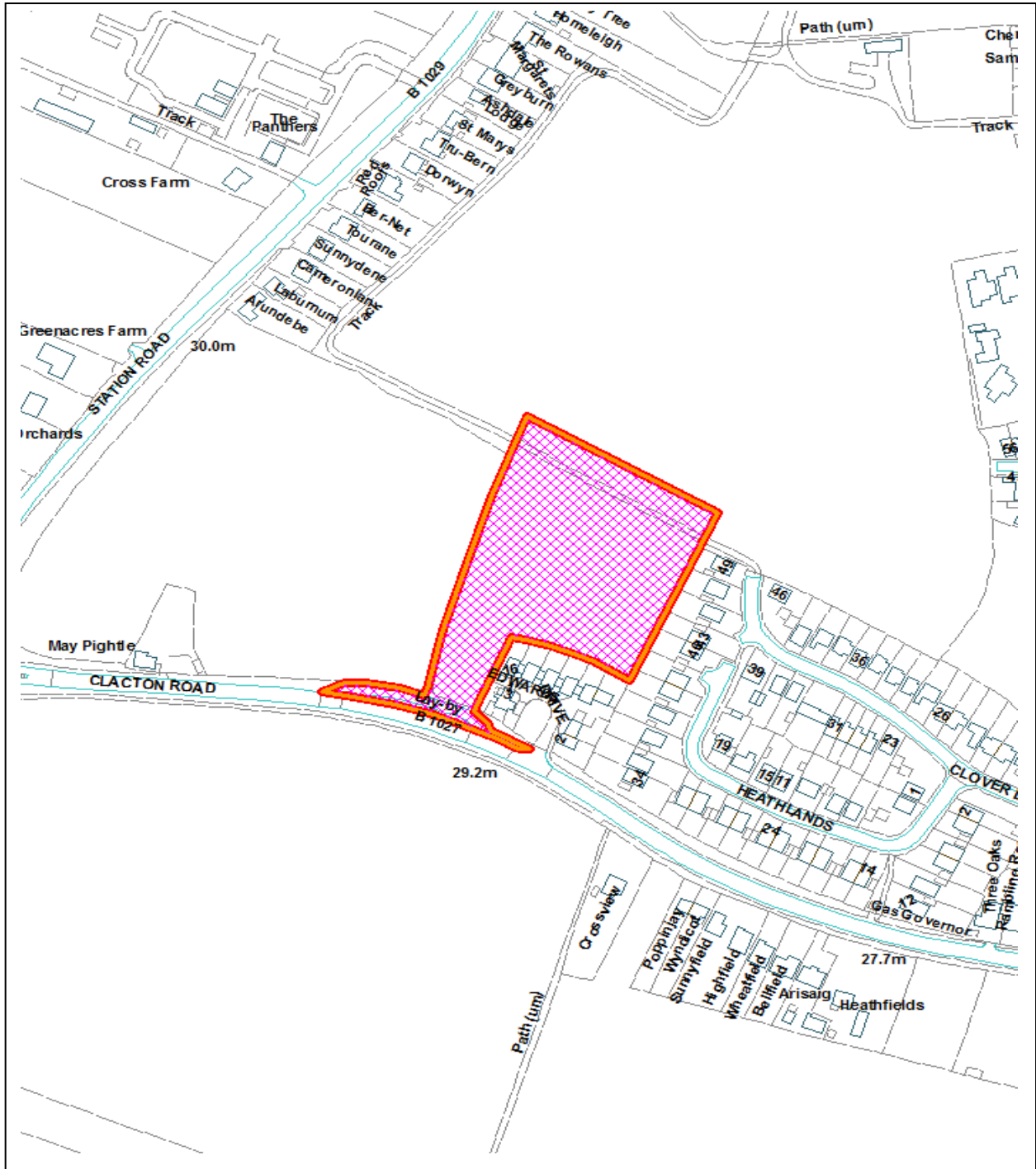


PLANNING COMMITTEE

1 NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

A.2 PLANNING APPLICATION – 16/01137/FUL – SITE TO WEST OF EDWARDS DRIVE, CLACTON ROAD, THORRINGTON, CO7 8JN



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Application:	16/01137/FUL	Town / Parish: Thorrington
Applicant:	Mr D Edwards	
Address:	Site to the West of Edwards Drive, Clacton Road, Thorrington, CO7 8JN	
Development:	Full application for 16 new bungalows.	

