through a detailed application at a later date. As a departure from the Local Plan, this application is before the Committee for a decision but Councillor McWilliams, as the Ward Councillor for Great Bentley, has also specifically requested that the application be determined by the Committee.
- 1.2 The Committee will already be familiar with this proposal as it is a re-submission of earlier application 15/01820/OUT which was considered by the Committee at its meeting on 22<sup>nd</sup> March 2016, deferred for further consideration and an on-site meeting with a highway engineer from Essex County Council, but then refused planning permission at the meeting of 19<sup>th</sup> April 2016.
- 1.3 That earlier application was refused because the proposed pedestrian footway from the site along Heckfords Road providing a connection back into the village green would include a section measuring no more than 1.2 metres in width. Notwithstanding there being no objection from the highway authority, the Committee was concerned that the development would introduce an increased risk of pedestrians having to step out into the carriageway on the outside of the bend where visibility around the bend is limited. There was a particular concern that the distance between the narrowest pinch point and the point at which it would become visible to drivers travelling along Heckfords Road would be well within the reasonable stopping distance for a vehicle travelling at the legal speed limit.
- 1.4 From the meeting of 19<sup>th</sup> April 2016, the Committee will also recall another outline proposal 16/00133/OUT for up to 50 dwellings on land at Admirals Farm on the opposite side of Heckfords Road. That proposal similarly required a footway along the western side of Heckfords Road to connect with the village green, but the applicants for that scheme had submitted information to show how a large part of the footway could be widened to 1.4 metres through the acquisition of third party land. With this additional width, the Committee was content to grant planning permission subject to a s106 legal agreement and conditions.
- 1.5 The applicants for the refused scheme west of Heckfords Road have since appealed to the Secretary of State although no dates, at the time of writing, had been confirmed by the Planning Inspectorate. However, in light of the Admirals Farm decision, the applicants have also submitted this new application, with a commitment not to occupy any of the new dwellings unless the minimum 1.4 metre width along the said section of footway (as accepted by the Committee for the neighbouring scheme) is achieved. By imposing a planning condition to require the above, the Committee's reason for refusing the earlier scheme can be addressed and the new application is therefore recommended for approval.

- 1.6 The 2.4 hectare site lies outside of the defined settlement development boundary of Great Bentley as set out both the Council's adopted and new emerging Local Plans. Great Bentley has been identified as one of six 'Rural Service Centres' in the new draft Local Plan that contain a relatively good range of local services and facilities with potential for limited growth in homes and jobs. The site lies between land that has recently been developed for a scheme of 32 homes to the west and the above-mentioned land with approval for up to 50 dwellings to the east.
- 1.7 Whilst the position is improving, the Council is still, at the time of writing, unable to demonstrate a 5 year supply of deliverable housing sites and the National Planning Policy Framework (NPPF) therefore imposes a presumption in favour of sustainable development whether a site forms part of the Local Plan or not. It requires that planning permission be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Under previous consideration of this proposal, the only issue of contention was the width of the proposed footway connection and concerns about pedestrian safety. If this matter can now be addressed to the Committee's satisfaction, Officers have to recommend that the scheme does meet the requirements of the NPPF and can be approved.

**Recommendation: Approve**

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

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
- Council/affordable housing;
  - Education contributions;
  - Healthcare contributions;
  - Public open space and play and its transfer and maintenance; and
  - Highway Improvement Works.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:
1. Standard 3 year time limit for submission of reserved matters application;
  2. Standard 2 year limit for commencement of development following approval of reserved matters;
  3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
  4. Development in broad accordance with submitted indicative framework plans;
  5. Development to contain up to (but no more than) 50 dwellings;
  6. Highways conditions (as recommended by the Highway Authority);
  7. SUDS and drainage conditions as requested by Essex County Council;
  8. Hard and soft landscaping plan/implementation;
  9. Ecological mitigation/tree protection measures;
  10. Construction methods plan;
  11. Details of lighting, materials and refuse storage/collection points; and
  12. Archaeological investigation and report works;
  13. Site lighting strategy, and;
  14. Broadband.

- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## 2. Planning Policy

### National Policy:

#### NPPF National Planning Policy Framework (2012)

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

### Local Plan Policy:

- 2.6 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the 'development plan' unless material

considerations indicate otherwise. In the case of Tendring the development plan consist of the following:

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

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

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

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

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

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

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

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

HG1: Housing Provision

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

HG3: Residential Development Within Defined Settlements

Supports appropriate residential developments within the settlement development boundaries of the district’s towns and villages.

HG3a: Mixed Communities

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

HG4: Affordable Housing in New Developments

Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type

Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities

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

HG9: Private Amenity Space

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

COM2: Community Safety

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

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

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

COM23: General Pollution

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

COM26: Contributions to Education Provision

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

COM29: Utilities

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

COM31a: Sewerage and Sewage Disposal

Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character

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

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

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

EN6a: Protected Species

Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation

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

EN12: Design and Access Statements

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

EN13: Sustainable Drainage Systems

Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

EN29: Archaeology

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

TR1a: Development Affecting Highways

Requires developments affecting highways to aim to reduce and prevent hazards and inconvenience to traffic.

TR3a: Provision for Walking

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

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development

Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity

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

SP5: Place Shaping Principles

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

SPL1: Managing Growth

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

SPL2: Settlement Development Boundaries

Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design

Sets out the criteria against which the design of new development will be judged.

#### HP1: Improving Health and Wellbeing

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

#### HP4: Open Space, Sports and Recreation Facilities

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

#### LP1: Housing Supply

Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site falls within one of the areas proposed for residential and mixed use development.

