

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	RD	01/07/19.
Planning Development Manager authorisation:	GN	1/7/19
Admin checks / despatch completed	SB	01/07/19.

Application: 19/00067/OUT

Town / Parish: Lawford Parish Council

Applicant: Gladman Developments Limited

Address: Land at Grange Road Lawford

Development: Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Grange Road. All matters reserved except for means of access.

1. Town / Parish Council

MANNINGTREE TOWN
COUNCIL

Manningtree Town Council strongly objects to the above planning application for the following reasons:

1. Overdevelopment - the number of new builds already agreed in the area already far exceeds the requirements of the local plan;
2. Infrastructure - traffic in the area has increased a great deal in the last year and this development will increase traffic on Cox's Hill and the surrounding area even further. The railway underpass which sits on the main route (A137) through Lawford and surrounding villages and connects Essex to Suffolk is already creating bottlenecks as hundreds of cars pass through on a daily basis;
3. Railway infrastructure - it appears that this has not been given much thought. The commuter trains from Manningtree are already over capacity during the rush hour as it is and we suspect this development will add to that. In addition, commuter parking is already proving a problem for the area with not enough parking provision at the station as it is;
4. Health services - the development proposal would further overload the existing GP provision;
5. Direct access to the site is limited;
6. The local schools are already oversubscribed.

1. The development is outside the village envelope.
2. TDC has recently demonstrated it has a 6.2 year housing land supply, 27% being allocated to the Lawford Area, which is disproportionate.
3. This is grade 2 agricultural land, which has been set aside and left to look derelict.
4. Access is onto an unclassified road (Grange Road), which is unable to accommodate two cars passing and joins both School Lane, (also an unclassified residential lane that is one car's width at its junction with Wignall Street) and Bromley Road, that will be accommodating additional traffic from an already approved, but as yet unbuilt, development of businesses and properties.
5. The Housing need is not proved. Sufficient development has been identified in the Lawford area (660 + properties).
6. The sewerage system in Lawford is running at full bore, if the pumping station at the bottom of Wignall Street fails, sewerage overflows into the stream, which has happened several times to date.
7. The wet area at the bottom of the site has no overflow system. The Almshouses and neighbouring properties are two metres below the field and are therefore likely to be flooded.
8. The infrastructure is not adequate. Doctor's surgeries are already under pressure, which is not sustainable and neither surgeries have the ability to expand. Schools are under pressure, in particular the High School.
9. The properties are close together with inadequate parking.
10. The proposed height of some properties is 2.5 storeys, which is not in keeping with the surrounding properties and rural area, altering the existing character of the area.
11. Additional traffic would add to existing safety issues for residents being encouraged to walk, in particular children walking to/from schools.
12. The A137 is already at capacity during morning and evening 'rush hours' (in particular the area surrounding Manningtree Station and Cox's Hill) and completely gridlocked when there is an accident on the A12, as it is the route for diverted traffic.
13. Concern that the 4000 year old Scheduled Ancient Monument, which is a site of National Importance and within the proposed development site, would be seriously compromised by this development.

It is therefore concluded this development would not be an asset or of benefit to the Parish of Lawford and its residents.

2. Consultation Responses

ECC Highways

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

The development shall provide the following:

- All existing Public Rights of Way shall be retained on their current alignment, and surfaced in natural materials with the exception of where estate roads cross the routes.
- A scheme of appropriate signage which shall be agreed in writing with this Authority shall be erected where estate roads cross the

Public Footpaths warning drivers to have regard for and give way to pedestrians on the Public Footpaths

- As appropriate, the upgrade of the two closest bus stops to the site to include suitable facilities to encourage use of the public transport network
- All residential properties to be provided with a Transport Information Marketing Pack
- Areas within the site identified for the purpose of loading/unloading/reception and storage of building materials and manoeuvring clear of the highway and retained at all times for that sole purpose as approved in writing by the Local Planning Authority.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- A scheme of drainage to ensure no discharge of surface water onto the highway.
- A wheel cleaning facility within the site and adjacent to the egress onto the highway to ensure that loose materials and spoil are not brought out onto the highway
- A scheme of vehicle parking in precise accordance with current parking standards including residential spaces, visitor spaces, and garage dimensions
- The realignment of Grange Road to create the new junction into the development site including completion of any necessary Legal Orders required to ensure all rights are maintained and correctly amended/created

NOTE: - Internal Layout - Full details of the estate roads and footways (including layout, levels, gradients, surfacing, and means of surface water drainage, construction details and any lighting requirements) will be agreed during the Reserved Matters application.

NOTE: - Public Rights of Way - The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over any public footpath shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

Informative 1: 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.

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

Informative 3: Construction Traffic Routes - Prior to the commencement of any work on the site, a joint inspection of the route to be used by construction vehicles should be carried out by the Applicant and the Highway Authority, including photographic evidence. The route should then be inspected again, after completion of the development and any damage to the highway resulting from traffic movements generated by the application site should be repaired to an acceptable standard and at no cost to the Highway Authority. The Area Highway Manager may also wish to secure a commuted sum for special maintenance to cover the damage caused to the existing roads used as access for vehicles accessing the application site.

The construction vehicle route to the site should be clearly signed and a strict regime of wheel washing and street cleaning should be in place.

