



<b>Application:</b>	16/00782/OUT	<b>Town / Parish:</b> Great Bromley
<b>Applicant:</b>	Mr Ken Robinson	
<b>Address:</b>	Park 2 Land, Badley Hall Farm, Badley Hall Road, Great Bromley, Essex CO7 7HU.	
<b>Development:</b>	Outline application with all matters reserved for the erection of 24 new dwellings, including affordable housing and the provision of additional church and school overflow parking within the new site for approximately 30.no private cars.	

## 1. Executive Summary

- 1.1 This is a full planning application for 24 dwellings on a 1.3 hectare site which currently forms existing agricultural land and is part of Badley Hall Farm. Access to the site is indicated as leading directly onto Mary Lane North. The application is in Outline form only with all matters reserved and the Planning Committee is being asked to approve in principle a scheme for 8 market dwellings and 16 affordable dwellings and associated works. The scheme also includes the creation of a parking area to provide overflow car parking to serve the nearby village church and school.
- 1.2 The site is outside of the settlement development boundary in the adopted Local Plan and in the new preferred options draft local plan. However under policy LP6 of the Preferred Options Consultation document the site qualifies as a 'Rural Exception Site' where a mixed development of market and affordable housing is permissible so long as the level of market housing does not exceed one third of the dwelling total. The application contains evidence of local need for affordable housing and the scheme is supported by both the Parish Council and the Tendring Housing team.
- 1.3 The site is considered to be well related to the existing village providing a continuation of development leading out of the village and up Primrose Hill. The depth of the development mirrors that of development on the north side of Mary Lane North. Officers consider this is a suitable location for a rural exception site and approval is justified.
- 1.4 A small number of objections have been received in respect of the scheme from local residents. However no objections have been raised by any statutory agencies and no financial contributions have been requested by Essex County Council or the NHS towards education or health provision. The Highway Authority supports the scheme subject to conditions.
- 1.5 The development is located on the edge of the Alresford Valley System and close to the Bromley Heathland Plateau Landscape Character Area. In addition a number of mature trees line the existing site boundary. It is therefore essential that as many of these trees are retained and a soft landscape scheme is implemented to the east and south site boundaries to ensure that impact on the wider landscape is minimised.
- 1.6 Officers consider that this development complies with the requirements of the National Planning Policy Framework and Local Plan policy and the recommendation is approval subject to a s106 agreement to secure the affordable housing in perpetuity and open space/play facilities.

## **Recommendation: Approval**

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

- a) Within 6 (six) 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 relevant):
  - On-site Council Housing/Affordable Housing;
  - On site or off-site open space/play equipment.
- 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 conditions for submission of reserved matters and time limit for commencement.
  2. Accordance with approved plans.
  3. Highways conditions (as recommended by the Highway Authority).
  4. Ecological mitigation/enhancement plan.
  5. Surface water drainage/foul drainage scheme.
  6. SuDS maintenance/monitoring plan.
  7. Hard and soft landscaping plan/implementation.
  8. Tree protection plan
  9. Details of lighting, materials and refuse storage/collection points.
  10. Broadband connection.
  11. Noise
  12. Emission Control
  13. Archaeology – Trial Trenching
  14. Provision of car park
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed 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 Planning Policy Framework (NPPF)**

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

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

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

- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 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 for market and affordable housing in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Section 6 also includes policy advice pertinent to affordable housing exception sites stating *"In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs"*.
- 2.6 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

### **Local Plan**

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

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

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries. The policy categorises Great Bromley as a village.

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).

#### HG3a: Mixed Communities

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

#### HG5: Local Needs Affordable Housing Outside Village Development Boundaries

Supports appropriate residential developments on the edge of settlements for provision of affordable 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.

#### HG14: Side Isolation

Requires a minimum distance between detached properties.

#### COM2: Community Safety

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

#### 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, or a financial contribution from smaller developments.

COM21: Light Pollution

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

COM23: General Pollution

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

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.

