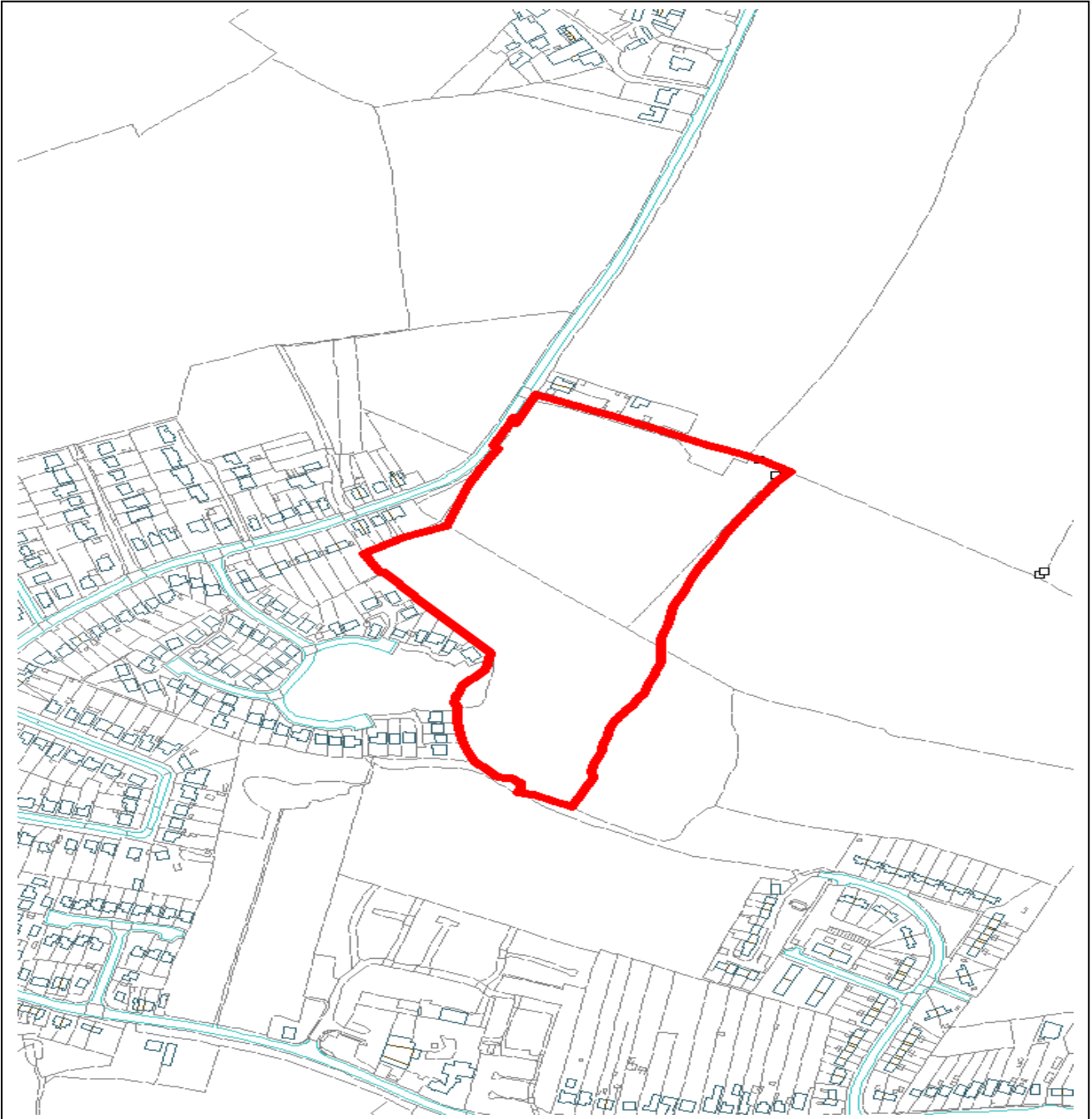


PLANNING COMMITTEE

30 NOVEMBER 2016

REPORT OF THE HEAD OF PLANNING

A.1 PLANNING APPLICATION – 16/01169/OUT - LAND EAST OF LANDERMERE ROAD, THORPE-LE-SOKEN, CO16 0NF



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Application:	16/01169/OUT	Town / Parish: Thorpe Le Soken Parish Council
Applicant:	Mr Rob Scott	
Address:	Land East Side of Landermere Road, Thorpe Le Soken, CO16 0NF	
Development:	Outline Application for the construction of up to 98 dwellings, public open space and supporting site infrastructure with all matters reserved apart from access.	

