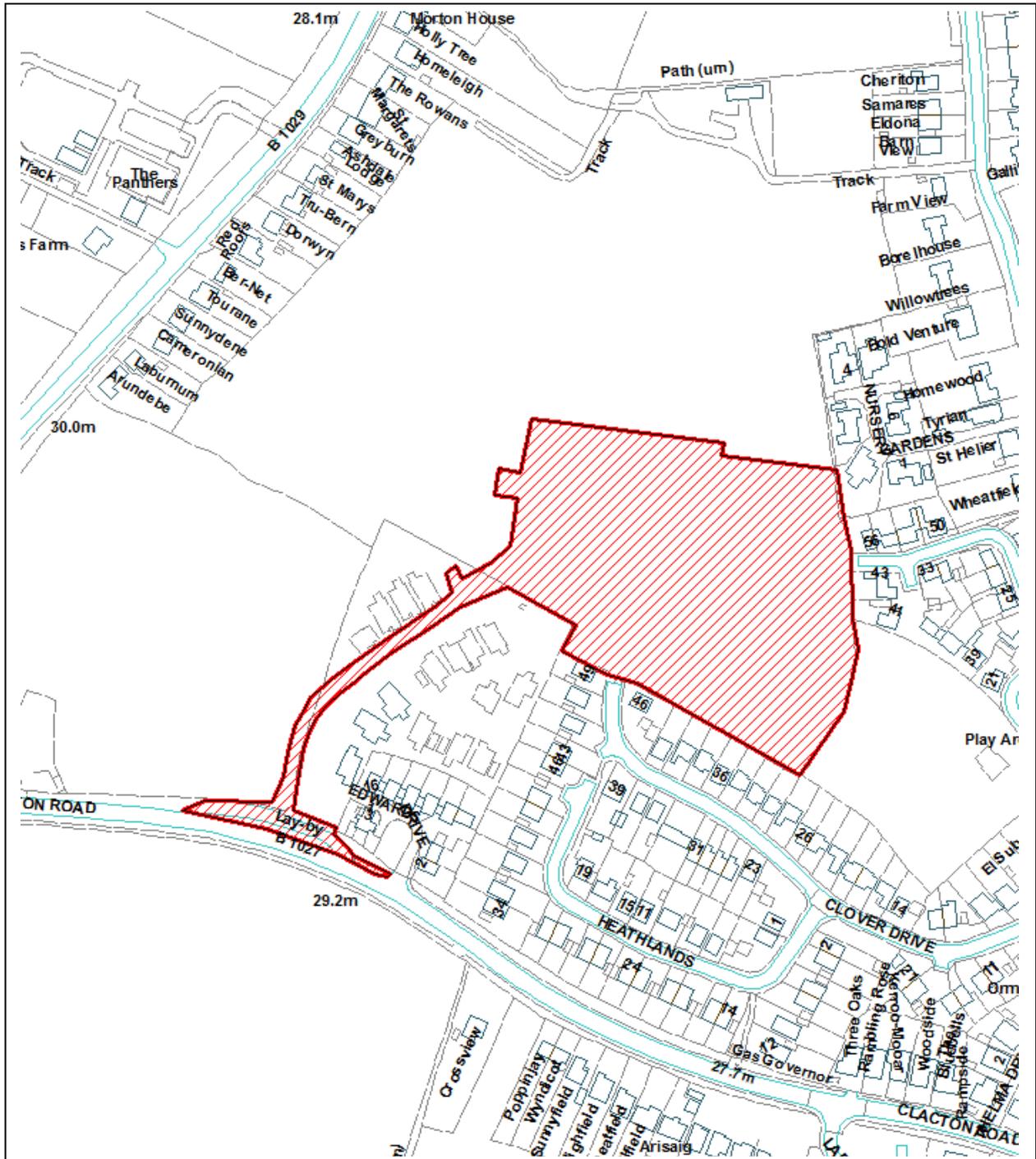


PLANNING COMMITTEE

28 August 2019

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION - 18/00163/FUL - LAND TO THE WEST OF EDWARDS DRIVE THORRINGTON CO7 8FE



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Application:	18/00163/FUL	Town / Parish: Thorrington Parish Council
Applicant:	Mr D Edwards	
Address:	Land to The West of Edwards Drive Thorrington CO7 8FE	
Development:	Construction of 29 specialist bungalows (for those aged over 60, and/or those with, or supporting someone with a disability) with associated roads, parking and garaging.	

