

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	SCE	21.12.18
Planning Development Manager authorisation:	GJN	21.12.18
Admin checks / despatch completed	ER SB	21/12/18 21/12/18

Application: 17/01881/OUT **Town / Parish:** Great Bentley Parish Council

Applicant: Mr Rodger Lord - G & M Lord and Son

Address: Land to The South of Weeley Road Great Bentley

Development: Outline planning permission for up to 136 dwellings, informal recreation space, a local area of play and associated development.

1. Town/Parish Council

Great Bentley Parish Council object to the application for the following reasons:

- The site lies outside the development boundary for both previous and draft Local Plans.
- The current SHLAA states that 'there are some concerns about the suitability of this land for housing as it would be poorly connected with the existing built up area and safe access and egress might be difficult to achieve off Weeley Road. Furthermore, the scale of development would be contrary to the proposed spatial strategy for Rural Service Centres in the new version of the Local Plan. There is also a major concern about the primary school not being capable of expansion to accommodate additional development'. This contradicts the Planning Statement.
- It brings unacceptable urbanisation to this particularly rural entrance to the village and will therefore directly impact the Conservation Area it adjoins, it is beyond the natural boundaries of the village.
- Anglian Water state 'development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures'. Sewage from the substation has frequently flooded into Weeley Road.
- The site is well known for its flood issues which are recognised by the SUDs report. Further development will only move the issues elsewhere creating further unnecessary issues and costs.
- The insufficient capacity for education and health needs.
- The proposed access point is between two blind bends on a country road in a position where there have been road traffic collisions in the past. Residents also report there have been many 'near misses'.
- The point of access onto Weeley Road would increase the road width by 3.5 metres meaning the ditched would be enveloped by the widening of the road.
- There is no evidence or indication of an agreement being in place to secure the proposed pedestrian and cycle way through the gaps between properties on the east of Birch Avenue.
- Developments for 275 houses have recently been approved for the village and a further 190 are pending appeals. Now there is a 5 year housing supply there is no need to approve this development.

2. Consultation Responses

UU Housing Consultation There is a high demand for housing in Great Bentley and there are currently 134 households on the housing register seeking a 1 bedroom property in the village, 101 seeking a 2 bedroom property, 70 seeking a 3 bedroom property and 22 seeking a 4 bedroom property.

It is noted that the applicant is prepared to deliver 41 homes on the site as affordable housing which complies with the Council's policies.

UU - Open Space
Consultation

No comments received

Building Control and
Access Officer

No adverse comments at this time.

Environmental Protection

If this application was to go to a full/detailed application Environmental Health would require the following:

1. Construction Method Statement to be submitted with the full/detailed application.

2. A noise survey shall be undertaken by a competent person for proposed residential properties that are adjacent to the railway. The survey will meet the requirements of BS 8233:2014 and include periods for daytime 0700-2300 hours and night-time 2300-0700 hours.

3. A minimum of a desktop contaminated land report to be submitted with the full/detailed application.

Waste Management

No comments at this stage.

Tree & Landscape Officer

The application site is in agricultural use and contains little in the way of established trees apart from a small uncultivated area on which two established Oaks are situated. Both trees are relatively important features in a rural setting although their visual amenity value is only moderate because of the extent to which they can be seen by the public.

On close inspection the northernmost tree has extensive decay in its main bole whilst the tree may survive in this condition for many years it does not merit protection by means of a tree preservation order.

The southernmost tree is a larger specimen and is in good health. Because of its location its amenity value is only moderate however it would be desirable for it to be retained for its future contribution to the amenity of the locality and for its intrinsic value. It would appear feasible to redesign the indicative layout to show the Local Area for Play (LAP) in the area where the tree is situated. The benefits of this change to the layout in terms of the links to nature, wildlife and play being self-evident.

In terms of the impact of the development proposal on the local landscape character the applicant has not submitted a Landscape and Visual Impact Assessment (LVIA) however they have referred to the Tendring District Council Landscape Character Assessment in paragraphs 5.6 and 5.7 of the Planning Statement. This succinctly defines the local landscape character and describes the potential, within the development proposal, to secure a softer edge to the settlement boundary by means of new soft landscaping on the perimeter of the site and the proposed new open space.

With regard to the soft landscaping of the site and the planting shown on the indicative site layout plan it is important to note that at the present time the application site is not well screened by existing vegetation. The southern boundary with the railway is relatively well

vegetated and the buffer shown on the plan would strengthen screening on that boundary.

