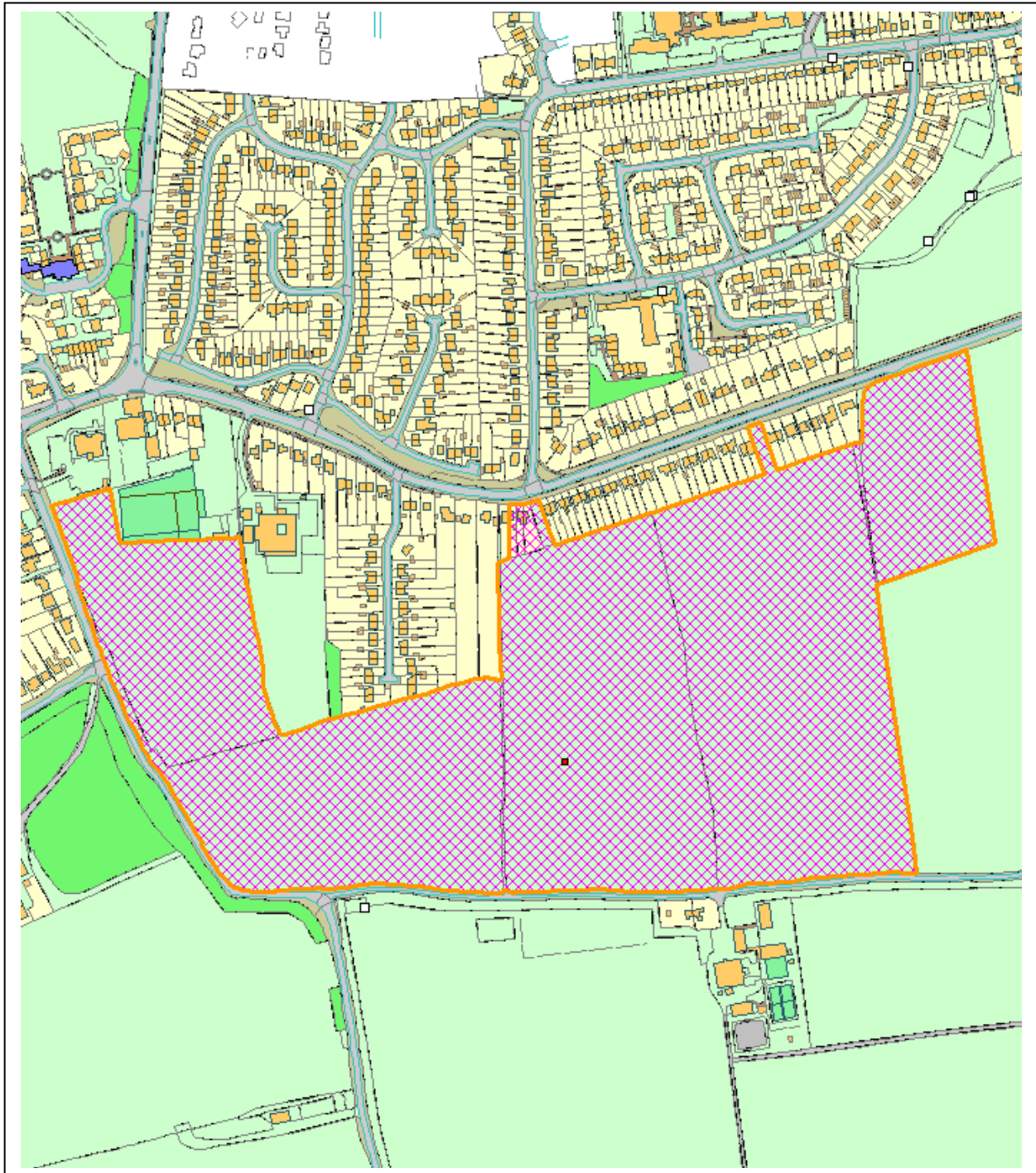


PLANNING COMMITTEE

28 FEBRUARY 2017

REPORT OF THE HEAD OF PLANNING

**A.1 PLANNING APPLICATION – 15/00876/OUT – LAND EAST OF BROMLEY ROAD  
LAWFORD CO11 2HS**



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**Application:** 15/00876/OUT      **Town / Parish:** Lawford/Mistley

**Applicant:** Rose Builders (Properties) Ltd

**Address:** Land east of Bromley Road Lawford CO11 2HS

**Development:** The erection of 360 houses (including Lawford Enterprise Trust Housing), with associated garages on 22.76ha with two vehicular access points, site roads, pedestrian and cycle routes, a new primary school access with off-road pickup and drop-off parking, a community building with public access toilets, a junior camping field, village green, public open space, structural landscaping and playground.

This application has been referred to Planning Committee previously - on 14<sup>th</sup> June 2016. The Planning Committee resolved to grant outline planning permission subject to the completion of a Section 106 legal agreement within six months of the date of the Committee's resolution to approve (the latest date was 14<sup>th</sup> December 2016) and subject to conditions; otherwise the Head of Planning had Authority to refuse if necessary. Any reserved matters application was to be referred to the Planning Committee.

Since the date of the previous resolutions discussions regarding the completion of the Section 106 legal agreement have been ongoing. The agreement is now very close to completion. The Head of Planning seeks the Committee's agreement to an extension of time until 28<sup>th</sup> April 2017 in order to complete the legal agreement. The agreement should be completed before this date but an extension until 28<sup>th</sup> April 2017 is sought to ensure that the deadline can be met on this occasion. The original Officer's report is reproduced in full below for information only with the revisions to the recommendation highlighted in **bold text and underlined**.

## 1. **Executive Summary**

- 1.1 This is one of a number of major residential-led planning applications under consideration for the Manningtree, Lawford, Mistley and Brantham area. This particular application was received in June 2015 but determination has been delayed whilst Officers have been working with the applicants, Babergh District Council, Essex and Suffolk County Councils, the NHS and Anglian Water to ensure that in the absence of an up to date Local Plan, both the individual and cumulative impact of these major developments on infrastructure are properly understood and, through appropriate mitigation, can be adequately addressed. Determination has also been delayed whilst further assessments of potential ecological impacts on the Stour Estuary and on the local bat population have been undertaken.
- 1.2 The site comprises just under 23 hectares of undeveloped greenfield agricultural land on the southern edge of Lawford, immediately east of Bromley Road, north of Dead Lane and south of properties in Long Road and Milton Road. This is an outline application for which approval is sought only for the principle of developing 360 houses with two access points off Bromley Road and Long Road alongside a number of community benefits that have been identified in consultation with the community. These include a new point of access and a pick-up and drop-off area for the neighbouring primary school, a community building with publicly accessible toilets, a junior camping field, a village green, public open space and a playground. Approval is also being sought for details of access but other matters of design, layout, appearance and landscaping are reserved for approval through detailed applications at a later date. The applicant has however submitted supporting information to demonstrate, in broad terms, how the proposed uses could reasonably be accommodated on the site which is a sufficient level of detail at outline stage.

- 1.3 The site lies outside of the settlement development boundaries in the Council's adopted Local Plan but is partly allocated for residential and mixed-use development in the emerging Local Plan with a specific policy requiring the development to deliver certain benefits. For information purposes only, the Local Plan Committee proposes that this site be included for housing and mixed-use development in the new Local Plan to be published for consultation later in the year.
- 1.4 Because both the adopted and current draft Local Plans are deficient in respect of meeting projected housing need and the Council is currently unable to identify a five-year supply of deliverable housing sites as required by national planning policy, this application has had to be considered on its merits in line with the government's 'presumption in favour of sustainable development'. This requires that applications be approved without delay unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 1.5 Lawford Parish Council has raised no objections in principle to this outline application subject to proper consideration, by this Council, of the concerns raised by residents; reserving further comments for the detailed proposals if or when they are submitted at a later stage. Neighbouring Mistley Parish Council also raises no objection to this application in principle. Manningtree Town Council objects however over concerns about the increase in traffic and around 200 individual letters and e-mails and a petition signed by more than 200 residents have been submitted in objection to the proposal with a small number of residents in support. The main issues of local concern relate to the principle of developing on greenfield land, the impact of additional cars and people on the busy highway network, the impact on the character of the local area and the impact on local services and infrastructure. To comply with government requirements, Officers have approached the application with a view to positively addressing, as far as possible, technical issues and other matters raised by consultees and residents.
- 1.6 Because Lawford forms part of the wider Manningtree, Lawford and Mistley urban settlement as defined in the Local Plan, residential and mixed use development in this location has the potential to be sustainable with reasonable access to a range of local job opportunities, shops, services, facilities and public transport compared with more remote rural villages.
- 1.7 With a number of major applications under consideration in the same area, Officers have carefully considered both the individual and cumulative impacts. The most significant issue in this regard has been Highways and the potential impact of multiple developments on highway capacity and safety, in particular the A137 at the busy railway crossing at Manningtree Station. Following lengthy and careful consideration, Essex County Council as the Highways Authority has advised that this development can be approved with a section 106 legal agreement to secure a financial contribution towards the implementation of traffic management measures at the railway crossing.
- 1.8 Ecological impacts have been carefully considered and following the submission of additional information at the request of Natural England, Officers are now satisfied that the development would not result in significant recreational disturbance to habitats at the internationally important Stour Estuary. The majority of the site itself is of limited value in ecological terms, but the presence of bats roosting and foraging in trees along the boundaries of the site has required further survey work which has identified the most sensitive parts of the site. The layout and lighting arrangements in these parts of the site, at the detailed stage, will need to give careful regard to the presence of bats to ensure the habitat is protected and where possible enhanced, but the Council does have sufficient information to be able to grant outline planning permission.
- 1.9 Essex County Council as the Education Authority and NHS England have requested financial contributions towards addressing the impact of the development on local education and health services and Anglian Water has indicated that the development could be accommodated by the local sewage system. Ecological, flood risk and heritage impacts

have been addressed to the satisfaction Officers and the material submitted by the applicant demonstrates that a scheme containing 360 dwellings and the other proposed uses could be accommodated on the site in an appropriate manner.

- 1.10 In the absence of an up to date Local Plan and a five-year supply of deliverable housing sites, Officers consider that this development complies with the requirements of the National Planning Policy Framework and the recommendation is approval subject to a s106 agreement to secure affordable housing, open space, community facilities and financial contributions towards health and education, off-site traffic calming measures and monitoring arrangements at the Stour Estuary.

**Recommendation: Approval**

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

- a) **By no later than 28<sup>th</sup> April 2017** to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where relevant):
- On-site Council Housing/Affordable Housing;
  - Education contribution and/or land for school expansion;
  - Health contribution;
  - Community facilities;
  - Completion and transfer of public open space;
  - Contribution towards off-site traffic management measures at the A137 railway crossing; and
  - Contribution towards monitoring impacts on the Stour Estuary.
- 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).

**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 appearance, access, layout, scale and landscaping (the reserved matters).
  - 4) Layout and phasing plan/programme.
  - 5) Development in accordance with submitted land use audit..
  - 6) Development to contain up to (but no more than) 360 dwellings.
  - 7) Highways conditions (as recommended by the Highway Authority).
  - 8) Surface water drainage scheme.
  - 9) Foul water drainage scheme.
  - 10) Hard and soft landscaping plan/implementation.
  - 11) Ecological mitigation/tree protection measures (including bat protection measures).
  - 12) Archaeological assessment/trial trenching.
  - 13) Details of lighting, materials and refuse storage/collection points.
  - 14) Construction methods statement.
  - 15) Broadband connection.
  - 16) Local employment arrangements.
  - 17) Details of water, energy and resource efficiency measures.
- c) That the Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed **by 28<sup>th</sup> April 2017**, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

## **2. Planning Policy**

### **National Planning Policy Framework (NPPF)**

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF doesn't change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:
- an economic role;
  - a social role, and;
  - an environmental role.
- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Paragraph 187 of the NPPF states *"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area"*.

### **Local Plan**

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

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

QL1: Spatial Strategy: Directs most new development toward urban areas and seeks to concentrate development within settlement development boundaries.

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.

#### COM4: New Community Facilities (including Built Sports and Recreation Facilities)

Supports the creation of new community facilities where they are acceptable in terms of accessibility to local people, impact on local character, parking and traffic and other planning considerations.

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.

EN2: Local Green Gaps

Seeks to keep areas designated as Local Green Gaps open and essentially free of development in order to prevent the coalescence of settlements and to protect their rural setting.

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.

EN5: Areas of Outstanding Natural Beauty

Protects the Dedham Vale Area of Outstanding Natural Beauty from developments that would harm or otherwise fail to conserve its natural beauty and landscape, including views towards it from outside.

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.

EN11a: Protection of International Sites

Guards against development that would have an adverse impact on wildlife habitats of international importance which includes the Stour Estuary.

EN11b: Protection of National Sites

Guards against development that would have an adverse impact on wildlife habitats of national importance such as Sites of Scientific Interest (SSSI) and National Nature Reserves (NNR).

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.

EN23: Development within the Proximity of a Listed Building

Guards against developments that would have an adverse impact on the setting of Listed Buildings.

EN29: Archaeology

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

TR1a: Development Affecting Highways

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

TR3a: Provision for Walking

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

TR4: Safeguarding and Improving Public Rights of Way

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

TR5: Provision for Cycling

Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use

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

TR7: Vehicle Parking at New Development

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

**Tendring District Local Plan Proposed Submission Draft (November 2012), as amended by the Tendring District Local Plan Pre-Submission Focussed Changes (January 2014).** Relevant policies include:

SD1: Presumption in Favour of Sustainable Development

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

SD2: Urban Settlements

Identifies Manningtree, Lawford and Mistley together as a 'Urban Settlement' and one of the district's more sustainable locations for future growth.

SD5: Managing Growth

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

SD7: Securing Facilities and Infrastructure



Requires developments to address their individual or cumulative infrastructure impacts and states that the Council will use planning obligations and/or CIL (when it is in place), where necessary, to ensure this happens.