1. Executive Summary

- 1.1 The site lies to the west of Thorrington and takes access through the recently approved development 'Avocet Place', which accesses onto the Clacton Road (B1027). It is located on agricultural land and is outside the defined settlement boundary of the village as defined by the 2007 Adopted Local Plan. It is not identified for development in the Draft Publication Local Plan.
- 1.2 The application is for 29 specialist bungalows for those aged over 60 and/or those with, or supporting someone with a disability. The dwellings are designed as lifetime homes.
- 1.3 The site is accessible for a range of facilities in the village and the village is also reasonably well served by public transport with regular bus services to Clacton and Colchester
- 1.4 Although the Parish Council has raised concerns regarding the development, commenting that it represents over-development, that it would place additional strains on traffic flow through the village and loss of amenity was also a consideration, these matters have been addressed and no objections are raised by the Highway Authority.
- 1.5 Officers consider that the development would be sympathetic to the character and appearance of neighbouring residential development and that the Council's spatial standards would be met with there being no loss of amenity to neighbouring residential occupiers.
- 1.6 Whilst the application is contrary to the spatial strategy of the adopted and emerging Local Plans, it is considered that the development offers benefits through the provision of specialist housing and affordable housing (the provision of 1 on-site 'gifted' unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement) which is in short supply in the District, that it will not lead to any significant adverse impacts on the landscape or on residential amenity. It is considered that the benefits of this development outweigh any adverse impacts that arise and that planning permission can be granted in this instance.

Recommendation:

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 (as amended) dealing with the following matters:**
 - **Mechanisms to ensure restrictions on occupation for those over 60, and/or**

those with, or supporting someone with a disability

- **Affordable Housing – the provision of 1 on-site ‘gifted’ unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement**
- **Public Open Space – towards local open space and/or public tennis court enhancements**
- **Financial Contribution towards RAMS**

b) Subject to the conditions stated in section 8.2.

c) That the Head of Planning 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

The following Local and National Planning Policies are relevant to this planning application.

National Planning Policy Framework 2019 (NPPF)

- 2.1 The NPPF 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 Paragraph 38 of the NPPF states “Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”
- 2.5 In terms of ‘Delivering a sufficient supply of homes’, Paragraph 60 of the NPPF states that ‘...the size, type and tenure of housing needed for different groups in the community should

*be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, **older people**, students, **people with disabilities**, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.'*

National Planning Practice Guidance (PPG)

- 2.6 The PPG provides additional planning guidance from Central Government on a range of issues, including, but not limited to: Air Quality; Climate Change; Design, Flood risk and coastal change; Light Pollution; Natural Environment; Noise; and Travel Plans, Transport Assessments and Statements.

Status of the Local Plan

- 2.7 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.
- 2.8 Section 1 of the emerging 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.
- 2.9 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.
- 2.10 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

Tendring District Local Plan (Adopted 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:	Impacts
QL12:	Planning Obligations
HG1:	Housing Provision
HG3:	Residential Development within Defined Settlements
HG3a:	Mixed Communities
HG4:	Affordable Housing in New Developments
HG6:	Dwellings Size and Type
HG7:	Residential Densities
HG9:	Private Amenity Space
HG14:	Side Isolation
COM2:	Community Safety
COM6:	Provision of Recreational Open Space for New Residential Developments
COM21:	Light Pollution
COM23:	General Pollution
COM26:	Contributions to Education Provision
COM29:	Utilities
COM31a:	Sewerage and Sewage Disposal
EN1:	Landscape Character
EN6:	Biodiversity
EN6a:	Protected Species
EN6b:	Habitat Creation

EN12:	Design and Access Statements
EN13:	Sustainable Drainage Systems
EN29:	Archaeology
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
SP2:	Spatial Strategy for North Essex
SP3:	Meeting Housing Needs
SP4:	Infrastructure and Connectivity
SP5:	Place Shaping Principles
SPL1:	Managing Growth
SPL2:	Settlement Development Boundaries
SPL3:	Sustainable Design
HP1:	Improving Health and Wellbeing
HP3:	Green Infrastructure
HP5:	Open Space, Sports and Recreation Facilities
LP1:	Housing Supply
LP2:	Housing Choice
LP3:	Housing Density
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
- CP1: Sustainable Transport and Accessibility
- CP2: Improving the Transport Network
- CP3: Improving the Telecommunications Network

Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas

Essex Design Guide (2005)

Urban Place Supplement (2007)