1. **Executive Summary**

- 1.1 This is an outline planning application seeking approval for the principle of developing up to 98 dwellings with all other matters, with the exception of access, reserved for approval through a detailed application at a later date. As a departure from the Local Plan, this application is before the Committee for a decision.
- 1.2 The application site measures some 5.60 hectares in area and lies outside of the defined settlement development boundary for Thorpe Le Soken in the adopted Local Plan, but does form part of an allocation for residential development in the Preferred Options Consultation Document July, 2016. The site immediately joins the north east boundary of Thorpe Le Soken on the east side of Landermere Road. The site is located a relatively short distance from the centre of the village, which is identified as one of six 'Rural Service Centres' in the new draft Local Plan, that contain a relatively good range of local services and facilities with potential for limited growth in homes and jobs.
- 1.3 Whilst the position is improving, the Council is still, at the time of writing, unable to demonstrate a 5 year supply of deliverable housing sites and the National Planning Policy Framework (NPPF) therefore imposes a presumption in favour of sustainable development whether a site forms part of the Local Plan or not. It requires that planning permission be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. As noted this site does form a new allocation in the emerging Local Plan and therefore some weight can be given in policy terms to development of the site for housing. When weighing the planning balance, Officers are recommending that the scheme does meet the requirements of the NPPF and can be approved.

Recommendation: Approve Outline Planning Permission

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
- Council/affordable housing;
 - Education contributions;
 - Public open space and play and its transfer and maintenance.
 - NHS contribution.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning

(or the equivalent authorised officer) in their discretion considers appropriate).

- (i) Conditions:
1. Standard 3 year time limit for submission of reserved matters application;
 2. Standard 2 year limit for commencement of development following approval of reserved matters;
 3. Details of layout, appearance, scale and landscaping (the reserved matters);
 4. Development in accordance with submitted indicative plans;
 5. Development to contain up to (but no more than) 98 dwellings;
 6. Highways conditions (as recommended by the Highway Authority);
 7. SUDS and drainage conditions as requested by Essex County Council;
 8. Hard and soft landscaping plan/implementation;
 9. Ecological mitigation - wildlife/tree protection measures;
 10. Construction methods plan;
 11. Details of lighting, materials and refuse storage/collection points; and
 12. Archaeological investigation and report works;
 13. Site lighting strategy, and;
 14. Broadband.
 15. Noise assessment
- 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**

National Policy:

NPPF National Planning Policy Framework (2012)

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

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

Local Plan Policy:

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

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

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

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

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

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

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

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

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

HG1: Housing Provision

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

HG3: Residential Development Within Defined Settlements

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

HG3a: Mixed Communities

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

HG4: Affordable Housing in New Developments

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

HG6: Dwellings Size and Type

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

HG7: Residential Densities

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

HG9: Private Amenity Space

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

COM2: Community Safety

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

COM6: Provision of Recreational Open Space for New Residential Developments

Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution

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

COM23: General Pollution

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

COM26: Contributions to Education Provision

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

COM29: Utilities

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

COM31a: Sewerage and Sewage Disposal

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

EN1: Landscape Character

Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness, including listed parks and gardens.

EN4: Protection of the Best and Most Versatile Agricultural Land

Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity

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

EN6a: Protected Species

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

EN6b: Habitat Creation

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

EN12: Design and Access Statements

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

EN13: Sustainable Drainage Systems

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

EN29: Archaeology

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

TR1a: Development Affecting Highways

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

TR3a: Provision for Walking

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

TR4: Safeguarding and Improving Public Rights of Way

Encourages opportunities to expand the public right of way network.

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

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

TR7: Vehicle Parking at New Development

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

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development

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

SP4: Infrastructure and Connectivity

Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles

Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth

Identifies Thorpe Le Soken as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries

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

SPL3: Sustainable Design

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

HP1: Improving Health and Wellbeing

Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities

Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply

Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site falls within one of the areas proposed for residential and mixed use development.