The western boundary and the western half of the northern boundary abuts the existing developed land and it will be important to secure a satisfactory separation distance with an appropriate level of soft landscaping for both privacy and visual amenity reasons. Vegetation on adjacent land and not under the control of the applicant cannot be relied on for screening purposes. The eastern part of the northern boundary provides an adequate opportunity for new planting adjacent to the highway.

The eastern boundary of the proposed developed part of the application site abuts a new open space and does not currently benefit from any screening vegetation. The indicative site layout shows new planting in this location.

Any planning permission that may be granted should secure details of a comprehensive soft landscaping scheme including extensive tree planting, broadly in accordance with the details shown on the indicative site layout plan.

Anglian Water Services
Ltd

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. It should be noted that the diversion works should normally be completed before development can commence.

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

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. Request a condition requiring the drainage strategy covering the issues to be agreed.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable, recommend that the applicant needs to consult with Anglian Water and ECC. Request a condition requiring a drainage strategy covering the issues to be agreed.

ECC Highways Dept

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

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

Prior to any occupation the development will provide the following items;

- A suitable footway link shall be constructed to link to the existing Public Footpath No.11 to the north east.
- A suitable cycle/pedestrian link shall be constructed to link with Birch Avenue to the north west.
- The access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions.
- All parking and turning facilities in accordance with current policy standards including parking space and garage dimensions.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall have 2x 2m footways, 10.5m radii.
- A right turn lane shall be provided in Weeley Road in accordance with current policy standards (This may involve investigating amendments to the existing speed restrictions which will include a full legal process).
- A 2m wide footway shall be provided across the Weeley Road frontage between the access road and the western boundary of the site.
- A 2m walkable grass verge dedicated as highway shall be provided on the Weeley Road frontage between the access and the eastern boundary of the site.
- The junction of Heckfords Road and the A133 shall be improved to include appropriate lining and signage, two number traffic islands and high level beacons.
- All new residential properties shall be provided with Travel Information Packs.
- There shall be no discharge of surface water onto the highway.
- A 500mm wide overhang strip shall be provided adjacent to the carriageway.

Environment Agency

Outside the scope of applications that they provide comments on.

Essex Wildlife Trust

Confirm that there is no objection to the proposal, subject to the implementation of avoidance and mitigation measures as detailed in the Preliminary Ecological Appraisal.

Natural England

Natural England has no comments to make on this application.

ECC Schools Service

Based on a development of 136 houses all being 2 or more bedrooms, a development this size can be expected to generate the need for up to 12.2 Early Years and Childcare places, 40.8 primary school places and 27.2 secondary school places.

Early Years and Childcare

Although there is some capacity in the area, the data shows

insufficient provision to meet demand from this proposal. It is thereby clear that additional provisions will be needed and a project to expand a provision within the Great Bentley Ward is proposed. A contribution of £177,713 is sought to mitigate the impact of the proposed development.

Primary Education

The site falls within the priority admissions area of Great Bentley Primary School which has capacity for 210 pupils. The School is currently full and, according to Commissioning School Places in Essex 2016-2021, by the academic year commencing September 2020 it will require 47 additional places to accommodate growing demand. The School sits within Tendring Group 3 primary forecast planning group which, by the same year is forecast to required 157 additional places. A contribution of £519,547 is sought to mitigate its impact on local primary provision.

Secondary Education

For secondary school education, the proposed development is located within the priority admissions area of Colne Community School which has capacity for 1,488 pupils. The School is experiencing growth in demand and fills un Year 7. According to Commissioning School Places in Essex 2016-2021, by the academic year commencing September 2020 it will require 15 additional places. Looking across the Tendring District as a whole, by the same year, 407 additional places are forecast to be needed. As set out in Essex's 10 Year Plan for meeting school place demand, a project to expand Colne Community School is being considered. Based on demand generated by this proposal, a developer contribution of £256,184 is sought to mitigate its impact on secondary provision.

NHS East Essex CCG

A developer contribution will be required to mitigate the impacts of this proposal, NHS England calculates the level of contribution required, in this instance to be £47,150.

ECC SuDS Consultee
27.11.17

In the absence of a surface water drainage strategy, object to the application and recommend refusal of planning permission until a satisfactory one has been submitted.