SD8: Transport and Accessibility

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

SD9: Design of New Development

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

SD10: Sustainable Construction

Requires development to maximise measures to reduce energy consumption and reduce carbon emissions and other forms of pollution both during construction and during use.

PRO1: Improving the Strategic Road Network

Sets out the Council's intention to work with partners to secure improvements to key sections of the district's road network, which includes the A137 and the railway crossing at Manningtree Station.

PRO2: 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.

PRO3: Improving Education and Skills

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

PEO1: Housing Supply

Sets out the proposed growth in new housing for the district, but is subject to considerable change to ensure compliance with the NPPF, as being overseen by the new Local Plan Committee.

PEO3: 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.

PEO4: Standards for New Housing

Sets out proposed minimum standards for the internal floor area and gardens for new homes. Internal floor standards have however now been superseded by national standards to be imposed through building regulations.

PEO5: Housing Layout in Tendring

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.

PEO7: Housing Choice

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

PEO9: Family Housing

Promotes the construction of family homes within new housing developments.

PEO10: Council Housing

Requires up to 25% of new homes on large development sites to be made available to the Council, at a discounted price, for use as Council Housing.

PEO19: Green Infrastructure

Requires new developments to contribute, where possible, toward the district's green infrastructure network.

PEO20: Playing Pitches and Outdoor Sports Facilities

Requires new developments to contribute where possible to the district's provision of playing pitches and outdoor sports facilities.

PEO22: Green Infrastructure in New Residential Developments

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

PEO23: Children's Play Areas

Requires new children's play areas as an integral part of residential and mixed-use developments.

PLA1: 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.

PLA3: 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.

PLA4: Nature Conservation and Geo-Diversity

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

PLA5: The Countryside 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. The policy includes reference to the Dedham Vale Area of Outstanding Natural Beauty.

PLA6: The Historic Environment

Sets out the Council's approach to understanding, protecting and enhancing the district's historic environment, in line with the NPPF.

PLA8: Listed Buildings

Guards against developments that would have an adverse impact on Listed Buildings, including their setting.

MLM5: Development East of Bromley Road, Lawford

Allocates the western portion of the site for a mix of residential development (approximately 100 homes), new community facilities and open space and sets out specific criteria for how the site should be developed. It includes requirements to provide access from Bromley Road, a community building, a junior camping field for the Venture Centre, a minimum 1 hectare of open space, a new access point and pick up/drop off area for the existing primary school, a children's play area, safe pedestrian footpaths, protection for the setting of the Listed Lawford House and a landscaping buffer around the southern and south-western edge of the site.

## Other Guidance

Essex County Council Car Parking Standards – Design and Good Practice

Essex Design Guide for Residential and Mixed-Use Areas.

### 3. Relevant Planning History

15/30021/PREAPP Screening Opinion request for mixed use development including community building, school access with drop off and pick up area, village green, parking and residential development (360 dwellings). 06.02.2015

### 4. Consultations

#### **Babergh District Council**

Holding objection until the potential cumulative impact of developments upon the highway network are properly understood and appropriate mitigation measures are identified. Without this, development could jeopardise the delivery of the Brantham regeneration project (matter now resolved).

#### **TDC Environmental Health**

These conditions should be applied to minimise any nuisance complaints and to protect the existing amenity:

- The use of barriers to mitigate the impact of noisy operations should be used where possible.
- The applicant needs to provide a full contaminated land survey as recommended in the provided desk-top study. This would need to be approved in writing by this department before development commences.
- Hours of construction should be limited to 7am to 7pm Monday to Friday, 8am to 1pm Saturday with no Sunday or Bank Holiday working.
- No vehicle connected with the works to arrive on site before 06:30 or leave after 19:30 (except in the case of emergency).
- The selection and use of machinery to operate on the site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228: 1984.
- Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). 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.
- If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.
- All waste arising from any demolition process, ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
- No materials produced as a result of the site development or clearance shall be burned on site.
- All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of

- construction and demolition are in progress.
- All bulky carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

**TDC Building Control**

No comments at this time with the information available.

**TDC Principal Tree & Landscape Officer**

The main body of the application site is currently in agricultural use. The most significant trees and hedgerows are situated on the perimeter of the land. There are two 'gappy' hedgerows running north to south marking field boundaries and these contain a few trees. The most complete hedgerow containing significant trees is adjacent to the existing Public Right of Way; the other hedgerow being further to the east.

In order to show the extent of the constraint that the trees are on the development of the land and to identify the works that will be necessary in order to implement the consent the applicant has provided a Tree Survey and Report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

Recommendations: Information contained in the report shows that the development proposal could be implemented without causing harm to retained trees. As the application is in an outline form it is not possible to state that a satisfactory juxtaposition of trees and buildings can be achieved although the proposed housing density indicates that this is achievable.

Two areas where it is clear that trees and hedgerows will be affected are the new access points to the land. The proposed access from Long Road shows the removal of two short sections of hedgerow (H22 and H23) and the pollarding of a mature Sweet Chestnut. The harm caused by the removal of the hedgerows can be relatively easily mitigated by replacement planting. This will replicate the existing level of screening and combined with new tree planting will adequately compensate for the vegetation that would be removed in order to facilitate the development proposal. The Sweet Chestnut (T70) is in poor condition and needs to be pollarded regardless of the development proposal.

The creation of a new access from Bromley Road will necessitate works to and felling of trees and a section of hedgerow. The removal of hedgerow and trees contained in (A4) is not desirable however the harm caused can be relatively easily mitigated against and compensated for by new planting that will, within a reasonable period of time replicate and improve on the existing level of screening and benefits to wildlife.

Proposed works to 'Crown Lift' and 'Root Prune' a Lime (T73) and a group of Cherry (G5) will not affect their appearance or viability.

It would appear that the removal of the Lime (T74) is required to implement alterations to the access to The Venture Centre – it would be desirable to investigate alternative routes for the pedestrian access path to ascertain whether the tree can be retained. A path set back from the access road between retained trees may be achievable. Details of soft landscaping as indicated on the Opportunities and Constrains Plan should also be secured as a reserved matter.

It will also be necessary to consider the potential impact of the development proposal on the nearby Areas of Outstanding Natural Beauty (AONB's) – both Dedham Vale and the proposed extension to the Suffolk Coast and

Heaths. Whilst the development proposal is unlikely to have a direct visual impact on the AONB's or their setting it would be likely to bring about an increase in the pedestrian and vehicular movements through the areas and consequently have an adverse impact on their character and their nationally recognised value as wildlife habitat.

In order to ease the likely additional pressures on the AONB's the proposal should seek to secure high quality, attractive green space within the development site itself to provide for daily recreational opportunities, dog walking and other informal recreation. Play areas and other informal recreational facilities should be provided on the development site.

To enable free and easy low impact movements into and out of the development it will be important to secure links to the existing Public Right of Way network.

Consideration should be given to the opportunity to increase facilities for pedestrians and cyclists to access the Railway Station, Manningtree Town Centre and local facilities such as Schools, Recreation Grounds and Play Areas.

### **TDC Housing**

There is a high demand for housing in the Lawford area. On the housing register there are 134 households seeking a 1 bedroom property, 62 seeking a 2 bedroom property, 27 seeking a 3 bedroom property and 9 seeking a 4 bedroom property. It is noted that 14 properties will be gifted to the Lawford Enterprise Housing trust and the Department is supportive of this measure.

### **TDC Open Space and Play**

There is currently a deficit of 3.44 hectares of equipped play/formal open space in Lawford so any additional development in the Lawford area will increase demand on already stretched facilities.

Due to the geographical layout of the area, the play sites are spread widely across the village. The nearest play area to the site is located just a short distance from the development along Colchester Road, This play area is designated as a Local Equipped Area for Play, providing various play opportunities. Without the provision of additional play areas it is very likely that a largest impact would be felt at this play area. To account for the proposed development and to prevent the current deficit from increasing further, additional play opportunities would need to be provided.

It is noted that open space and the provision of a new on-site play area has been incorporated within the design. Should the developer wish to transfer the open space and play facilities to the Council upon completion, a commuted sum will be required, calculated in accordance with Appendix 4, Supplemental Planning Document, Provision of Recreational Open Space for New Development dated May 2008.

### **ECC Highways**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following requirements:

1. Prior to commencement of the development a construction management plan, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan

Reason: To protect highway efficiency of movement and safety.

2. No occupation of the development shall take place until the following have been provided or completed:
  - a) A priority junction with right turn lane (with two pedestrian refuge islands) in Long Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with two 3 metre footway/cycleways, pedestrian/cycle refuge island and a minimum 109 x 2.4 x 120 metre clear to ground visibility splay
  - b) A priority junction off Bromley Road to provide access to the proposal site. Priority junction shall have minimum 10.5 metre kerbed radii with dropped kerbs/tactile paving crossing points, a minimum 6.75 metre access road carriageway with one 2 metre footway and a minimum 90 x 2.4 x 90 metre clear to ground visibility splay
  - c) A £45,000 contribution (index linked) towards improvements at the A137 railway crossing
  - d) Improvements at the A137 Cods Hill/Long Road/Wignall Street mini roundabout as shown in principle on the planning application drawing
  - e) Upgrading to current Essex County Council specification of the two bus stops which would best serve the proposal site (either Long Road and/or Wignall Street) (details shall be agreed with the Local Planning Authority prior to commencement of the development)
  - f) Provision of two new bus stops in Bromley Road to current Essex County Council specification (details shall be agreed with the Local Planning Authority prior to commencement of the development)
  - g) A minimum 3 metre wide footway/cycleway along the proposal site's Long Road frontage
  - h) A minimum 2 metre wide footway along the north-east side of the Bromley Road carriageway between the proposal site access and existing footway
  - i) Upgrade to the Public Right of Way which runs through the proposal site between Long Road and Dead Lane (details shall be agreed with the Local Planning Authority prior to commencement of the development)
  - j) Residential Travel Information Packs

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking.

#### **ECC Schools**

On the basis of 360 houses, the proposal would generate a need for 32 Early Years and Childcare (EY&C), 108 primary school and 72 secondary school places.

The proposed development falls in the Manningtree, Mistley, Little Bentley and Tendring ward. Within this ward there are four childcare providers (1 afterschool club, 1 holiday club, 1 childminder and 1 pre-school), 2 of which are rated as good or outstanding by Ofsted and are running at over 80% occupancy. There are no free entitlement (FEEE) vacancies within this ward. We are also advised by the EY&C Community Development Officer responsible for Tendring that adjoining wards do not have capacity to accommodate a development of this size. Based on the formula set out in Essex County Council's Developers' Guide, 32 additional places would suggest a contribution of up to £444,096 (index linked to April 2015 costs). However, it is unclear at this stage whether existing provision can be expanded and, in addition to this development, outline applications have also been submitted for 300 dwellings on land south of Long Road (TEN 15/00781/OUT) and for 75 dwellings on land off Trinity Road, Mistley. A more cost effective solution to adding sufficient provision to serve the area may thereby be the construction of a new facility. As the largest of the three current proposals, it may be appropriate that land is set aside on this development to facilitate this solution.

The proposed development is located within reasonable travelling distance of Mistley Norman CE Primary School, Bradfield Primary School, Highfields Primary School and Lawford CE Primary School. These schools have a combined overall capacity of 750 places and are forecast to have a combined deficit of 5 places by the school year 2018-19. Feasibility work will need to be undertaken on the primary schools serving this area to ascertain whether they can be given the capacity to accommodate the level of growth in pupil numbers that may be required to accommodate the additional pupils that could be generated from the proposed housing developments in the area. If it is not possible to accommodate the growth on existing school sites in the area then additional land or a new primary school site will be required. By way of indication, if an existing primary school can be extended, the formula set out in Essex County Council's Developers' Guide would suggest a contribution of up to £1,314,576 (index linked to April 2015 costs) from a development of this size.

The priority admissions area secondary school for the proposed development would be Manningtree High. The school has a capacity of 870 places and is forecast to have a surplus of 38 places by the school year 2018-19. The school could not, however, accommodate all of the pupils that would be generated by this development. A contribution for additional secondary school places, should, therefore, be sought to mitigate the impact of this development. Any surplus capacity, after allowing for normal fluctuations in demand and individual cohort sizes, will need to be shared between the developments in the area if permitted. In the event 72 additional secondary school places are needed, the formula set out in Essex County Council's Developers' Guide would suggest a contribution of up to £1,331,352 (index linked to April 2015 costs) from a development of this size.

If your Council was minded to turn down the application, we would be grateful if the lack of education and transport provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to this site.

## **Anglian Water**

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

Wastewater treatment: The foul drainage from this development is in the catchment of Manningtree Water Recycling Centre that will have available capacity for these flows. Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Surface water disposal: The surface water strategy/flood risk assessment submitted with the planning application is not relevant to Anglian Water as the Flood Risk Assessment states to soakaway and a watercourse. The proposed surface water disposal is therefore outside our jurisdiction comment. We recommend the Planning Authority seek the views of the Environment Agency. We request that the agreed strategy is conditioned in the planning approval.

Trade effluent: This planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

*“An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.*

*Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.*

*Anglian Water also recommends the installation of properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”*

Suggested planning conditions: Anglian Water would recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval:

*No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.*

*Reason: To prevent environmental and amenity problems arising from flooding.*

## **NHS England**

This development is likely to have an impact on the services of the Lawford Surgery. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Health Impact Assessment has been prepared by NHS England to provide the basis for a developer contribution toward capital funding to increase capacity within the GP Catchment Area.



There is a capacity deficit in the catchment practice and a developer contribution of £108,620 is required to mitigate the 'capital cost' to NHS England for the provision of additional healthcare services arising directly as a result of the development proposal. NHS England requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

**Natural England**

Original comments received in July 2015 raised objection to the proposal with the following concerns:

- Insufficient information had been provided to enable the Council to understand the potential impact (both individually and in-combination with other projects) of recreational disturbance on the Stour and Orwell Estuaries Special Protection Area (SPA);
- Insufficient information on the potential presence of bats on the site had been submitted; and
- The agricultural classification of the land and the potential to use sites of lower agricultural quality in line with paragraph 112 of the NPPF.