1. Executive Summary

- 1.1 This is a full planning application for 16 new bungalows on an existing agricultural field adjoining the existing development boundary for Thorrington. The site is predominantly square shaped in nature and partially enclosed by mature trees to the west boundary. The site measures some 1.10 hectares in area. The site is accessed via an existing layby which will be permanently closed. As a full application, the Planning Committee is being asked to approve a detailed scheme including 16 detached and semi-detached bungalows, containing 11 three bed bungalows and 5 two bed bungalows. The properties are designed in traditional style and are considered appropriate in this location.
- 1.2 As noted the site adjoins but is outside of the settlement development boundary in the adopted Local Plan and the new preferred options draft. Because the Council does not have an up to date Local Plan and is currently unable to identify a five-year supply of deliverable housing sites as required by government planning policy, this application has been considered in line with the government's 'presumption in favour of sustainable development'. Officers have needed to approach the application with a view to positively addressing, as far as possible, technical issues and other matters raised by consultees and residents.
- 1.3 Thorrington is identified as a 'smaller rural settlement' in the emerging Local Plan where only small scale developments of upto 10 dwellings would normally be supported. However taking into account that the scheme is supported by the Parish Council and the need for additional housing Officers consider that approval is justified in this case.
- 1.4 The development has attracted very little public interest with only two letters of objection to the principle of development being received. There are no objections from any statutory agencies and no financial contributions have been requested by Essex County Council or the NHS towards education or health provision. The highways arrangements have been approved by the Highway Authority who support the scheme subject to conditions.
- 1.5 The development is considered to have limited impacts on the existing landscape or ecology. The existing trees located on the west boundary of the site will be retained.
- 1.6 Officers consider that this development complies with the requirements of the National Planning Policy Framework and the recommendation is approval subject to a section 106 agreement to secure affordable housing and open space/play facilities.

Recommendation: Approval

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

- a) Within 6 (six) months of the date of the Committee's resolution to approve, the

completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):

- On-site Council Housing/Affordable Housing;
 - On site or off-site open space/play equipment.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:**
1. Standard 3 year time limit for commencement.
 2. Accordance with approved plans.
 3. Highways conditions (as recommended by the Highway Authority).
 4. Ecological mitigation/enhancement plan.
 5. Surface water drainage/foul drainage scheme.
 6. SuDS maintenance/monitoring plan.
 7. Hard and soft landscaping plan/implementation.
 8. Details of lighting, materials and refuse storage/collection points.
 9. Broadband connection.
 10. Contaminated land.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
 - a social role; and
 - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.

- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states “*Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area*”.

Local Plan

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

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

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

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

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

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

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

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

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

HG1: Housing Provision

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

HG3: Residential Development Within Defined Settlements

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

HG3a: Mixed Communities

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

HG4: Affordable Housing in New Developments

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

HG6: Dwellings Size and Type

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

HG7: Residential Densities

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

HG9: Private Amenity Space

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

HG14: Side Isolation

Requires a minimum distance between detached properties.

COM2: Community Safety

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

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space, or a financial contribution from smaller developments.

COM21: Light Pollution

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

COM23: General Pollution

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

COM26: Contributions to Education Provision

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

COM29: Utilities

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

COM31a: Sewerage and Sewage Disposal

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

EN1: Landscape Character

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

EN6: Biodiversity

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

EN6a: Protected Species

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

EN6b: Habitat Creation

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

EN12: Design and Access Statements

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

EN13: Sustainable Drainage Systems

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

EN29: Archaeology

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

TR1a: Development Affecting Highways

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

TR3a: Provision for Walking

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

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network. Requires that developments affecting an existing public right of way accommodate the definitive alignment of the path or, where necessary, seek a formal diversion.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

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

TR7: Vehicle Parking at New Development

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

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

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to

give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013 – 2033 and Beyond Preferred Options Consultations Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

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

SPL1: Managing Growth

Identifies Thorrington as a smaller rural settlement where smaller scale development is envisaged as part of a sustainable strategy for growth.