EN6: Biodiversity

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

EN6a: Protected Species

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

EN6b: Habitat Creation

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

EN12: Design and Access Statements

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

EN13: Sustainable Drainage Systems

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

EN23: Development within the Proximity of a Listed Building

Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology

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

TR1a: Development Affecting Highways

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

#### TR3a: Provision for Walking

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

#### TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way 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 Preferred Options Consultation Document (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.

#### SPL1: Managing Growth

Identifies Great Bromley as a smaller rural settlement where smaller scale development is envisaged as part of a sustainable strategy for growth. However larger sites are exceptionally permitted for affordable housing exception sites where there is identified need for affordable housing or Parish Council support.

#### 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.

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

Requires larger residential developments to provide a minimum 10% of land as open space with financial contributions toward off-site provision required from smaller sites.

#### LP1: Housing Supply

Sets out how the Council will meet objectively assessed housing needs over the next 15-20 years and in which parts of the district.

#### LP2: Housing Choice

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

#### LP3: Housing Density and Standards

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

#### LP4: Housing Layout

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

#### LP6: Rural Exception Sites

Council Housing and other forms of affordable housing may be permitted on sites adjoining the settlement Development Boundaries of 'Rural Service Centres' or 'Smaller Rural Settlements' subject to evidence of local need. A maximum of one in three dwellings in the overall development can be provided for sale or rent on the open market.

#### PP12: Improving Education and Skills

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 Geo-Diversity

Gives protection to internal, European and nationally important wildlife sites and requires existing biodiversity and geodiversity on any site 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

Requires that where development that might affect archaeological remains, studies and works are undertaken to identify, recover and record such remains.

#### CP1: Sustainable Transport and Accessibility

Requires developments to include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport.

#### CP3: Improving the Telecommunications Network

Requires that new developments be served by superfast or ultrafast broadband.

### **Other Guidance**

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

### **3. Relevant Planning History**

The site has no relevant planning history.



#### 4. Consultations

TDC Principal Tree & Landscape Officer	<p>Notes that a Tree survey has been submitted as part of the application and that some of the trees are protected by TPOs. Under Reserved Matters a Tree Constraint Plan should be provided to demonstrate impact to trees and identify necessary protection.</p> <p>Notes site is on the very edge of the Alresford Valley System and close to the Bromley Heathlands Plateau Landscape Character Area. A soft landscaping scheme should be implemented to minimise impact on landscape with as many existing trees retained as possible.</p>
TDC Open Space and Play	Request financial contribution for improvements to play area at Hare Green, Harwich Road, Great Bromley in line with policy PE022.
ECC Highways	The proposal is acceptable to the Highway Authority subject to conditions relating to access design, visibility splays, estate road detail, carriageway detail, footway design, parking and garage provision, bike storage detail, refuse collection point and car park access detail. In addition the Highway Authority has requested that prior to the occupation of any dwellings the footway from Mary Lane North along Brook Street north and north westerly over the junction with St Georges Close upto the pedestrian gate at St Georges School shall be extended wherever possible to a minimum 2.5m in width and secondly prior to the occupation of any dwellings 2 x new bus stops shall be provided in the vicinity to St Georges school.
ECC Schools	The site falls under the threshold where contributions are required.
Anglian Water	<p><u>Assets affected:</u> There are no assets owned by Anglian Water or those subject to an adoption agreement within development boundary.</p> <p><u>Wastewater treatment:</u> The foul drainage from this development is in the catchment of Great Bromley Water Recycling Centre that will have available capacity for these flows.</p> <p><u>Foul Sewerage Network:</u> Drainage strategy required to be secured by condition.</p> <p><u>Surface Water Disposal:</u> 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.</p>
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 associated documents ECC do not object to the granting of Planning Permission.
TDC Housing	The Housing department is supportive of this application. A housing needs survey has been provided and the proposed affordable housing will be taken on by another registered provider.

TDC Regeneration	No objection but request superfast fibre broadband be connected to the site in accordance with Policy CP3.
Pollution and Environmental Control	Request conditions relating to site works noise and emissions control.
ECC Archaeology	Require condition for a programme of trial trenching prior to development commencing.

