

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	TF	29/07/19
Planning Development Manager authorisation:	CB	30/07/19
Admin checks / despatch completed	AP	31/7/19

*YME*

**Application:** 19/00562/OUT **Town / Parish:** Great Bentley Parish Council

**Applicant:** City & Country

**Address:** Land to The West of Plough Road Great Bentley

**Development:** Outline application with all matters reserved other than strategic access point onto the public highway, for the erection of up to 75 dwellings with associated landscaping, public open space and infrastructure.

### 1. Town / Parish Council

Great Bentley Parish Council

Strongly object to the application for the reasons set out below:

1. The site is outside the village boundary and is not included in the Tendring District Local Plan publication draft 2017 for Great Bentley. It would result in the loss of grade 1 arable land.
2. Regarding housing need in the Tendring district, The Local Plan Inspector report agrees the Tendring District Council calculation of 550 dpa, which is reported to have been met.
3. The Planning Inspectorate Appeal Decision by Nick Fagan re APP/P1560/W/18/3196412, Land West of Edenside, Bloomfield Avenue, Frinton-On-Sea, on 3rd April 2019 dismissed an appeal also agreeing TDC figure of 550 dpa.
4. The Housing Needs Survey report completed by RCCE for GBPC in October 2016 identifies the housing needs locally. The housing approved in the parish since 2016 has more than met the need identified and therefore, there exists no need for this additional housing.
5. Great Bentley currently suffers from traffic congestion in the Village centre on Plough Road and at the level crossings. Further housing development will compound this situation.

The developers' Transport Assessment Section 6, 'Potential Impact of the Proposals', shows various traffic surveys taken on the north side of the village. It does not indicate that the congestion already in the centre of the village and both sides of the railway line will worsen as vehicles from the proposed development need to transit this congested area before arriving at the areas where the surveys were carried out.

6. The additional traffic from the proposed development, in conjunction with the additional vehicles from the proposed development at Station Field, East of Plough Road will make a significant impact on the railway crossing queue and the congestion within the village.

The queue waiting at the railway crossing regularly reaches the property 'Field End' at peak times.

7. The developers' original own traffic impact assessment (under ref. 16/02127/OUT) estimated an increase in traffic movements at the junction of Plough Road and Thorrington Road of 150 traffic movements up to 863.

8. It is understood that Highways England has commented when assessing the impact of a previous housing development locally that it would have a severe impact on the A120 in the case of Great Bentley. Great Bentley Parish Council supports these comments.

9. The single access to the site in itself would be problematic and its location onto Plough Road with the railway crossing nearby would cause severe traffic congestion.

10. The developers' Transport Assessment Section 2, 'Existing Conditions', note 2.4 states "There are adequate pedestrian facilities provided within the vicinity of the site, enabling future residents to access facilities in Great Bentley with ease". This is not correct as there is no footpath along the west side of Plough Road at the proposed development site which would mean crossing the road to access a footpath and then crossing back again to access the primary school.

11. The Village Primary School is at capacity and there is no scope to expand it. Children already travel to outside the parish to school. Surrounding villages also have new developments hence their primary schools are also full to capacity.

12. Parishioners are concerned about the impact on the GP Surgery. This development would compound the situation.

13. Previous application 17/0197/OUT at the same location for the same quantity of housing:

Appeal APP/P1560/W/17/3183695 Decision by CJ Ball dated 31st May 2018:

Extract from note 67:

'I find in this case that, in conflict with TDLP policy EN1, ELP policy PPL3 and the LCA management strategy, the proposed development would have a moderately harmful impact on the rural landscape setting of the village.'

Appeals APP/P1560/W/17/3183678 & APP/P1560/W/17/3183695 & APP/P1560/W/17/3183626 Decision by CJ Ball dated 31st May 2018:

Note 74:

Whether taken cumulatively or individually, these 3 proposals would bring a further increase in housing development that would be clearly disproportionate in relation to the size and status of the village. None of these proposals would represent the limited development consistent with local community needs or the small scale infill development within the settlement boundaries envisaged in the development plan and emerging policies.

Notes 45-60:

The Grade I listed Church of St Mary was noted in the decision as an 'important focal point' and the bell tower 'a distinctive local landmark, visible from within the village and prominent in views across a wide expanse of open countryside'

Note 73:

'In any event, none of the public benefits are sufficient to outweigh the harm to the significance of the 2 listed buildings, The Church of St Mary and Field House. There are no other material considerations sufficient to outweigh the conflict with the development plan and emerging policies'.

The Church of St Mary would not be visible from Plough Road if the proposed development 19/00562/OUT is given consent.