#### LP2: Housing Choice

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

#### LP3: Housing Density

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

#### LP4: Housing Layout

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

#### LP5: Affordable and Council Housing

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

#### PP12: Improving Education and Skills

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

#### PPL1: Development and Flood Risk

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

#### PPL3: The Rural Landscape

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

#### PPL4: Biodiversity and Geodiversity

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



PPL5: Water Conservation, Drainage and Sewerage

Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology

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

CP1: Sustainable Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network

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

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

**3. Relevant Planning History**

15/01820/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Refused	24.05.2016
16/00870/OUT	Erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckfords Road.	Current	

- 3.1 Application 15/01820/OUT was considered by the Committee at its meeting on 22nd March 2016 but a decision was deferred to enable further consideration and an on-site meeting with a highway engineer from Essex County Council. Planning permission was then refused at the meeting of 19th April 2016 over concerns about pedestrian safety and the narrow width of the footway along Heckfords Road that would connect the development with the village green.

**4. Consultations**

TDC Principal Tree & Landscape Officer	The main body of the application site is in agricultural use and support a crop of Maize. There are no trees or any significant vegetation in the main body of the land.  There are established hedgerows on the western and eastern boundaries and the eastern boundary contains a single Oak that has been regularly reduced as it is situated beneath overhead power cables. The southern boundary is marked with a few bushes and a Holly that appear to be situated within the curtilage of adjacent dwellings gardens.
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None of the existing vegetation meets the criteria under which it merits protection by means of a Tree preservation Order nevertheless it would be desirable to retain existing vegetation for its screening value. It would however be desirable to retain as much as possible of the existing vegetation, including trees, for their softening and screening impact.

In order to quantify the impact of the development proposal on the appearance of the local landscape character the applicant has submitted a document that broadly fits the purpose of a Landscape and Visual Impact Assessment (LVIA).

The document describes the impact of the proposed change of use of the land on the character of the area and establishes the measures required to mitigate the harm likely to be caused by the development. It goes on to assess the impact of the development during construction, upon completion and after 15 years.

It would appear that the development proposal could be implemented without causing harm to retained trees or to the overall character and appearance of the countryside.

In order to ensure that the development site is assimilated into its setting soft landscaping should be secured by a condition attached to any planning permission that may be granted to secure details of the indicative landscaping shown on the site layout forming part of the arboricultural Assessment. Soft landscaping will need to address the screening and enhancement of the appearance of the development.

TDC  
Regeneration

The regeneration team have no specific comments, but would request that if this application were to be approved, the developer ensures that superfast fibre broadband is commenced to the site as per the requirements of draft Policy CP3 to ensure the development is adequately served.

TDC Open  
Space and Play

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

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

Due to the size of the site it is recommended that at least 10% is laid out as open space. It is noted that the site includes play provision which should be to a LEAP standard. Should the developer wish to transfer ownership and maintenance responsibilities for the open space and play area, a commuted sum equal to ten years maintenance costs will be required.

TDC Housing

There is a high demand for housing in the Great Bentley area and there are currently 152 households on the housing register seeking a 1 bedroom property, 71 seeking a 2 bedroom property, 35 seeking a 3 bedroom property and 20 seeking a 4 bedroom property.

The department would prefer affordable housing to be delivered on site. Policy LP5 in the emerging Local Plan states that on sites with 11 or more

dwellings, 30% of the dwellings should be provided as affordable housing. On this site, this would equate to 15 properties. The Council would prefer that another registered housing provider be sought to take on the affordable rented homes on this site. In the event that another registered housing provider cannot be sought, the department would be happy to explore other deliver options e.g. gifted properties or a financial contribution.

**ECC Highways** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Prior to commencement of the development a construction management plan, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

2. No occupation of the development shall take place until the following have been provided or completed:

a) A priority junction off Heckfords Road to provide access to the proposal site as shown in principle on planning application drawing number 5153.008 Rev A with the exception of the kerbed radii which shall be 6 metres

b) Widening of Heckfords Road at its junction with the A133 and 2no. traffic islands with bollards and high level beacons at the right turn lane as shown in principle on planning application drawing number 5153.002 Rev D

c) Two new bus stops adjacent the proposal site access off Heckfords Road OR upgrading of existing bus stops with the highest frequency of services which would serve the proposal site. For either option, stops shall be provided or upgraded to current Essex County Council specification (details shall be agreed with the Local Planning Authority prior to commencement of the development)

d) A footway along Heckfords Road between the proposal site access and the Village Green as shown in principle on planning application drawing number 5153.008 Rev A with the exception of the section of footway north and south of the priority junction which shall be immediately adjacent the Heckfords Road carriageway

e) Improvements to the Public Right of Way which runs along the southern boundary of the proposal site (details shall be agreed with the Local Planning Authority prior to commencement of the development)

f) Residential Travel Information Packs

**ECC Schools** A development of this size can be expected to generate the need for up to 4.5 Early Years and Childcare (EY&C) places, 15 primary school places and 10 secondary school places.

According to the latest information available to Essex County Council's early years and childcare team, it is likely that there is sufficient provision

within the area to accommodate children from this development.

This proposed development is located within the Tendring primary forecast planning group (Brightlingsea/Elmstead). The forecast planning group has an overall capacity of 1,310 places, of which 30 places are in temporary accommodation. This forecast planning group is forecast to have a deficit of 61 permanent places by the school year 2019-20. A contribution for additional primary school places is requested to fund the replacement of 15 places currently in temporary accommodation. The estimated cost of the project is £183,270 – i.e. £12,218 per place.