## 5. **Representations**

- 5.1 Great Bromley Parish Council fully supports the application.
- 5.2 The Council has received 6 objections to the proposal.
- 5.3 The objections highlight concerns relating to:
- the increase in traffic along Mary Land North, already too much traffic using Mary Land North.
  - the junction with Parsons Hill/Brook Street has restricted visibility and the junction at the A120/Park Road is a well known black spot.
  - Loss of viable agricultural land
  - Not sustainable – no shops, post office, doctors surgeries over prescribed, infrequent bus services.
  - Disruption during construction process.
  - Potential flooding
  - Concerns regarding existing sewerage system.
  - Development out of character with locality.
  - Questions need for overflow car park.

## 6. **Assessment**

### **The Proposal**

- 6.1 The application site comprises 1.3 hectares of existing agricultural land known as 'Park 2 land' forming part of Badley Hall Farm at Great Bromley. The proposed scheme is submitted as a rural exception site consisting of a mix of 16 affordable units and 8 market units. This is an Outline application with all matters reserved and the Planning Committee is being asked to approve an 'in principle' scheme. The applicant has indicated that based on the recent Housing Needs survey there is a need within the locality for the level of affordable housing being proposed, bedroom numbers per dwelling are not known at this stage but the housing mix for the affordable units is indicated as being 8 flats/maisonettes and 8 houses.
- 6.2 The applicant has submitted an indicative layout which shows a single estate style road entering the site from Mary Lane North and then serving all 24 dwellings as well as the proposed overflow car park for the church and school. A small area of shared surface for both pedestrians and car parking is shown to the end of the proposed highway. Submitted documentation includes:

### **Architectural Drawings**

- LP/OP/01A - Location Plan
- PD/03A – Indicative Site Layout Plan
- GEO/MLGB/01A - Land Survey/Access Options
- GEO/MLGB/01A – Existing Ground Level Survey

- GEO/MLGB/02A – Existing ground Level Survey
- SK/01 - Concept Perspectives
- 1/1/1 – Land Holding Plan

### **Reports and Technical Information**

- Planning Statement
- Design and Access Statement
- Ecological Appraisal
- Flood Risk Assessment
- Highways Access Statement
- Reptile Survey
- Bat Survey
- Infiltration Test report
- Highways Access review
- Housing needs Survey

### **Main Planning Considerations**

6.3 The main planning considerations are:

- The principle of development;
- Highways, transport and accessibility;
- Landscape, visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Heritage;
- Education and health provision;
- Utilities;
- Contamination
- Open space and allotments;
- Council Housing/Affordable Housing;
- Indicative layout and connections; and,
- Overall planning balance.

### **Principle of development**

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

6.5 The 'Development Plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 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.

- 6.6 '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.
- 6.7 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*". With this in mind, Policy SPL1 in 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.
- 6.8 Great Bromley is categorised as a 'smaller rural settlement' where the emerging plan envisages a small increase in housing stock over the plan period to 2033. To allow this to happen, settlement development boundaries have been drawn flexibly, where practical, to accommodate a range of sensible sites both within and on the edge of the villages defined as small rural settlements and thus enabling them to be considered for small-scale residential 'infill' developments. The emerging plan provides that larger developments will not be permitted unless there is local support from the Town or Parish Council, an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site' (for which there is a specific policy LP6).
- 6.9 Whilst the policies in the emerging Local Plan cannot carry the full weight of adopted policy at this early stage in the plan-making process, the approach taken in the settlement hierarchy and the extent of land being allocated for housing demonstrates strong alignment with the core planning principles in the NPPF to meet objectively assessed housing needs and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 6.10 As this site is predominantly for affordable housing and adjoins the existing settlement development boundary, in line with the exceptions policy, officers consider that the proposed development meets existing and emerging planning policy and will also make a valuable contribution to meeting the five year housing land supply target.

### **Highways, transport and accessibility**

- 6.11 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.