ECC SuDS Consultee
27.02.18

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

In particular, the submitted strategy fails to:

- Sufficiently limit run off rate
Run off should be limited to the 1 in 1 year greenfield rate. The drainage report states the greenfield rate is 6.43 l/s, but this is reflected as the QBAR rate in the calculations.
- Provide sufficient storage
In line with the comments above, storage calculations should be revised with the 1 in 1 year greenfield rate as an input.

ECC SuDS Consultee
23.04.18

Condition 1

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not

be limited to:

- Limiting discharge rates to 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

Reason

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

Condition 2

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason

The National Planning Policy Framework paragraph 103 and paragraph 109 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the

development.

Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.

Condition 3

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason

To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

Failure to provide the above required information before commencement of works may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

Condition 4

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason

To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

3. Planning History

None

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN4 Protection of the Best and Most Versatile Agricultural Land

EN6 Biodiversity

EN6A Protected Species

EN6B Habitat Creation

EN17 Conservation Areas

TR1A Development Affecting Highways

TR2 Travel Plans

TR3A Provision for Walking

TR5 Provision for Cycling

TR6 Provision for Public Transport Use

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL8 Conservation Areas

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There

is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is situated to the south of Weeley Road and to the north of the railway line in Great Bentley. The site is currently used as an agricultural field and is relatively flat. All boundaries of the field are defined by hedges and mature planting, although the application site does not include the whole field, so the eastern boundary of the site is not demarcated.

The site lies on the eastern edge of the village of Great Bentley to the west of the site are the residential properties of Pine Close and Birch Avenue and to the north are residential properties in Weeley Road.

Proposal

This application seeks outline planning permission for up to 136 dwellings, informal recreation space, a local area of play and associated development on Land to the South of Weeley Road, Great Bentley. The application is in outline form, all matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.

The proposed layout plan is indicative only; however, it shows built development towards the west of the site and an area of informal recreation space to the east with a vehicular access point from Weeley Road and a potential footpath link to Birch Avenue. The application site is approx. 7.7 hectares in size; the proposed residential area is approx. 5 hectares, with the remaining 2.7 hectares being shown as open space and landscaping.

Representations

For Parish Council comments see above.

Councillor McWilliams requested that the application be referred to Planning Committee, if recommended for approval because of the following material planning considerations:

- Negative impact on street scene
- Negative impact on neighbours
- Great Bentley has planning applications approved for approx. 325 dwellings; which are not either being built or due to for detailed planning permission.
- At present there is an application going through the appeal process for 190 dwellings which includes the gift of a health centre and 1 hectare of land to the local primary school. These developments are outside the Development Boundary, as is this proposal. A further 136 dwellings, if built, would increase Great Bentley's housing by 85%, the unclassified roads in the village are experiencing a huge increase in traffic with access onto the A133 worsening.
- There is no more, and there will be no further employment made available within the village, when and if all these developments are approved for the new residents.
- The impact and harm on Great Bentley and its infrastructure, and sustainability, especially to its primary school (which is already full to capacity) and the Doctors Surgery (which already has over 9500 patients), and to the whole village is excessive.
- To add any further development in Great Bentley would not satisfy, as stated in the NPPF, an economic, a social or an environmental role.

In addition to the above comments approx. 30 letters of objection have been received which raise the following concerns:

- Tendring District Council has a 5 year housing supply
- The site is located outside of the Settlement Development Boundary within both the existing and emerging Local Plans. The planning application should be considered in relation to the Settlement Hierarchy and other relevant policies

- The site is wholly unsuitable due to the road access.
- The road is too narrow and has a dangerous bend, plus accidents have already occurred with cars going into the bungalows on the right hand side when approaching the Green.
- There could be over 200 extra cars using the junction each day, plus the junction with Heckford Road and the A133, already a dangerous exit from the village.
- The proposed footpath down Birch Avenue is not agreed, inadequate and dangerous
- No proposed increase in local transport service to cope with increase in people; and no proposed increase in essential emergency access or services.
- There is already lack of parking in the village
- At present it is virtually impossible to turn right onto the A133 between the hours of 7am and 8pm and even to turn left it can take 10 minutes depending on the time of day which is due to increased traffic to and from the village.
- The increased traffic that further development to Great Bentley will bring will impact on the ability to enter the village centre.
- Weeley Road is a country lane, unable to cope with the excesses of traffic the new development will bring.
- There is no convenient, regular bus route for people to use
- The proposed footpath down Birch Avenue is not agreed, inadequate and dangerous
- The village cannot sustain such a large amount of new residents with regard the GP surgery, school and other amenities, especially as planning for over 200 hundred more dwellings to be built in the near future in the village has been approved.
- The current planning request does not take into account the unsustainable strain on local services to be places by the other approved planning applications.
- Colchester hospital is already stretched and in need of improvement
- Impact of unsustainable demographic increases on the proposed plot are ignored
- No extra jobs planned for local people
- The infrastructure of Great Bentley cannot cope with the continual increase of residents.
- Great Bentley should remain a village
- The development and all other approved developments are taking away the precious habitat for all sorts of wildlife.
- The rural and historical aspect of the existing neighbouring properties will be totally destroyed
- Inadequate Ecological Impact Assessment
- No archaeological or historical impact assessment
- The development will further urbanise a unique and outstanding village.
- Loss of privacy
- Increase in noise and pollution
- It will have a detrimental impact on the landscape and rural countryside
- Great Bentley does not need any more open space; the Green is more than adequate for the Community.
- Loss of value to neighbouring properties
- Loss of views