LP2: Housing Choice

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

LP3: Housing Density

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

LP4: Housing Layout

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

LP5: Affordable and Council Housing

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

PP12: Improving Education and Skills

Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills

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

PPL1: Development and Flood Risk

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

PPL3: The Rural Landscape

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

PPL4: Biodiversity and Geodiversity

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

PPL5: Water Conservation, Drainage and Sewerage

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

PPL7: Archaeology

Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.

CP1: Sustainable Transport and Accessibility

Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network

Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

3. Relevant Planning History

16/30189/PRE APP	EIA Screening Opinion for erection of 98 dwellings.	Decided	06/10/2016
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4. Consultations

TDC Principal Tree & Landscape Officer	The application site is on agricultural land which has established boundary hedgerows on some of its boundaries with occasional trees. The existing boundary features help to screen the land. In the south western corner of the application site there is a group of 10 Oaks that are afforded formal legal protection by Tree Preservation Order 95/03 Land off The Spennells, Thorpe le Soken.
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The indicative site layout shows that the proposed positions of dwellings will be set back from the site boundaries. The land adjacent to the boundary is shown on the indicative site layout plan as public open space. If this is the case then the trees including the protected trees and the boundary hedgerows will not be adversely affected by the development proposal.

The development proposal shows the removal of a hedge that bisects the site centrally running from east to west. The hedge comprises a single species; Cupressocyparis Leylandii and does not fall within the scope of the Hedgerow regulations 1997. Its removal will not have an adverse impact on the landscape.

The application site appears to straddle the boundary of The Clacton and the Sokens Clay Plateau and The Hamford Coastal Slopes Landscape Character Areas (LCAs) as defined in the Tendring District Council Landscape Character Assessment. The Clacton and the Sokens Clay Plateau is typified by undulating agricultural plateau that is drained by the Holland Brook Valley System to the south east of the district. Thorpe le Soken is recognised for its importance in medieval times and for its historic buildings. The Hamford Coastal Slopes LCA is characterised by gently sloping land encircling, and forming a setting to, the open marshes of Hamford Water providing panoramic views over Hamford Water.

The overall strategy for The Clacton and the Sokens Clay Plateau is to conserve the low density settlement pattern in rural areas, maintaining the distinctive identity of individual settlement and enhancing the character of the urban fringe. Special attention is drawn to the sensitivity of the plateau edges to built development as they often form a skyline or setting for low lying areas. The overall strategy for The Hamford Coastal Slopes is to maintain the area as a rural landscape forming the setting to Hamford Water as the highly visible slope crests and skyline are particularly sensitive to further built development.

In terms of the potential impact of the development proposal on the character and appearance of the countryside the development has the potential to cause harm to the local landscape character especially in regard to its impact when viewed from the land around Hamford Water. In order to show the degree of harm likely to arise as a result of the development of the land the applicant has submitted a Landscape and Visual Impact Assessment (LVIA) that has been carried out in accordance with Guidelines for Landscape and Visual Impact Assessment (3rd edition).

In terms of the impact of the development proposal on the area the LVIA provides a genuine and accurate description of the landscape and visual effects. It recognises that harm will be caused to the landscape and visual amenity of the area to a greater or lesser extent depending on the particular physical viewpoint from which the site is seen. In Section 12 of the LVIA entitled Summary and Conclusions it is concluded that, subject to adequate soft landscaping and good quality design of the built element of the development; the development would not cause undue harm to the landscape or visual amenity of the locality.

The LVIA provides an accurate description of the baseline qualities of the landscape and describes the likely impact of the development proposal on

the landscape and visual amenity of the local environs. However in terms of the conclusions drawn in Section 12, referred to above it is considered that insufficient weight has given to the impact of the gradual spread of the Thorpe le Soken settlement and the consequent urbanisation of the important coastal ridge. It is considered that the development would cause harm to the character and qualities of the landscape.

Should consent be likely to be granted then a condition should be attached to secure details of soft landscaping (including forest scale tree planting as referred to in the LVIA) to screen and enhance the appearance of the development. Special attention should be given to the creation of a dense planting belt for the full length of the northern and possibly north eastern boundary to mitigate the harm caused to views of the development from land to the north and north-east (Hamford Water).