Following the preparation of a Habitats Regulation Assessment and a bat roost survey by the applicants, Natural England made the following (summarised) comments in May 2015:

- The HRA report suggests that the in-combination effects of the development on the Stour Estuary are not significant and Natural England generally agrees with this conclusion;
- The HRA report could however be improved to include consideration of parking at Manningtree station, a fuller consideration of the Brantham development, consideration of high tide bird data and reconsideration of the assumptions made about levels of walking amongst adults – this information could also assist the Council's work on the Local Plan; and
- The bat roost survey suggests that no bat roosts are likely to be affected by the development and more detailed surveys would be needed to inform the layout and lighting strategy at the detailed stage and, in these circumstances, it would be appropriate to secure these detailed surveys through planning conditions.

**Environment Agency**

This application falls outside of the scope of matters for which the Environment Agency is a statutory consultee. Essex County Council, as the Lead Local Flood Authority, is now the statutory consultee for providing advice on the adequacy of surface water management proposals for major development.

**Essex County Council Flood Authority**

A surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere. The scheme will be able to prioritise infiltration as a means of controlling run-off from the development. Outline planning permission could be granted to the proposed development if the following planning condition is included as set out below:

No development approved by this planning permission shall take place until a 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 shall subsequently be implemented in accordance with the approved details in the Flood Risk Assessment referenced 2015700 Rev P2, Canham Consulting Ltd, March 2015, 29 April 2015.

Reason: To prevent flooding on the proposed site and the local area by

ensuring the satisfactory storage of/disposal of surface water in a range of rainfall events and ensure the system operates as designed for the lifetime of the development.

### **ECC Archaeology**

The preliminary archaeological desk based assessment that has been submitted with the planning application does not meet the requirements of the NPPF. It is noted that the assessment was undertaken in 2010, and is neither up to date nor comprehensive enough to meet the requirement for an 'appropriate desk-based assessment' in paragraph 128 of the NPPF. The applicant should be required to re-submit a full archaeological desk based assessment before this application is considered further.

### **Essex Bridleways Association**

We note that no new bridleways are proposed. We are of the opinion this development provides an ideal opportunity to improve the public rights of way network in accordance with the NPPF by creating bridleways in circular routes around the development, to link to the tracks which are already used by horses to the east of the development.

There are virtually no bridleways in the area, resulting in horse riders having no choice but to use dangerous roads, thereby putting their lives at risk. This development creates an ideal opportunity to provide some bridleways in the district.

The new bridleways would become important strategic links in the bridleway network and would provide safe routes for horses and other vulnerable users, so they can avoid using local roads.

The creation of new bridleways would be in accordance with Government Policy as set out in the NPPF and other documents.

### **Dedham Vale AONB and Stour Valley Project**

The proposed development site is a short distance from the Dedham Vale AONB and Suffolk Coast and Heaths AONB, and therefore the proposal has potential to have an impact on the setting of these nationally protected landscape. We would expect development within the AONB or potentially affecting the AONB to take account of the Suffolk Coast and Heaths AONB Management Plan and Dedham Value AONB Management Plan and the Stour & Orwell Estuaries Management Strategy, to which Tendring District Council is a signatory.

The proposed development site appears to be within the Impact Risk Zone identified by Natural England to assess planning applications for likely impacts on SSSIs, SACs, SPAs and Ramsar sites. In this location, the site is within the risk zone for the Stour Estuary which is designated as of national and European importance for birds through the SSSI, SPA and Ramsar designations. A development of this scale, and the residual impacts associated with it could have a negative impact on the purposes of the designation, i.e. birds and protected habitat interest such as inadvertent disturbance. The local planning authority will need to be satisfied that the potential impacts have been fully assessed and that mitigation proposals are sufficient and likely to be effective. Cumulative impacts should also be addressed given the other potential or proposed major developments within the same estuary zone. If the application is successful, a package of measures will be required to ensure that mitigation is effective now and into the future, with facilitation for off-site mitigation where required. The national importance of the estuary will need to be understood and as such, information for potential new inhabitants will be required.

The proposal should seek to secure high quality, attractive green space

within the development site itself to provide for daily recreational facilities outside of the development site, (e.g. improved footpaths etc).

From the information provided in the Ecological Assessment, there is a recommendation for further bat and bird surveys, but no survey data has been included in the application. Without information to identify and understand the impact that this proposal could have on bats and other protected species at this site, we consider that the Local Planning Authority is not able to demonstrate compliance with Habitats Regulations. We recommend further guidance is sought on this matter from the County Ecologist or Natural England.

Particularly, but not exclusively, along the B1070 for access to the A12 as well as minor roads leading to and through Dedham to the A12 should be fully assessed. This should include potential for loss of tranquillity, reduced road safety for vulnerable road users and impact on local communities.

If the application is approved, as a minimum, a dedicated cycle path (preferably off-carriageway) should be provided from the site facilitate safe access for cyclists to Manningtree Train Station. This facility should connect with any new provision along the A137 from Brantham (as proposed as part of the proposed Brantham Regeneration Scheme) as well as facilities to the town centre of Manningtree. Improved provision for cyclists and pedestrians should also seek to address safety under the railway bridge near Manningtree Station. It is hoped that collaboration between neighbouring Local Planning and Highway Authorities can assess the needs and opportunities for improved cycle/pedestrian infrastructure as a result of this and other nearby proposed housing developments in order to secure appropriate provision.

There are also opportunities to secure and improve the Public Rights of Way network within and surrounding the development. We would stress the importance of ensuring that the network provides good connectivity through the development and out into the wider countryside. Where new paths are proposed, opportunities should also be taken to improve ecological networks and enhance local landscape character.

If the Local Plan Authority is minded to approve the application, a number of conditions will of course be required. These conditions should demonstrably minimise adverse impacts on ecology, visual amenity, the dark skies, character of the countryside and local landscape and should contribute to a high quality of design for the project.

#### **UK Power Networks**

As stated in the Utility Impact Report, included with this application, there are electricity distribution overhead lines and underground cables crossing the site. The diversion or retention of the lines, which are an important part of the electricity distribution network in this area, will need to be considered in the proposed design should this application be granted. There is also a 132,000 volt underground cable adjacent to the site in Bromley Road.

#### **National Grid**

National Grid has identified that it has apparatus in the vicinity of the site which may be affected by the activities specified. National Grid should be informed, as soon as possible, of the decision your authority is likely to make regarding this application. The apparatus affected includes high or intermediate pressure gas pipelines and associated equipment as well as low or medium pressure gas pipes and associated equipment. The enquiry has therefore been referred to the Gas Distribution Pipelines Team. National Grid Pipelines does not object to this proposal.

## **Local Sustrans Ranger**

The following conditions should form part of outline approval:

- Creation of a continuous shared use link from Clacton Road to Colchester Road providing a 3m shared use path either along Long Road or within the proposed development behind (but not directly) existing properties.
- Any proposed crossing on Long Road should include use by cyclists (Toucan) or the new permitted cycleable zebra crossings.
- The design of the access to Long Road needs to take into account cyclists, especially those crossing the access to continue along Long Road or access shared use ways within the development.
- The internal link road should provide shared access on both sides to encourage cycling through the development. This link road, for non-motorised vehicles only, should be connected to the proposed development to the East and hence through to Dead Lane/Chequers Road. This will provide access to the countryside and can form part of a strategic North/South cycle route across Tendring using Highways England's proposed cycle crossings and Pellens Corner and Hare Green on the A120.
- Grange Road is a popular route for cyclists as it already links Manningtree to Colchester using lanes and quiet roads. The junction with Bromley Road needs to take into account the needs of cyclists to cross from this development to Grange Road.
- The use of ASLs should be considered or segregated crossings using now permitted cycle zebra crossings. The proposed open spaces should be accessible for cyclists with suitable infrastructure to lock cycles. Suitable storage for cyclists should be provided for each dwelling.

## **5. Representations**

5.1 This planning application has attracted a high level of public interest with 190 individual representations in objection to the proposal along with a petition signed by 217 people. There were also a small number of representations either in support of the application or making general comments or suggestions. The comments that were received are summarised as follows:

### **5.2 Comments in objection**

#### **Principle of development**

- No-one in the area wants this development;
- New housing will not benefit the area, it will only benefit the developer;
- The area's infrastructure is not sufficient to support this new development;
- It is wrong to build on high-grade greenfield arable land when it will be needed for future food production;
- The government is opposed to development in 'Green Belt' areas;
- The development is contrary to policies and proposals in the Local Plan;
- The increase of homes on the site from the 100 units suggested in the draft Local Plan has not been justified;
- The development would not comply with the economic, social and environmental requirements of the National Planning Policy Framework's definition of sustainable development;
- This development and others in the area should not be considered until the Council's new Local Plan, which will address cumulative infrastructure requirements, has been put in place;

- The cumulative affects of all development proposals in Manningtree, Lawford, Mistley, Brantham and East Bergholt have not been properly taken into account;
- No further development in the area should be considered until the 150 houses at Summers Park have been occupied;
- Developments in the area are being proposed without due consideration of the concerns of current residents and the problems that will arise;
- There are other more appropriate development sites in the area including land north of Long Road which has limited agricultural value as well as the redundant Railex/Tesco site which is a brownfield site in a better location and an eyesore at the entry to the town centre that would benefit from being tidied up;
- This development and others are inappropriate and disproportionate in scale for this area;
- Unacceptable that more of our village green areas are to be built on
- The planning application does not provide sufficient detail of what is proposed, and;
- The benefits of the development do not outweigh the harm.

### Need for the development

- There is no shortage of homes the area and more than enough housing is already either planned or under construction;
- The need for housing in the area is lower cost housing for younger people which is not what this development proposes;
- There is no need for a community hub;
- A new village green not needed as the recreation ground is nearby;
- The small number of Lawford Enterprise Trust homes will not meet the needs of Lawford people and they could end up remaining on the housing waiting list for years;
- The junior camping area would only provide an artificial experience of camping because it will adjoining a housing estate as opposed to a proper rich and stimulating outdoor experience of the countryside;
- The developer is only offering unnecessary, cheap and diversionary 'sweeteners' in order to gain planning permission for housing development;
- There are thousands of empty houses in the London area that should be sufficient to meet UK housing need;
- There is already an under-utilised police station in Mistley that could be employed for community uses;
- Community building is not necessary when the meeting room at Ogilvie Hall can be rented at a reasonable cost, and;
- The proposal for public toilets, play area, camping area and Parish Council Offices are beyond ridicule.

### Impact on the character of the area

- Manningtree would lose its status as Britain's smallest town status if this development and others in the area go ahead;
- Villages like Lawford should be kept rural and not developed into commuter towns;
- The village will be transformed into a concrete jungle;
- Development will destroy the area's appeal as an attractive place to live;
- Many people will consider leaving the area if this development takes place, and;
- Development would be out of character with the existing village and will change the area beyond recognition.

### Impact on the transport network and highway safety

- The roads in the area cannot cope with current levels of traffic and additional people and cars will make the situation a lot worse;
- Both day time and night time traffic would increase to an unacceptable level;

- Congestion at the railway bridge is a particular problem that would be worsened by this and other developments in the area;
- Trains are already overcrowded and there is insufficient parking at the station which leads to on-street parking in Station Road and surrounding residential areas;
- The A12 is not of sufficient standard or capacity to cope with increased traffic movements that would result from this and other proposed developments;
- Traffic is particularly overwhelming when the A12 is blocked due to an accident;
- The increase of traffic on Bromley Road would be unacceptable and would lead to increased vehicular movements through the village of Little Bromley from people travelling to and from the A120;
- The necessary traffic management measures would not address, and would worsen, traffic problems on Long Road;
- The site is too far from existing key services and facilities to promote walking, cycling and public transport use and will therefore only succeed in encouraging increased traffic;
- The new car park and picking up/dropping off area for the primary school will only succeed in encouraging parents to drive their children to school, adding further to local traffic problems and increasing the danger to pedestrians and children, and;
- Had the Local Plan not been delayed the traffic problem at the bridge would have been resolved.

#### Impact on education services

- Local schools do not have the capacity to accommodate such a large increase in the local population and they do not have the space to expand;
- New families will take up places in the local schools forcing local people to send their children to schools outside of the catchment area;
- No provision had been made on this site, or any of the other sites, for new schools;
- The new Primary School access road appears to run through the designated outdoor area used by the Little Pumpkins CIC, and;
- Concerns security and safeguarding of the setting of the Little Pumpkins Pre-School.

#### Impact on health and emergency services

- Doctors and dentist would be unable to cope with extra influx of patients;
- No provision has been made on this site, or any of the other sites, for new surgeries;
- Colchester hospital would need to expand in order to cope with the increase of patient numbers;
- Local people will have to travel out of the area for NHS services;
- Police services will be unable to deal with further crime and emergencies arising from additional homes, and;
- Mistley Police Station is due to close completely from its already poor opening times surely there more of case for it to remain open with the additional homes.

#### Employment

- There are limited employment opportunities in the area so the majority of new residents will be commuters to Colchester, Ipswich and elsewhere;
- New homes would not be matched with new jobs and the development itself does not include any employment uses or permanent job opportunities;
- The biggest local employers have gone and these jobs have not been replaced;
- Construction jobs resulting from the development will only provide temporary employment, and;
- The economic benefit of this development to the district would be negligible.