SPL2: Settlement Development Boundaries

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

SPL3: Sustainable Design

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

HP4: Open Space, Sports and Recreation Facilities

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

LP1: Housing Supply

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

LP2: Housing Choice

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

LP3: Housing Density and Standards

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

LP4: Housing Layout

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

LP5: Affordable and Council Housing

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

PP12: Improving Education and Skills

Requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk

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

PPL3: The Rural Landscape

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

PPL4: Biodiversity and Geo-Diversity

Gives protection to internal, European and nationally important wildlife sites and requires existing biodiversity and geodiversity on any site to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage

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

PPL7: Archaeology

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

CP1: Sustainable Transport and Accessibility

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

CP3: Improving the Telecommunications Network

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

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

3. Relevant Planning History

- 3.1 The site has no relevant planning history although it adjoins a recently completed scheme for ten affordable homes to the east of the application site (reference 08/01477/FUL).

4. Consultations

TDC The development layout shows that the development proposal can be
Principal Tree & implemented without causing harm to any of the important trees on the

Landscape Officer	<p>application site. The applicant should be required to provide and Arboricultural Method Statement (AMS) to show how the retained trees will be physically protected for the duration of the construction phase of any planning permission that may be granted.</p> <p>Should planning permission be granted then it will be necessary to ensure that the harm caused to the character of the area is minimised by soft landscaping works. It would be desirable to secure the planting of a hedgerow comprising indigenous species on the northern boundary to soften the appearance of the development where it meets the adjacent open countryside as well as details of the indicative tree planting shown on the site layout plan.</p>
TDC Open Space and Play	No objection subject to provision of a contribution in line with policy PE022 towards improving the Chapel Lane/Church Road, Thorrington play area.
ECC Highways	No objection subject to appropriate highway conditions.
ECC Schools	The site falls under the threshold where contributions are required.
Anglian Water	<p><u>Assets affected</u>: There are no assets owned by Anglian Water or those subject to an adoption agreement within development boundary.</p> <p><u>Wastewater treatment</u>: The foul drainage from this development is in the catchment of the Thorrington Water Recycling Centre that will have available capacity for these flows.</p> <p><u>Foul Sewerage Network</u>: Available capacity to serve site.</p> <p><u>Surface Water Disposal</u>: The proposed method of surface water management is acceptable to Anglian Water.</p>
Natural England	Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
Essex County Council Flood Authority	Essex County Council as the Lead Local Flood Authority raise no objection to the proposed development subject to conditions requiring a detailed surface water drainage scheme, flood prevention scheme during construction works, maintenance scheme for the surface water strategy and record of maintenance programme.
TDC Environmental Health	No Conditions required.

5. Representations

- 5.1 The Parish Council support the development as being in a suitable location within the village so that it will not add to traffic congestion nor extend the boundaries of the village, being of a size that means it will provide a good number of additional homes without being so large as to be disruptive to the community (or neighbours) and being the type of housing that is consistent with the locality.
- 5.2 The Council has received three objections. The objections highlight concerns about:

- Possible overdevelopment of the site.
- Need for reduced speed limits.
- Need to retain the development as bungalows rather than two storey dwellings.
- Site lies outside the development boundary.
- Poor access to public transport and local facilities.
- Adverse impact on ecology.

6. Assessment

The Proposal

6.1 The application site comprises 1.10 hectares of land on what is currently an open field in agricultural use. The site is square shaped with access gained over an existing layby off Clacton Road. There are no existing buildings on the site. The site adjoins a relatively recent development known as Edwards Drive which also represents the edge of the current settlement boundary. This is a Full application and the Planning Committee is being asked to approve a detailed scheme including:

- 5 two bed bungalows;
- 11 three bed bungalows.

6.2 The dwellings are set on a slightly curving access road and a smaller spur road leading off the main access drive. Vehicular access is retained to the field located immediately north of the site. Surface water attenuation ponds are positioned on the northern site boundary. Submitted documentation includes:

Architectural Drawings

- 812/LOC – Location Plan
- 812/02G – Proposed Site Plan and street scene elevations.
- 812/02/A – Plot 1 details.
- 812/03/B – Plots 2 & 3 details.
- 812/04/A – Plots 4 & 5 details.
- 812/05/A – Plots 6 & 7 details.
- 812/06/A – Plot 9 details.
- 812/07/A – Plots 8, 10, 12, 14 & 15 details.
- 812/08/A – Plots 11 & 13 details.
- 812/09/B – Plot 16 details.

Reports and Technical Information

- Planning and Design and Access Statement
- Q961-301 Overland Flow Routes
- Arboricultural Survey
- Bat Activity and Reptile Survey
- Flood Risk Assessment
- Phase 1 Contamination Report
- Preliminary Ecological Appraisal
- Transport Statement
- Pre-Planning report – Anglian Water.