Informative 4: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 5: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

ASSETS

Section 1 - Assets Affected

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

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

The sewerage system at present has available capacity for these flows based on a pumped regime at a rate of 3.8l/s. If the developer wishes to connect to AW sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. AW will advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water and therefore this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency. AW request that the agreed strategy is reflected in the planning approval.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

Condition: Prior to construction above damp proof course a Phasing Plan setting out the details of the phasing of the development shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved Phasing Plan.

Reason: To ensure the development is phased to avoid an adverse impact on drainage infrastructure.

The Ramblers Association No comments received.

NHS East Essex CCG

The proposed development is likely to have an impact on the services of 2 GP practices operating within the vicinity of the application site. These GP practices do not have capacity for the additional growth resulting from this development.

The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. North East Essex CCG would therefore expect

these impacts to be fully assessed and mitigated.

A developer contribution will be required to mitigate the impacts of this proposal. North East Essex CCG calculates the level of contribution required, in this instance to be £38,180. Payment should be made before the development commences.

North East Essex CCG therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 planning obligation.

ECC Schools Service

ECC have assessed the application on the basis of 110 houses all being 2 or more bedrooms, a development of this size can be expected to generate the need for up to 9.9 Early Years and Childcare (EY&C) places, 33 primary school, and 22 secondary school places.

Early Years and Childcare

According to Essex County Council's childcare sufficiency data, published in the summer 2017 term, there is currently capacity to accommodate children generated by this development.

Primary Education

This development sits within the priority admissions area of Lawford CE Primary School, which can accommodate up to 210 pupils. The School is at or close to capacity in all year groups and, according to Essex County Council's document 'Commissioning School Places in Essex', it will require 35 additional spaces by the academic year commencing 2020. This document also forecasts a deficit of 480 primary school places across the Manningtree area (Tendring Group 6).

In response, Essex County Council's '10 Year Plan' for meeting demand for school places proposes a one form entry (210 places) expansion of Lawford CE Primary around 2020/21. An additional 33 places would be provided at an estimated total cost of £504,273 at April 2018 prices. This equates to a developer contribution of £504,273 index linked to April 2018, being sought to mitigate its impact on local primary provision.

Secondary Education

With regards to secondary education, the Priority Admissions Area school for the development would be Manningtree High School. The School is expecting a full intake this September and in subsequent years. According to the forecast in Commissioning School Places in Essex a deficit of 59 places can be anticipated by 2020.

The 10 Year Plan suggests Manningtree High will be expanded by one form of entry from 2020. An additional 22 places would be provided at an estimated total cost of £510,708 at April 2018 prices. This equates to a developer contribution £510,708 index linked to April 2018, being sought to mitigate its impact on local primary provision.

Having reviewed the proximity of the site to the nearest primary and secondary schools, there is no safe walking route to either the nearest primary or secondary school, however in previous applications, the

applicant, has noted that there isn't currently a footway along the full length of Grange Road.

There is a footway from the entrance to the application site as far as the junction with School Lane; this links in to existing footways along School Lane and the A137 Wignall Street/Long Road which will provide a safe walking route to both the primary and secondary school. The site is considered to be within a reasonable walking distance of both schools using this walking route, and therefore contributions towards school transport isn't considered necessary to make the development acceptable in planning terms.

The applicant has previously accepted that the above route is not the most direct walking route from the application site to the schools and that it would be desirable to provide a footway along the full length of Grange Road which would link to the footway along Bromley Road, and would reduce the necessity for road crossings. ECC can confirm that the applicant has previously suggested they would be willing to make a contribution towards the provision of this footway link if the LPA consider it to be necessary in a previously refused application.

In view of the above, ECC Education request on behalf of Essex County Council that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on primary and secondary education.

If TDC were minded to turn down the application, ECC would request that the lack of surplus primary education provision, in the area to accommodate the proposed new homes can be noted as an additional reason for refusal.

ECC SuDS Consultee

Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC raise no objection to the granting of planning permission subject to conditions covering: detailed surface water drainage scheme; scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; maintenance plan for surface water drainage scheme; and, yearly logs of maintenance.

Essex County Council
Archaeology

An archaeological evaluation was recommended for a previous planning application (17/01950/OUT) at the above site due to the proximity of a scheduled monument and possible related archaeological features as indicated by aerial photographic evidence.

A programme of archaeological trial trenching was carried out over part of the site which has enabled a greater understanding of the nature and significance of surviving archaeological remains. Due to access issues the area to the north of the scheduled monument was not evaluated and the potential for significant archaeological remains unknown. Any development, including flood mitigation work and landscaping in this area should not take place until an evaluation has been completed and submitted prior to a Reserved Matters application.

The remainder of the site will be subject to further archaeological investigation based on the findings of the final evaluation report.

RECOMMENDATION: A Programme of Archaeological evaluation and excavation

1 No development or preliminary ground-works can commence on the area north of the scheduled monument (SM) until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further investigation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

2 No development or preliminary groundwork can commence on those areas containing archaeological deposits as identified in the evaluation, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

3 Following completion of all archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Historic England

No comments received

Essex County Council
Ecology

No objection subject to securing:

a) a proportionate financial contribution towards visitor management measures at Essex Coast Habitats (European) sites

b) biodiversity mitigation and enhancement measures

ECC Ecology have reviewed the Ecological Appraisal (fpcr, Jan 2019) supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and Priority species, particularly skylark, grass snake and invertebrates and identification of proportionate mitigation. ECC Ecology has also reviewed the third party documents provided to the LPA regarding the quality of the ecology survey & assessment undertaken by the applicant. They are satisfied that there is sufficient ecological information available on the likely impacts of this development to support determination of this application in line with national and local policy.