#### Impact on the environment

- The Council should require a full Environmental Impact Assessment (EIA) for this development, particularly when considered cumulatively with other developments proposed for the area;
- The Council must require the developer to undertake a detailed bat survey to comply with Natural England standing advice;
- The development would require the loss of valuable hedgerows;
- The Council must consider the impact on local wildlife due to loss of agricultural land;
- We have a responsibility to preserve precious agricultural land for future generations;
- The environmental impact on the flora and fauna has not been properly considered;
- There will be a loss of biodiversity in an area where bats, dormice, stag beetles have been observed;
- Development is partly within the Local Green Gap in the adopted Local Plan;
- The development is close to the Dedham Vale Area of Outstanding Natural Beauty (AONB) and would have detrimental impact on that area, and;
- Development on open farmland on the edge of the village would harm the surrounding countryside.

#### Impact on residents

- Lots of people will consider leaving if development goes ahead;
- Increase in output by the power station, which will have a detrimental effect on residents
- There would be an increase in community tension and loss of social capital;
- If development goes ahead the quiet enjoyment of my property will be further eroded;
- Lorries passing cottages in Wignall Street cause the buildings to shake;
- Destruction of semi rural life;
- This development will have a negative impact on the value of existing properties;
- Inadequate infrastructure and the detrimental impact on the life of local residents
- Local people attach considerable importance to individual character of their village
- The loss of green space will impact on the well being of the population of Lawford;
- There is already one development causing asthma suffers issues due to the dust and further development will worsen this issue;
- Not enough leisure facilities or soft play areas for children, and;
- Development will lead to a drop in water pressure.

#### Other concerns

- Wignall Street suffers with regular water/sewerage problems at the Anglian Water pumping station which cause traffic problems that will only be worsened if this development goes ahead;
- The development will lead to an unacceptable level of flooding downstream;
- The area only has the co-op and a tesco express for food shopping;
- Manningtree lacks the retail required for the size of the population and due to lack of parking, causes people to shop elsewhere;
- Concerns regarding whether there is sufficient water supply and sewage facilities to serve the new development;
- The Public Consultation was held over a very short time and I believe a further venue attended by Council Officers should have been made available;
- The consultation venue was a biased towards the developer;
- The consultation questionnaire design was biased;
- Misleading information regarding the Parish and District Councils' involvement;
- New development will increase noise and potential nuisance which inevitably comes with new development;
- Safety and noise pollution would arise from the Emergency Hub Centre;
- New housing should only be allowed if when it can be proved to be of greater benefit to the community and not to the politicians;

- Expect that there will be a constant smell of sewage when the project is completed;
- The responses collected as part of the consultation cannot be used to justify the development, and;
- There has been a lack opportunity for people to oppose the plans.

#### General comments and suggestions

- Sports facilities need to be upgraded the outdoor swimming pool at Manningtree sports centre is uncovered and unheated this should be improved or provision for a new local pool;
- The school drop off/pick up points should be separated from the access to housing to reduce traffic flow near venerable pedestrian access;
- All the proposed houses should have parking for 4 cars;
- Before any permission is granted it is vital that the railway bridge is rebuilt;
- If planning permission is given it should be contingent on the developer extending the station car park for at another 200 cars;
- Development would result in 1,200 additional residents;
- Issue of people doing shopping out the local area and not supporting the local shop so they close down;
- The Centre of Manningtree requires improvements and development so that it remains a thriving small town;
- Junctions in some roads will need to be upgraded;
- There is no mention of a much needed zebra crossing for the village;
- Speed Limits should be more prominent on Cox's Hill;
- Increased traffic will result in Colchester Road rather than Cox's Hill being used as the main thoroughfare into Manningtree;
- Footpaths at the bottom of Colchester Road are too narrow;
- Cycle paths need to be created on Bromley Road, Long Road and Wignall Street before any further development;
- Impact of heavy construction trucks and later delivery van and private cars to and from the Colchester direction;
- Serious consideration be given to the blocking off the east end of School Lane at junction with Grange Road making it a Cul-de-sac;
- It would make more sense to increase school places;
- Access to the housing should be off Bromley Road with perhaps a mini roundabout;
- It's better to work with the builders to get the type of development we would like;
- It is inevitable that the village will need to expand to a small town – one step at a time;
- In 20 years time the same number of new homes will be required for the next generation, and;
- The railway bridge would have to be rebuilt in conjunction with the developers and Network Rail as a condition on the planning permission in order to alleviate traffic flows.

#### 5.3 Comments in support

- If more housing is needed then this location is ideal. It enables each of Lawford, Manningtree and Mistley to retain their separation and identity;
- This is the best option if there is a need for development;
- I fully support this development which is properly planned and allocated in the Local Plan;
- A good plan for the area that offers significant benefits compared with developing south of Long Road;
- Not against the controlled, sustainable building development to meet current shortages of homes in the UK;
- I totally support this application, there are no houses for the next generation to live in this area;



- This proposal will provide significant benefit in terms of public facilities, and;
- This development provides an ideal opportunity to improve the public rights of way network in accordance with national planning policy.

#### 5.4 Town/Parish Council comments

**Lawford Parish Council** has raised a number of concerns relating to the local infrastructure and the effects of population growth but does not to oppose the proposal at this stage as this location has been identified for development in the emerging Local Plan. The Parish Council intends however to address matters of concern if and when a final plan is presented at detailed stage. The concerns raised by the Parish Council are as follows:

- a) The bridge at the station on the A137: This is a bottleneck at peak times and the roundabout, bridge and station approach must be assessed as one complete area for improvement. As single file traffic under the bridge is the main problem, the long term aim is to arrive at a position where two cars can pass at this spot. A filter lane off the roundabout into station approach is desirable. A new junction scheme at this point, to assist with traffic flow, needs to be developed. This is desperately needed as congestion at peak times will only get worse. This has been a problem area for decades and the expected increase in traffic will make matters worse. A complete review and new road scheme is badly needed, There have been a few smaller schemes suggested to alleviate this problem and they may be adopted in the meantime, but these are really only temporary measures and this area needs a complete overhaul to enable traffic to flow easier, whether into or away from the station, parking at the station and coming and going from Essex to Suffolk.
- b) As there is a proposal for a new car park for Lawford Primary School, the road junction at Bromley Road/Wignall Street must be assessed to see if improvements are needed with the increased number of cars going into this car park. As the parking at present in Long Road outside this school is chaotic during term times, parking restrictions must be put in place to ensure people use the new car park.
- c) Rat runs: Methods must be put in place to stop smaller roads i.e. Dead Lane (very narrow lane), Grange Road and School Lane becoming shortcuts for drivers avoiding the main junctions.
- d) Doctors surgeries: An assessment must be made into whether improvements to the local surgeries are needed and any forthcoming money must be used to enhance the local facilities.
- e) Sewerage: An assessment must be made into the effect this development will have in relation to the present size of the sewerage works site and whether it can cope, or whether it needs to be enlarged. The underground pipework must also be assessed to ensure this will take the potential increase in volume of waste.
- f) Schools: Assessments must be done to ensure there are adequate places at all schools in the area and whether their buildings can cope with an increase in children.
- g) Surface water: The spot opposite Bromley Road in Wignall Street floods badly during and after heavy rain, often causing cars to cross the central lines to avoid this large area of surface water. The bend in Bromley Road towards Dead Lane floods if it rains and the bank turns into mud which comes onto the road. As more housing will result in less areas for water to escape, this problem will get worse, so an adequate scheme to get rid of this surface water must be in place.
- h) Electricity: An assurance must be gained that the local network can cope with the increase in demand that can be expected from this development.

5.5 **Mistley Parish Council** also does not oppose the planning application but makes the following comments:

- 1) Minimum environmental and green wedge impact;
- 2) Visual impact mitigated by existing development along Long Road.

Mistley Parish Council also has concerns about the following:

- 1) Increase in traffic for Cox's Hill, Wignall Street, Bromley Road and the railway roundabout;
- 2) Increase in traffic to the High Street in Manningtree, and;
- 3) Provision must be made to ameliorate the impact on local health services and schools.

5.6 **Manningtree Town Council** objects to this planning application on the grounds that there are concerns about the impact on Cox's Hill, Manningtree Station and the road infrastructure.

### **Community Involvement**

5.7 The applicant has undertaken public consultation in Lawford both for the purposes of their Local Plan proposals in December 2012 and this planning application on 16<sup>th</sup> May 2015. The applicants have endeavoured to take into account the views of local people and local stakeholders including the Parish Council and head teachers of local schools.

## **6. Assessment**

### **The Site**

- 6.1 The application site comprises 22.7 hectares of relatively flat undeveloped agricultural land adjoining the existing built-up area of Lawford east of Bromley Road, north of Dead Lane and south of the Lawford Venture Centre, Hearts Delight Garden Centre, Lawford Primary School, properties 30 and 37 Milton Road and properties 80 to 152 Long Road. The very eastern part of the site fronts directly onto Long Road although the eastern edge of the site adjoins further undeveloped countryside, albeit land that is the subject of a separate outline planning application for major development (ref: 15/00761/OUT) which is the subject of an appeal against non-determination that will not longer be contested by the Council following the Committee's resolution on 18<sup>th</sup> May 2016.
- 6.2 The site contains five individual fields and adjoins 50 residential properties, mainly in Long Road but some also in Bromley Road, Milton Road and Dead Lane. Undeveloped strips of land between 142 and 146 Long Road and land between 92 and 96 Long Road form part of the site and provide a direct connection from Long Road to the main area of the site.
- 6.3 Most of the site's frontage onto Bromley Road contains some substantial mature trees and hedges which form a strong boundary restricting views over the open land but the belt of trees and hedges finish at the south-western corner of the site on the approach to Dead Lane along which the vegetation is more sparse, offering more open visibility and glimpses across the majority of the site. The internal field boundaries contain a mixture of managed trees and hedges and there is an overhead cables crossing the site from east to west.
- 6.4 Bromley Road connects Lawford with Little Bromley and the A120 to the south and is a relatively unbusy road of reasonable width and construction and Long Road is the main road connecting Lawford and Mistley and is much busier. Dead Lane in contrast is narrow, far more rural in its character and essentially provides access to farmers and a small number of dwellings.

## **The Proposal**

- 6.5 This outline planning application seeks the approval for the principle of:
- 360 houses and associated garages;
  - Two vehicular access points (one from Bromley Road and one from Long Road);
  - A new primary school access with off-road pick-up and drop-off parking;
  - A community building with publicly accessible toilets;
  - A junior camping field;
  - A village green;
  - Public open space;
  - Structural landscaping, and;
  - A playground.
- 6.6 The application also seeks detailed approval for two points of vehicular access onto Bromley Road and Long Road respectively, for which detailed plans have been provided. The access from Bromley Road takes the form of a simple junction positioned opposite house nos. 22 and 23 at a point where the belt of trees is less dense and contains fewer mature specimens. At least two, possibly three trees would be removed to create this access and to ensure necessary visibility splays. The access onto Long Road will require the creation of a right turn lane and the position of the junction will be at a similar point to the existing field access with the removal of some of the hedge necessary to ensure visibility splays meet the required standards. It is proposed that the speed limit sign be moved further east along Long Road to bring the site within the 30mph zone.
- 6.7 Whilst all other matters of detail including design, layout, appearance and landscaping are reserved for later consideration, a Design and Access Statement and a Land Use Audit Plan have been submitted which explain how the applicant envisages the scheme will be delivered. Key concepts within the scheme include:
- Area 1: 'Village Hub' located at the western end of the site off Bromley Road containing the proposed community hall, car park, playground and green space with new school access.
- Area 2: 'Central Link Road' through the centre of the site with its own distinct character enabling traffic impacts to be dissipated equally between Bromley Road and Long Road and providing access to all phases of the development
- Area 3: Housing located off the link road with different character to give the phases of development individuality and distinctiveness.
- Area 4: Sensitive rural boundaries along Bromley Road and Dead Lane enhanced through strategic planting and sensitively designed low-density housing that would fit with a rural landscape.
- 6.8 The Land Use Audit plan submitted to the Council in January 2016, provides any additional level of detail showing the location of footpath/cycleway links to Long Road, green corridors around and through the site and proposed location of the community facilities and different residential character areas.

## **Architectural Drawings**

- 981S. L. 001 Location Plan
- 981S. L. 002 Existing Site Plan
- 981S. L. 003 Access Key Plan
- 4592-D1 Tree Survey/Tree Plan (existing and proposed)
- K925-002 Potential ghost island right turn priority junction at Long Road
- K294-003 Proposed site access at Bromley Road

- 4592-D2 Proposed site overview
- Land Use Audit – January 2016

### **Reports and Technical Information**

- Design and Access Statement
- Transport Assessment
- Ecological Assessment
- Bat Roost Assessment
- Bat Activity Survey – Interim Report
- Flood Risk Assessment
- Tree Survey and Arboricultural Impact Assessment
- Contamination Study
- Archaeology Report
- Utility Impact Report
- Habitat Regulation Assessment Report

### **Main Planning Considerations**

6.9 The main planning considerations are:

- Principle of development;
- Other developments under consideration in the area;
- Policy MLM5 in the 2012/14 Draft Local Plan;
- Highways, transport and accessibility;
- Local Green Gap;
- Dedham Vale Area of Outstanding Natural Beauty;
- Landscape and visual impact and trees;
- Flood risk and drainage;
- Ecology;
- Heritage and archaeology;
- Education provision;
- Health provision;
- Utilities;
- Open space;
- Council Housing/Affordable Housing;
- Layout and density;
- Other matters, and;
- Overall planning balance.

### **Principle of development**

6.10 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 significant material consideration in this regard.

6.11 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. The 2012 Local Plan: Proposed Submission Draft, as amended by the 2014 Local Plan: Pre-Submission Focussed Changes, is the Council's 'emerging' Local Plan.