The proposed development is located within the priority admissions area for Colne Community School which has a capacity of 1,488 places. The school is forecast to have surplus of 47 places by the school year 2019-20 so no contributions for additional secondary school places will be requested. However, the nearest secondary school is in excess of the statutory walking distance from the proposed development and a contribution towards school transport of £42,180 is sought.

Anglian Water

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

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

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

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

Natural England

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

Essex County Council Flood Authority

Having reviewed the Flood Risk Assessment and subsequent submitted information we do not object to the granting of planning permission subject to conditions relating to the following:

- a detailed surface water drainage scheme;
- a scheme for minimising offsite flooding during construction works;
- a maintenance plan for the surface water drainage scheme; and
- keeping an on-going log of maintenance.

Essex County Council Archaeology

The Essex Historic Environment Record and Tendring Historic Environment Characterisation Report demonstrate that the proposed development lies within an area of archaeological interest and on the edge of Great Bentley Conservation Area.

A number of cropmark complexes in the surrounding area attest to the

archeological potential of the area and the proposed development. These include ring-ditches of probably Bronze Age date, settlement enclosures and trackways of later prehistoric or Roman date and probably medieval field boundaries. Any surviving below ground heritage assets would be damaged or destroyed by the proposed development. Some excavation of the cropmark features nearby has revealed direct evidence for Bronze Age activity including a ploughed out barrow and a medieval landscape of agriculture and industrial activities.

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

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

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

There is a capacity deficit in the catchment practice and a developer contribution of £15,080 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. NHS England requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

## 5. Representations

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

- a) The cumulative impact of vehicles on three road junctions in close proximity to a sharp bend in Heckfords Road that is already a serious road safety hazard. One of the junctions we refer to is the proposed new junction on the east side of Heckfords Road to access the proposed new development (16/00133/OUT) of 50 dwellings on land known as Admiral's Farm.
- b) Pedestrians from the development walking to and from the village would be put in danger. This development would compound an already dangerous situation.
- c) There is a great concern locally about the highway safety implications on Heckford's Road and the development proposal shows the inclusion of no traffic calming initiative(s).

The Parish Council also reiterates its comments on the previous planning application 15/01820/OUT which are set out as follows:

### 1. Development Boundary

As was the case for both Plough Road and Admirals Farm, this application is not on a site allocated for development in either the Council's adopted Local Plan or the

emerging Local Plan and also falls outside of the settlement development boundaries as defined in both plans.

## 2. School & Doctors

As was the case for both Plough Road and Admirals Farm, in respect of both the primary school and the doctors surgery, the adverse social impact caused by the development would significantly and demonstrably outweigh any social, economic or environmental benefits of the proposal. The development would fail against the social role set out in Paragraph 7 of the National Planning Policy Framework and would not therefore constitute sustainable development.

## 3. Travel Choice

According to the NPPF, all new development proposals should be located and designed to avoid reliance on the use of the private car and promote travel choice other than in exceptional circumstances. Permission will not be granted for development if it is not accessible by a choice of means of transport. As recognised by the Committee in respect of Plough Road, Great Bentleys frequency of bus and rail services is limited and they do not therefore provide a viable alternative to the private car for everyday travel.

## 4. Pedestrian Safety

In common with the Admirals Farm application, this site requires pedestrians to walk to the village facilities and public transport links via a particularly dangerous corner on Heckfords Road. This footpath will create an unacceptable pinch point which we believe endangers the safety of residents. As local residents we are familiar with this corner and the danger it poses and cannot support development which would put people at risk in this way. Furthermore, the ongoing route in to the village comprises large sections which are subject to surface water (along The Path) and unlit (across the central Green). This development would not therefore meet TDC policy requirements of providing convenient, safe and direct routes for walking and would further encourage use of the private car.

## 5. Urbanisation

TDC Policy requires that new development does not have an urbanising effect on the rural character of the village(s) concerned. This development would have a considerable urbanising impact on the Northern entrance to the village and conservation area. It would extend development in to what is currently an area of uncontained open countryside to the North, posing considerable risk of further add-on developments in the future. This development would contradict Policy SD2 of the emerging Local Plan which identifies urban settlements as being the focus for the majority of the district's growth.

## 6. Conservation Area

The Great Bentley conservation area will suffer significant detriment in respect of the long view impact from its Northern edge, an area specifically mentioned in 2006 TDC Conservation area review as requiring protecting.

## 7. Traffic impact

The applicant comments that there were no specific transport or highway comments from the Parish. The Parish Council believes that there are considerable issues in

respect of the traffic impact from this development on the surrounding rural roads and the village itself, and that these points were raised at the consultation.

5.2 23 individual objections have been submitted in response to this planning application which include the following concerns and suggestions:

- Site lies outside of the settlement boundary for Great Bentley;
- Loss of productive Grade 2 agricultural farmland;
- The field is a habitat for ecology including buzzards, pheasants, bats, birds, butterflies and moths;
- Speed of traffic coming round the corner makes this location dangerous;
- The roads and lanes around Great Bentley are narrow, rural in nature and not capable of accommodating a significant increase in traffic;
- Proposed footpath is not wide enough for pedestrians to pass safely and is on a blind bend;
- Development will not benefit villagers looking for starter homes or sheltered accommodation;
- The cumulative effect of a number of developments on the road network and other infrastructure should be taken into account;
- Limited job opportunities in the village will mean commuting will be encouraged;
- Developments will impact upon schools and doctors;
- The primary school does not have any room to expand;
- Increased expenditure for local shops will be limited because many shop outside of Great Bentley or shop online;
- A decision should be deferred until we know the outcome of the appeal for the development at Station Field, Plough Road is known;
- Too much of a focus on development at the northern end of the village, when most of the services and facilities are to the south;
- Great Bentley has already met its quota for the Local Plan until 2033;
- Parking in the centre of the village is impossible;
- The junction of Heckfords Road with the A133 is a major safety issue;
- The railway service is very limited;
- Development on this site would have an adverse impact on the setting of the Great Bentley Conservation Area;
- The site is not on any bus routes;
- The village will become a town if this application goes through;
- The development will increase the frequency of power cuts and place strain on drainage and internet services;
- The development will bring light pollution;
- Noise and disturbance for existing residents during the construction phase;
- Developments that have taken place in Brightlingsea and St. Osyth all lead to increased movement through the village;
- New development should be focussed on the larger urban areas to aid their regeneration; and
- Loss of views.