However, it is considered that additional mitigation and compensation measures are needed for Priority species, to make the development acceptable. These will be needed to minimise the impacts of development on Priority species particularly skylarks, reptiles and moths, as they are likely to be present and affected. They are not satisfied that the current measures proposed in the Ecological Appraisal (fpcr, Jan 2019) are sufficient to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

If the LPA is minded to approve the development, it is considered necessary to secure more detail on appropriate and reasonable measures to be provided at Reserved Matters stage to provide certainty of impacts from the final design of the development. The inclusion of effective mitigation measures to avoid net loss of Priority

species' habitats in a long term Landscape and Ecological Management Plan is recommended as a condition of any consent issued.

These measures will need to be delivered prior to commencement and implemented in full. If the various mitigation measures cannot be confirmed within the final site layout, alternative offsite provision will need to be secured eg skylark nest plots within nearby arable fields, if necessary by legal agreement.

This will provide certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable. We expect a development of this scale to provide reasonable biodiversity enhancements; details to meet biodiversity net gain will also need to be approved at Reserved Matters stage. The preparation of a Biodiversity Enhancement Strategy is recommended, to be secured by a condition on any consent to meet the requirements of the NPPF (2018).

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

In addition, ECC have reviewed the submitted Information to support Habitats Regulations Assessment (ecology solutions, Nov 2017). This residential development lies within the Zone of Influence (Zol) of the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Stour & Orwell Estuaries SPA & Ramsar site, mitigation measures will need to be in place prior to occupation.

The application is considered to be "relevant development" in the context of the RAMS and so requires further consideration through the Appropriate Assessment stage to secure any mitigation measures necessary to avoid adverse effect on site integrity. Therefore, Natural England's advice to the LPA applies which ensures that new residential development and associated recreational disturbance mitigation for designated site impacts is compliant with the Habitats Regulations 2017.

In line with Natural England's advice, the development will include provision of well-designed open space/green infrastructure, proportionate to its scale. Such provisions can help minimise any predicted increase in recreational pressure to the European sites from the development alone, by containing the majority of daily recreation within and around the development site boundary away from European sites. Natural England advises that the Suitable Accessible Natural Greenspace (SANG) guidance can be helpful in designing this and, this provision will include:

- High-quality, informal, semi-natural areas
- Circular dog walking routes of 2.7 km¹ within the site and/or with links to surrounding public rights of way (PRoW)
- Dedicated 'dogs-off-lead' areas
- Signage/information leaflets to householders to promote these areas for recreation

- Dog waste bins
- A commitment to the long term maintenance and management of these provisions

The LPA is also advised to secure the developer contribution on offer for delivery of effective visitor management measures at the Stour & Orwell Estuaries SPA & Ramsar site, in line with the Essex Coast RAMS. This will avoid adverse impacts on site integrity from the development in combination with other plans and project.

The proposal to erect 110 dwellings will trigger a proportionate financial contribution towards offsite visitor management measures, in line with the Essex Coast RAMS Strategy (£122.30 per dwelling) for delivery prior to occupation. This mitigation will need to be secured by a legal agreement to avoid impacts from the development in combination with other plans and projects.

The additional requirement to mitigate for recreational pressure and thus avoid adverse effects on the integrity of the nearby European Sites will need to be secured by legal agreement as it is not appropriate to use a planning condition.

The provision of suitable compensatory measures is key to delivering sustainable development and implementation of proportionate biodiversity enhancement measures will need to be undertaken prior to commencement.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim together with additional measures necessary to minimise impacts on Priority species described above.

It is recommended that conditions be attached to any approval to cover the following matters: scheme in accordance with submitted Ecological Appraisal; Skylark Mitigation Strategy; Construction Environmental Management Plan (Biodiversity); Biodiversity Enhancement Strategy; and, Landscape and Ecological Management Plan (LEMP)

3. Planning History

17/01950/OUT	Outline planning application for the erection of up to 110 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Grange Road. All matters reserved except for means of access.	Refused	09.04.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

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

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM6 Provision of Recreational Open Space for New Residential Development

COM26 Contributions to Education Provision

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

EN5 Areas of Outstanding Natural Beauty (AONB's)

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN29 Archaeology

TR1A Development Affecting Highways

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

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

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SP5 Infrastructure & Connectivity

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

HP5 Open Space, Sports & Recreation Facilities

PP12 Improving Education and Skills

PPL1 Development and Flood Risk

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The site lies outside of the Settlement Development Boundary of both the Saved and Draft Local Plans and is not allocated for development.

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.

Although the Local Plan was intended to cover the period up to 2011 the policies within it have been saved and are therefore extant. Saved Policy QL1 is broadly consistent with the NPPF in terms of seeking to protect the character and appearance of the countryside and surrounding area. Consequently, Policy QL1, and any conflict with it, can be afforded significant weight. The proposal for residential development on this land does not therefore accord with the development plan.

The emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. In both the adopted and draft local plans, Manningtree, Lawford and Mistley are together categorised as a 'town' or 'urban settlement' in recognition of their collective size and range of services and facilities and as a location where sustainable development on a larger scale can be achieved.