TDC Open Space and Play	Note that open space provision and play equipment will be provided on site. A commuted sum would be payable by the developer should they wish the open space to be adopted by the Council.
TDC Housing	Note there is a very high demand for affordable housing in Thorpe Le Soken with 9 households on the housing register who have Thorpe Le Soken as their preferred are for rehousing. The Housing team have agreed that the applicant will gift seven of the properties consisting 4 x 1 bed, 2 x 2 bed and 1 x 3 bed dwellings.
TDC Environmental Health	Request conditions regarding air quality assessment and a full construction method statement.
ECC Highways	The proposal is acceptable to the Highway Authority subject to conditions relating to a construction management plan and provision of the junction onto Landermere Road.
ECC Schools	There is an identified need for early years and childcare provision within the Beaumont and Thorpe ward. Based on demand generated by this development a developer contribution of £122,863 is sought. In terms of Primary school need the Little Clacton forecast planning group have forecast a deficit of 41 places by the school year 2019/20. A contribution of £359,209 at £12,218 per place is sought from this development. With regard to Secondary schooling a deficit of 223 places is forecast by the school year 2019-20. A contribution of £363,796 at £18,561 per place is requested from this development. A total contribution of £845,868 is therefore sought overall.
Anglian Water	<u>Assets affected:</u> AWA note some of their assets are affected within the site and this should be taken into account in the final site design.

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

Foul Sewerage Network: The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Surface Water Disposal: The proposed method of surface water management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.

- Natural England Natural England raises no specific objection but notes the requirement to take into account impact on wildlife and protected species. NE also note the opportunity to enhance the character and local distinctiveness of the locality particularly through new green space provision and access to the wider countryside.
- Essex County Council Flood Authority Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, no objection is raised to the granting of permission subject to necessary planning conditions.
- Essex County Council Archaeology The Essex Historic and Built Environment Manager notes that the site lies within an area of archaeological interest. A number of cropmark features have been recorded in the area and the locality has the potential for the survival of archaeological remains relating to its medieval settlement and possible earlier occupation and activity. Planning conditions requiring trial trenching followed by Open Area Excavation are requested.
- NHS England The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at Thorpe Surgery (including its branch, The Surgery, Frinton Road); a proportion of the cost would need to be met by the developer. A developer contribution of £29,620 should be made before the development commences.

5. Representations

- 5.1 Thorpe Le Soken Parish Council raise no objection to the application.
- 5.2 74 objections have been submitted in response to this planning application which include the following concerns:
- Highway impact/dangers.
 - Lack of infrastructure and impact on existing services.
 - Landscape impact.
 - Unsustainable location.
 - Prematurity.
 - Adverse environmental impact.
 - Need for smaller affordable homes.
 - Impact on existing residents adjoining the site.
 - Impact on existing water table.

6. Assessment

- 6.1 The main planning considerations are:
- Site Context;
 - Proposal;
 - Principle of Development;
 - Housing Density and Mix;
 - Layout;
 - Residential Amenity;

- Traffic, access and highway safety;
- Ecology;
- Arboriculture/Landscaping;
- Drainage and Flood Risk; and,
- Other Material Considerations (including Section 106 Obligations).

Site Context

- 6.2 The site lies to the north east of the centre of Thorpe Le Soken on the edge of the village and extends to 5.60 hectares in area. The site is in a prominent location and slopes away from Landermere Road and Rolph Close to the east. The site consists mainly of agricultural land and contains some existing hedgerow and tree planting. A group of trees next to the south west site boundary are protected by a Tree Preservation Order.
- 6.3 Vehicular access to the site is provided via a newly formed access direct from Landermere Road with a main feeder road leading across the site with smaller spur roads serving remaining parts of the site.
- 6.4 Landermere Road is characterised by a mix of housing styles with older housing merging with more recent development. The Spennels, Rolph Close and Beldams Close located immediately to the east of the application site consist of a relatively recent housing estate development.

Proposal

- 6.5 The application has been submitted in outline form with all matters, apart from access, reserved for later consideration. The scheme proposes the erection of up to 98 dwellings, public open space and supporting site infrastructure.

Principle of Development

- 6.6 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.
- 6.7 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.8 The application site is located immediately to the north east of the existing built form of Thorpe Le Soken and is adjacent to but outside the village's settlement development boundary as defined within the adopted Local Plan. However the site is set within land

identified for inclusion within the Preferred Options Consultation Document, although due to the relatively early stage of the Local Plan process only limited weight can be given to this.