- 6.12 On 25th March 2014, the Council decided that further substantial revisions to the emerging plan will be required before it is submitted to the Secretary of State to be examined by a government-appointed Planning Inspector. These revisions will aim to ensure conformity with both the NPPF and the legal 'duty to cooperate' relating mainly to issues around housing supply. The separate Local Plan Committee is overseeing this work with a view to a new version of the plan being published for consultation in summer 2016.
- 6.13 The application site is not allocated for housing or mixed use development in the adopted Local Plan and lies completely outside, albeit abutting, the 'settlement development boundary'. Approximately 8 hectares of the very western portion of the site is also designated as a 'Local Green Gap' which, for this area, is designed primarily to safeguard the open character of important breaks between separate neighbourhoods and maintain their individual character. On its frontage with Long Road, approximately 0.3 hectares of the land is allocated through Policy LMM2 of adopted Local Plan for a new fire station.
- 6.14 In the emerging Local Plan, the western part of the site, comprising the same 8 hectares referred to above, is allocated for mixed-use development and has been included within the revised settlement development boundary. The Local Green Gap designation for this area is not carried forward into the emerging Local Plan. The allocated area is the subject of Policy MLM5 in the emerging local Plan which is explained below. The remaining 15 hectares of the site east of 154 Long Road remains outside of the settlement development boundary in the emerging Local Plans and is not allocated for development. Part of the site's frontage onto Long Road, east of 80 Long Road is designated as part of a 'Strategic Green Gap' and is separated, by Long Road, from the Manningtree and Mistley Conservation Area which was extended in October 2010 to include the land north of Long Road. The allocation of land for a new fire station in this location does not feature in the emerging Local Plan.
- 6.15 On 12<sup>th</sup> April 2016, the Local Plan Committee gave provisional agreement to the sites to be included for housing and mixed-use development in the new version of the Local Plan to allow consultation on preferred options. On 9<sup>th</sup> June 2016, the Local Plan Committee will have considered more details of the new consultation draft with a view to its approval by Full Council on 5<sup>th</sup> July.
- 6.16 The application site is proposed for inclusion in the Local Plan in its entirety with an indicative dwelling capacity of 360 dwellings, which corresponds with the proposal in this outline application. The Local Plan Committee's resolution and the provisional inclusion of the site in the new Local Plan carry no material weight as a planning consideration until the new plan is formally published for consultation, at which point it will replace the emerging plan described above. However, it indicates an intention for this site to contribute towards meeting the district's future housing need and if this application were to be refused on matters of principle, alternative provision would need to be made through the Local Plan.
- 6.17 Because the site lies outside of the settlement development boundary as defined in the adopted Local Plan, it is technically contrary to local policy. However the adopted and emerging Local Plans fall significantly short in identifying sufficient land to meet the 'objectively assessed' future need for housing which is a key requirement of the NPPF. As a result, the Council is also currently unable to identify a five-year supply of deliverable housing sites, plus a 5-20% buffer, as required by paragraph 47 of the NPPF.
- 6.18 Based on the evidence contained within the 'Objectively Assessed Housing Needs Study (July 2015) for Braintree, Chelmsford, Colchester and Tendring, the projected need for housing in Tendring is 550 dwellings per annum. Whilst this figure is still the subject of continued scrutiny by the Local Plan Committee and could change, it currently provides the most up to date evidence on which to base the calculation of housing land supply. In applying the requirements of NPPF paragraph 47 to this requirement, the Council is currently only able to identify an approximate 3.2 year supply. In line with paragraph 49 of the NPPF, housing policies must therefore be considered 'out-of-date' and the

government's 'presumption in favour of sustainable development' is engaged. To comply with national planning policy, the Council would not, at this time, be justified in refusing this planning application purely on the basis that it lies outside of the settlement development boundary.

- 6.19 '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.
- 6.20 One of the NPPF's core planning principles is to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*". With this in mind, 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.
- 6.21 In both adopted and emerging plans, Manningtree, Lawford and Mistley are together categorised as a 'town' or 'urban settlement' in recognition of their collective size and range of services and facilities and as a location where sustainable development on a larger scale can be achieved. In comparison, 'villages', 'key rural service centres' and 'smaller rural settlements' are considered to offer lesser sustainable locations for major development.

#### **Other developments under consideration in the area**

- 6.22 This application is one of many major residential-led developments proposals either approved, under construction or still under consideration in the Manningtree, Lawford, Mistley and wider Brantham (Babergh District Council) area for which both the individual and cumulative impacts need to be considered. These applications include:
- A) B/15/00263 - Brantham Industrial Estate, Factory Lane, Brantham, Suffolk:** 320 dwellings and 55,000 sqm of commercial floor space (approved by Babergh District Council subject to the completion of a s106 legal agreement).
  - B) 15/00876/OUT – Land East of Bromley Road, Lawford, Essex:** 360 dwellings and community facilities (this application).
  - C) 15/00761/OUT – Land South of Long Road and West of Clacton Road, Mistley, Essex: 300 dwellings and 2 hectares of employment land** (recommended for approval – see separate report).
  - D) 14/01050/DETAIL – Land at Dale Hall, Cocks Hill, Lawford, Essex (Summers Park):** 150 dwellings and 700 sqm of business use (under construction).
  - E) 15/01520/OUT – Land South of Harwich Road, Mistley, Essex:** 135 dwellings including flexible building and allotments (approved subject to the completion of a s106 legal agreement).
  - F) 11/00532/OUT – Land off Trinity Road, Mistley, Essex: 75 dwellings** (application yet to be determined with further information from the applicants expected).
  - G) 15/01810/OUT – Land North of Stourview Avenue, Mistley, Essex:** 70 dwellings (application still under consideration).

- H) 12/00427/FUL – Thorn Quay Warehouse, High Street, Mistley, Essex:** 45 dwellings, quay level warehouse floorspace, office floorspace and car parking provision (permission granted in 2014).
- I) 12/00109/FUL – Crown Building, Former Secret Bunker, Shrubland Road, Mistley, Essex:** 31 dwellings (permission granted in 2013).
- J) 15/01787/FUL - Site to South of Pound Corner, Harwich Road, Mistley, Essex:** 25 dwellings (deferred by Committee to require changes to the application).
- K) 11/00530/OUT - Land off Colchester Road, Lawford, Essex: 15 dwellings** (application yet to be determined with further information from the applicants expected).

6.23 In total, these applications have the potential to deliver more than 1,500 dwellings of which almost 700 have either already received planning permission, have been approved subject to a s106 agreement or are under construction. Importantly, application 15/00761/OUT for up to 300 dwellings and 2 hectares of employment land immediately east of the application site (off Long Road, Mistley) is the subject of an appeal against non-determination but will no longer be contested by the Council following the Committee's resolution on 18th May 2016. This is because the cumulative impact of this and other developments in the area have now been properly assessed and appropriate mitigation can be achieved. In a separate report, that application is now recommended for approval.

#### **Policy MLM5 in the 2012/14 Draft Local Plan**

- 6.24 The western 8 hectares of the site allocated for residential and mixed use development in the emerging Local Plan is the subject of Policy MLM5 in the emerging Local Plan (2012/14 Draft). Whilst that emerging policy can only be afforded limited weight in the determination of this application, the applicant has sought to comply with the requirements of that policy; requirements that had been informed by the applicant's previous community consultation efforts. Whilst Policy MLM5 applied to what was envisaged to be a smaller development including around 100 dwellings, Officers have assessed whether the current application complies with spirit of that policy.
- 6.25 Criterion a) of Policy MLM5 requires that the only point of vehicular access shall be from Bromley Road. Clearly the application does not comply with this requirement as it proposes a second access point onto Low Road, but within the portion of the site allocated in the emerging plan only the one access is proposed. The intention behind this requirement was to avoid access points from Dead Lane and on this basis Officers conclude that the application complies with the spirit of criterion a).
- 6.26 Criterion b) of Policy MLM5 requires that a community building be delivered as part of the development with the specification to be agreed with Lawford Parish Council. The application does provide for a community building, the detail of which would be the subject of a later reserved matters application. It is noted that that Lawford Parish Council offers no objection at this outline stage and reserves the right to comment on the later detailed application, if outline permission is to be granted. Officers conclude that the application complies with the spirit of criterion b).
- 6.27 Criterion c) of Policy MLM5 requires the development to set aside an area of land for the provision of a junior camping field for the Venture Centre. Provision for a junior camping field is made within the outline application. It would most likely form part of a larger open space to be managed by either the District or Parish Council and leased or rented, as appropriate, to the Scouts. The size and location and size of the junior camping field will be need to be determined through a later reserved matters application if outline permission is to be granted. Officers conclude that the application therefore complies with the spirit of criterion c).

- 6.28 Criterion d) of Policy MMLM5 requires 1 hectare of land to be set aside for new public open space in addition to the new camping field. The development envisaged in the emerging Local Plan was for around 100 dwellings on a site covering just under 8 hectares of land for 10% would be just under 1 hectare. However, a site of 23 hectares would have a 2.3 hectare open space requirement. Subject to the appropriate area of land being identified through a later reserved matters application and secured through a s106 legal agreement and transferred to an appropriate body, with a commuted payment towards ongoing maintenance, Officers conclude that the application, based on the material provided at this outline stage, complies with the spirit of criterion d).
- 6.29 Criterion e) of Policy MLM5 requires a new access point and dedicated pick up and drop off area, off Bromley Road, to serve Lawford Church of England Primary School. This is proposed as part of the outline application and the location, size, layout and access arrangements will be determined through a later reserved matters application. Officers conclude therefore that the application, at this outline stage, also complies with the spirit of criterion e).
- 6.30 Criterion f) of Policy MLM5 requires a new children's play area. This is also proposed as one of the land uses for which outline permission is being sought. Again, Officers conclude that the application complies with the spirit of criterion f) and that the size, location and details of the facility will be determined through a later reserved matters application.
- 6.31 Criterion g) of Policy MLM5 requires a safe pedestrian footpath to enable movement between the development and the established built-up area in Wignall Street. One of the planning conditions recommended by the Highway Authority is to provide a minimum 2 metre wide footway along the north-east side of the Bromley Road carriageway between the proposal site access and existing footway. In complying with this planning condition, the scheme will achieve the desired pedestrian footpath and thus comply with criterion g).
- 6.32 Criterion h) of Policy MLM5 requires that the development be designed in a way that ensures the protection and enhancement of the setting of Grade II Listed Lawford House, located to the west on the opposite side of Bromley Road. The detailed layout, design and appearance of the development are matters for determination through a later reserved matters application but in principle Officers consider that an appropriate design should be comfortably achievable within the area of land under consideration. Subject to such details being acceptable to the Council, the proposal complies with criterion h).
- 6.33 Criterion i) of Policy MLM5 requires a minimum 20 metre landscaping buffer along the south and south western edges of the site including the use of appropriate species of vegetation native to the area. No details have been submitted at this stage to demonstrate how this requirement will be achieved but this would need to be determined through a later reserved matters application but given the area of the site under consideration, Officers consider that the scheme has the potential to comply with the spirit and the objective of criterion i) which is to secure an appropriate visual relationship between the built development and the wider open countryside.
- 6.34 In conclusion, whilst matters of detail will be for determination through a later reserved matters application, Officers consider that the proposal has the potential to comply with the spirit of Policy MLM5 in the emerging Local Plan and refusal of outline permission against any of its criteria would not be justified, particularly given the limited weight that can legitimately be afforded to that policy whilst the new Local Plan is still at an early stage of preparation and the policy, or a future equivalent, is yet to be formally examined.
- 6.35 In principle, Officers are content that the proposal complies with the thrust of national, local and emerging policy and subject to specific or detailed matters being properly addressed, there should be a presumption in favour of granting outline planning permission.



## **Highways, transport and accessibility**

- 6.36 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.

### Accessibility

- 6.37 Policy QL2 in the adopted Local Plan and Policy SD8 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The application site is immediately adjoining Lawford Church of England Primary School for which a new alternative point of access, via the development is proposed. It also immediately adjoins the Venture Centre.
- 6.38 The site is located between 800 metres and 1 kilometre (depending on which part of the site homes are located) of Lawford Surgery in Colchester Road and between 900 metres and 1.5 kilometres of the Manningtree High School. It is also between 2 and 2.5 kilometres of the mainline railway station and it is a similar distance to Manningtree Town Centre and Lawford Dale Industrial Estate.
- 6.39 Whilst some of these services, facilities and employment opportunities are beyond what many people might consider to be reasonable walking distance, they are comfortably within reasonable cycling distance and there are bus services providing access to a range of services and facilities within walking distance including the two-hourly service No. 2 between Clacton and Mistley, the two-hourly service 102 between Colchester and Ipswich, the half-hourly service 102, 103 and 104 between Colchester and Harwich.
- 6.40 When compared with many greenfield sites across the Tendring district, the location of this site represents a relatively good level of accessibility which is reflected in Manningtree, Lawford and Mistley's categorisation in the adopted and emerging Local Plans as a town or an urban settlement. Subject to details of pedestrian, cycleway and highway connections being acceptable, the site's reasonable accessibility to job opportunities, services and facilities in the area considered alongside the additional facilities proposed as an integral part of the development, in Officers' view, supports a presumption, in principle, in favour of granting outline planning permission.

### Highway safety and capacity

- 6.41 Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy SD8 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.
- 6.42 Highway capacity is a significant matter in the Manningtree, Lawford and Mistley (and Branham) area and the A137 in particular is known to be the subject of regular queuing congestion during peak periods, as highlighted by the majority of residents that have

objected to this planning application. Queuing at the railway crossing is a known problem in the area which is identified in Policy PRO1 in the Council's emerging Local Plan as a key priority for action. In support of the planning application, the applicant submitted a Transport Assessment that sought to demonstrate how the additional vehicular movements resulting from the development could be accommodated on the highway network. However, because this was one of a number of planning applications for major development under consideration in the area, the cumulative impacts required further collaborative assessment under the direction of Essex and Suffolk County Council as the relevant local Highway Authorities. This additional assessment has led to a long delay in determining this application.