5.3 Members of the Committee will however recall that the earlier application 15/01820/OUT attracted 47 objections along with a petition containing 182 signatures, raising many of the concerns listed above.

## 6. **Assessment**

6.1 The main planning considerations are:

- Site Context;
- Proposal;
- Principle of Development;
- Pedestrian Safety;
- Cumulative impacts;
- Housing Density and Mix;
- Layout, Scale and Design;
- Residential Amenity;
- Traffic, access and highway safety;
- Impact on Heritage Assets;
- Ecology;
- Arboriculture/Landscaping;
- Drainage and Flood Risk; and,
- Other Material Considerations (including Section 106 Obligations).

### **Site Context**

- 6.2 The site lies to the north of the village of Great Bentley and extends to around 2.42 hectares with the majority of the site being relatively flat. The site forms part of a larger arable agricultural field and possesses strong eastern, southern and western boundaries.
- 6.3 The western boundary is a combination of a fence and a 4 metre high hedge beyond which is Sturrick Farm where a residential development of 32 dwellings is being constructed (known as Bentley Grange) and is nearing completion. The southern boundary is delineated by a mature hedge up to 5 metres in height beyond which is a public right of way bounded by a variety of fences enclosing residential properties fronting Finch Drive.
- 6.4 Parallel to the public right of way and to the north of the above referenced hedgerow is an informal footpath. The eastern boundary is delineated by a hedge of which fronts Heckford's Road.
- 6.5 Opposite the site the road is partially fronted by a recent housing scheme.

### **Proposal**

- 6.6 The application has been submitted in outline form with all matters apart from access reserved for later consideration. The scheme proposes the erection of up to 50 dwellings together with open space, landscaping, sustainable drainage and vehicular/pedestrian accesses from Heckford's Road.

### **Principle of Development**

- 6.7 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.8 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan



is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

- 6.9 The application site is located immediately to the north of existing residential development in Great Bentley. The site is adjacent to but outside the village's settlement development boundary as defined within both the adopted and emerging Local Plans. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.
- 6.10 Because the site lies outside of the settlement development boundary and is not allocated for development in either the adopted or emerging Local Plans, this proposal for residential development is clearly contrary to local planning policy. However, paragraph 47 of the NPPF also requires local planning authorities to boost significantly the supply of housing by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In areas where there has been persistent under delivery of housing, an additional 20% 'buffer' is also required to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.11 For Tendring, the housing requirement is 550 dwellings per annum, as based on the evidence contained within the 'Objectively Assessed Housing Needs Study' (July 2015) and supplementary evidence that was presented to the Local Plan Committee on 21<sup>st</sup> January 2015. At the time of writing, and despite the publication of the new draft Local Plan, the Council was still only able to identify an approximate 3.8 year supply and thus there still remains considerable (albeit quickly reducing) shortfall. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered 'up to date' if it is not possible to demonstrate a five year supply of deliverable housing sites and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged.
- 6.12 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.13 Due to the lack of a five-year supply of housing sites and the subsequent engagement of the presumption in favour of sustainable development, the Council would not be justified in refusing planning permission purely on the basis of the application site being outside of the settlement development boundaries. The application must therefore be judged on its merits against the NPPF.
- 6.14 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".
- 6.15 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is categorised in

emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Great Bentley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.

### **Pedestrian Safety**

- 6.16 The sole reason that the previous application 15/01820/OUT was refused by the Planning Committee relates to pedestrian safety, specifically the footway connection between the development and the village green. This concern had been raised initially by the Committee at the meeting of 22<sup>nd</sup> March 2016 where it was resolved to defer a decision until Members had been able to meet a highway engineer from Essex County Council on site. That meeting took place on 19<sup>th</sup> April 2016, but notwithstanding the highway engineer's advice the Committee remained concerned about pedestrian safety and resolved, accordingly, to refuse permission that evening.
- 6.17 Based on the Committee's resolution, planning permission was refused on 24<sup>th</sup> May 2016 with the following wording included on the decision notice:

*"The definition of sustainable transport modes contained within the glossary of the National Planning Policy Framework describes an efficient, safe and accessible means of transport with overall low impacts on the environment which includes walking and cycling. Paragraph 32 of the Framework specifically requires safe and suitable access to development sites for all people and that development should be refused on transport grounds where the residual cumulative impacts of development are severe. Policy TR3a of the Tendring District Local Plan (2007) (the adopted Local Plan) requires, where practical, that developments link with existing footpath and public rights of way networks and provide convenient, safe and direct routes for walking. The policy also requires, where appropriate, that development improves links between pedestrian routes and public transport facilities, and supports pedestrian priority measures.*

*The proposed development site is located on the northern outskirts of Great Bentley on the opposite side of the Village Green to Great Bentley Railway Station and many of the village's main facilities and services. In order for residents of the proposed development to access these services on foot, it is proposed to create a pedestrian footway from the site along Heckfords Road that will connect with the village green. A section of the new pedestrian link would extend along the frontages of existing residential properties in Heckfords Road resulting in a pinch point where the footway narrows to 1.2m in width for a stretch of approximately 27 metres.*