3. Relevant Planning History

16/01137/FUL	Proposed development of 16 new bungalows.	Approved	19.01.2017
17/00500/FUL	Variation of condition two of approved planning application 16/01137/FUL to omit drawings 812/01 rev G, 812/02 rev A, 812/03 rev B, 812/04 rev A, 812/05 rev A, 812/06 rev A, 812/07 rev A, 812/08 rev A, 812/09 rev B, and add drawings 812/01 rev J, 812/02 rev D, 812/03 rev E, 812/04 rev D, 812/05 rev D, 812/06 rev D, 812/07 rev D, 812/08 rev D, 812/09 rev D, 812/10 rev B, 812/11 rev B, 812/12 rev B.	Approved	25.08.2017
17/01066/FUL	Proposed construction of sewage pumping station and electricity substation.	Approved	20.02.2018
18/00163/FUL	Construction of 29 specialist bungalows (for those aged over 60, and/or those with, or supporting someone with a disability) with associated roads, parking and garaging.	Current	

4. Consultations

ECC Highways	No objections subject to the imposition of suitable conditions.
Anglian Water	The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. The Foul Sewerage system at present has available capacity for these flows.

Natural England	No comments to make on the application.
ECC SuDS Consultee	Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, ECC SuDS raise no objections to the granting of planning permission subject to conditions.
ECC Schools Service	Not seeking a S106 education contribution on this occasion.
Essex Police (Designing Out Crime Unit)	On review of the published documents there is unfortunately insufficient detail to allow an informed decision to be made, in specific relating to lighting and boundaries, as to whether the appropriate consideration of Sections 58 and 59 of the National Planning Policy Framework has been achieved.

5. **Representations**

5.1 Thorrington Parish Council has commented:

Parish are concerned that this development would have a significant negative impact on the village. It would represent an over-development and place additional strains on traffic flow through the village, which is already very dangerous at busy times. Loss of amenity was also a consideration.

A large vocal group of local residents attended the Parish Council meeting and there was a very heated & vociferous argument directed at the Parish, District and County Councillors.

5.2 15 letters have been received objecting on the following grounds:

- Outside the settlement development boundary;
- Thorrington has already been overdeveloped over the last few years;
- Over-development of site;
- Negative effect on the character of the village;
- Visual impact of the development by way of infilling;
- Opens the 'floodgates' for further development that would completely change the landscape of the village
- Insufficient local amenities to support the Increased population, i.e. health care, public transport, accessible shops;
- Some of the local roads do not have footpaths or street lights and the additional development would bring additional traffic creating danger along these roads;
- Limited public transport services;
- Previous developments have already added to traffic congestion through the village, particularly at times when railway crossing barriers are down;
- Broadband in the village is poor;
- Lack of amenities for older people, especially those requiring additional support in the way of care;
- Too close to existing properties;
- Loss of privacy for existing properties;
- Noise and light disturbance/nuisance to existing property owners;
- Traffic speed on Clacton Road at the site entrance is too high and parking at the local shop/Post Office is already a problem;
- Loss of valuable agricultural land;
- Loss of natural wildlife habitat;
- Concerns as to whether properties will remain as specialist housing;

- Contrary to the Submission Local Plan which identifies Thorrington as a "smaller rural settlement" where only small scale developments of up to 10 dwellings would normally be supported.

6. Assessment

The main planning considerations are:

- Principle of development
- Acceptability of design
- Residential Impact
- Impact upon neighbouring amenities

The Proposal

- 6.1 The application site comprises 1.89 hectares of land on what is currently an open field in agricultural use and outside the defined settlement boundary of Thorrington. The site is roughly rectangular in shape and forms an extension to the 16 no. bungalow development that has been built to the southwest (16/01137/FUL), taking access through that development which is gained over an existing layby off Clacton Road. There are no existing buildings on the site. The site adjoins the housing and public open space on Hazel Close to the east and Clove Drive to the west as well as the new development currently under construction.
- 6.2 This is a Full application and the Planning Committee is being asked to approve a detailed scheme including:
- 16 two bed bungalows;
 - 12 three bed bungalows; and
 - 1 four bed bungalow
- 6.3 The applicants confirm that the dwellings are designed as lifetime homes and have advised they are intended to provide specialist age restricted single storey accommodation and/or for residents with a disability. The applicants have amended the proposal and now propose that the minimum age for residents is 60 years of age, instead of the original 55 years, recognising that people are living longer and have families later. The dwellings follow the theme and general design of the 16 detached and semi-detached bungalows already approved on the adjacent site which are not restricted. An area of open space is provided within the centre of the site whilst the attenuation basin is located on the north-eastern boundary, adjacent to the new properties on Hazel Close.

The 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 housing policies being out of date. Paragraph 213 of the NPPF allows local planning authorities to give due weight to adopted 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.
- 6.6 Neither the application site, nor the adjacent development site, is allocated for housing development in the adopted Local Plan and the current application site falls outside the

defined settlement development boundary in both the adopted and Draft Publication Local Plan. Development is therefore contrary to Policy QL1 of the adopted Local Plan.