14. Comments made by other authorities regarding the previous application 17/0197/OUT:

Network Rail's comments "Our concerns still regard the increase in traffic and possible congestion around Great Bentley CCTV Level crossing. Peak hours around school drop off and pick up are extremely busy at the crossing and the additional development will only further exacerbate the issue. Great Bentley is a small village and as such the Northern side approaches are very narrow and can cause blocking back over the crossing with exits being blocked by parked or large vehicles. We do not encourage the use of crossings and observe that the applicant & future residents on site must be aware of the Rail user crossing which is still a part of our Network." Great Bentley Parish Council supports these comments.

The Specialist Archaeological Advice from the Historic Environment Officer states the planning application area has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

## **2. Consultation Responses**

ECC Highways Dept	From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to a number of highway specific planning conditions and informatives.
Tree & Landscape Officer	The main body of the application site is in agricultural use and there

are no significant trees or other vegetation on the land. The most visually prominent trees, potentially affected by the development proposal, are those situated in the garden of the dwelling to the immediate north of the application site.

In order to establish the degree to which the trees are a constraint on the development potential of the land the applicant has provided an Arboricultural Implications Assessment (AIA) in a detailed Tree Survey and Report. The report has been carried out in accordance with BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations.

The report accurately describes the general health and condition of the trees on the land adjacent to the application site and shows the extent to which they affect the development potential of the land. The trees are not covered by a Tree Preservation Order and the site is not situated in a conservation area.

If the recommendations contained in the tree report are adhered to then the trees covered by the tree survey will not be harmed by the development proposal.

Although the application is in outline form the applicant provided an indication of the positions of the proposed dwellings by the provision of a site layout plan.

In order to show the potential impact of the development proposal on the character and appearance of the area the applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA establishes that the site lies within the St Osyth and Great Bentley Heathland Plateau as defined in the Tendring District Council Landscape Character Assessment.

The LVIA contains information relating to views of the development proposal from 7 locations. Along with the text of the LVIA this information provides an accurate description of the impact of the development proposal on the character and appearance of the countryside. It demonstrates that the development proposal could be relatively well assimilated into its setting and that the countryside, although valuable 'for its own sake' has no outstanding or special qualities

Should planning permission be likely to 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. The treatment of the boundary will be especially important and the indicative site layout showing open space around the perimeter will provide an opportunity for strong planting to soften the potentially 'hard edge' of the development.

ECC SuDS Consultee

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

- Discharge rates should be limited to the 1 in 1 year rate of 3.6l/s for all storm events up to and including the 1 in 100 plus climate change storm event. This is because there are now vortex flow control devices which can be designed to a discharge at rates lower than 5l/s with a larger orifice diameter, therefore the risk of blockages has been reduced.

- In any storage calculations, we would also want to see 'urban creep' included in line with Document 'BS 8582:2013 Code of practice for surface water management for development sites' which states: "To allow for future urban expansion within the development (urban creep), an increase in paved surface area of 10% should be used, unless this would produce a percentage impermeability greater than 100%, or unless specified differently by the drainage approval body or planning authority" (page 32).

Anglian Water Services  
Ltd

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

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

Used Water Network: Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. AW will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development.

AW therefore request planning conditions requiring a phasing plan and on-site drainage strategy, as well as a range of informatives.

Essex Wildlife Trust

No comments received.

HS East Essex CCG

NHS will not be responding or seeking a healthcare contribution for this particular development as the GP Practice impacted by the development site has reached its limit of requests (being 5).

ECC Schools Service

From the information received, ECC have assessed the application on the basis that all houses are 2 or more bedrooms. A development of this size can be expected to generate the need for up to 6.7 early years & childcare (EY&C), 22.5 primary school, and 15 secondary school places.

#### Early Years and Childcare

The proposed development is located within the Great Bentley ward. According to Essex County Council's childcare sufficiency data, published in 2018 there are 4 providers of early years and childcare in the area. Overall a total of 4 unfilled places were recorded.

Although there is some EY&C capacity in the area, the data shows insufficient provision to meet the additional demand created by this development.

An additional 3 places would be provided at an estimated total cost of £52,266 at April 2018 prices. This equates to £17,422 per place and so, based on demand generated by this proposal set out above, a developer contribution of £52,266 index linked to April 2018, is sought to mitigate its impact on local EY&C provision.

#### Primary education

This proposed development is located in the priority admissions area of Great Bentley Primary School, which has a published admission number of 30 pupils per year. The School is currently full and already

has a significant waiting list for Reception places this September. Looking at the wider area, Great Bentley is part of Tendring primary planning group 3. According to forecasts set out in the Essex School Organisation Service's 'Ten year Plan' to meet the demand of school places, additional capacity is being planned for this September with a further permanent expansion for September 2021 required. By the end of the Plan period forecasts suggest an additional 58 places per year group are required.

An additional 22.5 places would be provided at an estimated total cost of £343,823 at April 2018 prices. This equates to £15,821 per place and so, based on demand generated by this proposal set out above, a developer contribution of £343,823 index linked to April 2018, is sought to mitigate its impact on local primary provision.