- 6.43 Having considered the applicant's transport assessment and the potential cumulative impacts on traffic, the Highway Authority has concluded that this development is one of three that, together, could have a severe impact on traffic and queuing at the railway crossing that might need to be mitigated. The three developments in question are this application, the Brantham development (now approved subject to a s106 legal agreement) and the Long Road application (subject of an appeal that will no longer be contested).
- 6.44 To resolve cumulative traffic concerns, Essex and Suffolk County Councils have agreed that all three developments will need to make a proportionate financial contribution towards a £150,000 fund that will be used by ECC Highways to implement traffic management measures at the railway crossing if ongoing monitoring shows them to be necessary. The measures could include but would not be limited to, signalised controls and/or reversing the priority in favour of Suffolk-bound traffic. Bridge widening or other more radical solutions to the queuing problems in this location, as suggested by some residents, are considered to be cost-prohibitive and unlikely to be deliverable without significant public funding.
- 6.45 The financial contribution from the Bromley Road development would be £45,000 and this will be secured through a s106 legal agreement if the Committee is minded to approve this application. The applicants have indicated that they are willing to make this contribution. For information, the contributions sought from the Brantham and Long Road developments are £90,000 and £16,000 respectively. The apportionment of the contributions is based on the anticipated traffic increases arising from each development as derived from their transport assessments.

#### Duty to cooperate

- 6.46 Section 33A of the Planning and Compulsory Purchase Act 2004, as amended by Section 110 of the Localism Act 2011 places a duty upon local authorities and other public bodies to cooperate on strategic matters of cross-boundary significance. Babergh District Council had raised an objection to this planning application on the basis of the potential impact on the development of a site in Brantham which is formally allocated in Babergh's adopted Core Strategy (part of its Local Plan) which is seen as a key regeneration scheme for the area and which is the subject of a planning application in its own right. Babergh District Council was concerned that the cumulative effects of various developments in the area on the highway network, in particular the A137 and the railway crossing, had not been fully considered and addressed and might therefore jeopardise the timely delivery of the regeneration scheme.
- 6.47 Now that Essex County Council and Suffolk County Council as neighbouring Highway Authorities have assessed the cumulative impact and have agreed with the solution explained above, Babergh District Council's concerns have been addressed, it has been able to approve the Brantham development scheme (subject to a s106 legal agreement), and there are no longer any concerns about failure to comply with the legal duty to cooperate.

#### Vehicular access

- 6.48 The application proposes two points of vehicular access for which detailed approval is being sought. The proposed junction onto Bromley Road is a traditional standard road junction and the junction onto Long Road would include a dedicated right turn lane. These arrangements are considered acceptable to the Highway Authority and conditions are recommended to ensure they are constructed to specified dimensions.

#### The School picking up/dropping off area

- 6.49 Part of this outline proposal is to create a new access to Lawford Church of England Primary School, through the development via Bromley Road, with a dedicated parking, picking up and dropping off area that will negate the need for parents to pick up and drop off their children at the current access point in Wignall Street. The current arrangements are of great local concern, contributing toward queuing during peak periods and increasing the risk to pedestrians including children. The proposed arrangements are a key element of the applicant's proposal and have been included following many years of discussion and consultation with the Parish Council and staff at the school.
- 6.50 Whilst a number of local objectors have raised concern that the proposed new access and picking up and dropping off area will only succeed making car usage more convenient and therefore promoting additional traffic, in this case the potential to improve pedestrian safety and ease traffic issues along the main road is of considerable benefit and weighs heavily in favour of the development. Furthermore, by having a large amount of Lawford's future residential development in a location immediately adjoining the school with direct access, it should help to promote walking and cycling to the school and, subject to sufficient school places being created in the future (which is covered elsewhere in this report) should, over time, reduce the need to travel long distances for schooling and ensure, as far as possible, that children can attend a primary school within their local catchment area. Details of the size, location and access arrangements of this facility will be for agreement through a future reserved matters application.

#### Local Green Gap

- 6.51 The western section of the site extending from Bromley Road, beyond Milton Road is designated, in the adopted Local Plan, as a 'Local Green Gap' where Policy EN2 aims to keep Local Green Gaps essentially free of development. The objective of this specific green gap, as set out in the text of the Local Plan, is to safeguard the open character of the important breaks between these settlements and (in this case) between separate neighbourhoods and to maintain the individual character of the settlements and neighbourhoods.
- 6.52 With the need for additional land for housing to meet longer-term requirements, there is an acceptance that it might not be possible to carry forward Local Green Gaps in all parts of the district into the next version of the Local Plan. So in the current version of the emerging Local Plan, many of the Local Green Gaps, including this one, are proposed to be removed following a review of the policy. The whole of the site shown as Local Green Gap in the adopted Local Plan is specifically allocated for development in the emerging plan.
- 6.53 In recent months the Planning Committee has resolved to refuse a number of planning applications for being contrary to adopted Local Green Gap policy including 15/01234/OUT for 240 dwellings off Halstead Road, Kirby Cross; 15/00904/OUT for 240 dwellings off Rush Green Road, Clacton; 15/00964/OUT for 71 dwellings off Mayes Lane, Ramsey; 15/01710/OUT for 110 dwellings off Thorpe Road, Kirby Cross; and 15/01550/OUT for 98 dwellings off The Street, Little Clacton. Two of these sites (namely Rush Green Road and Mayes Lane) are, like this application site, specifically allocated for housing in the emerging Local Plan.
- 6.54 The Council has also now received two appeal decisions for Local Green Gap sites. The first relates to an outline planning application for up to 60 dwellings on land north of Harwich

Road, Little Oakley (Ref: 14/00995/OUT) and the second relates to an outline application for up to 75 dwellings on land east of Halstead Road, Kirby-le-Soken (Ref: 15/00928/OUT). Both appeals were dismissed with both Planning Inspectors concluded that the emerging Local Plan should carry only limited weight and that, critically, Policy EN2 in the adopted Local Plan is not a housing policy and should carry 'full weight'. The Inspector stated "*this policy aims to keep Local Green Gaps open and free of development, to prevent the coalescence of settlements and to protect their rural settings. This is compatible with the aim of the Framework, as set out in paragraph 17, to recognise the intrinsic character and beauty of the countryside and to protect valued landscapes. Consequently I have attached full weight to LP Policy EN2 in determining this appeal*".

- 6.55 However, there has since been a decision by the Court of Appeal (Cheshire East Borough Council v Secretary of State for Communities and Local Government & Anr. Case Number: C1/2015/0894) in which three judges overturned an earlier High Court decision which had determined that green gap policies are not housing policies and should not be considered out of date if a Council cannot identify a sufficient supply of housing land. In overturning the High Court's decision, the Court of Appeal judges concluded that the concept of 'policies for the supply of housing' should not be confined to policies in the development plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites. They concluded that this concept extends to policies whose effect it is to influence the supply of housing land by restricting the locations where new housing may be developed – including, for example, policies for the green belt, policies for the general protection of the countryside, policies for conserving the landscape of Areas of Outstanding Natural Beauty and National Parks, policies for the conservation of wildlife or cultural heritage, and various policies whose purpose is to protect the local environment in one way or another by preventing or limiting development.
- 6.56 Notwithstanding the appeal decisions at Little Oakley and Kirby-le-Soken, the implication of this legal ruling is that the Council cannot simply refuse planning permission for development within Local Green Gaps on the basis that the Local Green Gap policy should carry 'full weight'. Instead, the Council must apply the key test within the NPPF to determine whether or not the adverse impacts of development would significantly and demonstrably outweigh the benefits – weighing up the presence of the Local Green Gap policy in the overall planning balance.
- 6.57 For this application, 1) the Local Green Gap designation in this location can no longer carry 'full weight' in the determination of applications, 2) the designation is proposed for removal altogether in the emerging Local Plan, 3) the Council is still unable to identify a 5-year supply of deliverable housing sites and 4) the applicant's intention is to locate the community hub containing open space within the green gap area which will maintain a sense of openness and separation. It is Officers opinion, that the significant benefits associated with this development clearly outweigh any concerns about loss of green gap in this location and a recommendation of refusal would not be justified in this instance.

### **Dedham Vale Area of Outstanding Natural Beauty**

- 6.58 The Dedham Vale Area of Outstanding Natural Beauty (AONB) is located to the north west of the application site, its boundary defined by Cox's Hill and Wignall Street. In the NPPF, AONBs are afforded a high level of protection and Policy EN5 in the adopted Local Plan provides that development that would harm or otherwise fail to conserve the natural beauty of the landscape of an AONB, including views towards it from outside, will not be permitted – having regard to Dedham Vale Management Strategy. Natural England, the Dedham Vale and Stour Valley Project and the Council's own Principal Trees and Landscapes Officer have commented to remind the Council of this requirement.
- 6.59 The site itself does not form part of the AONB and there is a considerable amount of built development in existence between the site and the AONB which, itself, contains a significant number of homes particularly at the recent Lawford Place development.

- 6.60 The Council's Principal Trees and Landscapes Officer has commented on the application to highlight the importance of the Suffolk Coast and Heaths Area of Outstanding Natural Beauty and the need to ensure that its setting is appropriately safeguarded. He has also made it clear however that AONB designation is not intended to prohibit development but to ensure that care is taken so that any development does not cause harm to the character, qualities and setting of the AONB.
- 6.61 Because the Local Plan is out of date and the Council cannot identify sufficient land to meet projected housing needs, Officers must refer back to the NPPF. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 goes to state that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Because the application site is not within the AONB, refusal purely on a point of principle would not be justified and landscape and visual impacts need to be weighed up alongside the benefits of development.
- 6.62 Because the site is separated from the AONB by existing built development and as it intended that the community hub and open space will be located at the site's most north westerly corner, closest to the AONB, Officers do not consider that there is likely to be a harmful visual impact on the AONB arising from this development that would justify a refusal against paragraph 116 of the NPPF or Policy EN5 of the adopted Local Plan.

#### **Landscape, visual impact and trees**

- 6.63 Whilst Officers have concluded that the site's location within the Local Green Gap and within a short distance of the Dedham Vale Area of Outstanding Natural Beauty do not justify the refusal of planning permission on a matter of principle, Policy QL9 in the adopted Local Plan and Policy SD9 in the emerging Local Plan still requires developments to respect and enhance views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Policy EN1 of the adopted Local Plan and Policy PLA5 in the emerging Local Plan seek to protect and, wherever possible, enhance the quality of the district's landscape; requiring developments to conserve natural and man-made features that contribute toward local distinctiveness and, where necessary, requiring suitable measures for landscape conservation and enhancement. Policies QL9 and SD9 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.
- 6.64 The applicant has undertaken a Landscape and Visual Appraisal which considers important elements of the landscape and the potential visual impact of the proposed development from different viewpoints around the site. The assessment takes into account the Council's own Landscape Character Assessment and Historic Environment Characterisation Reports for Tendring as well as a 2009 Landscape Impact Assessment prepared for the Council as evidence in support of the emerging Local Plan, which assessed the application site. In the Council's own assessment, the land was rated as having low to medium landscape quality and value; low to medium physical sensitivity; low to medium visual sensitivity; and low to medium capacity to accept change.
- 6.65 The assessment then takes the value of the particular view, its sensitivity to change and the likely impact of development to measure the severity of any landscape and visual impacts. For landscape impacts, the assessment concludes that there will naturally be a change in character resulting from the development but that with careful layout, design, appropriate planting and mitigation, the significance of any impacts could be reduced. For visual impacts, the assessment concludes that because the development would be set against the context of existing road infrastructure, woodland planting and the existing settlement edge,

the impacts would not significant and again, with careful layout, design and appropriate planting and mitigation, the visual effects would be reduced and help integrate the development into its context. In addition, the likely approval of application 15/00761/OUT for 300 dwellings and 2ha of employment land off Long Road and Clacton Road, Mistley further reinforces the view that development will take place against a context of other development and infrastructure.

- 6.66 The Council's Principal Trees and Landscapes Officer advises that if consent were to be granted, the soft landscaping of the whole site would be crucial to the successful integration of the built development into the local environment. Special attention will need to be given to boundary treatments and trees shrubs and hedges will need to be an integral part of the design and layout of the development. The proposal may provide the opportunity to improve the juxtaposition of the built environment with the adjacent countryside by securing strong boundary landscaping. Such details would be required at reserved matters stage.
- 6.67 The applicant's assessment is consistent with that of the Council's reports and the advice of the Principal Trees and Landscapes Officer, so Officers concur that the landscape and visual impacts would not significantly or demonstrably outweigh the benefits of the development. The Landscape and Visual Appraisal then goes on to make a series of recommendations to be followed in the detailed design which will be considered at reserved matters stage if the Committee is minded to approve.
- 6.68 In terms of impact on any trees, the Principal Trees and Landscapes Officer confirms that the main body of the land is in agricultural use and that the most significant trees and hedgerows are situated on the perimeter of the land. A tree survey has been submitted by the applicants which meets British standards and the Officers are satisfied that the development could be implemented without causing harm to retained trees, particularly given the land available for the development to provide open spaces and housing at a comfortable density.
- 6.69 Trees will be affected by the proposed access points. The access onto Long Road will require the removal of two short sections of hedgerow and the pollarding of a mature Sweet Chestnut tree but the Council's Principal Trees and Landscapes Officer is content that any harm can be easily mitigated through replacement planting. The Bromley Road access will require the removal of some trees and a section of hedgerow but again it is felt that the harm can be easily mitigated and compensated for by new planting.
- 6.70 The Trees Officer has suggested that the suggested removal of Lime to enable alterations to the access to the Venture Centre be avoided if possible with such details of alternative arrangements to be considered at the reserved matters stage.
- 6.71 In conclusion, Officers consider that from a landscape, visual impact and trees perspective, any adverse impacts would not outweigh the overall benefits of the development and any harm caused by the loss of particular trees or areas of hedgerow can be easily mitigated and compensated for. With the addition of new trees and landscaping throughout the site, the overall impact in terms of diversity within the scheme has the potential to be positive.