- 6.7 The adjacent site was approved in 2016 largely on the grounds that, at that time, the Council could not demonstrate a 5 year supply of housing land. As a result of the introduction of the standard method, the Council is in a similar situation and again cannot show a 5 year supply of land when measured against the new methodology. As a consequence the tilted balance applies as required by Paragraph 11 of the NPPF and development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 6.8 Thorrington is categorised as a 'smaller rural settlement' in Policy SPL1 of the Draft Publication Local Plan. Policy SPL2 confirms that outside settlement development boundaries, the Council will consider any planning application in relation to the settlement hierarchy and any other relevant policies in that Plan. Paragraph 3.2.1.4.4 of the draft Publication 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'.
- 6.9 The policies and subtext contained in the emerging Local Plan cannot carry the full weight of adopted policy at this stage in the plan-making process and whilst the proposed scheme is contrary to adopted and emerging policy, it is considered that the principle of development of this site for the scheme proposed represents sustainable development and accords generally with the policies of the NPPF and would bring about new, specialist housing for the elderly and those with special needs which carries at least 'moderate weight' as it helps deliver a wider choice of new homes as sought by paragraphs 60 and 61 of the National Planning Policy Framework.
- 6.10 It is worth drawing Members' attention to the conclusions from the 'Braintree, Chelmsford, Colchester & Tendring Council's HMA SHMA 2015' which indicated that within this District the population aged 65 or over is likely to increase dramatically (by some 45%) between 2015 to 2037. As a consequence, the Assessment states that:
- "Given the dramatic growth in the older population and the higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options in the future..."*
- 6.11 The above SHMA conclusions have been drawn through into the emerging Local Plan by way of Policy LP2 (Housing Choice) which similarly supports this type of specialist accommodation. This policy includes the following paragraph:
- "The Council will support the development of **bungalows**, retirement complexes, extra care housing, independent living, starter homes, self-build and other forms of residential accommodation **aimed at meeting the future needs of older and disabled residents as well as family housing.**"*
- 6.12 The Parish Council has commented on the scheme and has raised concern that this development would have a significant negative impact on the village. They consider that it would represent an over-development, place additional strains on traffic flow through the village, which is already very dangerous at busy times, and also result in a loss of amenity.
- 6.13 The comments of the Parish Council are noted but it is considered that the principle of development on this site is acceptable taking account of: the need for additional housing to meet the five year housing target; the sustainable location; and specialist nature of the dwellings which is support by national and local policies and supporting evidence.

Highways, transport and accessibility

- 6.14 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 reasonably well served by public transport with regular bus services to Clacton and Colchester.
- 6.15 The development is proposed to take access through the adjacent development which is accessed from Clacton Road. The Parish Council has raised concern that the development would place additional strains on traffic flow through the village which it considers is already dangerous at busy times. However, the Highway Authority has raised no objections to the application and has recommended that conditions should be attached to any planning permission to ensure a satisfactory layout.
- 6.16 In conclusion, although the site has, in common with the adjacent development, 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. As there is no objection from the Highway Authority, the scheme is considered to be acceptable in highway terms.

Landscape, visual impact and trees

- 6.17 Policy EN1 of the adopted Local Plan and Policy PPL3 in the Draft Publication Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SPL3 also require developments to incorporate important existing site features of landscape, ecological or amenity value such as trees, hedges, water features, buffer zones, walls and buildings.
- 6.18 The application site currently comprises part of an agricultural field which forms an area of open countryside contained by the B1027, B1029 and Church Road and edged by residential development along those roads. The majority of the field would remain but the part adjacent to the village would be developed by the current proposals.
- 6.19 A Landscape and Visual Appraisal Scoping Report has been submitted with the application which concludes that the development would not bring about any notable landscape or visual impact implications in the wider setting. It is a self-contained location, almost completely surrounded by developed land and with little, if any, relationship to the outlying landscape setting of Thorrington. It considers that visual influences are modest and do not give rise to any notably harmful effects. The report considers therefore that landscape and visual issues should not form any notable constraint to the acceptability of this site for development.
- 6.20 It is accepted that the visual impact of the proposal will be modest because of the containment of the site by existing residential development. There are a number of mature trees together with hedging along the eastern boundary of the site adjacent to the houses and open space on Hazel Close. An Arboricultural Assessment has been submitted which confirms that no trees are being removed as part of the development. The accompanying Tree Protection Plan shows that protection measures are to be put in place for the trees.
- 6.21 Existing boundary fencing along Clover Drive adjoins the southern site boundary. The proposed new northern and western boundaries of the development have very limited landscaping. It is suggested that a condition is placed on the Planning Permission requiring

a detailed landscaping scheme including provision of hedging and tree planting along the north and eastern boundaries.