#### Secondary education

The local secondary school for this site would be Colne Community which has a published admission number of 248 pupils per year. The School has taken in excess of this number in the past two admission years and, according to the 10 Year Plan, it will remain full and require additional accommodation for the 2021/22 academic year.

An additional 15 places would be provided at an estimated cost of £348,210 at April 2018 prices. This equates to £23,214, per place and so, based on the demand generated by this proposal set out above, a developer contribution of £348,210 index linked to April 2018, is sought to mitigate its impact on local secondary provision.

In addition to the above, we would also require a secondary school transport contribution, as the closest school is in excess, of 3 miles statutory walking distance. The cost for providing this for is £76,095 index linked to April 2018.

It is clear from the above data that additional primary, secondary school places and secondary school transport will be needed. This development would add to that need and, thereby, the scope of projects to provide additional school places is directly related to the proposal. The contribution will thus be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant.

In view of the above, ECC request that if planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on EY&C, Primary & Secondary Education, and secondary transport standard formula s106 agreement clauses that ensure the contribution would be fairly and reasonably related in scale and kind to the development are available from Essex Legal Services.

If TDC were minded to turn this application, I would be grateful if the lack of surplus EY&C, Primary & Secondary education provision, in the area to accommodate the proposed new homes can be noted as an additional reason for refusal, and that we are automatically consulted on any appeal or further application relating to this site.

Thank you for consulting this authority on this application.

UU Open Spaces

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

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

#### Recommendation

It is noted that due to the size of the site open space provision has been made within the development site however play provision should also be included to a LAP standard.

Should the developer wish to transfer the open space and play area to the Council. A commuted sum would need to be agreed with Public Realm.

Essex County Council  
Archaeology

The planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The EHER records a number of cropmark features in the surrounding area that would indicate a high probability of surviving archaeological remains being present within the development site. A single cropmark feature runs across the development site, the origin appears agricultural, no field boundaries are shown on the 1st edition OS maps and therefore it must predate this and may be much earlier. Further cropmarks in the adjacent fields are indicative of possible prehistoric or historic agricultural landuse and possible settlement. The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

#### RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence 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 archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, 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 the 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.

#### Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. In the first instance a programme of trial trenching investigation will be required. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

### 3. Planning History

16/02127/OUT	Outline planning application with all matters reserved other than strategic access point onto plough road, for the erection of up to seventy five dwellings with associated infrastructure and landscaping.	Refused	04.04.2017
17/01097/OUT	Outline application with all matters reserved other than strategic access point onto the public highway, for the erection of up to 75 dwellings with associated landscaping, public open space and infrastructure.	Refused Appeal dismissed	31.08.2017 31.05.2018
19/00562/OUT	Outline application with all matters reserved other than strategic access point onto the public highway, for the erection of up to 75 dwellings with associated landscaping, public open space and infrastructure.	Current	

### 4. Relevant Policies / Government 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
HG3	Residential Development Within Defined Settlements
HG3A	Mixed Communities
HG4	Affordable Housing in New Developments
HG6	Dwelling Size and Type



HG7	Residential Densities
HG9	Private Amenity Space
COM2	Community Safety
COM6	Provision of Recreational Open Space for New Residential Development
COM21	Light Pollution
COM23	General Pollution
COM26	Contributions to Education Provision
COM29	Utilities
COM31A	Sewerage and Sewage Disposal
EN1	Landscape Character
EN4	Protection of the Best and Most Versatile Agricultural Land
EN6	Biodiversity
EN6A	Protected Species
EN12	Design and Access Statements
TR1A	Development Affecting Highways
TR3A	Provision for Walking
TR4	Safeguarding and Improving Public Rights of Way
TR5	Provision for Cycling
TR6	Provision for Public Transport Use
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SP5	Infrastructure & Connectivity
SP6	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP1	Improving Health and Wellbeing
HP5	Open Space, Sports & Recreation Facilities
LP1	Housing Supply

LP2	Housing Choice
LP3	Housing Density and Standards
LP4	Housing Layout
LP5	Affordable and Council Housing
PP12	Improving Education and Skills
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL7	Archaeology
CP1	Sustainable Transport and Accessibility
CP3	Improving the Telecommunications Network

National Planning Practice Guidance

NPPF National Planning Policy Framework February 2019

Essex County Council Car Parking Standards - Design and Good Practice

Essex Design Guide

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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)**

### Site Description

The application site comprises a 3.1 hectare area of arable agricultural land on the western side of Plough Road, at the southern end of Great Bentley. The site forms part of a larger agricultural field and although it abuts Plough Road on its eastern boundary and the long residential curtilage of the property 'Field End' on its northern boundary, there are no notable trees or hedges within the site. The land is flat and is located approximately 200 metres south from the village hall, business centre, railway station and primary school. There are frontage houses and bungalows (mainly from the inter-war and post-war period) on the opposite side of Plough Road, to the rear of which is land (known as 'Station Field') that obtained outline approval on appeal for up to 150 dwellings and open space, a Class B1 employment area and structural landscaping.