- 6.12 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although the site is located in one of the district's smaller rural settlements that have limited access to jobs, shops, services and facilities, the location benefits from having easy access to the A120, the village is served by an existing bus service and there are existing footpaths which link the site to the centre of the village. The village primary school and church are just a few hundred metres from the site.
- 6.13 As noted the site is served by a single access from Mary Lane North with a single feeder road serving the development. The Highway Authority have not raised objection subject to the imposition of a number of detailed planning conditions which include the requirement for improvements to the existing pedestrian footpath leading to St Georges school and provision of two additional bus stops in Brook Street adjacent to and in the vicinity of St Georges School.
- 6.14 In conclusion, although the site has limited accessibility to jobs, shops, services and facilities, it is considered that safe access can be gained to existing village services and to public transport facilities. Officers note the concerns raised by residents in respect of traffic impact generated by the development but consider that a suitably designed access can be provided which will not adversely affect highway safety.

#### **Landscape, visual impact and trees**

- 6.15 The site is a currently a greenfield site used for agriculture with a number of the trees located on the site boundary which are protected by a Tree Preservation Order. The site slopes slightly uphill away from the road frontage and is quite prominent in the street scene. It is therefore important to ensure that the development is acceptable in landscape and visual impact terms and properly takes into account any trees that might be affected.
- 6.16 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.17 The application is in outline form with all matters reserved. It is therefore recommended that planning conditions are imposed which will require provision and implementation of a detailed landscape scheme which demonstrates that the majority of protected trees will be retained and additionally that a landscape buffer is provided to the east and south boundaries mitigating the impact of the development on the wider landscape.

#### **Flood risk and drainage**

- 6.18 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 PPL1 in the emerging Local Plan still require any development proposal on sites 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. The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC have reviewed the FRA and do not object to the grant of outline planning permission subject to conditions. These relate to the submission and subsequent approval

of a detailed Surface Water Drainage Scheme before development can take place, control of surface water during the construction phase, maintenance of the surface water drainage system and retention of annual logs detailing maintenance undertaken in accordance with the maintenance plan.

### **Ecology**

- 6.19 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.20 Natural England has not raised any objection to the application. The development would not have any significant direct or indirect effects on any formally designated wildlife sites, but the ecological value of the site itself has been given consideration through a preliminary ecological assessment. The assessment identifies that development might affect nesting birds in trees, shrubs and flora used by nesting birds and it is recommended that works to these features are avoided in the bird nesting period. Bat and Reptile surveys have been undertaken for the site. No evidence of reptiles was encountered during the survey work – it is concluded that reptiles will not be a negative constraint to development. In respect of the Bat survey evidence of foraging by Pipistrelle Bats within the mature hedgerows and trees was noted. It is recommended therefore that the existing hedgerows and trees are retained, making allowance for the site access requirements. The development is considered unlikely to have a negative impact on Badgers, Water Voles, Otters or Dormice.

### **Heritage**

- 6.21 The site is not located within a Conservation Area or close to any Listed Buildings and is therefore not considered to adversely affect existing historic assets.
- 6.22 Essex County Council Archaeology Advice notes that the site does lie within an area of historic interest and may contain evidence of Roman, Bronze age or medieval origin. It is recommended that a condition is imposed requiring a programme of trial trenching followed by Open Area Excavation prior to any development works commencing.

### **Contamination**

- 6.23 Policy QL11 requires new developments to take into account the possibility of existing contamination or pollution and any necessary remediation strategies. The applicant has submitted a Phase 1 desk Study and Risk Assessment. The reports conclude that the former use of the site (crop growing) is unlikely to result in potential contamination which would adversely impact on future occupiers of the site.

### **Education and Health provision**

- 6.24 Policy QL12 in the adopted Local Plan and Policies HP1, HP2 and PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education and health provision. For this proposal, Essex County Council as the Local Education Authority has advised that the site is below the threshold for contributions and no contribution is sought. NHS England have not requested any financial contributions towards health provision and only tend to make such requests on schemes of 50 or more dwellings.