- 6.9 Because the site is outside of the settlement development boundary and is not allocated for development in the adopted Local Plan, as noted above, only limited weight can be attributed to its inclusion within the Preferred Options document. However, paragraph 47 of the NPPF also requires local planning authorities to boost significantly the supply of housing by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. In areas where there has been persistent under delivery of housing, an additional 20% 'buffer' is also required to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.10 For Tendring, the housing requirement is 550 dwellings per annum, as based on the evidence contained within the 'Objectively Assessed Housing Needs Study' (July 2015) and supplementary evidence that was presented to the Local Plan Committee on 21st January 2015. At the time of writing, and despite the publication of the new draft Local Plan, the Council are still only able to identify an approximate 4.5 year supply and thus there still remains considerable (albeit quickly reducing) shortfall. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered 'up to date' if it is not possible to demonstrate a five year supply of deliverable housing sites and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged.
- 6.11 'Sustainable Development', as far as the NPPF is concerned, is development that contributes positively to the economy, society and the environment and under the 'presumption in favour of sustainable development', authorities are expected to grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or specific policies in the NPPF indicate development should be restricted.
- 6.12 Due to the lack of a five-year supply of housing sites and the subsequent engagement of the presumption in favour of sustainable development, the Council would not be justified in refusing planning permission purely on the basis of the application site being outside of the settlement development boundaries as defined in the adopted Local Plan. The application must therefore be judged on its merits against the NPPF, although some limited weight can also be given to the emerging Local Plan which clearly identifies this site as a sustainable location for new development.
- 6.13 One of the NPPF's core planning principles is to "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".
- 6.14 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. Thorpe Le Soken 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', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Thorpe Le Soken could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.

Housing Density and Mix

- 6.15 One of the key issues in determining this outline application is whether the site can reasonably accommodate the level of development proposed in an acceptable manner and whether the density of the site is appropriate to the site and its surroundings. Policy LP3 of the draft Local Plan requires new residential development to achieve an appropriate housing density that has regard to various factors, including the character of development in the immediate area. The density of this proposal is relatively low and equates to approximately 17 dwellings per hectare, which allows a significant amount of open space to be provided. This is indicated as being placed around the periphery of the development. Taking into account the location of the site on the edge of the village a lower density is considered appropriate.
- 6.16 As this is an outline application with some matters reserved including scale and appearance the exact housing mix would not be finalised until the reserved matters stage. However a mix of dwelling sizes would be expected to be provided.

Layout, Scale and Design

- 6.17 In support of the overarching aims and objectives of the NPPF the policies in both the adopted and emerging Local Plans set out the Council's commitment to sustainable development and good quality design. This planning application is submitted in an outline form with all matters, except access, reserved for later consideration by the Council. The development's detailed design is one of the matters to be considered at 'reserved matters' stage.
- 6.18 The NPPF requires new development to have good connections with the existing built environment. In this regard the development is well served by existing footpaths leading along Landermere Road with the centre of the village only a short distance away. The site is considered to be in a very sustainable location.
- 6.19 With regards to scale, the applicants have indicated that proposed development would be a mix of bungalows and two storey dwellings but this detail is a reserved matter consideration.
- 6.20 All dwellings shown on the indicative site plan will have their own private amenity space with garage and parking space. In addition 0.91 hectares of land is reserved for informal, managed recreational space within the development. A further area is set aside for a surface water attenuation lagoon. Trees around the site will be predominantly retained although additional landscape areas will be formed to further soften the impact of the development. This detail will be secured by condition. The indicative site layout is therefore considered acceptable and appropriate for this prominent location.

Residential Amenity

- 6.21 The NPPF, in paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Tendring District Local Plan (2007) states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. Policy SPL3 in the emerging Local Plan supports these objectives and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.
- 6.22 The proposed layout has been carefully considered and as noted above the careful placing of new open space areas provides some separation between existing and proposed

dwellings. It is therefore unlikely that the development would cause any adverse impact on neighbouring property. At detail stage the appearance and position of fenestration will be considered but it is clear from the indicative layout plan that this can be achieved without causing adverse impacts on existing amenity.

- 6.23 Clearly there will be some impact to neighbours during the construction period, particularly due to noise arising from the construction site, but conditions would be applied to the development to minimise impacts if the Committee is mindful to approve the application.