- 6.22 In conclusion, it is considered that because the site is reasonably well enclosed and set level with adjoining dwellings and land, it will not have an adverse visual impact on the landscape or on existing trees.

Flood risk and drainage

- 6.23 The NPPF, Policy QL3 in the adopted Local Plan and Policy PPL1 in the emerging Local Plan require any development proposal on sites larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). The site is located in Flood Zone 1 (low risk) and the application is accompanied by a FRA which assesses the potential risk of all potential sources of flooding, including surface water flooding that might arise as a result of development. Essex County Council as Local Lead Flood Authority has considered the report and, following the submission of additional requested information, has confirmed that the development is acceptable subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place. A Maintenance Plan is also required to be submitted and updated annually.

Ecology

- 6.24 Paragraph 175 of the 2019 NPPF now requires Councils, when determining planning applications, to follow the principles set out in that paragraph. The NPPF confirms that development which would result in significant harm to biodiversity or the loss or deterioration of irreplaceable habitats should be resisted. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged. Policy EN6 of the adopted Local Plan and Policy PPL4 of the Draft Publication 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.
- 6.25 A preliminary Ecology Appraisal and Protected Species survey has been submitted and confirmed that the site contains no protected species but that the hedgerows and trees in the area provide suitable foraging and commuting for bats. They also provide suitable nesting habitats for birds during the breeding season. However, the presence of Bats is not considered to be a constraint to development and the development would not have any significant direct or indirect effects on any formally designated wildlife sites in the area. The assessment concludes that there is a need to protect existing trees during the construction phase and to avoid any site vegetation clearance during the bird nesting season. This can be dealt with by condition.

Education and Health provision

- 6.26 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. In view of the specialist nature of the dwellings and being targeted for older residents, it is considered that in this instance, a contribution towards education could not be justified. NHS England has not requested any financial contributions towards health provision and only tends to make such requests on schemes of 50 or more dwellings. As a consequence, there would be no requirement for contributions towards education or healthcare.

Utilities

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

Open Space and Play

- 6.28 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 considered appropriate to seek a provision of open space via a financial contribution.
- 6.29 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.
- 6.30 According to the Council's SPD on Open Space (May 2008), no contributions are sought for dwellings providing elderly accommodation. Whilst the current proposals are age limited, it is considered that many of the residents will still be physically active and will wish to access recreational and open space facilities. It is therefore considered reasonable to seek a contribution towards open space for the enhancement of existing open space but it would be unreasonable for a contribution towards children's play space, bearing in mind few residents if any, would have young children living with them. The Parish Council has identified an upgrade to the existing public tennis court as a potential use (at least in part) for this contribution and officers' do not consider this to be an unreasonable use of these funds as tennis is often played recreationally by older people.
- 6.31 It is therefore considered that a contribution should be sought to allow appropriate open space provision (and/or upgrade to the existing public tennis court) be provided. A sum of £56,892 is therefore sought by way of provisions in a Section 106 Agreement.

Council Housing/Affordable Housing

- 6.32 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.
- 6.33 In this case the development will provide specialist housing for the over 60's and for disabled occupants; both of which are in short supply within the District. Given the specialist nature of the accommodation, the Council's Housing Team have been prepared to take a more pragmatic and flexible position on affordable housing requirements and in this case are prepared to accept the 'gifting' of 1 dwelling on-site and a financial contribution of £300,000 towards the construction or acquisition of property for use as Council Housing equivalent to delivering the remainder of the 30% requirement. These provisions will be secured through the Section 106 Agreement.

Detailed Design and Layout

- 6.34 The proposed development is served by a single access road leading directly from the existing development off Clacton Road and looping round a small area of open space. The dwellings are all single-storey and are a mixture of detached and semi-detached properties. Most have integral single garages with the rest being detached. All will benefit from at least two off-street parking spaces in accordance with the Council's adopted parking requirements.