*The development will introduce an increased risk of pedestrians being tempted, inclined or needing to step out into the carriageway temporarily. In the event of two pedestrians travelling in opposite directions meeting one another at this pinch point, particularly if accompanied by a wheelchair, trolley or pram. The pinch point is located on the outside of a bend in the highway where visibility around the bend is limited for drivers travelling at the legal speed limit. The distance between the pinch point and the point at which it would become visible to drivers travelling along Heckfords Road is well within the reasonable stopping distance for a vehicle travelling at the legal speed limit. There is consequently a genuine risk to pedestrians passing through the pinch point in the event of stepping into the carriageway at a time when cars are heading towards that bend.*

*Insufficient evidence has been submitted with the application to demonstrate, to the Council's satisfaction, that the risk to pedestrian safety resulting from the development and the proposed footway will be anything less than severe. The proposal is therefore contrary to paragraph 32 of the National Planning Policy Framework and the requirements of Policy TRA3a in the adopted Local Plan by failing to provide convenient, safe, attractive and direct routes for walking."*

- 6.18 The applicants have appealed to the Secretary of State against the Council's decision although at the time of writing the Planning Inspectorate had yet to confirm a date for the hearing.
- 6.19 At the Planning Committee meeting of 19<sup>th</sup> April 2016, another outline planning application for residential development in Great Bentley was also considered. Planning application 16/00133/OUT for up to 50 dwellings on land at Admirals Farm on the opposite side of Heckfords Road proposed a similar footway connection along the western side of the road between the development and the village green for which pedestrians would need to cross over the road to access the footway. Prior to the Committee meeting, the applicants had provided updated information to confirm that they had secured an option to acquire third party land across the front of the residential property 'Heathbern' which would enable a footway of 1.8 metres in width to be achieved along that property's frontage – substantially reducing the length of footway that would otherwise have been restricted to 1.2 metres.
- 6.20 Having received this updated information, the Planning Committee resolved to approve planning permission for the Admirals Farm development subject to a s106 legal agreement and a series of planning conditions – one of which would require the footway to be constructed in accordance with the updated details. At the time of writing the s106 agreement was nearing completion and the Council was in a position to be able to grant planning permission imminently.
- 6.21 Whilst the applicants for the land west of Heckfords Road have appealed against the refusal of their earlier application, they have submitted the current application – in effect a re-submission of the earlier scheme but with revised footway drawings that achieve the same width proposed by the approved Admiral's Farm development. If this application is improved, a planning condition will require the footway to be delivered in line with the approved drawings, or else none of the dwellings can be occupied.
- 6.22 Because the applicant would be held to the footway dimensions that the Committee considered acceptable for the Admirals Farm scheme, it follows that the original reason for refusal has been addressed. Officers therefore consider that continuing to refuse this application on pedestrian safety grounds is likely to prove very difficult to defend on appeal without very exceptional justification and evidence.

### **Cumulative Impacts**

- 6.23 A number of objections have raised a concern about the cumulative impacts of numerous residential developments taking place in Great Bentley both upon traffic and other infrastructure provision such as schools and health.
- 6.24 The construction of 32 dwellings on the adjoining Sturicks Farm development (which was allowed on appeal) has been the first significant residential development in the village for many years and the development that has been approved at Admirals Farm (subject to a s106 agreement) on land to the east of Heckfords Road is expected to deliver another 50 dwellings. Taking into account smaller schemes that have been constructed or approved in Great Bentley in recent years, around 100 dwellings are already effectively 'committed' for the village. The two other major developments that are under consideration in Great Bentley are this application for up to 50 dwellings west of Heckfords Road and the possible

development of land at 'Station Field' to the east of Plough Road at the southern end of the village.

- 6.25 The Station Field proposal 14/01750/OUT is for up to 150 dwellings and an area of employment land. That application was refused by the Planning Committee in October 2015 and was subsequently appealed by the applicants. A Public Inquiry was held in August 2016 with the result expected in the next few weeks. If the Inspector chooses to allow the appeal, against the Council's wishes, a s106 legal agreement has been put in place to ensure that financial contributions towards health and education are made by the developer to mitigate the impact of the development. The landowners at Station Field have also submitted an alternative development proposal including just 50 dwellings which has yet to be determined.
- 6.26 If the Heckfords Road application is approved and a further 50 dwellings are added to the village, the increase in housing stock of around 150 dwellings will represent an approximate 22% increase in the size of the village. If the larger Station Field scheme including 150 is subsequently allowed on appeal, a total housing stock increase closer to 300 would represent a 44% increase in the size of the village – a significant increase. However, the Council now knows from appeal decisions at Tokely Road, Frating and Cockaynes Lane, Alresford that a large or disproportionate percentage increase in dwelling stock is not sufficient reason under the NPPF to refuse planning permission, especially if the impacts on health and education can be mitigated to the satisfaction of the NHS and the education authority through s106 financial contributions.
- 6.27 For the current application, financial contributions have been requested by NHS England and the local education authority and the highways authority has deemed, in full knowledge of the other schemes under consideration in the village, that the impacts would be acceptable. The previous application for this site was not refused over concerns about cumulative impacts and Officers do not consider that such a reason for refusal could be upheld now. It is noted that some objectors have suggested that any decision on this application be deferred until the result of the Station Field appeal is known. However, even if the Station Field scheme is allowed, Officers do not consider that the recommendation for this proposal would change – unless the housing supply position improves dramatically to the extent that a five year supply is achieved.