Information produced in relation to the updated SHLAA confirms that sites with planning permission/under construction in the collective settlement of Manningtree, Lawford and Mistley currently total over 1052 dwellings. These include 15/00876/OUT for 360 dwellings at 'Lawford Green', 15/00761/OUT for 300 dwellings at Long Road, and 17/00943/DETAIL for 135 dwellings at land south of Harwich Road.

The applicants argue, however, that the 2007 Adopted Local Plan is time expired and the housing policies and settlement development boundaries are not designed to meet development needs beyond 2011. Furthermore the applicants maintain that the current changes to the NPPF endorse their position and show that the Council is unable to show their housing sites are deliverable, as such they argue due weight should be given to the most up to date Local Housing Needs (LHN) data which shows there is a substantial shortfall in housing supply in the Tendring area when assessed against need.

However, it is considered that given the positive progress of the Local Plan, officers **still** consider this to be development that is contrary to the development plan.

The NPPF defines 'sustainable development' as having three dimensions: economic, social and environmental and these are assessed below:

Economic

The proposal meets the economic dimension in providing employment through construction of the properties and through future residents supporting local businesses.

Social

The site is located on the edge of Lawford with footpath links to the services within the collective settlement which include a train station, bus services, shops, doctors surgeries, and a primary and secondary school. The site is therefore considered to be socially sustainable.

Environmental

The environmental role is about contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy:

Ecology

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

The site is around 1.8km from the Special Protection Area, Ramsar site and Special Area of Conservation at the Stour and Orwell Estuaries which are all European sites protected by the Habitats Regulations. Also at a national level the Stour Estuary Site of Special Scientific Interest is around 1.9km away.

An ecological assessment has been provided which confirms that the site is species poor improved grassland with perimeter hedgerow and boundary trees providing some limited ecological interest. There is a single mature Oak tree outside the NW boundary and inspection with close focusing binoculars identified a vertical limb with significant splits providing a feature of low bat roost potential.

The recommendations state lighting should therefore be restricted in this area. This area is indicated to be within the public open space. The indicative on-site walking routes will help to reduce pressure on nearby designated sites. The report confirms that provided boundary vegetation is retained and buffered bat surveys are unlikely to be required. Due to nesting and foraging bird habitat a condition relating to removal of hedgerow/tree works outside the bird breeding season (March-September inclusive) will be necessary. Bird and bat boxes are also recommended and this can be controlled by condition.

An updated Habitats Regulations Assessment (HRA) (dated Jun 6 2019) has also been provided which concludes no requirement to undertake an Appropriate Assessment.

Natural England's latest advice (dated 27 June 2019) is as follows;

'the mitigation identified in the Illustrative SANG Strategy, June 2019 (7653.SANG.Strat.vf) document meets with the Natural England's recommendations for larger scale residential developments within the Essex Coast Recreational disturbance Avoidance and Mitigation Scheme (RAMS) zone of influence. The SANG is to be combined with a financial contribution in line with the Essex Coast RAMS requirements to fund "offsite" measures (i.e. in and around the relevant European Designated Sites) as part of the mitigation package for predicted recreational disturbance impacts. This package will ensure that the recreational disturbance resulting from this proposal will not have an adverse effect on the integrity of the European sites from recreational disturbance, when considered either alone or 'in combination' with other development.

Natural England goes on to state;

'Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Stour and Orwell Special Protection Area and Ramsar and has no objection to the proposed development.'

The applicant is happy to provide a proportionate financial contribution (£45,000) in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the above European sites from recreational disturbance, when considered 'in combination' with other development.

The Council is satisfied with the proposed mitigation indicated above which could be secured by planning condition and detailed at reserved matters stage.

Essex Wildlife Trust have confirmed they have no objection subject to the creation of a high-quality wildlife habitat within the green space provision to ensure a net gain in biodiversity.

Historic Environment

The applicant has submitted a Heritage Statement as required by the NPPF to describe the significance of any heritage assets affected.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Setting is defined in Annex 2 of the NPPF as "the surroundings in which a heritage asset is experienced...elements of a setting may make a positive or negative contribution to the significance of an asset." Historic England add the importance of setting lies in what it contributes to the significance of the heritage assets. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to the heritage asset's surroundings. Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies, consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting.

Saved Policy EN23 seeks to resist development proposals that would adversely affect the setting of listed buildings and Saved Policy EN29 resists development that will adversely affect nationally important archaeological sites and their setting. Scheduled Ancient Monuments are referred to in paragraph 6.142 of the supporting text for the latter policy. Draft policies PLA6 and PLA8 in the emerging Local Plan similarly give protection to the setting of listed buildings and scheduled ancient monuments as heritage assets.

Scheduled Ancient Monument (SAM)

A Scheduled Ancient Monument (SAM) known as 'site NNE of Lawford House' lies within the northern area of the site. This is a nationally important early prehistoric (Neolithic) site.

Historic England has confirmed the site has been subject to three separate phases of archaeological excavation but its interpretation is still debated. The site has been retained as a SAM as it is still considered to have the potential to preserve some unexcavated archaeological remains. The SAM currently has a relatively open setting, and the indicative layout shows it to be located within an area of public open space with associated planting, landscape buffers and a SUDs attenuation pond.

Historic England state the proposal would result in a reduction to the open character of the landscape which formed the landscape setting of such prehistoric ceremonial sites.