### Proposal

The application is for up to 75 dwellings with associated infrastructure and landscaping. The application is in outline with all matters reserved apart from the strategic access point, which is to be onto Plough Road. The proposal is supported by an indicative parameter and proposed built form plans which show roughly how a scheme of 75 dwellings with open space could potentially be accommodated on the site. It is also supported by indicative dwelling designs to show how the properties on site could look.

The application is effectively a re-submission of the refused applications ref. 16/02127/OUT and 17/01097/OUT (the latter of which was also dismissed on appeal on 31 May 2018).

### Principle of Development

The application site is located immediately south and west of existing residential development in Great Bentley. The site is adjacent to but outside the village's settlement development boundary as defined within both the adopted and emerging Local Plans. The boundary aims to restrict new development to the most sustainable sites and outside of the boundary the Local Plan generally seeks to conserve or enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

As the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the National

Planning Policy Framework's (NPPF) presumption in favour of sustainable development is engaged and applications must be considered on their merits. In terms of Great Bentley this has led to a number of major residential proposals being approved either by the Council or following an appeal over recent years.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the District's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the District's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'Strategic Urban Settlements' (Clacton-on-Sea; Harwich and Dovercourt; and the proposed Tendring Colchester Borders Garden Settlement) and 'Smaller Urban Settlements' (Frinton; Walton and Kirby Cross; Manningtree; Lawford and Mistley; and Brightlingsea). Therefore, a level of housing development for Great Bentley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.

However, one of the main concerns raised by the Parish Council and a large number of local residents, with respect to both this application and the earlier refused schemes, is the total number of new dwellings that have already gained planning permission on sites around Great Bentley over recent years and which have either been built out or remain extant, and the cumulative impact that any additional homes and population over and above this could have on local services, traffic, other infrastructure and the character of the village. Whilst Great Bentley is categorised in the emerging Local Plan as a rural service centre where sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in the emerging Local Plan, as set out in paragraph 3.2.1.3, is meant to be *'fair, achievable and sustainable'*.

As stated above, under 'Status of the Local Plan', it is recognised that 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.

Accordingly, it is considered that given 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. With this in mind, it is considered appropriate to seek to protect villages from unfair, disproportionate and potentially unlimited levels of new housing growth.

Major developments - which have planning permission and have recently been built-out or retain extant consents - in Great Bentley include:

- Station Field, Plough Road - 150 dwellings

- Admirals Farm, Heckfords Road – 50 dwellings
- Land west of Heckfords Road – 50 dwellings

These 250 dwellings represent an approximate 35% increase in the village's housing stock which, based on the district-wide housing need for the whole of Tendring (contained within the emerging Local Plan) is already disproportionate. If added to the permissions already granted, a further 75 dwellings as proposed in this outline application would increase the potential growth to around 45%.

The 75 dwellings proposed for land in Plough Road is a purely residential scheme that offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead the Council to consider the proposal in exceptional light and there is no support from the Parish Council or local residents. As the housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF, it is considered that this is an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the disproportionate level of housing growth either built or subject to extant permissions in Great Bentley over recent years.

As such therefore it is considered that further development in this location would be contrary to Saved Policy QL1 and Draft Policy SPL2.

#### Highways, transport and accessibility

Paragraph 108 of the NPPF (2019) relates to transport and requires Councils, when making decisions, to ensure that:

- Appropriate opportunities to promote sustainable transport modes can be made – or have been - taken up, given the type of development and its location;
- safe a suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree

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. The application site performs relatively well in this regard being around 200 metres from the village hall, railway station, business centre and primary school and with other local services including convenience shop, pub, GP surgery and pharmacy within a reasonable distance. The site offers a reasonable level of accessibility which is reflected in Great Bentley's categorisation as a 'rural service centre' in the emerging Local Plan.

Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP2 in the emerging Local Plan states that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

In this case, the Highway Authority has been consulted and raises no objections in terms of highway capacity or safety to the application, in the full knowledge of the other proposals already consented in the village, including 'Station Field' immediately to the east of the site. Accordingly, it is accepted that the proposal is acceptable from a highway capacity and safety perspective.

#### Landscape, visual impact and trees

Development is proposed on a very flat and exposed area of undeveloped agricultural land and the new homes and associated infrastructure and landscaping would bring about a very significant change to the character and appearance of this part of the entry into the village.