### **Housing Density and Mix**

- 6.28 One of the key issues in determining this outline application is whether the site can reasonably accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy LP3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal, allowing for on-site open space requirements, equates to approximately 25 dwellings per hectare which is higher than the density on the adjoining Bentley Grange site but not inappropriate in this location, when considered in the context of development in the area.
- 6.29 As this is an outline application with all matters reserved the above mix of housing size, type and tenure would be determined at reserved matters stage. The applicants have however indicated that it would be the intention to provide a mix of housing sizes, types and tenures to meet the needs of the local community for both market and affordable housing. It is suggested that the size of the market dwellings could range from 2 bedroom to 5 bedroom 'aspirational' properties.

### **Layout, Scale and Design**

- 6.30 In support of the overarching aims and objectives of the NPPF the policies in both the adopted and emerging Local Plans set out the Council's commitment to sustainable development and good quality design. This planning application is submitted in an outline form with all matters, except access, reserved for later consideration by the Council. The development's detailed design is one of these matters to be considered at 'reserved matters' stage.
- 6.31 The submitted details show that the development site covers an area of approximately 2.42 hectares. The development would therefore result in an average housing density of 25 dwellings per hectare, which is considered to be acceptable in this location, and would integrate the development into the grain of existing development.
- 6.32 Paragraph 61 of the NPPF states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and therefore planning decisions should address the connections between people and the places and the integration of new development into the built environment. With regards to this application, two proposed pedestrian linkages are provided onto the existing footpath to the south of the development to provide permeability of the site, and greater connectivity to the surrounding built form, village green to the east, and wider countryside beyond via the bridleway to the west.
- 6.33 With regards to scale, the applicants have indicated that proposed development would be mainly two-storey in height but this is a reserved matter consideration.
- 6.34 This being said, the applicant has provided an illustrative Framework Plan which whilst only indicative demonstrates to officers that a suitable layout could be achieved on site. Officers are of the view that the locations of the built forms of development, open spaces and structural planting as set out in the Layout Plan represents the most natural extension of the existing pattern of development.
- 6.35 In order to secure a degree of certainty with regard to the layout and appearance of the current scheme officers have included conditions requiring the submission of material samples at reserved matters stage while it is also required that the principles of the Framework Plan are adhered to.

### **Residential Amenity**

- 6.36 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 in the emerging Local Plan supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.37 The application is in outline form with all matters reserved and Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.
- 6.38 It is noted that bedrooms and living rooms are deemed to be habitable rooms by the Essex Design Guide, and therefore great care is required to ensure new developments do not

impinge adversely on existing amenities by requiring the careful placement of such new windows. The Essex Design Guide states that for the rear-facing habitable rooms, the rear faces of opposite houses where approximately parallel, a minimum of 25 metres between the backs of houses is usually acceptable, and usually 15 metres away from the boundary of adjacent properties.

- 6.39 In this instance, it is considered that the site is capable of accommodating up to 50 dwellings in a way that can accord with the above standards and would not result in any adverse impact on the amenities of neighbouring properties.
- 6.40 Concerns have been raised about the noise, disturbance and pollution that the development would cause both during the construction period but also in the longer-term once the development is established. Conditions would be applied to the development to minimise impacts if the Committee was mindful to approve the application.

### **Traffic, Access and Highway Safety**

- 6.41 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people, and ;
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.42 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.43 The current application has been submitted in outline form with access to the site the only matter that has not been reserved and will be considered in full as part of the current scheme. In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Traffic Assessment (TA) in support of the application. This document considers the proposed access points into the site from Heckfords Road as well as highway safety and capacity in the wider area.
- 6.44 The site will be assessed via a new priority T-junction from Heckford's Road while footways are also proposed to connect with the surrounding footway network (explained in more detail earlier in the report).
- 6.45 The applicants have undertaken a Road Safety Audit with regard to the suitability of this main access into the site and the Traffic Assessment indicates that it would be safe and appropriate for the scale of development proposed. In addition, Essex County Council Highways considered the content and findings of the TA and concluded that there would be no significant safety concerns with regard to the proposed access point from Heckford's Road.
- 6.46 A number of representations from residents indicate serious concerns about the wider effects of additional vehicle movements on local traffic, highway capacity, pedestrian safety and access for larger vehicles (including the emergency services).
- 6.47 The TA concluded that junction improvements at the A133, Colchester Road/Heckford's Road junction are required to help mitigate the development proposals. These

improvements are to be secured through either a planning condition or section 106 legal agreement if the Committee is minded to approve.

- 6.48 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

### **Impact on Heritage Assets**

- 6.49 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible. Policy PPL7 of the draft Local Plan requires archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains. Policy PPL8 of the emerging Local Plan requires development affecting the setting of a Conservation Area to only be permitted where there is regard to the desirability of preserving or enhancing the special character and appearance of the area.
- 6.50 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.51 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the applicant has submitted a desk based assessment of the archaeological remains around Heckfords Road.
- 6.52 With regards to the archaeological consequences of this proposed development, the report concludes that there are no archaeological sites or other heritage assets within the proposed site, although there are a number of heritage assets identified within a search area of approx 1km. These include listed buildings groups, a standing monument, an excavated and surveyed archaeological site, cropmark sites and a windmill site.
- 6.53 The report states that none of these heritage assets would suffer significant harm as a result of the proposed development. Officers are in agreement.
- 6.54 The report further concludes that the immediate area around the application site contains some archaeological landscape features and officers therefore consider that it is likely that archaeological work will be required prior to development. It is however unlikely that any archaeological sites or finds would be a constraint on development, with the exception of the requirement for trial-trenching and excavation at the applicants cost.
- 6.55 With regards to these points, the Senior Historic Environment Consultant at Essex County Council has been consulted and has advised a programme of trial trenching followed by open area excavation to be imposed as a condition if planning permission is granted.
- 6.56 Whilst the site is outside the Great Bentley Conservation Area, the north west corner of the Conservation Area does abut the south east corner of the application site. It is noted that

the Admiral's Farm development on the other side of Heckford's Road was refused over concerns about its impact on the setting of the Conservation Area.

