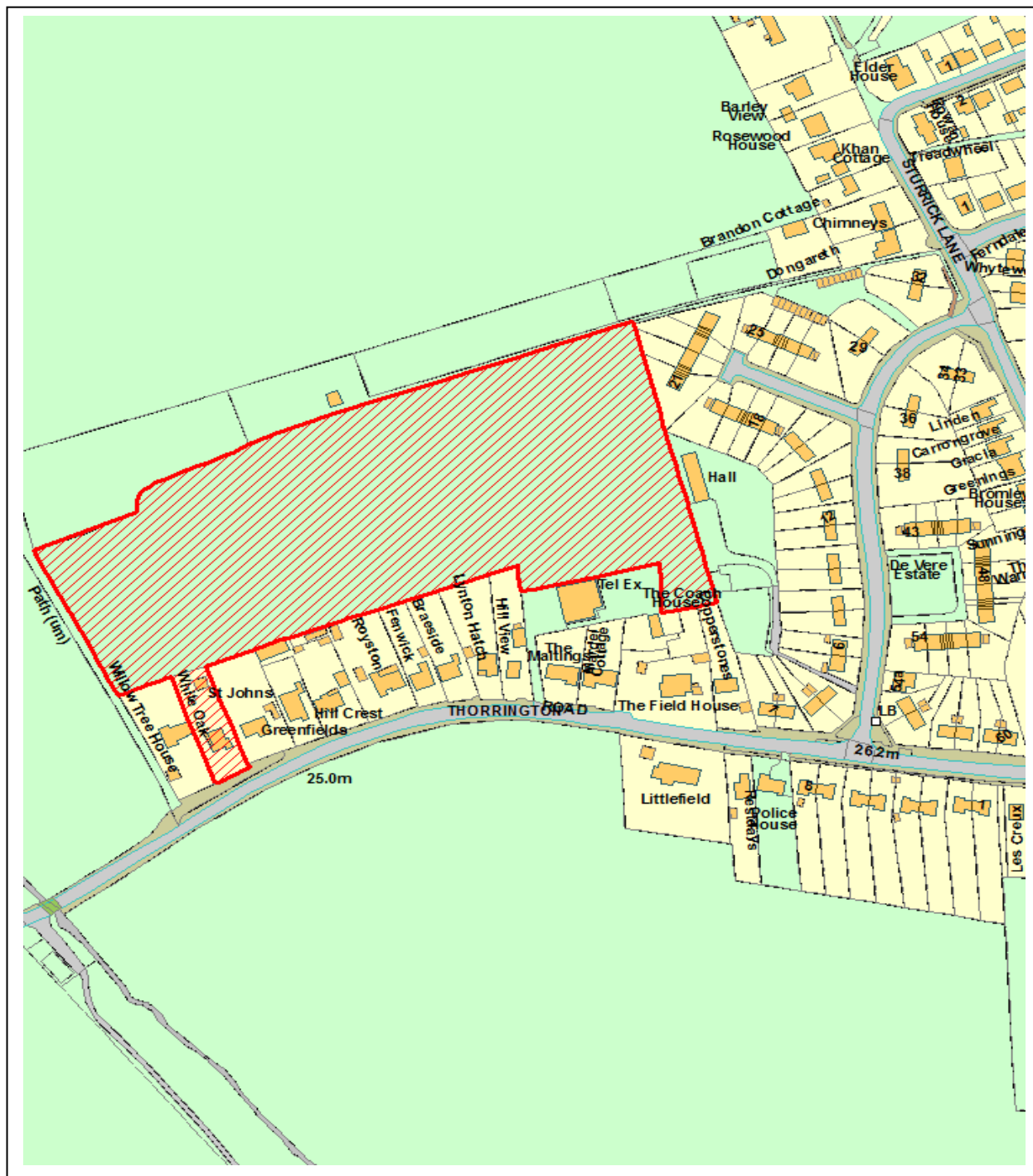


## PLANNING COMMITTEE

29 MARCH 2017

### REPORT OF THE HEAD OF PLANNING

#### A.1 PLANNING APPLICATION – 16/02125/OUT – LAND TO THE NORTH OF THORRINGTON ROAD, GREAT BENTLEY, COLCHESTER, CO7 8QD



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<b>Application:</b>	16/02125/OUT	<b>Town / Parish:</b> Great Bentley Parish Council
<b>Applicant:</b>	City and Country	
<b>Address:</b>	Land to the north of Thorrington Road, Great Bentley, Colchester, Essex CO7 8QD	
<b>Development:</b>	Proposed 75 dwellings with associated infrastructure, landscaping and public open space.	