Historic England confirm the proposal would result in a change to the setting of the Neolithic enclosure in which views to and from the site of the SAM would be truncated by new planting to the east and west and the northern edge of new housing to the south. They advise these changes to the landscape setting would result in a modest degree of harm to its significance. They add that there is scope to review the proposed landscaping to ensure that new planting minimises this impact and that the SAM should not be hidden within a landscape buffer area. They also refer to outstanding archaeological concerns in relation to the SUDs pond and taken together conclude that this would result in a slight degree of harm to the significance of the SAM.

The planting shown is purely indicative at this stage and landscaping is not for formal consideration. The area around the SAM is currently relatively open with hedgerow along both side boundaries and around the northern pointed site boundary but open grassland within the site. The division shown between the proposed open space and the proposed housing is purely artificial, there is no landscape boundary at this point until you reach the existing boundary of the neighbouring recreational ground.

It is therefore considered that the concerns raised in relation to limiting planting close to the SAM to preserve its open landscape setting can be satisfactorily addressed at reserved matters stage and there is therefore no objection in this respect.

However, the concerns in relation to the northern edge of new housing to the south need to be carefully considered in relation to the applicants request for up to 110 dwellings on the site. It is considered that the indicative layout is unacceptable and the northern edge of the proposed housing should not extend beyond the southern boundary of the existing recreational area in order to retain the open landscape setting of the SAM. This represents an area of around 74 metres by 70 metres indicated to provide eleven dwellings. As layout is a reserved matter the indicative layout is not for formal consideration at this stage. Therefore an informative should be imposed on any outline planning permission that the reserved matters submission for layout shall only include residential development to the south of the southern boundary line of the existing neighbouring recreational land (i.e. excluding the eleven dwellings shown on the indicative layout). This would ensure around 200 metres separation between the SAM and the proposed residential development.

This would lessen the slight degree of harm identified by Historic England, which should be weighed against any public benefits of the proposal in line with paragraph 134 of the NPPF.

Listed Buildings

The Grade II listed Lawford House lies around 150 metres to the SE. Its grounds lie to the immediate SE boundary on the other side of Grange Road. The grounds are extensive and benefit from dense mature vegetation that obscure the listed building in views from Grange Road. The proposal would therefore preserve the setting of Lawford House. The Grade II listed Grange Farm lies around 490 metres to the SW further along Grange Road. Due to the significant separation distance and intervening screening there would be no harm to the setting of this listed building.

The Grade II listed Glanfields lies around 530 metres to the west on Hungerdown Lane. Glanfields sits relatively central within its well screened site and the proposal would not harm the setting of this listed building.

The proposal would therefore preserve the setting of nearby listed buildings.

Archaeology

The NPPF states where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

ECC Archaeology has confirmed that the site contains a Scheduled Ancient Monument and further archaeological remains as identified by aerial photographic evidence and geophysics investigation. The site therefore has a high potential for archaeological evidence and it was therefore requested that trial trenching was carried out in advance of a decision being issued.

ECC Archaeology's second comments dated 15th March 2019 confirm that a programme of archaeological trial trenching was carried out over part of the site. However, due to access issues the area to the north of the SAM was not evaluated and the potential for significant archaeology remains unknown. They therefore request conditions that no development, including flood mitigation or landscaping, shall take place on the area north of the SAM until further archaeological work has been completed and submitted prior to any reserved matters application.

Historic England also confirm that the impact of the indicative SUDs pond on buried archaeological remains cannot be assessed as archaeological trial trenching has yet to be undertaken to the north of the SAM. Although the layout provided is indicative, clearly any reserved matters proposal would be likely to follow this approach to ensure that the SAM remains within as open a setting as possible with built development concentrated at the southern part of the site. The SUDs pond is shown in the northern area, and if further archaeological work reveals important finds in this area

which need to be preserved in situ then the indicative layout will require substantial modification. However, this possibility would not prevent the grant of outline planning permission as the condition requires this information prior to reserved matters submission which would formally consider the detailed layout and landscaping proposals. The impact upon archaeology is therefore acceptable subject to conditions.

Lawford Conservation Area

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Conservation Areas under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 200 of the NPPF states that new development within Conservation Areas and within the setting of heritage assets should enhance or better reveal their significance as well as preserving those elements of the setting that make a positive contribution to or better reveal the significance of the asset.

Saved Policy EN17 states that Developments will be refused where (for development located outside a Conservation Area) it would prejudice the setting and surroundings of a Conservation Area or harm the inward or outward views.

Draft Policy PPL8 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

The Lawford Conservation Area abuts part of the northern corner of the application site. The gardens of six dwellings on the A137 Wignall Street abut the northern site boundary (The Orchard; Fortuna House; 1, 2, and 3 Almshouses; and The Mount). The Orchard and Fortuna House lies outside the Lawford Conservation Area.

The Lawford Conservation Area Review 2006 (page 5) states: "Beyond two modern houses [The Orchard and Fortuna House on the northern site boundary] stand the Almshouses. This is a long low range with a prominent gable to the road frontage in diapered brick, and an attractive timber arcaded verandah. A prominent conifer guards the rather accidental vehicular entrance at the north east corner." "The Area continues with The Mount, now one cottage with plain brick facades and modern windows under a slate roof."

Visual separation would be provided by the intervening dwellings and substantial vegetation at the northern site boundary. The recommended change to the indicative layout would also ensure around 380 metres separation between the proposed dwellings and the boundary with the Lawford Conservation Area. The proposal will therefore preserve the setting of the Lawford Conservation Area.