- 6.57 The Conservation Area Character Appraisal, adopted by the Council in March 2006, summarises the character and appearance of the Conservation Area as: *“Great Bentley derives most of its special qualities from its immense green. The village contains relatively few listed buildings, and few others could be regarded as of great historic or architectural interest. However, many share a family relationship in their scale, colouring and the use of local materials: they group together to make attractive sequences, and their positive relationship with The Green produces a quite distinct character and appearance. A subsidiary part of the Area relates to development southwards to join The Green with the railway station: further distinctive streets are the result, again created by the attractive grouping of buildings not otherwise of great individual value.”*
- 6.58 The Appraisal identifies ‘Important views’ associated with the Conservation Area. These are:
- views north into the countryside from beyond the Conservation Area boundary;
  - a view into The Green from the within the Conservation Area at its northern entrance;
  - a view into the Conservation Area from entrance points on the east and west edges;
  - views south-west from the centre of The Green;
  - views north from the southern edge of The Green, and;
  - views south towards the railway.
- 6.59 Officers consider that the proposed development would not significantly affect the last five points as they face away from the development, or it would be screened in the views by existing buildings.
- 6.60 With regard to the views towards the north into the countryside officers note that ‘The Green’ and the areas on its western and southern edges are the primary historic elements and includes a number of listed buildings, of which St Mary’s Church is Grade I with the other buildings being Grade II. From within ‘The Green’ the proposed development would only be visible from the northern part near to the entrance / exit point on Heckford’s Road.
- 6.61 Whilst it is acknowledged that the proposed development would have some affect on the ‘Important View’ identified in the appraisal from beyond the conservation area facing north officers are of the opinion that this is not a view from within the Conservation Area and in addition it is constrained by the development underway to the west and the vegetation associated with Heckford House on Heckford’s Road to the north. The view further to the west towards the Grade II listed Sturrick Farm is now hidden by the previously approved development that is currently being constructed.
- 6.62 Consequently officers consider that the impact caused by the proposed development on the significance of the Conservation Area is predicted to be low adverse. Based on the above it is considered that the development of this site can be achieved without harm to the identified heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

### **Ecology**

- 6.63 Policies within Chapter 6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan seek to ensure that where development is likely to harm nature conservation or geo-diversity interests, planning permission will only be granted in exceptional circumstances, where the benefits of the development clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.



- 6.64 No part of the development site or any land that it abuts has any type of statutory or non-statutory conservation designations and Natural England have indicated that they have no comments to make on the proposed development.
- 6.65 An extended Phase 1 Habitat Survey and Protected Species Survey have been undertaken and the findings are reported in detail in the Ecological Assessment. It is noted that Natural England indicated that they had no comment to make on the application.
- 6.66 Whilst it has been identified that bats do not roost on the site, the existing boundary features, particularly the western and southern hedges, provide some foraging and commuting habitats for bats. In this regard it is noted that with the exception of the proposed vehicular access, these foraging and commuting habitats are to be retained while any minor gaps within the hedges would be filled with new planting. These features and additional planting proposed would be secured by a planning condition requiring the submission of a detailed landscaping scheme. Having considered the details as set out in the Ecological Assessment officers conclude that the implications of the proposed development on various species can be summarised as follows:

#### Badger

- 6.67 The report acknowledges that Badgers are located approximately 1km from the site and whilst this species could travel up to 1km from the main sett in search of food the application site lies at the edge of this range. Officers consider that the site also provides no greater foraging opportunities than the similar habitat situated between the site and known badger sett.
- 6.68 No badger setts were identified within the development site boundary or within close proximity to the site and on this basis officers are of the view that they do not form a statutory constraint to the proposed development.

#### Bats

- 6.69 No trees were identified within the site boundary as containing any bat roosting potential and no buildings were on site.
- 6.70 The Ecological Assessment identifies certain areas that would have the potential to support bats. Officers note that all the areas identified would be sufficiently distant from street lighting for any disturbance to occur whilst all the areas would also be retained as part of the proposed development and would continue to provide a degree of connectivity to suitable bat foraging habitats in the wider area to the east and west including; woodland habitat, mature hedgerows, waterbodies and Bentley Brook.
- 6.71 Barbastelles roost under peeling bark mainly on oak trees and are one of the rarest mammals in the UK with a limited distribution over southern and central England and southern Wales. Its rare status is also reflected in its listing as an Annex II species of The Habitats Directive.
- 6.72 In this regard the Ecological Assessment identified the boundary hedgerow to the west of the site as the only on-site habitat of some use to bats. Officers note that this boundary hedgerow would be retained as part of the current proposal and incorporated within the green infrastructure of the development. On this basis officers are of the opinion that the development is unlikely to affect the conservation status of the barbastelle population, especially given the more optimal habitat in the surrounding landscape.