### **Flood risk and drainage**

- 6.72 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.

- 6.73 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place. The applicant has demonstrated through their Flood Risk Assessment that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PLA1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.

### **Ecology**

- 6.74 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PLA4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.75 Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation but the urban area of Manningtree, Lawford and Mistley does abut the Stour Estuary which is designated as a Special Protection Area (SPA), a Ramsar Site and a Site of Special Scientific Interest (SSSI). Whilst the application site is located more than 1 kilometre from the Stour Estuary and there will be no direct disturbance, consideration still needs to be given to potential indirect effects on the designated area that might result from the proposed development.
- 6.76 In July 2015, Natural England wrote to remind the Council of its statutory duty and to highlight specific concerns about the potential for 'recreational disturbance' to the protected habitat that might arise from the development and the associated increase in population and activity. Recreational disturbance is a significant problem for such habitats and can have a disastrous effect, in particular, on rare populations of breeding and nesting birds. Notable concerns include increased marine activity (boating, jet skiing etc) and people walking their dogs either within or close to the protected areas. Both activities can easily frighten birds that are breeding and nesting and can have an extremely detrimental impact on their numbers. Importantly, paragraph 119 of the NPPF states very clearly that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment (a more detailed 'phase 2' assessment of significant impacts) under the Birds or Habitats Directives is being considered, planned or determined.
- 6.77 Notwithstanding the distance of the development from the designated area and the intention to include significant areas of open space within the development for recreational use, Natural England and other bodies were concerned that insufficient information had been provided by the applicant to enable the Council to make a sound assessment of whether or not there would be a significant indirect impact arising from recreational disturbance. On the advice of Officers, the applicants have since undertaken a Habitat Regulation Assessment that considers both the potential impacts arising from the proposed development and the 'in-combination' affects when considered alongside other proposals planned for the area. Natural England has been consulted on this assessment and, in May 2016, confirmed that the information provided suggests that there would not be a significant impact and therefore a further 'Appropriate Assessment' will not be necessary.
- 6.78 Natural England did however highlight a number of areas where the applicant's report could be improved and their ecologist has since submitted additional information to address these

areas. The assessment recommends that to mitigate potential impacts on the Stour Estuary, informal recreation areas within the application site are designed and maintained to be attractive for dog walkers and that publicity is provided to create awareness of these areas as well as the Public Rights of Way within the vicinity of the site. A financial contribution toward the ongoing monitoring of activity along the western section of the SPA/Ramsar site is also suggested.

- 6.79 To establish the ecological value of the application site itself, the applicant has prepared and submitted a Phase 1 Ecological Assessment. Being in predominantly agricultural use, the ecological value of the site was generally expected to be low but consideration still needs to be given to any habitats potentially occupying the boundaries of the site. The assessment identifies that the field boundaries and hedge-lines within the site vary considerably in their structure and their ecological conservation value with some of insufficient value to be identified as priority habitats but others with potential to provide dispersal and foraging routes for a variety of bat species and a habitat for nesting birds. The Phase 1 assessment therefore recommended further species-specific survey work be undertaken in order to inform the planning process at the detailed stage.
- 6.80 The Council, in determining planning applications, must have sufficient information available to them to be able to make an informed assessment of the potential impact of development on protected species and the potential for any harm to be avoided, mitigated or compensated – even at outline stage. Officers therefore requested more detailed bat surveys.
- 6.81 The applicants undertook a Bat Roost Survey which assessed all trees in and around the site and its boundaries for their potential as possible bat roost sites, with particular attention being paid to any tree or group of trees that might be affected by the development. The survey, undertaken by a qualified licensed and experienced bat ecologist, identified that the internal hedge-lines and most field boundaries contained very few trees with the potential for bat roosts and that hedge connectivity between most trees was fragmented and unsuitable for bat dispersal routes. The survey concludes that there are no trees on the site with any potential bat roost and no further surveys will be required to confirm bat roost presence or absence.
- 6.82 The survey did however identify that the trees along the Bromley Road frontage opposite Lawford House, an area that is currently unlit, forms a dark corridor that may be used as a flight line by commuting (as opposed to roosting) bats. It was therefore recommended that no tree or removal works be undertaken in this section of the site until summer bat activity surveys have been conducted to determine bat activity along this road. To confirm whether or not that this level of information was sufficient for the Council to be able to approve outline planning permission and still comply with its legal obligations, Officers consulted Natural England on the content of the survey. Natural England has advised that because the survey confirms that no bat roosts are likely to be affected by the development, it would be acceptable in this case to approve outline permission with further detailed activity surveys to inform the detailed design, layout and lighting arrangements being secured through planning condition.
- 6.83 Notwithstanding this, the applicant has already instructed ecologists to undertake bat activity surveys, the first of which has already been carried out – confirming the presence of common pipistrelle pipistrellus pipistrellus and soprano pipistrelle pipistrellus pygmaeus bats along the southern boundary of the site including hedgerows dissecting the site, but with levels of activity being low. No bat activity has been noted at the proposed access point to the site where the removal of trees will be required. The likely mitigations measures that will need to be secured at the detailed stage will include minimising lighting levels during construction and operation phase, restrictions to lighting times, planting of trees and hedges and erection of bat boxes, with the potential to bring about an overall improvement to the bat environment. More surveys are scheduled to be carried out over this summer and these will inform the detailed design, layout and mitigation package for the scheme.



- 6.84 All of the necessary mitigation measures and additional surveys shall be secured through planning conditions should the Committee be minded to approve outline permission.

### **Heritage and archeology**

- 6.85 The application site lies outside of the Manningtree and Mistley Conservation Area and there are no listed structures on the site that would be affected directly by the development however consideration still needs to be given to the potential impact on the setting of any designated heritage assets. The Planning (Listed Buildings and Conservation Areas) Act 1990 S. 66 imposes a general duty as respects listed buildings in the exercise of planning functions:
- (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.86 Paragraph 128 in the NPPF requires applicants to describe the significance of any heritage asset affected by their development including any contribution made by their setting, with the level of detail being proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 134 determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset (which could include harm to its setting), this harm should be weighed against the public benefits of the proposal. Policy EN23 in the adopted Local Plan states that development that would adversely affect the setting of a Listing Building, including group value and long distance views will not be permitted. Policy PLA8 in the emerging Local Plan only allows development affecting a listed building or its setting where it meets a set of criteria.
- 6.87 For this application, the most significant and most directly affected heritage asset, as identified in the applicants' archaeological report, is the 17th Century Garde II Listed Lawford House off Bromley Road. However, views to and from the listed building are substantially screened by the trees and vegetation both within its grounds and the thick belt of trees along both sides of Bromley Road in this location. In Officers' view the impact of development on the setting of this listed building is likely to be negligible and would be 'less than substantial' in NPPF terms. In weighing harm against public benefits in line with paragraph 134 of the NPPF, the development would be acceptable. Indeed criterion h) of Policy MLM5 requires the detailed design and layout to respect the setting of the listed building and Officers are content that there is plenty of scope for this to be achieved.
- 6.88 The applicants archaeological assessment also provides a preliminary archaeological desk based assessment of potential archaeological remains beneath the ground. It notes that archaeological finds have been unearthed on the neighbouring housing estate to the north and elsewhere in the wider Manningtree area with archaeological cropmarks affecting part of the site in its south eastern corner. However, the archaeologist at Essex County Council is concerned that the assessment does not meet the requirements of the NPPF, having been undertaken back in 2010, and not providing comprehensive enough coverage to meet the requirement for an 'appropriate desk-based assessment' in paragraph 128 of the NPPF. The archaeologist has suggested that a revised and updated archaeological desk based assessment be provided before this application is considered further.
- 6.89 Because the potential presence of archaeological finds is not likely to prevent development from taking place in principle, Officers are satisfied that a more comprehensive archaeological survey along with trial trenching can be secured by condition to inform the detailed stage. Notwithstanding ECC's objection, Officers recommend conditions to ensure the necessary assessments are undertaken.

## **Education provision**

- 6.90 Policy QL12 in the adopted Local Plan and Policy SD7 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. A large number of local residents have expressed concern that local schools will not be able to cope with the expected increase in population arising from the 360 new homes, particularly when considered alongside other proposals for major residential development under consideration in the wider area.
- 6.91 Essex County Council acting as the Local Authority with responsibility for ensuring there are sufficient school places in the county has been consulted on the planning application and has made representations. ECC's initial advice was submitted in response to this application in isolation however the cumulative effect of other potential developments in the area has also been taken into account. The developments that will have the most significant impact on education provision are this proposal for up to 360 homes off Bromley Road, the application for up to 300 dwellings on the adjoining land off Long Road, Mistley and the Brantham development which includes 320 homes.
- 6.92 The educational needs of the Brantham development are being addressed by Suffolk County Council which has advised that the development will generate the need for 78 primary school places and 67 secondary school places. The catchment schools for the development are Brantham Brooklands Primary School and East Bergholt High School. The secondary school has the capacity to accommodate the additional pupils expected from the development, but the primary school is expected to have a deficit of places and SCC has therefore requested a contribution of just over £950,000 from the Brantham development toward the creation of the additional places needed at Brantham Brooklands. The other large development at Harwich Road, Mistley for up to 135 dwellings was given approval by the Planning Committee on 19th April 2016 subject to a s106 agreement to secure contributions, as necessary, for primary and secondary provision.
- 6.93 The key consideration for this Council in determining this application therefore is the need for school places arising from the potential 360 homes on the application site and the cumulative need that might arise from this site in combination with the potential 300 homes on the neighbouring Long Road site (subject of a separate report). On the basis of the 360 homes on the Bromley Road site the proposal would generate a need for 32 Early Years and Childcare places, 108 primary and 72 secondary school places. In the event that the Long Road site is approved as recommended, ECC has advised that on the basis of 300 houses, the proposal on its own would generate a need for 27 Early Years and Childcare (EY&C) places, 90 primary school and 60 secondary school places. For 660 houses (in the event that both the Bromley Road and Long Road developments take place), there would be a need for 59 EY&C places, 198 primary places and 132 secondary places. These figures will continue to be monitored over time and could change by the time any development actually takes place – but they provide a robust basis upon which to consider the likely educational impacts of these developments.

### **Early Years and Childcare**

- 6.94 For EY&C provision, ECC has advised that providers within the area and adjoining wards do not have capacity to accommodate children arising from a development of this size, so to create the 32 additional places that would be needed, a financial contribution of just under £440,500 is sought. ECC has also suggested that because it is unclear at this stage whether existing facilities can be expanded, particularly with other major development proposals also under consideration, a more cost effective solution might be the construction of a new facility as an integral part of the development, for which land should be set aside.
- 6.95 For the neighbouring Long Road development, ECC has requested just under £375,000, so if both developments were to succeed in gaining planning permission, a fund of up to

£800,000 could be secured, through s106 agreements, to address the cumulative demands for EY&C provision, with the possible need for land from one of the developments upon which a new facility could be constructed.

#### Primary School Provision

- 6.96 For primary school provision, Lawford Church of England Primary School, Highfields Primary School and Mistley Norman Church of England Primary School have a combined capacity of 630 places with a small surplus of places forecast by 2020 which will not be sufficient to accommodate all of the additional pupils arising from the developments either individually or cumulatively.
- 6.97 To create the additional primary school places that would be required, there are a number of different options. The minimum size for a new primary school is 210 places which equates to a 'single form of entry' (1FE) but schools can be expanded to double, or even triple forms of entry (2FE or 3FE) if the relevant school provider is willing and physically able to accommodate growth within the land constraints of their site. To address the needs arising from the Bromley Road development an additional half form of entry would be required which could be delivered either through the expansion of Lawford CofE Primary School or Highfields Primary School. The expansion of Highfields Primary School is likely to require either the acquisition of an the area of land adjoining the school which is owned by Tendring District Council or a long term extension to the existing leasing arrangement for this piece of land which is currently used as an extension to the school's playing field. Alternatively, an all-weather pitch could provide the additional playing field required.
- 6.98 To address the cumulative needs arising from both the Bromley Road and Long Road developments, if necessary, a full additional form of entry (210-places) would need to be created. This could be achieved by either expanding both Lawford CofE and Highfields Primary Schools by a half form of entry; expanding Lawford CofE by a whole form of entry (for which a small additional piece of land would need to be secured from the Bromley Road development through a s106 agreement); or by commissioning a brand new primary school and securing the necessary land from either the Bromley Road or Long Road developments through a s106 legal agreement. ECC favours the expansion of an existing primary school, or schools, rather than the provision of a new 1 form of entry primary school.
- 6.99 In either scenario, financial contributions are requested by ECC towards the provision of the additional places. For the Bromley Road development alone, the contribution would be around £1.3million and for the Long Road development the contribution could be up to £1.1million – or up to £2.4million in total.

#### Secondary school provision

- 6.100 For secondary school provision, Manningtree High School has a capacity of 870 places and is forecast to have a small surplus of places by 2020. Again, this will not be sufficient to accommodate additional pupils arising from the developments either individually or cumulatively. Expansion at the High School by either half or a full form of entry would need to be delivered through financial contributions being sought. For the Bromley Road development alone, the contribution would again be up to £1.3million with an additional £1.1million from the Long Road development if both schemes proceed – again up to £2.4million.

#### Health provision

- 6.101 The requirement of the NPPF to promote the creation of high quality environments with accessible local services that reflect the community's needs also extends to health provision, another matter of considerable concern amongst local residents. Again through Policy QL12 in adopted Local Plan and Policy SD7 in the emerging Local Plan, new

development needs to be supported by the necessary infrastructure, including health provision.