Principle of Development

The site lies outside of the Settlement Development Boundary as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The National Planning Policy Framework 2018 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus 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.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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 therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. Policy SPL1 identifies Great Bentley as a Rural Service Centre and QL1 defines Great Bentley as a Village. The pre-ambule to Policy SPL1 states that for Rural Service Centres the Local Plan 'identifies opportunities for smaller-scale growth. Some of these villages will accommodate a modest increase in housing stock where appropriate, within the plan period. Proposed housing allocations are at a level that is fair, achievable and sustainable for each of the settlements concerned'.

The site lies outside any allocated area for development within both the Saved and Emerging Local Plan. Given the housing land situation, the positive progress of the Local Plan officers consider this to be an unnecessary development that is contrary to the development plan. Therefore, notwithstanding the issues considered below, there is a principle objection to residential development on this site.

This approach is in line with the appeal decisions in Thorrington Road and Plough Road Great Bentley (APP/P1560/W/17/3183678; 3183695 and 3183663) which state at para 75 that 'one of the core principles of the Framework is that planning for future development should be genuinely plan-led, providing a practical framework for local decision making within which decisions on planning applications can be made with a high degree of predictability and efficiency. Local Plans are the key to sustainable development. The clear aim of the plan-led system is to direct development to where it is needed. The Council is well advanced in the current Local Plan process, with the EiP currently in progress. These proposals are inconsistent with both the TDLP and the ELP settlement hierarchy policies. Their approval would subvert the local plan-making process, in breach of the core principle of genuinely plan-led development'. These appeal decisions were dated December 2017.

Visual Impact

In terms of the impact of the development proposal on the local landscape character the applicant has not submitted a Landscape and Visual Impact Assessment (LVIA) however they have referred to the Tendring District Council Landscape Character Assessment in paragraphs 5.6 and 5.7 of the Planning Statement. This succinctly defines the local landscape character and describes the potential, within the development proposal, to secure a softer edge to the settlement boundary by means of new soft landscaping on the perimeter of the site and the proposed new open space.

With regard to the soft landscaping of the site and the planting shown on the indicative site layout plan it is important to note that at the present time the application site is not well screened by

existing vegetation. The southern boundary with the railway is relatively well vegetated and the buffer shown on the plan would strengthen screening on that boundary.

The western boundary and the western half of the northern boundary abuts the existing developed land and it will be important to secure a satisfactory separation distance with an appropriate level of soft landscaping for both privacy and visual amenity reasons. Vegetation on adjacent land and not under the control of the applicant cannot be relied on for screening purposes. The eastern part of the northern boundary provides an adequate opportunity for new planting adjacent to the highway.

The eastern boundary of the proposed developed part of the application site abuts a new open space and does not currently benefit from any screening vegetation. The indicative site layout shows new planting in this location.

It is considered that subject to appropriate planting as set out above that the development could be carried out in a way that would not result in significant harm to the character of the area. Landscaping is a matter that would be considered in detail as part of a reserved matters application, if the principle of development was considered acceptable.

Impact on Conservation Area

Paragraph 109 the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

A small part of the northern boundary of the site abuts the Great Bentley Conservation Area, it is considered that given the size of the site the development could be developed in such a way that would not have any adverse impact on the setting of the Conservation Area.

Neighbours Amenities

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Whilst matters of layout, scale and appearance are reserved for future determination, with regard to privacy, the Essex Design Guide states that "with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable". It goes on to state that "where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved".