Main Planning Considerations

6.3 The main planning considerations are:

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

Principle of development

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.6 The application site is not allocated for housing or mixed use development in the adopted Local Plan and it also falls just outside of the 'settlement development boundary'. There are no proposals in the emerging Local Plan to extend the settlement development boundary.
- 6.7 Because the site lies outside of the settlement development boundary of the adopted Local Plan, it is technically contrary to adopted policy. However the adopted Local Plan falls significantly short in identifying sufficient land to meet the 'objectively assessed' future need for housing which is a key requirement of the NPPF. As a result, the Council is also currently unable to identify a five-year supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF – although the housing supply position is gradually improving as the Council has been approving more residential schemes in recent months.
- 6.8 Based on the evidence contained within the 'Objectively Assessed Housing Needs Study (July 2015) for Braintree, Chelmsford, Colchester and Tendring, the projected need for housing in Tendring is 550 dwellings per annum. Whilst this figure is still the subject of continued scrutiny by the Local Plan Committee and could change, it currently provides the

most up to date evidence on which to base the calculation of housing land supply. In applying the requirements of NPPF paragraph 47 to this requirement, the Council is currently only able to identify 4.5 year housing supply. In line with paragraph 49 of the NPPF, housing policies must therefore be considered 'out-of-date' and the government's 'presumption in favour of sustainable development' is engaged. To comply with national planning policy, the Council would not, at this time, be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary of the adopted Local Plan.

- 6.9 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.10 One of the NPPF's core planning principles is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". With this in mind, Policy SPL1 in emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations.
- 6.11 Thorrington is categorised as a 'smaller rural settlement' where the emerging plan envisages a small increase in housing stock over the plan period to 2033. To allow this to happen, settlement development boundaries have been drawn flexibly, where practical, to accommodate a range of sensible sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments. Paragraph 2.55 of the emerging Local Plan notes that developments which exceed ten dwellings will not be permitted unless there is local support from the Parish Council or there is an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site' (for which there is a specific policy LP6).
- 6.12 Whilst the policies in the emerging Local Plan cannot carry the full weight of adopted policy at this early stage in the plan-making process, the approach taken in the settlement hierarchy and the extent of land being allocated for housing demonstrates strong alignment with the core planning principles in the NPPF to meet objectively assessed housing needs and to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable.
- 6.13 In this case the proposed scheme has the support of the Parish Council and taking account of the need for additional housing to meet the five year housing target Officers consider that the proposed scheme does meet policy requirements and can be supported.

Highways, transport and accessibility

- 6.14 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 6.15 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although Thorrington has limited employment or service provision the site does have good pedestrian links to village services via the existing footpath network. Thorrington is also well served by public transport with regular bus services to Clacton and Colchester.
- 6.16 The development includes a central access from Clacton Road which crosses an existing layby. The Highway Authority have not objected to the removal of the layby – one of the recommended highway conditions is for the remainder of the layby to be ‘stopped up’ and existing footpaths to be fully reinstated in the vicinity of the site access.
- 6.17 In conclusion, although the site has limited accessibility to jobs, shops, services and facilities, it has reasonable and safe access, by foot and cycle to public transport and services in neighbouring villages and nearby towns. The proposed access has raised no objection from the Highway Authority and in this regard the scheme is considered acceptable.

Landscape, visual impact and trees

- 6.18 As noted the site is currently in use as an agricultural field and being located at the edge of the village requires the need to ensure that the impact of the scheme is acceptable in landscape and visual impact terms and properly takes into account trees that might be affected.
- 6.19 Policy EN1 of the adopted Local Plan and Policy PPL3 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district’s landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings. The site does have a number of mature trees located to the western boundary of the site which are shown to be retained. Their root protection areas have also been identified on the submitted site plan. New hedging will be planted to the north boundary with some additional tree planting taking place within the site. Existing boundary fencing adjoins the eastern site boundary.
- 6.20 Due to the fact that the site is already fairly well enclosed and set level with adjoining dwellings and land, it will not have an adverse visual impact on the landscape or existing trees. In addition the Council’s Principal Trees and Landscapes Officer has assessed the proposal and has not raised objection. It is suggested that a condition is placed on the Planning Permission requiring a detailed landscaping scheme including provision of the hedging to the north boundary.