- 6.35 The development equates to a density of 17 dwellings per hectare and is considered appropriate for the proposed development in this location. The proposed dwellings provide a mixture of two, three and four bedroom bungalows across a number of configurations. Ten of the two bed properties will be semi-detached, the remaining will be detached.
- 6.36 The application is for full planning permission and therefore details of the external materials have been submitted. Three types of external finishes have been incorporated into the scheme; which the applicants state have been selected to reflect the traditional vernacular of the surrounding properties whilst providing the site with its own unique identity. The external walls are either brick or a brick plinth with render above and the roofs are either red or grey tile. All the properties, apart from the gifted unit, have conservatories at the rear, otherwise the scheme is very much tenure blind.
- 6.37 The scheme offers a variety of different internal layouts to ensure the scheme offers opportunities for a range of potential occupants. The applicants have confirmed that the dwellings have been designed as lifetime homes and incorporate the following design elements:
- 24 hour hard-wired care, safety and security system including intruder alarm, smoke and gas detectors and activation of optional care call system to respond to people's requirements as they change;
 - Fixtures and fittings suitable for those with arthritis or early stage dementia;
 - Highly accessible design features such as wider doorways and level accesses to support residents with mobility issues, to reduce the chances of falls and fractures;
 - Large driveways and garages supporting wheelchair access, providing off-street parking;
 - Carefully designed layout with a range of house types to promote social cohesion between residents, creating a community, and in-turn reducing loneliness and depression; and
 - Energy efficient materials and appliances incorporated to provide savings on household bills and reduce the carbon footprint;
- 6.38 An attenuation pond for surface water drainage is located within the north eastern corner of the site where access has also been retained to the open field to the north.
- 6.39 Plot 12 is sited with its side elevation facing on to Clover Drove. A wall is proposed along the end of the cul-de-sac to provide privacy for the future residents and also to provide a visual stop from the drive.
- 6.40 As noted, the site already has a number of mature trees to the eastern boundary and the layout plan shows a proposed new hedge along the north boundary. Close boarded fencing will be used elsewhere within the site.
- 6.41 Due to the single storey nature of the development, there is only limited impact on existing adjoining dwellings and the new dwellings will not cause loss of light, overshadowing or loss of outlook for existing residents. Similarly, the siting of the new properties should ensure that future residents do not experience overlooking or overshadowing.
- 6.42 It is considered that the layout and design of the dwellings will not have an adverse impact on neighbouring dwellings or on future occupants. The overall design of the scheme is acceptable and reflects the detail of those approved on the adjacent site. Whilst the

comments of the Parish Council are noted, it is not considered that a development of this nature and density represents over-development, nor does it contribute to a loss of amenity for the reasons set out above.

Age and/or disability restriction

- 6.43 The applicants have applied for age and/or disability restricted housing submitting evidence of need in the district for this type of accommodation, due in part to the aging population. The dwellings are aimed at allowing independent living for the elderly and/or those with a disability including design elements that would allow residents to potentially stay in their own homes for longer. Following discussions with officers, the applicants have amended the minimum age to 60 in place of 55, recognising that people live longer and remain more active. Whilst the applicant's intend to control occupancy through restrictive covenants, this is outside the control of the local planning authority and it is considered that the occupancy will need to be more strictly controlled by other legal mechanisms contained within the Section 106 Agreement which will require a restriction be placed on the titles of the market dwellings.

Overall Planning Balance

- 6.44 Because Policy QL1 of the adopted Local Plan is deemed to be out of date and, as a result of the introduction of the standard methodology, the Council is now unable to demonstrate a five-year supply of deliverable housing sites, 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 therefore applies a tilted balance in favour of sustainable development.
- 6.45 The development in question provides a number of benefits and would contribute towards the housing supply of both market and affordable housing in the District. The provision of 29 dwellings would assist in helping to meet the identified housing requirement although it is considered that the weight that should be given to this is necessarily reduced because of the housing requirement is based on known flawed household projections. However, the development also provides a more specialist level of housing suitable for older persons and those with disabilities and this can be given additional weight in the planning balance. The development will bring economic benefits with residents generating additional expenditure in the local economy. There will also be temporary jobs in construction whilst the homes are being built. The development will also contribute towards the social wellbeing of the village by providing a contribution towards the provision of open space and/or enhancements to the existing public tennis court within the village.
- 6.46 Whilst the development is located outside the settlement development boundary of Thorrington, it is considered that the impact of the development in this location is minimal. The field in which it is located is already bordered by built development and the introduction of further bungalows in this location is not considered to be visually intrusive nor will they give rise to unacceptable loss of amenity for existing or new residents.
- 6.47 As identified through the various ecological and wildlife reports submitted with the application the harm to existing ecology is minimal and can be mitigated through the use of appropriate conditions. The existing trees on the edge of the site would be protected via condition.
- 6.48 In the overall planning balance, Officers consider that, in this instance, the benefits of the scheme outweighs the acknowledged harm to planning policy and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

7. Conclusion

- 7.1 Whilst the application is contrary to the spatial strategy of the adopted and emerging Local Plans, it is considered that the development offers benefits through the provision of specialist housing and affordable housing (the provision of 1 on-site 'gifted' unit and a financial contribution of £300,000 towards the construction or acquisition of property for use as council housing equivalent to delivering the remainder of the 30% requirement) which is in short supply in the District, that it will not lead to any significant adverse impacts on the landscape or on residential amenity. It is considered that the benefits of this development outweigh any adverse impacts that arise and that planning permission can be granted in this instance.