Historic Environment Planning balance

As detailed above the proposal would result in a slight degree of harm to the significance of the Scheduled Ancient Monument 'Settlement site NNE of Lawford House' by virtue of a change to the relatively open setting of the Neolithic enclosure through residential development around 200 metres to the south (subject to the recommended informative regarding detailed layout). Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The public benefits of the proposal in relation to provision of new housing, affordable housing, and the economic benefits in relation to construction jobs and household expenditure outweigh the less than substantial harm to the significance of the setting of the designated heritage asset 'Settlement site NNE of Lawford House'.

The public benefits of the proposal therefore outweigh the less than substantial harm to the significance of the Scheduled Ancient Monument 'Settlement site NNE of Lawford House'.

Landscape Impact

The Dedham Vale Area of Outstanding Natural Beauty (AONB) begins on the opposite side of the A137 Wignall Street, around 80 metres from the northern site boundary.

Saved Policy EN5 states that development will not be permitted if it would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB this includes views towards the AONB from outside.

The AONB begins on the opposite side of the A137 Wignall Street, around 80 metres from the northern site boundary and around 480 metres from the edge of the reduced housing area. Given the distance and intervening residential development and existing vegetation the proposed housing would not adversely impact upon the Dedham Vale AONB.

In terms of the impact of the development proposal on the local landscape character, the 'Tendring District Landscape Character Assessment' defines the area within which the application sits as the Bromley Heaths Landscape Character Area (LCA). The development proposal has the potential to cause harm to the character and appearance of the local landscape and would contribute to the gradual erosion of the countryside. In order to show the degree of harm likely to arise as a result of the development of the land the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) that has been carried out in accordance with Guidelines for Landscape and Visual Impact Assessment (3rd edition).

The LVIA describes the existing qualities and value of the landscape and makes an assessment of the impact of the development on the character of the landscape and the way that it is perceived and enjoyed by the public. At year 1 the LVIA states there would be a moderate adverse effect in terms of landscape character through replacement of a single pastoral field with residential development. At year 15 this would reduce to moderate/minor adverse.

The LVIA concludes that the landscape impact would be negligible to minor adverse at the outset, reducing to negligible as the proposal matures.

In terms of the impact of the development proposal on the area it is considered that the LVIA provides a genuine and accurate description of the landscape and visual effects. It recognises that harm will be caused to the landscape and visual amenity of the area to a greater or lesser extent depending on the particular physical viewpoints from which the site is seen as described fully in the LVIA.

It is considered that the residential development would cause harm to the character and qualities of the landscape. It is accepted that the harm can be partially mitigated by new soft landscaping but the development of the land, by its very nature, will adversely affect the local landscape character.

The applicant has submitted a tree survey and report in order to establish the degree to which the trees close to the site boundaries are a constraint on the development potential of the land. The report includes how the retained trees would be physically protected for the duration of the construction phase which is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations. The trees do not place an insurmountable constraint on the development potential of the land and the removal of small trees and a section of hedgerow to facilitate vehicular access to the land will not be significantly harmful to the local landscape character.

Landscaping is a reserved matter so any tree loss should be mitigated by new planting secured at reserved matters stage along with full details of the screening and enhancement objectives set out in the LVIA, and in discussion with Historic England in relation to preserving the open setting of the SAM. It is therefore considered that the landscape harm from the proposed development would not be so significant as to justify refusing planning permission on these grounds alone.

Now that the emerging Local Plan is progressing well, the core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth. Given the housing land situation, and the positive progress of the Local Plan Officers consider this to be development that is contrary to the development plan. Notwithstanding this objection in principle, comments are provided in relation to the detail of the proposal below.

Design

Landscaping, layout, scale and appearance are reserved for later consideration.

An indicative layout has been provided but is not for formal determination at this stage.

As stated above, in order to preserve the open setting of the SAM the residential development as indicated needs to be set back in line with the existing southern boundary of the neighbouring recreational area. An informative would therefore need to be added to any outline planning permission to confirm that the indicative layout is unacceptable in these terms and also in relation to the indicative landscaping in relation to the SAM.

The indicative layout shows a density of 30 dph, which although significantly more dense than existing neighbouring development is on balance an acceptable density for this location abutting a collective town/urban settlement and recognising the need to promote an efficient use of land. Such a density would enable compliance with policy standards under saved policy HG9 for private amenity space and parking provision in accordance with the adopted parking standards. Removal of the area close to the SAM currently indicated for eleven dwellings will need to result in a reduction in the total number of dwellings proposed to prevent the density being out of character and harmful to the character of the surrounding area. This can also be confirmed within an informative on any outline planning permission, or alternatively a condition detailing a maximum number of dwellings.

All existing dwellings whose rear gardens abut the indicative southern housing area are single storey. Any detailed design would therefore need to respect the scale of the neighbouring development.

Residential amenity

Only access is included for determination at this stage with the access point located at the 90 degree bend on Grange Road and in front of the neighbouring bungalow at number 28 Grange Road. That bungalow benefits from a set back of around 18 metres to its integral front garage and around 26 metre set back to its front elevation. Given this set back and the fact that Grange Road continues at this point i.e. is not a cul de sac it is not considered that the harm to amenity from increased comings and goings and vehicle noise associated with the proposed dwellings would be so significant as to justify refusing planning permission on these grounds.