Flood risk and drainage

- 6.21 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied

by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development. The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place, including need for a Maintenance Plan to be submitted and updated annually.

Ecology

- 6.22 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.23 The development would not have any significant direct or indirect affects on any formally designated wildlife sites, but the ecological value of the site itself has been given consideration through a preliminary ecological assessment as well as a detailed bat and reptile survey. The ecological assessment noted the need for separate phase II bat and reptile surveys. The assessment concluded that there was a need to protect existing trees during the construction phase and to avoid site vegetation clearance during the bird nesting season. The Bat and Reptile surveys concluded that there was no evidence of reptiles on the site and although bats were recorded foraging and commuting across the site the existing trees were not considered suitable for Bat Roosts. The presence of Bats was not considered to be a constraint to development.

Contamination

- 6.24 Policy QL11 requires new developments to take into account the possibility of existing contamination or pollution and any necessary remediation strategies. The applicant has submitted a Phase 1 desk Study and Risk Assessment. The reports conclude that risk to future occupiers of the site would be low although note the possible presence of contaminants linked to agricultural practices. A soil test is recommended. It is therefore recommended that a contamination condition is attached to the planning permission requiring a full remediation strategy to be submitted and agreed by the local authority prior to commencement of development.

Education and Health provision

- 6.25 Policy QL12 in the adopted Local Plan and Policies HP1, HP2 and PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education and health provision. With regard to education the site is below the threshold for which financial contributions would be sought. NHS England have not requested any financial contributions towards health provision and only tend to make such requests on schemes of 50 or more dwellings.

Utilities

- 6.26 No objection has been received from Anglian Water in respect to this development.

Open Space and Play

- 6.27 Policy COM6 in the adopted Local Plan and Policy PEO22 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. Although the site layout does indicate a small area of informal open space it is more appropriate to seek a provision of open space via a financial contribution.
- 6.28 The Council's open spaces team have therefore requested a financial contribution to be spent on improvements to the Chapel Road/Church Road play area at Thorrington.

Council Housing/Affordable Housing

- 6.29 Policy HG4 in the adopted Local Plan 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. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on housing need and viability, requires 30% of new dwellings on large sites to be made available to the Council or a nominated partner to acquire at a discounted value for use as affordable or council housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as affordable or council housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.30 In this case a need for affordable dwellings has been identified in the area and the Housing team have requested provision of two x 2 bed bungalows and two x 3 bed bungalows to be provided on site. If the Committee is minded to approve this application, Officers will secure the required affordable housing through a s106 legal agreement.

Detailed Design and Layout

- 6.31 The proposed development is served by a single access road leading directly from Clacton Road through an existing layby. As noted the Highway Authority are satisfied that the removal of the layby does not present any highway issues and via condition any remaining layby will be 'stopped up'. The access road runs in a curve to the rear of the site and serves the majority of proposed dwellings, a smaller spur road is designed to serve five of the dwellings. Attenuation ponds for surface water drainage are located to north boundary of the site where access has also been retained to the open field to the north of the site.
- 6.32 As noted the site already has a number of mature trees to the west boundary and it is proposed to plant new hedging to the north boundary. Close boarded fencing will be used elsewhere within the site and to the east boundary.
- 6.33 The proposed housing mix provides for a mix of five x 2 bedroom and eleven x 3 bedroom bungalows, including a pair of semi-detached properties. Parking space and garaging is provided for each dwelling. Garden sizes are again mixed in size but provide adequate amenity land for each dwelling.
- 6.34 Detailed design is traditional in nature, incorporating facing brick and tile finishing. Details of materials will be secured by condition.
- 6.35 Due to the nature of the development as single storey there is only limited impact on existing adjoining dwellings and will not cause loss of light, overshadowing or loss of outlook. It is considered that the layout or design does not have an adverse impact on neighbouring dwellings.

Overall Planning Balance

- 6.36 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.37 Economic: The proposed dwellings would generate additional expenditure in the local economy which would be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built.
- 6.38 Social: The provision of 16 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. As noted the Parish Council also support the development.
- 6.39 Environmental: As identified through the various ecological and wildlife reports submitted with the application the harm to existing ecology is minimal and although a greenfield site this is outweighed by the need for additional housing. Existing trees on the site will be retained via condition.
- 6.40 In the overall planning balance, Officers consider that none of the limited adverse impacts of developing greenfield land would significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

Background Papers

None.