The planning appeal for this site which was determined in May 2018 is pertinent and a material consideration in considering the current application. Whilst it is recognised that the Inspector's conclusions at that time were based on a judgement that the Council could deliver a 5YHLS and to what degree a 'tilted balance' should be applied, it is still considered that due weight should be given to the Inspector's considered opinion on the impact of the proposed development on the rural landscape setting of the village, particularly as there have been no material physical changes in circumstances during the intervening period.

The contents of the applicant's Landscape Consultants 'Landscape Appraisal' submitted in May 2019 to support the current application have been considered, and particularly the reference to the scheme approved on appeal for land east of Plough Road (Station Field) which it is argued will change the landscape character of the area once implemented. However, close analysis of the 2018 Appeal Decision confirms that the Inspector's conclusions on the appeal scheme were fully cognisant of the Station Field approval (paragraph 26 confirms this) and still came to the following conclusions at paragraphs 66 and 67 of the appeal decision letter:

*(Paragraph 66) "The Appeal (B) site, on the far southern edge of the village, is part of a much larger arable field which adjoins the valley system. The northern boundary of the site abuts low density development and long domestic gardens, while its eastern boundary is formed by Plough Road. Its southern and western boundaries are artificial; they reflect no topographical or landscape feature and are simply drawn to align with the extent of the gardens to the north and the ribbon development on the far side of Plough Road. The site lies wholly within [Landscape Character Area] LCA 7B"*

*(Paragraph 67) "The landscape is of medium character. While it is relatively featureless, the flat, open landscape of the plateau edge allows long panoramic views of the village in its countryside setting, particularly from the approach on Plough Road and the public footpath to the south. The site, as a characteristic part of the heathland plateau landscape, makes an important contribution to the rural setting of the village. Its openness means that it cannot accommodate development without undue harm to the landscape, making the site fairly susceptible to development. Although there would be extensive planting on the western and southern boundaries, the development of this site with up to 75 dwellings would result in the loss of an attractive area of open countryside, adversely affecting the character and setting of the village. This would undermine the distinctive identity of the settlement and would not conserve or enhance the rural character of the landscape. I find in this case that, in conflict with TDLP policy EN1, ELP policy PPL3 and the LCA management strategy, the proposed development would have a moderately harmful impact on the rural landscape setting of the village."*

The conclusions at paragraph 72 of the Inspector's decision letter go on to state:

*"The proposed development would lie outside both the established and emerging settlement boundary. While an additional 75 houses would be of benefit, they would be in the wrong place and would cause overriding harm to the character and appearance of the rural landscape, in conflict with the development plan and emerging policies. There are no other material considerations sufficient to outweigh that conflict."*

It is concluded that the landscape setting judgements made by the Appeal Inspector remain valid for this current application.

In respect of trees, there are no significant specimens or other vegetation on the site and that if development were carried out in line with the recommendations contained within the applicants' arboricultural implications assessment, there ought not to be any problems.

### Flood Risk and Drainage

Paragraph 155 of the NPPF requires Councils, when determining planning applications, to direct development away from areas at highest flood risk. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on sites larger than 1 hectare to be accompanied by a site-

specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development.

The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC has issued a 'holding objection' over concerns about the applicant's drainage strategy but has highlighted the areas that would need to be addressed in order for the objection to be withdrawn. As this is an outline planning application, it is considered that if the application were being recommended for approval, conditions could be put in place to secure an adequate sustainable drainage scheme.

Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. A foul water strategy would however need to be approved before development could take place. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

### Ecology

Paragraph 175 of the NPPF requires Councils, when determining planning applications, to protect and enhance biodiversity and geodiversity. 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.

**Protected Habitats/RAMS:** Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation. However, the site lies within the Zone of Influence (Zoi) of the Colne Estuary Special Protection Area (SPA) and Ramsar as defined in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreational purposes. In order to avoid a likely significant effect in terms of increased recreational disturbance to Coastal European designated sites (Habitats sites) in particular Colne Valley SPA and Ramsar site, mitigation measures will need to be in place prior to occupation. These would be in the form (for schemes of under 100 net additional dwellings) of an off-site financial contribution of £122.30 per dwelling.

Whilst the applicant has confirmed their agreement to payment of this contribution, in the absence of a completed Section 106 Agreement such obligations cannot be secured against any permission and this will therefore form part of a reason for refusal.

**Site Specific Ecological Considerations:** The applicant has prepared and submitted a Phase 1 Preliminary Ecological Assessment to assess the ecological value of this site (and that of the separate Thorrington Road site) and immediate area itself and the potential impact of the development. The main findings are summarised below.

**Badgers:** The assessment found no evidence of Badgers such as latrines, snuffle holes or setts anywhere on or around the sites. However, it is acknowledged that Badgers from the surrounding area may use the site for commuting or foraging. It is recommended that an updated badger survey be carried out once the crops have been harvested and if any development is to take place, any excavations and trenches associated with construction should be either covered at night or supplemented with a means of escape for any badgers that may fall into the excavation whilst foraging. Any open pipes or conduits laid should be blocked off each night to prevent badgers from entering them. If possible, construction work should only take place between dawn and dusk with no late evening work to reduce possible disturbance.