The distances between new and existing dwellings could be well in excess of those required by the Essex Design Guide and it is considered that there are no reasonable grounds for refusal in terms of the relationship between existing dwellings in the locality and the proposed development. Consequently, adherence to these standards would ensure that the living conditions of existing residents would be protected from overlooking; and a loss of outlook and daylight/sunlight.

Ecology

One aim of sustainable development should be to conserve and enhance the habitats and species on site. This is reflected within NPPF paragraph 170 which recognises that the planning system should contribute to and enhance the natural and local environment by, amongst other things: protecting and enhancing sites of biodiversity or geological value and soils (in a manner

commensurate with their statutory status or identified quality in the development plan); recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The applicant has submitted a Preliminary Ecological Appraisal which concludes the following points:

- The hedgerows and field margins surrounding the site provide potential bird nesting habitat and therefore clearance of any vegetation should either be carried out between September and the following February or preceded by a search for nests, with work delayed if any are found.
- The areas of scrub and undergrowth habitat were considered suitable for hedgehogs and hare and it is therefore recommended that any clearance of trees, scrub or undergrowth should be carried out carefully and in stages, removing dense areas of bramble and scrub initially so that ground flora can be checked prior to final clearance.
- Two oak trees within the site possessed features that could be used for roosting bats and the hedgerows could be used by foraging and commuting bats.

Essex Wildlife Trust have confirmed that there is no objection to the proposal, subject to the implementation of avoidance and mitigation measures as detailed in the Preliminary Ecological Appraisal.

The application is outline form so the layout has not yet been determined, it is therefore considered that the site could be developed in such a way that would not result in any adverse impact on protected species.

Flood Risk and Drainage

Part 14 of the NPPF sets out the Government's stance on climate change, flooding and coastal change, recognising that planning plays a key role in, amongst other things, providing resilience to the impacts of climate change. In appropriate development in areas at risk of flooding should be avoided. The site is located within Flood Zone 1; it is therefore a low risk from tidal/fluviat flooding.

The applicant has submitted a Sustainable Urban Drainage System Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Essex County Council do not object to the granting of planning permission subject to conditions relating to the submission and subsequent approval of a detailed surface water drainage scheme, a maintenance plan and a scheme to minimise the risk of offsite flooding and prevent pollution during construction.

Anglian Water have advised that there are assets close to or crossing this site or there are assets subject to an adoption agreement. These would need to take into consideration in any proposed layout or diverted, but are not a reason to refuse planning permission. It has been advised that the foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows.

Highways

The application is in outline form so only indicative details of the access and layout have been provided. Essex County Council Highways have been consulted on the application and do not raise an objection to the proposal subject to the following items being provided prior to any occupation of the development:

- A suitable footway link shall be constructed to link to the existing Public Footpath No.11 to the north east.
- A suitable cycle/pedestrian link shall be constructed to link with Birch Avenue to the north west.
- The access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres in both directions.

- All parking and turning facilities in accordance with current policy standards including parking space and garage dimensions.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- The vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall have 2x 2m footways, 10.5m radii.
- A right turn lane shall be provided in Weeley Road in accordance with current policy standards (This may involve investigating amendments to the existing speed restrictions which will include a full legal process).
- A 2m wide footway shall be provided across the Weeley Road frontage between the access road and the western boundary of the site.
- A 2m walkable grass verge dedicated as highway shall be provided on the Weeley Road frontage between the access and the eastern boundary of the site.
- The junction of Heckfords Road and the A133 shall be improved to include appropriate lining and signage, two number traffic islands and high level beacons.
- All new residential properties shall be provided with Travel Information Packs.
- There shall be no discharge of surface water onto the highway.
- A 500mm wide overhang strip shall be provided adjacent to the carriageway.

These above are all items that would be dealt with/considered as part of a reserved matters application (as access does not form part of this application) or secured by condition as part of any approval.

The concerns raised regarding the issues relating to the increase traffic are noted, however, with Essex County Council raising no objection to the proposal it is considered that a reason for refusal on this grounds could not be substantiated.

Education Provision

NPPF paragraph 94 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

Policy COM26 of the adopted Local Plan and Policy PP12 of the draft Local Plan require the impacts of development on education provision to be addressed at a developer's costs, either on site and/or through financial contributions.