Traffic, Access and Highway Safety

- 6.24 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe a suitable access to the site can be achieved for all people, and ;
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.25 Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.
- 6.26 The current application has been submitted in outline form although access does form part of the current application to be considered. In order to gain a full understanding of the likely impacts of the current proposal on the highway network the applicants have submitted a Transport Statement in support of the application. This document considers the proposed access points into the site from Landermere Road as well as highway safety and capacity in the wider area.
- 6.27 As noted a new access point will be provided from Landermere Road providing a feeder road into the site. The Highway Authority have stated that the proposal is acceptable subject to necessary conditions relating to a construction management plan and to ensure provision of the new junction onto Landermere Road prior to occupation of any dwellings.
- 6.28 Officers note the concerns raised by local residents in terms of additional traffic movements but the Highway Authority is satisfied that there is existing highway capacity to serve the proposed scheme.
- 6.29 Officers conclude that the development, subject to the proposed conditions, would meet the requirements of Policy TR1a of the adopted Local Plan and the element of Policy CP1 in the emerging Local Plan relating to highway capacity and safety. It would also meet paragraph 32 of the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Impact on Heritage Assets

- 6.30 The enduring physical presence of the historic environment contributes significantly to the character and 'sense of place' of rural and urban environments. Some of this resource lies hidden and often unrecognised beneath the ground in the form of archaeological deposits, but other heritage assets are more visible. Policy PPL7 of the draft Local Plan requires

archaeological evaluation to be undertaken for schemes affecting sites that do or might contain archaeological remains.

- 6.31 The NPPF is clear that when determining applications, Local Planning Authorities (LPA's) should require the applicant to describe the significance of a heritage asset affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 6.32 The NPPF further states that where a site includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation. In this instance the County Council Historic and Built Environment Manager has requested that if members are minded to approve the application then a condition is applied requiring a programme of trial trenching followed by open area excavation.
- 6.33 Based on the above assessment it is considered that the development of this site can be achieved without harm to the identified heritage assets, in keeping with the aims and objectives of National and Local Plan Policies as set out above.

Ecology

- 6.34 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 clearly outweigh the harm caused and where appropriate mitigation measures must be incorporated into the development to the satisfaction of Natural England and other appropriate authorities.
- 6.35 No part of the development site or any land that it abuts has any type of statutory or non-statutory nature conservation designations and Natural England have indicated that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 6.36 A Preliminary Ecological Appraisal, followed by full Bat and Reptile surveys have been undertaken for the site. A survey was also undertaken for Great Crested Newts but none were found on the site. Smooth Newts were identified but it is considered that the landscape enhancement works within the site will provide sufficient mitigation in this case. With regard to Bats, Reptiles and Breeding Birds the following findings were noted:

Bats

- 6.37 The Bat Survey noted the presence of three species of Bat which were found present in the hedgerows and mature trees along the southern site boundaries, in hedging adjoining a ditch across the site and along a Leylandii tree line. It is concluded that the addition of new planting as part of the proposed landscape scheme will counter any loss of existing foraging sites.

Reptiles

- 6.38 The submitted Reptile Survey concludes that the existing site habitats contain a low population of common lizard. Again it is concluded that the areas of retained open space and new landscape planting, including trees, will mitigate the loss of existing green space and retain sufficient land for the lizard population.

Breeding Birds

- 6.39 A total of 20 bird species were recorded on the site during survey work. It is considered that the mature trees, scrub and hedgerow bordering the site provide adequate nesting opportunities. The majority of hedgerow habitat will be retained and it is recommended a wildlife buffer strip is placed along the southern boundary which would reduce the impact from the development.
- 6.40 Given the site's edge of village location in proximity to the wider countryside, and in accordance with paragraph 118 of the NPPF, this application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. Such ecological enhancement opportunities could be secured by condition.

Arboriculture/Landscaping

- 6.41 The proposals have been assessed by the Council's Tree and Landscape Officer who has concluded that, having assessed the Landscape and Visual Landscape Assessment, the proposed development will have an impact on what is the exposed coastal ridge and will be visible on approaches to the village from the north east. The need for a significant landscape belt to the site boundaries is therefore paramount in being able to soften the impact of the development and provide adequate mitigation. This detail forms one of the reserved matters for later consideration. The majority of existing trees and hedgerow within the site will be retained.