- 6.102 As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population. For health provision, this could mean the expansion of existing facilities or through the provision of new ones.
- 6.103 However, because the Council's Local Plan is out of date and it cannot identify sufficient land to meet projected housing needs, applications must be considered on their merits against the government's presumption in favour of sustainable development and Officers have needed to liaise with NHS England (with a strategic overview of health provision in our area) to calculate what investment will be required to mitigate the impact of this development and others proposed in the Manningtree, Lawford and Mistley area. Through adopted Policy QL12 and emerging Policy SD7, the Council can require developers to address infrastructure requirements likely to arise from their developments by either building new facilities or making financial contributions towards the creation of additional capacity.
- 6.104 As with highways and education, Officers have considered both the individual impact of this development on health provision as well as the cumulative impact that might arise if the other major developments are to be allowed. In terms of secondary hospital provision, the NHS is responsible for investment that will ensure the growing population is properly served. The Council cannot refuse planning permission for major residential developments in response to local concerns about facilities at Colchester General Hospital, particularly as house building is a key government objective alongside the modernisation of the NHS.
- 6.105 For local primary healthcare provision however, the Council working with NHS England can, through the planning system, put measures in place to mitigate the impact of population growth arising from major residential developments on local infrastructure. Whilst it is the NHS' responsibility to ensure that health centres and local surgeries are adequately resourced and staffed, the Council can secure either new buildings or financial contributions towards expanding existing buildings to ensure there is at least sufficient space for additional doctors, nurses and other medical professions to provide their services.
- 6.106 The Manningtree, Lawford and Mistley area is served by two doctors surgeries, the Riverside Health Centre in Station Road and Lawford Surgery in Colchester Road. NHS England has identified that the proposed developments are likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a s106 agreement.
- 6.107 NHS England has undertaken a Health Impact Assessment of the development proposal and has identified that the local surgeries will not have the capacity to serve the additional residents that would result from the development. A developer contribution of £108,620 is requested to mitigate the capital cost to the NHS for the provision of additional healthcare services. NHS England has confirmed that there are already plans in the pipeline to expand the Riverside Health Centre and that such moneys could be used to help fund this investment, or future expansion at Lawford Surgery.
- 6.108 For this development on its own, NHS England requests a financial contribution of £108,620 to be secured through a s106 legal agreement. For information, the neighbouring Long Road development would also be required to make a proportionate contribution of £90,520 – almost £200,000 in total from the two schemes. The applicants for both schemes

have indicated that they are willing to enter into a s106 legal agreement to provide the contribution that has been requested.

### **Utilities**

- 6.109 Anglian Water has advised that there is sufficient capacity in the foul sewerage network to deal with the levels of effluent expected from this scheme and others in the area but if the Council is minded to approve the application a condition is requested requiring a drainage strategy be secured through a planning condition to ensure necessary measures are put in place that will eliminate the risk of flooding downstream.
- 6.110 UK Power Networks and National Grid have also commented on the application in terms of its impact on the electricity and gas networks. Because of overhead and underground power cables crossing the site, the detailed design will need to take this into account and the diversion of undergrounding/diversion of these power lines may be required – but there is no objection to development in principle. For gas, there is a gas pipeline close to the boundary of the site and the National Grid has asked to be informed of the Council's decision so it can make necessary arrangements with the developers to ensure the pipeline is not adversely affected by the development; but again there is no objection to the development in principle.

### **Open space**

- 6.111 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. The land use audit drawings submitted in support of the planning application show the proposed location of open spaces and other green areas and corridors. They indicate 10% of the overall site (2.3 hectares) being provided as community space including the proposed community building, primary school access, community building, junior camping field, village green, public open space and playground. It also makes provision, within the remaining 18.6 hectares to be developed for housing, for 15% of that land to be made up of green corridors, and landscape/ecological features. At this outline stage, Officers are content that the development can comply with Policies COM6 and PEO22 and, as explained earlier in this report, the spirit of draft Policy MLM5.
- 6.112 The Council's Open Space and Bereavement Service Manager had commented on the application and had identified a deficiency equipped play/formal open space in Lawford so any additional development in the Lawford area will increase demand on already stretched facilities. It is also noted that existing play sites are spread widely across the village with the nearest play area located a short distance from the development along Colchester Road. The development will need to provide additional play opportunities to ensure that existing deficiencies are not increased and that the existing play area is not over-used as a result of the additional homes. As the development includes the provision of a play area, this should not be an issue.
- 6.113 This play area is designated as a Local Equipped Area for Play, providing various play opportunities. Without the provision of additional play areas it is very likely that a largest impact would be felt at this play area. To account for the proposed development and to prevent the current deficit from increasing further, additional play opportunities would need to be provided.
- 6.114 It is advised that if the on-site open space is to be transferred to Tendring District Council for future maintenance, an additional financial contribution towards maintenance will also need to be secured through a s106 legal agreement. If the Committee is minded to approve this application, Officers will engage in negotiations with the applicant to agree the necessary contribution in line with the guidance contained within the Council's Supplementary Planning Document on Open Space.

### **Council Housing/Affordable Housing**

- 6.115 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 PEO10 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 25% of new dwellings on large sites to be made available to the Council to acquire at a discounted value for use as Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 25% requirement.
- 6.116 For this application it is proposed, as an alternative to the above approach, that 14 dwellings will be transferred or 'gifted' at nil cost to the Lawford Enterprise Housing Trust – a body that was set up off the back of the Summers Park development in Cox's Hill to provide affordable housing for local people. The Council's Housing Needs team has commented on this approach and has indicated its support.
- 6.117 If the Committee is minded to approve this application, Officers will seek to secure the necessary affordable housing through a s106 legal agreement.

### **Layout and density**

- 6.118 As an outline planning application, detailed design and layout is a reserved matter for future consideration but the Council needs to be satisfied that an appropriate scheme including up to 360 dwellings plus all of the community benefits proposed can reasonably be accommodated on the application site in an appropriate manner. The applicant has not submitted any indicative diagrams showing how the development could be laid out and this is not a requirement at outline stage. They have however produced a broad-brush 'land use audit' which indicates how much land is expected to be used for housing, community facilities and open spaces and where, broadly, they are expected to be located on the site.
- 6.119 In order to assess whether or not the development has a reasonable prospect of being accommodated on the site in an appropriate manner, Officers have needed to consider the requirements of emerging Policy MLM5, the likely land-take of the various proposed uses, land required for open space and strategic landscaping and the residential density that might be appropriate for a development on this site and in this location.
- 6.120 The site has a total area of just under 23 hectares upon which is proposed to accommodate 360 dwellings on approximately 18.6 hectares with 15% of the residential area being taken up by green corridors and ecological/landscape areas. The net developable residential area would therefore be approximately 15.8 hectares and the average net density of development arising from 360 homes would be 23 dwellings per hectare. The net density of residential development in the immediate area ranges between 20 and 40 dwellings per hectare (dph). Examples include 24dph in Milton Road, 27dph in Long Road, 31dph in Cavendish Drive and 40dph in Hunter Drive. A proposed residential density of around 23 dwellings per hectare would therefore be appropriate for this location would provide scope for lower-density plots around the peripheral areas of the site in line with the applicant's 'sensitive rural boundaries' concept. Officers are satisfied that the scale of development proposed can be accommodated on the site in a reasonable manner.

### **Other matters**

- 6.121 Most of the concerns raised by local objectors to the proposal are addressed in the report above, but here is a response to some of the other matters that were raised.

### **Principle of development**

- 6.122 Whilst it is acknowledged that a large number of current residents do not wish to see this development take place, the report above explains the Council's legal obligations in respect of housing supply and meeting projected housing needs through the planning system. The main concern appears to be the individual and cumulative impact on local infrastructure including roads, schools, health facilities and utilities – all of which are addressed, from a technical planning perspective, above.

#### Use of greenfield agricultural land

- 6.123 Many people are concerned about the principle of developing on greenfield agricultural land. Whilst it is always the preference to use previously developed 'brownfield' sites as a priority, the Council's work on the new Local Plan demonstrates that there is simply not enough brownfield land in the Tendring district to meet projected housing requirements and there needs to be an acceptance that the majority of new housing over the next 15-20 years will have to take place on greenfield land. Paragraph 112 in the NPPF says that Councils should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Through the Local Plan process, this along with other planning considerations has been taken into account and the Local Plan Committee has resolved that this is one of the greenfield agricultural sites, amongst others, that should be allocated for development in the new plan.

#### Proportionate housing stock increase

- 6.124 Objectors have suggested that this development, particularly when considered alongside others, is disproportionate in scale for this area. If approved, this development of 360 dwellings would represent an approximate 10% increase in the dwelling stock of Manningtree, Lawford and Mistley as an urban settlement. With all developments under consideration in Manningtree, Lawford and Mistley (listed under paragraph 6.22 in the report above), excluding the Brantham development, the percentage increase would be closer to 32%. However, as a designated urban settlement (as opposed to a lower order 'Key Rural Service Centre' or 'Smaller Rural Settlement') there is an expectation that the Manningtree, Lawford and Mistley area, along with other urban areas including Clacton, Harwich and Frinton/Walton will accommodate a larger proportion of the district's growth. So long as the cumulative infrastructure and environmental demands of the developments can be addressed through appropriate mitigation measures, there is not reason in principle why a 32% increase in housing stock cannot be accommodated – although not all of the proposed developments will necessarily succeed in obtaining planning permission.

#### Need for the development

- 6.125 Whilst some objectors question the need for housing, government policy dictates that Council's must make provision to meet objectively assessed housing needs and the Council's own evidence, which has been prepared by expert consultants in partnership with other neighbouring authorities, shows a significant projected need for new homes over the next 15-20 years. Some objectors have also questioned the need for some of the community facilities proposed as part of the development including the community hub, the village green, the junior camping field, toilets and Parish Council building – suggesting that these are diversionary 'sweeteners' in order to gain planning permission for the housing. Officers emphasise that the need for these facilities has been identified by the developer through their active consultation and cooperation with local stakeholders over a number of years and it is to the developer's credit that these form part of the proposed development package.

#### Employment

- 6.126 A number of objectors have raised concern about the lack of employment opportunities in the area and the likelihood that many residents will probably end up being commuters. Employment is a matter to be addressed through the Local Plan and indeed the Council's own Economic Development Strategy (2013) recommends housebuilding as a means of generating demand for goods and services and thereby supporting economic growth and job creation. The provision of community facilities and the expansion of local schools and surgeries would, if delivered, provide some local employment opportunities and there would also be temporary jobs in construction and other supply-chain industries throughout the course of the development. The sites location within reasonably proximity of mainline rail services to London makes it an ideal location for commuters who will ultimately have a positive impact on the economy by increasing local expenditure. With these factors in mind, the Council would not be justified in refusing this particular planning application due to a lack of employment in the area.
- 6.127 It should also be noted that the development proposed for the adjoining land off Long Road (15/00761/OUT) which is recommended for approval in a separate report, makes provision for up to 2 hectares of employment land which, if developed, will provide additional employment opportunities in the future.

#### Environmental Impact Assessment

- 6.128 A range of environmental matters including ecology, landscape impact and flooding are considered in detail elsewhere in this report. The Council had considered the need for Environmental Impact Assessment (EIA) for this development and issued a screening opinion to indicate that the environmental impacts were not significant enough to require EIA; however to address Natural England's concerns about potential recreational disturbance on the internationally important habitats at the Stour Estuary (both individually and in combination with other plans and projects), the applicant has produced a Habitat Regulations Assessment report which confirms that the environmental impacts would not be significant and that a further 'appropriate assessment' will not be required. Even in taking the cumulative impacts of the Bromley Road, Long Road and other proposed developments into account, the Council remains satisfied that full Environmental Impact Assessment is not required and that impacts have been adequately assessed through the reports submitted in support of the various applications.

#### Impact on residents

- 6.129 Many residents are understandably concerned about the impact of development on their quality of life. In terms of disturbance during the construction phase, the developer would be required, through planning conditions, to submit a comprehensive construction methods statement for the Council's approval before any development can commence. This will be scrutinised by the Council's Environmental Health Officers before it is approved to ensure pollution and disturbance is kept to a minimum.
- 6.130 Impacts on the value of existing property and losses of views are not material planning considerations that can carry weight in the determination of the planning application and the suggestion that lots of people will leave the area if the development goes ahead is simply not something Council can legitimately take into account.

#### Overall Planning Balance

- 6.131 Because the Council's Local Plan is out of date and a five-year supply of deliverable housing sites cannot currently be identified, the National Planning Policy Framework (NPPF) requires that development be approved unless the adverse impacts would significantly and demonstrably outweigh the benefits, or if specific policies within the NPPF suggest development should be refused. The NPPF in this regard applies a 'presumption in favour of sustainable development' for which sustainable development addresses economic, social and environmental considerations.



- 6.132 Economic: Whilst, with the exception of the proposed community building, the scheme is predominantly residential with no commercial premises provided, up to 360 dwellings would generate significant additional expenditure in the local economy which has to be classed as a strong economic benefit. There will also be temporary jobs in construction whilst the homes are being built. It is noted that the applicant is a local developer based in Lawford who employs locally.
- 6.133 Social: The provision of up to 360 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. Additional social benefits include the proposed open spaces, community facilities and new dropping off/picking up area for the local primary school which have been identified in consultation with local stakeholders and the community. The impacts of health and schools provision will be mitigated through financial contributions to be secured through a s106 agreement if the application is approved.
- 6.134 Environmental: The environmental impacts of the proposal have required very careful consideration. The potential for increased recreational disturbance to the Stour Estuary has been given careful consideration and it is considered that the impact will not be significant, subject to the creation of open space within the site and information to encourage the use of these open spaces and the local public right of way network. The impact on the setting of nearby listed buildings is expected to be low. The ecological impact of development on the site and surrounding area itself, in particular the local bat population, has been carefully assessed and there is potential, overall, to improve conditions for bats. The loss of a small area of designated Local Green Gap is not considered to outweigh the benefits of the development, particularly in light of recent appeal court judgements and the applicant's intention to maintain a sense of openness in this area with the creation of open space.
- 6.135 In the overall planning balance, Officers consider that the adverse impacts are limited and 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.