Essex County Council have been consulted on this application and advise that a development of this size can be expected to generate the need for up to 12.2 Early Years and Childcare places, 40.8 primary school places and 27.2 secondary school places. To address these requirements, ECC has requested contributions of £177,713 for Early Years and Childcare; £519,547 for primary provision and £256,184 for secondary provision. As no legal agreement has been completed to secure this contribution on the proposal is contrary to the above policies.

Health Provision

NPPF paragraphs 91 and 92, amongst other things, state that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning decisions, in turn, should aim to achieve places which promote opportunities for meetings between members of the community, by planning positively for the provision and use of shared space, community facilities.

Policy COM24 of the adopted Local Plan and Policy HP1 of the draft Local Plan support developments for new and improved health care facilities that are in close proximity to the communities they intend to serve, acceptable in highways terms, accessible by a variety of

transport modes and provide sufficient car parking; and require financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

The proposed development is likely to have an impact on the services of 1 GP practice operating within the vicinity of the application site. The GP practice does not have capacity for the additional growth resulting from this development which could generate approximately 299 residents and subsequently increase demand upon existing constrained services. The development would give rise to a need for improvements to capacity, in line with emerging CCG Estates Strategy, by way of relocation of Great Bentley Surgery, a proportion of the cost of which would need to be met by the developer.

A developer contribution will be required to mitigate the impacts of this proposal. NHS England calculates the level of contribution required, in this instance to be £47,150. As no legal agreement has been completed to secure this contribution on the proposal is contrary to the above policies.

In terms of secondary hospital provision, the NHS is responsible for investment that will ensure the growing population is properly served. The Council cannot refuse planning permission for major residential developments in response to local concerns about facilities at Colchester General Hospital, particularly as house building is a key government objective alongside the modernisation of the NHS.

Affordable Housing

Paragraph 62 of the NPPF requires LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Adopted Policy HG4 seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.

It is noted that the applicant is prepared to deliver 41 homes on the site which complies with the above policies. However, as no legal agreement has been completed to secure this contribution on the proposal is contrary to the above policies.

Open Space

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

The quantum of open space proposed is well above the policy requirement for 10% of the open space within a development.

6. Recommendation

Refusal - Outline

7. Reasons for Refusal

1. The proposal seeks outline planning permission for up to 110 dwellings and is contrary to the provisions of The National Planning Policy Framework (2012), Saved Policies QL1 and EN1 of the Adopted Tendring District Local Plan (2007) and Draft Policies SPL1, SPL2, and

PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The application site is not allocated for any form of development and falls outside of the defined settlement development boundary in both the adopted and the emerging Local Plan.

Saved Policy QL1 sets out a spatial strategy for Tendring that seeks to direct most new development to the larger urban areas, but allows limited development within the smaller towns and villages where accessibility to employment, services, and public transport is maximised. Draft Policy SPL2 confirms that within settlement development boundaries there will be a general presumption in favour of new development, subject to detailed consideration against other relevant Local Plan policies.

Now that the Council can identify a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, the core planning principles under paragraph 17 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth. As such, further development in this location would be contrary to Saved Policy QL1 and Draft Policy SPL2. Given the housing land situation and the positive progress of the Local Plan Officers consider this development to be unsustainable and contrary to the development plan.

2. The National Planning Policy Framework 2018 (NPPF) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Policy LP5 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 11 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. There is a high demand for housing in Great Bentley and there are currently 134 households on the housing register. There is therefore a need for affordable housing to be delivered on site and the full 30% for the entire site is required.

Saved Policy COM26 of the Tendring District Local Plan (2007) states where necessary planning permission will only be granted for residential developments of 12 or more dwellings if land and/or financial contributions are made to provide the additional school places that will be needed to service the development. Policy PP12 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) states planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements. Essex County Council Education confirm the proposal would result in a deficit in early years and childcare, primary education and secondary education; therefore a financial contribution is required to mitigate against the impact.

Policy COM6 of the Tendring District Local Plan 2007 and Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) require that 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.

Policy QL12 and COM24 of the Tendring District Local Plan 2007 and Policy HP2 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) require that new development is supported by the necessary infrastructure which includes health provision. The Health Authority has confirmed that the existing GP practices do not have capacity to accommodate the additional growth resulting from the proposed development and request a contribution of £47,150 to mitigate the impacts of the proposal.

A completed Section 106 obligation to secure the relevant financial contributions towards education, healthcare, highway improvements and open space maintenance together with the provision of affordable housing, public open space and a residential travel plan has not been provided and the application is therefore contrary to the above policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>		NO
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>		NO