Drainage and Flood Risk

- 6.42 Paragraph 103 of the NPPF requires Councils, when determining planning applications, to ensure flood risk is not increased elsewhere. Although the site is in Flood Zone 1 (low risk), the NPPF, Policy QL3 in the adopted Local Plan and Policy PLA1 in the emerging Local Plan still require any development proposal on site larger than 1 hectare to be accompanied by a site-specific Flood Risk Assessment (FRA). This is to assess the potential risk of all potential sources of flooding, including surface water flooding, that might arise as a result of development.
- 6.43 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Following submission of additional detailing the County Council now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.44 The applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning conditions suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.45 In addition, Anglian Water has commented upon the application, and confirms the foul drainage from the development is in the catchment of the Clacton Holland Haven Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows. 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.

Other Material Considerations (including Section 106 Obligations)

Open Space and Play

- 6.46 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 noted that both open space and play equipment will be provided by the applicant on site. Should the applicant wish to transfer the open space to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Committee is minded to approve this application, Officers will 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.

Affordable Housing/Affordable Housing

- 6.47 Adopted Policy HG4 requires up to 40% of dwellings to be affordable housing on sites of 15 or more dwellings in urban settlements (with a population of 3,000 or more) and on sites of 5 or more dwellings in rural settlements (with a population less than 3,000). The National Planning Policy Framework requires Councils to consider economic viability when it applies its policies and the Council's own 2013 viability evidence in support of the Local Plan demonstrates that 40% affordable housing is unlikely to be viable in Tendring and that between 10% and 30% (as contained within emerging Policy LP5) is more realistic. The thresholds under adopted Policy HG4 will therefore be applied but the percentage will be between 10% and 30% as detailed under emerging Policy LP5.
- 6.48 The Council's Housing Needs team has commented on the application and advised that there is a need for affordable housing in Thorpe Le Soken based on evidence from the local housing register. In this case the Housing department have met with the applicant and agreed that the applicant will gift 7 properties to Tendring District Council consisting 4 x 1 bed, 2 x 2bed and 1 x 3 bed units. If the Committee is minded to approve this application, Officers will secure the affordable units through a s106 legal agreement.

Education provision

- 6.49 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. Based on ECC's formula for calculating the number of additional places likely to be required as a result of the development, this scheme of up to 98 dwellings will generate a requirement for early years, primary and secondary school provision. The total contribution sought for this development is £845,868 and will be secured by s106 agreement.

Health provision

- 6.50 NHS England have prepared a Healthcare Impact Assessment (HIA) for the proposed development which concludes that the development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at Thorpe Surgery (including its branch The Surgery, Frinton Road) and has requested a developer contribution of £29,620. This would be secured by s106 agreement.
- 6.51 In conclusion, the impacts on local infrastructure arising from this development can either be addressed by way of developer contribution (in the case of affordable housing, education, NHS funding and open space) or are otherwise not considered to be significant

or demonstrable enough to justify the refusal of planning permission when applying the presumption in favour of sustainable development.

- 6.52 The applicant has indicated a willingness to enter into a planning agreement to secure any financial contributions required by the development. Members are therefore requested that if there is a resolution to grant planning permission, that the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to within 6 months of the date of the Committee's resolution, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the matters of affordable housing provision; education provision; on-site public play space provision; NHS funding.

Overall Planning Balance

- 6.53 Because the Council's adopted Local Plan is out of date, the emerging plan can only carry a limited degree of weight at this time and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.
- 6.54 Economic: Whilst the scheme is residential with no commercial premises provided, up to 98 dwellings would generate additional expenditure in the local economy which has to be classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. .
- 6.55 Social: The provision of up to 98 dwellings toward meeting projected housing need, at a time when the Council is unable to identify a five-year supply, is a significant social benefit which carries a high level of weight in the overall planning balance – particularly as government policy is to boost housing supply. The impacts on Open Space, schools and health provision will be mitigated through financial contributions to be secured through a s106 agreement, if the application is approved.
- 6.56 Environmental: The environmental impacts of the proposal have required very careful consideration. As noted the development is located in a prominent locality and is partially visible from approaches from the north and east of the village boundary. Although the development will be set against the existing urban boundary of the village it will be essential for a comprehensive landscape scheme to be provided to assist in softening the impact of the development. Impacts on both protected and other wildlife have been fully considered and the presence of certain species in the locality is not considered a barrier to development in this case.
- 6.57 In the overall planning balance, Officers consider that the adverse impacts do not significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval subject to a s106 legal agreement and a range of planning conditions.

Background Papers

None.