All existing dwellings abutting the southern site boundaries are bungalows. The detailed design will therefore need to be sympathetic to the scale and privacy of these existing dwellings in order to preserve the privacy, light and outlook of neighbouring residents.

To the south western boundary lies a well vegetated site that appears to contain a number of redundant buildings. There is no recent planning history on this land. TEN/159/68 in 1968 approved 'Erection of building (ex pre-fab bungalow) for establishment of piggery (Temporary consent expiring 31.12.71)'. It is assumed that the buildings therefore do not have a lawful use in planning terms so could only be used for agriculture, if they are even of suitable condition for use. The proposal surrounds this site with residential development, however given the age and apparent disuse of these buildings they are not considered likely to represent a concern in relation to potential excessive noise or other unneighbourly impacts.

Disruption, dust and noise during construction can be controlled and minimised by submission of a Construction Method Statement as recommended by TDC Pollution and this can be secured via condition in the interests of amenity for existing residents.

There is no right to a view in planning terms, but significant harm to outlook, light and privacy of existing occupiers must be avoided and will be assessed at reserved matters stage when layout, scale and appearance are considered.

There are not therefore any overriding amenity concerns relating to the principle of development or the vehicular access.

Access and Highway Safety

Access is included for consideration at this stage and a single vehicular access is proposed from Grange Road.

Public Rights of Way 11 and 14 cross the site and converge on the neighbouring recreational open space as shown on the submitted plans. Saved Policy TR4 states where development affects an existing public right of way, planning permission will be refused unless the development can accommodate the definitive alignment of the path. A formal diversion providing a safe, attractive and convenient alternative may be considered where appropriate.

Public Right of Way 14 runs along the side of 28 Grange Road and through part of the site into the adjoining recreational ground. The indicative plans show the route retained within a landscaped area ensuring that this will remain an attractive walking route.

Public Right of Way 11 crosses the northern part of the site to the north of the SAM. Again this route is retained in the indicative layout within the proposed open space and would be enhanced by provision of additional landscaping, to be agreed at reserved matters stage. The impact on Public Rights of Way is therefore considered to be acceptable subject to the recommended conditions from the Highway Authority that: All existing public rights of way must be retained on their current alignment and surfaced in natural materials except where estate roads cross the routes; and appropriate signage shall be agreed at these crossing points to warn drivers about pedestrians on the public footpaths

Grange Road is an unclassified, narrow road which joins Bromley Road at its eastern end, then continues past the junction with School Lane to a sharp bend. After this bend Grange Road becomes more of a rural lane serving sporadic development. From the junction with Bromley Road to School Lane there are around 12 dwellings on the northern side and this stretch of Grange Road does not benefit from a public footpath. To the south is the long boundary with the Grade II listed Lawford House. Beyond the junction with School Lane to the sharp bend there are around seven dwellings to the northern side of Grange Road and a footpath linking up to the footpath on School Lane.

The comments from ECC education confirm that a continuous footpath along Grange Road would negate the need for primary and secondary school transport contributions. The applicant has confirmed they are happy to provide this and there is sufficient highway land in front of the 12 dwellings to provide this on the northern side of Grange Road linking to the existing footpath on Bromley Road.

The Highway Authority has assessed the proposal and has no objection subject to conditions. They also request the upgrade of the two closest bus stops, this could be secured via condition. Residential travel packs are considered reasonable for a development of this scale to encourage use of more sustainable modes of transport. Conditions are also requested relating to construction related loading/unloading, storage etc; no unbound material within 6 metres of the highway boundary; a scheme of drainage to ensure no discharge of surface water onto the highway; wheel cleaning facility within the site; and realignment of Grange Road to create the new junction onto the site. These conditions are all considered necessary in the interests of highway safety. A condition is also requested relating to vehicle parking, however layout is a reserved matter so this will be formally considered at that stage.

The proposal is therefore considered acceptable in terms of access and highway safety subject to the above mentioned conditions.

Flood Risk

The site lies within Flood Zone 1 (low risk) and is not identified to be at risk of surface water flooding.

As a major development ECC as Lead Local Flood Authority have been consulted on the proposed flood risk assessment and surface water drainage strategy to ensure that the proposal will not increase flood risk outside of the site. They have raised no objection subject to the imposition of conditions and informatives.

Similarly, Anglian Water has confirmed that there is sufficient foul drainage and waste water capacity for the development.

Legal agreement

The NPPF states Local Planning Authorities shall consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy QL12 and draft Policy PP12 require that new development is supported by the necessary infrastructure which includes education provision.

Saved Policy COM26 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. Draft Policy PP12 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.

ECC Education confirm that the development within the priority admission area of Lawford CE Primary School, which can accommodate up to 210 pupils. The school is at or close to capacity in all year groups and according to Essex County Councils document commissioning school Places in Essex, It will require 35 additional spaces by the academic year commencing 2010. This document also forecasts a deficit of 480 primary school places across the Manningtree area (Tendring Group 6) In response Essex County Councils 10 year plan for meeting demand for school places proposes a one form entry (210 places) expansion of Lawford CE Primary School around 2020/2021. An additional 33 places would be provided at an estimated cost of £504,273 at April 2018 prices. This equates to a developer contribution of £504,273 index linked to April 2018 being sought to mitigate its impact on local primary provision.