### **Utilities**

- 6.25 Anglian Water notes there are no assets owned by AWA within the site boundary. They do however require the development to take into account any of their existing assets which may be located in or near to the development site. They also note that the drainage from the development is in the catchment of Great Bromley Water Recycling Centre that does have capacity for the proposed flows. They have requested a foul water strategy condition to be attached to the Planning Permission to ensure flooding downstream of the site does not occur.

### **Open Space and Play**

- 6.26 Policy COM6 in the adopted Local Plan and Policy PEO22 of the emerging Local Plan require residential developments of over 1.5 hectares to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. In this case the site is less than 1.5 hectares and it is more appropriate to seek an off site financial contribution.
- 6.27 The Council's open spaces team has requested that due to a shortfall in open space provision a financial contribution is to be secured by s106 agreement and this money would be spent at the closest play area being Hare Green, Harwich Road, Great Bromley.

### **Council Housing/Affordable Housing**

- 6.28 Policy HG5 in the adopted Local Plan allows affordable housing to be located on small sites adjoining existing rural communities where such development can be demonstrated to meet a particular local need. Evidence of such need must be provided and the affordable dwellings retained in perpetuity as affordable housing. Policy LP6 in the emerging Local Plan similarly requires evidence of need but notes that as an incentive to landowners to release their land for this use a maximum of one in three dwellings in the overall development can be provided for sale or rent in the open market.
- 6.29 In this case the proposed development is considered to comply with the emerging policy providing 16 of the 24 units as affordable dwellings. The Housing department has noted that they are supportive of the development and an appropriate housing needs survey has been provided by the applicant. They note that the affordable dwellings will be taken on by another registered provider. In addition they have no objection to some market housing being provided within the site to subsidise the provision of the affordable units. If the Committee is minded to approve this application, the affordable or Council Housing will be secured through a s106 legal agreement with built in trigger points for the provision of the affordable housing element.

### **Design and Layout**

- 6.30 The proposed development as shown on the indicative plan supplied is served by a single access road leading directly from Mary Lane North and then via an estate style road serving the proposed dwellings and overflow carpark. The plan does indicate that existing trees have been taken into account in terms of the position of the proposed access, at Reserved Matters stage the detailed scheme should demonstrate that wherever possible existing trees have been retained. A turning head is shown at the end of the road. A small area of open space is also identified to the east end of the site.
- 6.31 As noted the site has a number of mature trees to the north and west boundaries the majority of which should be retained. An additional landscape buffer will be required to soften the site boundaries to the east and south.

- 6.32 The exact housing mix has not been provided at this stage but is likely to be a mix of detached, semi-detached and terrace style properties. Each property on the indicative layout is shown as having a good size garden area with adequate space for parking and garaging. Good spacing between dwellings is provided in terms of 'back to back' distances. Site density is relatively low at just 18 dwellings per hectare although the proposed church/school overflow car park should also be taken into account.
- 6.33 Indicative perspective drawings have also been provided by the applicant which show good use of traditional materials with designs reflecting a more contemporary style which would not be inappropriate in this location where good quality design on the edge of the village is important.

### **Conclusion**

- 6.34 The proposed development is considered to comply with policy contained within the NPPF, the adopted Local Plan and emerging Local Plan policy contained within the Preferred Options Consultation document.
- 6.35 The scheme will result in provision of 16 affordable dwellings which will meet a local need as identified by the Housing Needs Survey. In total 24 dwellings will be provided which will also contribute towards meeting the 5 year housing land supply for the District.
- 6.36 It is confirmed that safe highway access and egress to and from the site is achievable and that safe access can be provided to facilities within the village. The proposed layout will not adversely impact on adjoining dwellings or property and is a relatively low density development on the edge of the village. Protection of existing trees and the requirement for a detailed landscape to mitigate the impact of the development will be secured by condition.
- 6.37 In conclusion although acknowledging the concerns raised by nearby residents officers consider that the proposed scheme meets all technical and policy requirements and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

### **Background Papers**

None.