Bats: None of the very few trees close to the site were found to support complex growth forms, cracks and crevices, which are traditionally associated with roosting bats and therefore these were considered to have negligible potential for roosting bats. Bats do however use tree lines and hedgerows for foraging and commuting between roosting sites and foraging habitats, although this site has limited vegetation around its perimeter.

In any case it is recommended that boundary trees and hedges are retained and enhanced wherever possible. An appropriate mitigation strategy would involve the use of a sensitive lighting scheme and the use of dark corridors along boundary features such as hedgerows and tree lines. As long as boundary features are retained within the scheme and enhancements for bats are provided, then no further surveys for bats are required.

To enhance the local bat population and provide roosting opportunities, it is also recommended that bat boxes be hung on trees or buildings around the site. Bat boxes on trees should be erected prior to the commencement of works on site. Further enhancements for bats in the local area can be achieved through the use of native tree planting and landscaping within the development. Planting a wide range of plant species will encourage a wider diversity of invertebrate species, which provides more foraging opportunities for bats.

Reptiles: The assessment observes that the site is subjected to high levels of disturbance with regular harvesting of arable crops, there were no field margins which are often used by reptiles and the strips of vegetation were very narrow. These areas at the time of survey were considered to be negligible habitat for reptile species. They also lack connectivity to other areas of suitable habitat. Therefore, it is considered that the sites are not constrained by reptiles and no further surveys for reptiles are required.

Great Crested Newts: The assessment identifies a number of ponds within 250m of the site and surveyed them for their suitability for Great crested Newts. Some were judged to have 'excellent' suitability, others 'good' suitability and others 'below average' suitability. The site itself however, as an arable field, is judged to contain suboptimal habitat for Great Crested Newts and that the connective habitats between the surrounding ponds and the site were not well developed and were missing in places. Given the distance between the ponds and the site and the limited habitat connectivity, it is considered that the sites are not constrained by Great Crested Newts and no further surveys are required.

Other species: The assessment notes that birds are likely to use trees and hedgerows along the boundaries of sites for foraging and breeding, although for this site there are limited features that would be suitable. Species observed in the general location include skylark, greenfinch, goldfinch, swallow, wood pigeon, carrion crow, pheasant and kestrel. Evidence of barn owls in the wider area was also noted. However, owing to a lack of suitable habitat and connectivity, the sites are not considered to have potential to support species such as dormice, otters and water voles.

Breeding birds are likely to use scattered trees and hedgerows along the boundaries of fields as nesting habitat, although these are very limited for the site in question. There is however potential for ground nesting birds within the arable fields on site. It is recommended that any boundary features be retained and enhanced where possible and if any clearance of trees or hedgerows is required then this should be done outside the nesting bird season and the trees should be replaced elsewhere. It is also recommended that a full updated assessment of the field boundaries be undertaken prior to development to ensure that no specially protected species are actually present.

To protect skylarks, a ground feeding species, it is recommended that skylark plots be created in the arable fields adjacent to the sites. It is also recommended that open grassland areas or community orchards be incorporated into the scheme. A mowing regime where plots are not mown and are left to form tussocks could create similar habitat; encouraging skylarks to nest within areas of longer rank grassland and forage in the insect rich wild flower grassland areas and amongst orchards. The areas where skylarks are encouraged to nest should be set aside and have restricted access by members of the public. As long as skylarks are considered within the design of the scheme, it is considered that no further bird surveys are recommended.



Mitigation and Enhancement: To mitigate any harm and bring about an overall enhancement for ecology, the assessment recommends measures that could be secured through planning conditions. In summary these include:

- Retaining and enhancing, through the use of native species, vegetation around the field boundaries;
- The use of bird and bat boxes and provision of plots for skylarks;
- Using wildflower mixes to host invertebrates and increase the biodiversity of newly created grassland;
- Log and rubble piles to provide habitats for common amphibian and reptile species and refuge for small mammals and invertebrates; and
- The use of swales within any sustainable drainage systems which should be linked to the wider landscape through the protection and enhancement of tree lines and associated grassland strips.

The findings of the Ecological Assessment are noted and the potential to deliver an enhanced wildlife habitat in the location off the back of development. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development.

#### Potential Layout and density

As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 75 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.

The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show an estate development laid out in traditional 'perimeter block' form with dwellings facing Plough Road set back from the highway and accessed via the proposed access road, as opposed to individual accesses onto the highway. The drawings also show landscaping around the perimeter of the site, an open space in the centre of the scheme and a larger open space occupying the south western corner of the site aimed at achieving a soft transition between development and the wider countryside.