8. Recommendation

- 8.1 The Planning Committee is recommended to grant planning permission subject to the following conditions and informatives and the prior completion of a Section 106 Legal Agreement with the agreed Heads of Terms as referred to in Section 1 above.

8.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason – To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 812-200Q (Block Plan)
Drawing number 812-202B (Plot 1 Heather (2 bed bungalow))
Drawing number 812-203B (Plots 2 & 3 Heather – Link (2 bed bungalow))
Drawing number 812-204B (Plots 20 & 24 Lily (2 bed bungalow))
Drawing number 812-205B (Plots 5 & 6, 23 & 22 Camelia (2 bed semi))
Drawing number 812-206B (Plot 12 Azalea (3 bed bungalow))
Drawing number 812-207B (Plot 8 Hibiscus (3 bed bungalow))
Drawing number 812-208B (Plots 9 & 17 Wisteria (3 bed bungalow))
Drawing number 812-209B (Plots 28 & 29 Camelia (2 bed semi))
Drawing number 812-210B (Plot 7 Jasmine (3 bed bungalow))
Drawing number 812-211B (Plot 18 Jasmine (3 bed bungalow))
Drawing number 812-212B (Plots 13 & 27 Camelia (2 bed bungalow))
Drawing number 812-213B (Plot 19 Chamomile (2 bed bungalow))
Drawing number 812-214B (Plot 16 Juniper (4 bed bungalow))
Drawing number 812-215B (Plot 21 Orchid (3 bed bungalow))
Drawing number 812-216B (Plot 10 Jasmine (3 bed bungalow))
Drawing number 812-217A (Single Garage)
Drawing number 812-218A (Double Garage)
Drawing number 812-219B (Plots 4 & 11 Lily (2 bed bungalow))
Drawing number 812-220A (Plots 14 & 15, 25 & 26 Jasmine (3 bed bungalow))

Reason – For the avoidance of doubt and in the interests of proper planning.

3. The development shall not be occupied until such time as car parking and turning area has been provided in accordance with approved drawing 812-200 G. These facilities shall be retained in this form at all times and shall not be used for any purpose other

than the parking and turning of vehicles related to the use of the development thereafter.

Reason - To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

4. The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal Version 1.0 Dated 25 October 2018.

Reason - To preserve and enhance the biodiversity of the site.

5. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction." The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018.

Reason - In the interest of visual amenity, the design quality of the development and biodiversity gain.

6. All changes in ground levels, hard landscaping, planting, seeding or turfing which have been submitted to and approved in writing by the Local Planning Authority under condition 5 above, shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.

Reason - In the interest of visual amenity, the design quality of the development and biodiversity gain.

7. No above ground level works shall take place until precise details of the provision, siting, design and materials of all screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved screen fences shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority. The scheme shall incorporate the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018.

Reason – To ensure that the development is appropriate within its setting in the interests of visual amenity and biodiversity gain.

8. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be no provision of fences, walls or means of other enclosures erected forward of the dwellings.

Reason - In the interests of visual amenity and the design quality of the development.

9. Prior to any above ground works, an ecological mitigation and enhancement scheme in line with the recommendations set out within the accompanying Preliminary Ecological Appraisal and Protected Species Survey dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which shall include a timetable for its implementation, shall be implemented in accordance with the approved works prior to the occupation of the hereby approved development unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve and enhance the biodiversity of the site.

10. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason - To ensure lighting is sensitively designed and minimises light spillage in order to preserve and enhance the biodiversity of the site.

11. The removal of any vegetation for site access/site clearance shall only be carried out outside of the bird nesting season (March to August inclusive).

Reason - To ensure the protection of birds potentially nesting on site.

12. No development shall take place before a Demolition/Construction Management Plan for the construction of the development hereby approved has been submitted to and approved in writing by, the Local Planning Authority. Works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the excavation, site preparation and construction stages of the development to prevent the deposition of mud or other debris onto the highway network/public areas. The method statement shall also include details of safe access to/from the site, the parking and turning of vehicles of site operatives and visitors, loading and unloading of plant and materials, delivery and construction working hours, dust suppression strategy, routing of delivery vehicles, measures to control noise and lighting, the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials, the erection and maintenance of security hoarding, and a scheme for recycling/disposing of waste resulting from construction.