- 6.73 The existing boundary features which provide some foraging and commuting habitat for bats will be retained and protected as part of the development proposal. Officers note that the entire length of the hedgerow along the eastern site boundary will be lost as part of the current proposal. The applicants have however indicated that to compensate for the loss of this eastern hedgerow new native species hedgerows will be created along the western boundary of the public open space as well as along the northern site boundary. In officers opinion these landscape features would result in gains for biodiversity within the context of the site.
- 6.74 In addition to the above enhancements the Ecological Assessment also identifies a number of management principles to mitigate possible impacts from the development. These measures will be secured through condition attached to any approval that might be forthcoming. Overall, given the habitats of greatest value on site are to be retained and in many cases enhanced, the development is currently unlikely to significantly affect the local population of bats.

#### Great Crested Newt

- 6.75 With reference to this species the Ecological Assessment clearly sets out that an aquatic presence/absence survey was undertaken on the single pond identified within 500m of the site boundary. This survey returned a zero result for Great Crested Newts. It is further noted that no further amphibian species were recorded.

#### Reptiles

- 6.76 In this regard the Ecological Assessment concluded that the site does not provide suitable habitat for reptiles as it mainly comprises intensively managed arable land. In addition it was found that the grassland margins lacked extensive tussocks or a dense under-thatch associated with suitable habitats for reptiles while there was also limited opportunities for reptiles to bask and forage.
- 6.77 Officers agree with the conclusions of the Ecological Assessment with relation to reptiles and a condition will be attached to any approval to ensure that the removal of vegetation is managed in a manner that would be compliant with the Wildlife & Countryside Act 1981 (as amended).

#### Breeding Birds

- 6.78 Officers are of the opinion that based on the fact that boundary features such as hedgerows will be retained there will be limited opportunity for harm to birds whilst breeding and will further contribute to the maintenance of the site for breeding birds post-development.
- 6.79 A soft landscaping condition will further secure additional bird nesting habitat.
- 6.80 Given the site's edge of village location in proximity to the wider countryside, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities could be secured by condition.

#### Arboriculture/Landscaping

- 6.81 The proposals have been assessed by the Council's Tree and Landscape Officer who has concluded that development of the site in the manner proposed can be achieved without significant harm to established existing trees and hedgerows around the site, including

those which are protected outside but in close proximity the site, in keeping with the aims and objectives of National and Local Plan Policies.

### **Drainage and Flood Risk**

- 6.82 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.83 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.84 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.85 In addition, Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

### **Other Material Considerations (including Section 106 Obligations)**

#### **Open Space and Play**

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

### Affordable Housing/Affordable Housing

- 6.88 Adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 30% (as contained within emerging Policy LP5) is more realistic. The thresholds under adopted Policy HG4 will therefore be applied but the percentage will be between 10% and 30% as detailed under emerging Policy LP5.
- 6.89 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Great Bentley based on evidence from the local housing register. It has been suggested that another registered provider, other than the Council, be approached to take on the appropriate number of new properties. If this is not possible, then either a smaller number of gifted units or a financial contribution could be secured. If the Committee is minded to approve this application, Officers will negotiate and agree an appropriate level of affordable housing to be secured through a s106 legal agreement.

### Education provision

- 6.90 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. Based on ECC's formula for calculating the number of additional places likely to be required as a result of the development, this scheme of up to 50 dwellings could generate a need for 4.5 additional early years and childcare places, 15 primary school places and 10 secondary school places. No contributions have been requested towards early years and childcare provision or secondary school places, but up to £183,270 for primary school facilities and £42,180 towards secondary school transport costs has been requested and it is proposed that these contributions be secured through a s106 legal agreement.

### Sewage

- 6.91 With regard to sewage capacity, Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme of 50 dwellings and has made no objections to the proposal, nor has it requested any conditions.

### Health provision

- 6.92 The NHS was consulted as part of the application process as it was considered that the proposed application had the potential to increase pressure on local GP services. The NHS confirmed that the proposed development would impact on the services of the practice in Great Bentley. In this regard the NHS indicated through a Healthcare Impact Assessment that capital funding of £15,080 would be required to mitigate the capital cost of the impacts on local healthcare services brought about by the proposed development.
- 6.93 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of education) or are otherwise not considered to be significant or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.
- 6.94 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development. Members are therefore requested that

if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of off-site affordable housing provision; education provision; and off-site public play space provision.

### **Overall Planning Balance**

- 6.95 Because the Council's adopted Local Plan is out of date, the emerging plan can only carry a limited degree of weight at this time and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.96 Economic: Whilst the scheme is residential with no commercial premises provided, up to 50 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. Whilst objectors suggest the economic benefit is likely to be minimal, it is still however positive.
- 6.97 Social: The provision of up to 50 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. The impacts of health and schools provision will be mitigated through financial contributions to be secured through a s106 agreement, if the application is approved. The previous concerns about pedestrian safety can be addressed through the imposition of a planning condition if the Committee is minded to approve.
- 6.98 Environmental: The environmental impacts of the proposal have required very careful consideration. For a village edge site, the land is relatively well enclosed and development can take place with a relatively low visual impact both on the open countryside and on the setting of the Conservation Area. Whilst there would be a loss of higher grade agricultural land, the loss of greenfield land is somewhat unavoidable when such a high housing need needs to be met in the absence of sufficient brownfield land and this concern is not sufficient to justify refusal. The ecological impact of development on the site will be low.
- 6.99 In the overall planning balance, Officers consider that the adverse impacts do not significantly and demonstrably outweigh the benefits and is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.
- 6.100 The Committee is reminded that it refused the earlier application 15/01820/OUT solely over concerns about pedestrian safety and the inadequate width of the proposed footway connection from the site to the village green. This therefore ought to be the only matter of contention and if the Committee is satisfied that securing the greater width of footway via planning condition (as was accepted for the neighbouring Admirals Farm scheme) addresses those concerns, approval is the only reasonable course of action.

### **Background Papers**

None.