The property most affected by the development would be 'Field End' immediately to the north which has a very long rear garden. Based on the indicative drawings, it is considered that there is plenty of scope to achieve a detailed layout on the site that minimises impacts on the amenities of the neighbouring property.

At 3.1 hectares, the site would be required to provide a minimum of 10% open space and therefore the net dwelling density of 27 dwellings per hectare. This is within a range of housing density that is generally considered acceptable by modern standards and that can achieve the Council's minimum garden standards. For context, the nearby residential development in Hall View Road is at a density of 26 dph, the development in Keeble Court is 21 dph and the properties along the opposite side of Plough Road are 20 dph. The proposed development would be of a slightly higher density than neighbouring developments, but not excessive so and accordingly is considered acceptable.

#### Open Space

Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.

The Council's Open Space Team has commented on the application and has identified a deficit of equipped play in Great Bentley. However, there is more than adequate provision proposed in terms

of proposed formal open space. Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit further and put greater demand on already stretched facilities and accordingly an on-site LAP should be included within the site.

If the on-site open space (and LAP) is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a Section 106 legal agreement. If the Council were minded to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

However, as the application is to be refused, the lack of a Section 106 Agreement to secure the on-site play equipment and future maintenance of the open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

#### Council Housing/Affordable Housing

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 viability, requires 30% of new dwellings on large sites to be made available for 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 Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.

If minded to approve this application, up to 22 of the proposed properties would need to be secured for affordable housing purposes through a Section 106 legal agreement and the applicant has indicated that they would be willing to provide the full policy-compliant contribution of affordable housing. However, as the application is to be refused, the lack of a Section 106 Agreement to secure the necessary level of affordable housing will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

#### Education Provision

Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision.

Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC advised that, based on its standard formula, a development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places, and 15 secondary school places.

On the basis that there are insufficient places to meet the needs of this development, the County Council has requested financial contributions of approximately £52,000 for EY&C, £343,000 for primary school places and £348,000 for secondary school places along with a contribution of £76,000 for secondary school transport. The total contribution would therefore be in the order of £820,000.

As the application is to be refused, the lack of a Section 106 Agreement to secure the necessary education specific contributions will be included as a reason for refusal, to ensure this matter is properly addressed if the applicant decides to appeal.

#### Healthcare Provision

NHS East Essex CCG in responding to the application advised that they will not be seeking a healthcare contribution for this particular development as the GP Practice impacted by the development site has reached its limit of requests (being 5).

## Other Considerations

Great Bentley Parish Council strongly object to the application. Their issues include: unallocated site outside settlement boundaries of the development plan; loss of high quality arable land; compounding current traffic congestion in the village centre and at the level crossings; Village Primary School is at capacity and there is no scope to expand it; impact on the GP surgery; previous refusals and dismissal at appeal for the same development proposals.

11 households have objected to the application and have raised the following concerns:

- Application has been rejected before;
- Loss of rural landscape and countryside;
- Proposed development is outside the village envelope, it will lead to the loss of rural amenity and valuable agricultural land;
- Local amenities are already seriously overloaded/oversubscribed including the local primary school and surgery;
- Road either side of level crossing is inadequate to cope with amount of traffic;
- Air quality issues from queuing traffic;
- Getting out onto the A133 from Heckfords Road is already dangerous;
- Village is becoming over crowded;
- Roads can't handle the number of cars, particularly as many are rural lanes;
- Loss of valuable agricultural land;
- Loss of Great Bentley's identity as a rural village;
- Concerns regarding flooding; already have to tolerate large amounts of standing water in Plough Road after a moderate amount of rain;
- Infrastructure needs to be hugely improved before any more houses are built in this area;
- Surrounding roads are unsuitable for heavy construction traffic and increased numbers of cars set to come through the village;
- Too much unnecessary development in the village;
- Development will hide the Parish church tower from view when approach is made from Plough Road;
- Development has no local benefit;
- Great Bentley cannot absorb any further increases in housing, without having a seriously detrimental impact on the lives of village residents and their safety;
- Scheme does not provide any long term sustainable employment opportunities

## 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 and harmful to the landscape character. Given the positive progress of the Local Plan Officers consider this development to be unsustainable for the reasons detailed in this report and contrary to the development plan.

It is further concluded, that the landscape setting judgements made by the Appeal Inspector in the appeal decision reached in May 2018, for this same development proposal, remain valid and justify a landscape reason for refusal.

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

## **6. Recommendation**

Refusal

## **7. Reasons for Refusal**

- 1 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 in the Tendring District Local Plan (2007) (the 'adopted Local Plan') and falls outside of the defined settlement development boundary for Great Bentley. Outside of the settlement development boundaries, Policy QL1 of the adopted Local Plan states that only development which is consistent with countryside policies will be permitted. The development of up to 75 dwellings on this land does not therefore accord with the development plan.