Reason - To ensure that development is carried out in a controlled manner in the interests of highway safety, while minimising impacts on the surrounding residential properties and the natural environment.

13. There shall be no discharge of surface water onto the highway.

Reason – To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

14. No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme should include but not be limited to:

- If following further infiltration testing this is found to be unviable, discharge rates should be limited to the 1 in 1 year greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;

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

The scheme shall subsequently be implemented prior to occupation.

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

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

Reason – To ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

16. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport approved by Essex county Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason – In the interests of reducing the need to travel by car and promoting sustainable development and transport.

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

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

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

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

19. Prior to any above ground works details of all refuse/recycling storage and collection points required to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Each refuse/recycling storage and collection point so approved shall be provided prior to first occupation of any dwelling to which it relates and shall be retained thereafter as approved.

Reason – To ensure a satisfactory development in terms of appearance and functionality in the interests of amenity.

20. The hereby permitted development shall not be occupied until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, incorporating the use of resistant tubing, has been installed at the site, in accordance with details that shall be submitted and approved, in writing, by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can evidence through consultation that it would not be possible, practical or economically viable an alternative superfast (i.e. will provide speeds greater than 24mbps) wireless service will be considered acceptable.

Reason – To ensure the development is able to be equipped with high speed broadband to enable opportunities for web-based communication and homeworking.

21. Prior to commencement or at a later date agreed in writing by the Local Planning Authority, the applicants shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours to promote and encourage the recruitment of employees and other staff in the locality of the application site, for the construction of the development and for the uses of the development thereafter. The approved Local Recruitment Strategy shall be adhered to therein after.

Reason – To promote and encourage the recruitment of employees and other staff in the locality of the application site.

22. Prior to the commencement of any work a full method statement in respect of piling works shall be submitted to and approved in writing by the Local Planning Authority, this will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Reason - In the interests of residential amenity.

23. Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A, B, and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason – Given the specialist nature of the dwellings and having regard to the size of the approved plots.

Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Specific

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

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

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

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

The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Residential Travel Information Packs.

Essex County Council has a duty to maintain a register and record of assets which have a significant impact on the risk of flooding. In order to capture proposed SuDS which may form part of the future register, a copy of the SuDS assets in a GIS layer should be sent to suds@essex.gov.uk.

Any drainage features proposed for adoption by Essex County Council should be consulted on with the relevant Highways Development Management Office. Changes to existing water courses may require separate consent under the Land Drainage Act before works take place. More information about consenting can be found in the attached standing advice note.

It is the applicant's responsibility to check that they are complying with common law if the drainage scheme proposes to discharge into an off-site ditch/pipe. The applicant should seek consent where appropriate from other downstream riparian landowners.

As 'Secured by Design' is referenced within the Design & Access Statement, Essex Police is able to support the applicant to achieve appropriate consideration of the requirements and is invited to contact Essex Police via designingoutcrime@essex.pnn.police.uk

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues:

- Restrictions on Occupation
- Affordable Housing
- Public Open Space
- RAMS

9. Additional Considerations

Public Sector Equality Duty (PSED)

- 9.1 In making your decision you must have regard to the PSED under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions to:
- 9.2 A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- 9.3 B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s); and
- 9.4 C. Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.
- 9.5 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, being married or in a civil partnership, race including colour, nationality and ethnic or national origin, religion or belief, sex and sexual orientation.
- 9.6 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in section 149 and section 149 is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 9.7 It is considered that the recommendation to grant permission in this case would not have a disproportionately adverse impact on a protected characteristic.

Human Rights

- 9.8 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998 (as amended). Under the Act, it is unlawful for a public authority such as the Tendring District Council to act in a manner that is incompatible with the European Convention on Human Rights.
- 9.9 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property) and Article 14 (right to freedom from discrimination).
- 9.10 It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence or freedom from discrimination except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation

to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Finance Implications

- 9.11 Local finance considerations are a matter to which local planning authorities are to have regard in determining planning applications, as far as they are material to the application.
- 9.12 The New Homes Bonus (NHB) is one local finance consideration capable of being a material consideration to which the weight given shall be determined by the decision maker. The NHB is a payment to local authorities to match the Council Tax of net new dwellings built, paid by Central Government over six consecutive years. In this instance, it is not considered to have any significant weight attached to it that would outweigh the other considerations.

10. Background Papers

None.