With regard to secondary education, the Priority Admissions Area school for the development would be Manningtree High School. The School is expecting a full intake this September and in subsequent years. According to the forecast in commissioning School Places in Essex a deficit of 59 Places can be anticipated by 2020. The 10 year plan suggests Manningtree High will be expanded by one form entry from 2020. An additional 22 places would be provided at an estimated total cost £510,708 index linked to April 2018, being sought to mitigate its impact on local secondary provision.

The applicants dispute the primary and secondary school transport contributions. They state both schools are within a reasonable walking distance (primary school ten minutes and secondary school 18 minutes) with continuous footpath. Grange Road does not have a footpath along its full length. There is a footway from the entrance to the application site as far as the junction with School Lane, which then links to existing footways along School Lane and the A137 Wignall Street/Long Road. They accept this is not the most direct walking route and that it would be desirable to provide a footway along the full length of Grange Road, linking to the footway on Bromley Road and reducing the necessity for road crossings.

ECC Education confirm if there is to be a continuous footway from the proposed development to join with existing footways to provide safe walking routes to both primary and secondary schools they would not require school transport contributions. This is considered to be preferable and such footway works can be secured by condition/S106 in place of the requested primary and secondary school transport contributions. The relevant footway works can be accommodated within highway land on the north side of Grange Road so could form a Grampian condition.

NHS England have confirmed that the two local GP practices do not have capacity for the residents resulting from this proposal and request a contribution of £38,180 to mitigate the impacts of the proposal.

Saved Policy HG4 requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Draft Policy LP5, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing.

TDC Housing confirm there is a high demand for housing in Lawford and we currently have 96 households on the housing register seeking a 1 bedroom property, 64 seeking a 2 bedroom property, 41 seeking a 3 bedroom property and 14 seeking a 4 bedroom property. There is therefore a need for affordable housing to be delivered on site.

The applicant has agreed to provide 30% affordable housing on site as required in the emerging Local Plan. The submitted Affordable Housing Statement suggests 12 x 2 bed properties for affordable rent, 9 x 2 bed properties for intermediate tenure, 10 x 3 bed properties for affordable rent, and 2 x 3 bed properties for intermediate tenure. This equates to 33 properties (30% of the site). TDC Housing is happy with the proposed mix of tenure for affordable housing on this development. The applicant also confirms in the Affordable Housing Statement that they will seek another registered housing provider to take on the affordable rented homes proposed which is satisfactory.

Saved Policy COM6 and Draft Policy HP5 require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. TDC Open Space confirm the substantial local deficit in equipped play. They request a financial contribution towards improvement of the existing play area at School Lane which lies adjacent to the application site.

Other considerations

The submitted Preliminary Risk Assessment recommends a programme of intrusive investigation, chemical and geotechnical testing and subsequent quantitative risk assessment including: trial pitting to ascertain near-surface ground conditions; window sampling to investigate deeper ground conditions; and In-situ field tests to obtain soil parameters for soakaways and pavement design. A contamination condition securing these works prior to commencement of development will therefore be necessary.

There is a gas main in the south of the site but this is not a high pressure gas pipeline requiring consultation. The applicant is aware of its existence and refers to it in their Utilities Statement.

Essex Police provide comments in relation to the Potential for Designing Out Crime. They state the submitted documents do not provide sufficient detail to decide whether this has been achieved. Essex Police confirm they are able to support the applicant in achieving this by providing free, impartial advice, and this could be used to inform any reserved matters application.

Conclusions

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.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations.

Officers consider that the emerging Local Plan is progressing well, the core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth is therefore awarded significant weight. As such therefore it is considered that further development in this location would be contrary to Saved Policy QL1 and Draft Policy SPL2. Given the positive progress of the Local Plan Officers consider this development to be unsustainable and contrary to the development plan.

A completed Section 106 obligation to secure the relevant contributions towards education, healthcare, RAMS, public open space and affordable housing has not been provided and this represents a second reason for refusal.

6. Recommendation

Refusal - Full

7. Conditions / 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 (2018), Saved Policies QL1 and EN1 of the Adopted Tendring District Local Plan (2007) and Emerging 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. Emerging 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.

At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations.

Officers consider that the emerging Local Plan is progressing well, the core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth is therefore awarded significant weight. As such therefore it is considered

that further development in this location would be contrary to Saved Policy QL1 and Draft Policy SPL2.

Given the positive progress of the Local Plan Officers consider this development to be unsustainable and contrary to the development plan.

- 2 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 COM6, COM26 and HG4 of the Adopted Tendring District Local Plan (2007) and Draft Policies LP5, PP12 and HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The National Planning Policy Framework (2018) 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 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. Emerging Policy LP5 of the 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 Lawford and there are currently 215 households on the housing register. There is therefore a need for affordable housing to be delivered on site.

Saved Policy COM26 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. Emerging Policy PP12 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.

NHS England have confirmed that the two local GP practices do not have capacity for the residents resulting from the proposal and request a contribution of £38, 180 to mitigate the impacts of the proposal.

Saved policy COM6 and emerging Policy HP5 state that for residential development on a site of 1.5ha and above, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development. There is a substantial local deficit in equipped play and a financial contribution is therefore required towards improvement of the existing play area at School Lane.

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

A completed Section 106 obligation to secure the relevant contributions towards education, healthcare, RAMS, public open space and affordable housing has not been provided and is therefore contrary to the above policies.

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