The site also falls outside of the proposed settlement development boundary for Great Bentley as defined in the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (the 'emerging Local Plan'). Policy SPL2 in the emerging Local Plan states that planning permission for development outside of the settlement boundaries should be refused unless a site is allocated for a specific form of development or it meets specific criteria within that policy. The development of up to 75 dwellings on this land is also contrary to the emerging Local Plan.

The National Planning Policy Framework (2019), at its heart, promotes a presumption in favour of sustainable development that performs an economic, social and environmental role. Where local planning authorities are unable to identify a five year supply of deliverable

housing sites against objectively assessed future needs, plus an appropriate buffer, policies relating to housing supply are considered out of date and the presumption in favour of sustainable development applies, requiring planning permission to be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

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.

The social role of sustainable development, as set out in the National Planning Policy Framework (2019), promotes the creation of high quality built environments, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. One of the core planning principles of the Framework is to actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable. Policy QL1 in the adopted Local Plan and Policy SPL1 in the emerging Local Plan support these principles by setting out a spatial strategy, underpinned by a hierarchy of settlements that seeks to focus new development on larger towns and villages which offer the greatest range of jobs, shops, services and facilities.

The settlement of Great Bentley is defined as a 'village' in the adopted Local Plan and as a 'rural service centre' in the emerging Local Plan. The emerging Local Plan promotes housing development in the district's rural service centres at a level that is fair, achievable and sustainable and that will make a meaningful contribution towards addressing local housing needs whilst supporting the village economy and assisting with the overall housing growth proposed for the district. In comparison, urban settlements further up the settlement hierarchy are expected to accommodate the majority of the district's future housing growth.

At the time of the decision, large sites on the edge of Great Bentley had already obtained planning permissions to deliver a total of up to 250 dwellings, representing an approximate 35% increase in the village's housing stock. For the proposed plan period to 2033, Great Bentley is therefore already expected to accommodate a greater level of housing development than envisaged in the emerging Local Plan. When considered in relation to the objectively assessed housing need for Tendring, further development around Great Bentley will bring about a highly disproportionate level of growth for the village, which runs contrary to the core principle of the National Planning Policy Framework to actively manage sustainable patterns of growth, and the thrust of the spatial strategy in both the adopted and emerging Local Plans.

Further to this, the cumulative adverse impacts of unrestricted development around the village will include the unnecessary and permanent loss of productive agricultural land, increased traffic, visual impact on landscape setting of the village and increased pressure on local services - all of which will impact upon the character and enjoyment of the village.

The proposal is contrary to the adopted and emerging Local Plan, would conflict with, and undermine, the core planning principle to make fullest use of public transport, walking and cycling as set out in the National Planning Policy Framework and the cumulative impact of continued development would erode the character and enjoyment of Great Bentley. These adverse effects would significantly and demonstrably outweigh the limited benefit of up to

75 additional dwellings, given that the Council is close to identifying a five year supply of housing and the new Local Plan is progressing positively through the plan-making process. The proposal therefore does not constitute sustainable development.

- 2 The landscape is of medium character. While it is relatively featureless, the flat, open landscape of the plateau edge allows long panoramic views of the village in its countryside setting, particularly from the approach on Plough Road and the public footpath to the south. The site, as a characteristic part of the heathland plateau landscape, makes an important contribution to the rural setting of the village. Its openness means that it cannot accommodate development without undue harm to the landscape, making the site fairly susceptible to development. Although the application includes proposals for extensive planting on the western and southern boundaries, the development of this site with up to 75 dwellings would result in the loss of an attractive area of open countryside, adversely affecting the character and setting of the village. This would undermine the distinctive identity of the settlement and would not conserve or enhance the rural character of the landscape. The Council, therefore, find in this case that, in conflict with adopted Local Plan Policy EN1 and emerging Policy PPL3 the proposed development would have a moderately harmful impact on the rural landscape setting of the village.
- 3 The National Planning Policy Framework (2019) 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 10 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. A completed Section 106 has not been provided prior to the application determination date and the application is therefore contrary to the above policy.

Saved Policy COM26 of the Tendring District Local Plan 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 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements. Essex County Council Education Services have identified the need for financial contributions toward early years and childcare, primary and secondary education provision and school transport. A completed Section 106 obligation to secure these contributions has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

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.

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 and/or play equipment are inadequate shall provide appropriate provision on-site or by way of a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of future occupiers of the development. In this case there is likely to be sufficient on-site open space provision to meet the Council's requirements. However, there will also be a need to provide on-site play provision and if the open space and play provision is to be maintained by the Council then provisions will need to be secured through a Section 106 obligation. Without such provisions being secured the proposals are contrary to the above policies.

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

**8. Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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