## 1. Executive Summary

- 1.1 The is an outline planning application seeking approval for the principle of developing up to 75 dwellings, with all other matters (with the exception of access) reserved for approval through a detailed application at a later date. The site is 3.2 hectares of greenfield land to the rear of properties in Thorrington Road, at the north western edge of Great Bentley and access would be achieved through the demolition of an existing property. The application has attracted more than 30 objections from residents, is opposed by Great Bentley Parish Council and Councillor McWilliams, the Ward Councillor for Great Bentley, has specifically requested that the application be determined by the Committee.
- 1.2 The application, along with a separate application for 75 dwellings off Plough Road from the same applicant, is recommended for refusal. Under normal circumstances applications with such a recommendation would be refused under delegated powers by the Head of Planning. However, these are two of the first applications where Officers consider that the positive progress of the new Local Plan combined with the improvement in the district's housing land situation puts the Council in a stronger position to resist unwanted residential proposals and Officers are seeking the Committee's endorsement of this view.
- 1.3 In the last few months, a number of greenfield sites around Great Bentley village have obtained planning permission for major residential development, either from the Council or from the Secretary State following an appeal. Schemes including up to 150 dwellings east of Plough Road, 50 dwellings west of Heckfords Road and 50 dwellings at Admiral's Farm east of Heckfords Road are expected to deliver up to 250 homes which is an approximate 35% increase in the existing housing stock of Great Bentley village.
- 1.4 Great Bentley is defined as a 'village' in the adopted Local Plan and as a 'rural service centre' in the emerging Local Plan and whilst some growth will be accommodated, the levels of development that have been approved are already well above what was ever envisaged to be appropriate and proportionate for such a rural location. Just because Great Bentley is one of the district's larger and more sustainable villages, this is not a justification for supporting or allowing unlimited growth.
- 1.5 The technical reports provided by the applicants along with the comments from statutory agencies suggest that there are no site-specific technical reasons (excluding drainage) why the proposed development could not proceed. However Officers are conscious that the cumulative impacts of this development alongside others already approved in the village are of great concern amongst local residents. Even though mitigation measures could be put in place to reduce impacts to a technically acceptable level, the affect of many new

developments in the village on its character, including those resulting from additional traffic and permanent loss of agricultural land would be adverse and, in line with the NPPF, these need to be weighed up against the benefits of development.

- 1.6 Unlike the situation for much of 2016, the urgency to release land for housing development contrary to the Local Plan is now much reduced now that the new Local Plan is progressing well and the Council is very close to being able to identify a full five-year supply of deliverable housing sites. Following the Rush Green Road appeal decision in February 2017, Officers consider that the Council is in a stronger position to uphold the 'plan-led' approach to planning and to resist unnecessary and unwanted development proposals that are contrary to the Local Plan.
- 1.7 Additional reasons for refusal relating to the lack of an adequate surface water drainage strategy and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues might be addressed before the Committee meeting, or if necessary, as part of the appeal process.

### **Recommendation: Refusal**

The development is considered unacceptable for the following (summarised) reasons:

- The site lies outside the settlement development boundary for Great Bentley as defined in both the adopted and emerging Local Plans. The Council is very close to being able to identify a five-year supply of deliverable housing sites and the new Local Plan is progressing well, so the urgency to approve housing developments contrary to the Local Plan is low. The NPPF advocates a plan-led approach that actively seeks to achieve sustainable patterns of growth, but this development would add to what is already considered to be a disproportionate level of new housing development in Great Bentley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of Great Bentley and on the Council's ability to manage growth through the plan-led approach, are not outweighed by the benefits. The development is unnecessary and there is no support from the local community or any overriding public benefits that might warrant the proposal being considered in an exceptional light.
- Lack of an adequate surface water drainage strategy that complies with the requirements of Essex County Council as the Lead Local Flood Authority. The proposal does not therefore adequately address matters relating to surface water flooding and drainage.
- No s106 agreement to secure affordable housing, education contributions, health contributions and open space has been completed.

## **2. Planning Policy**

### **National Policy:**

**NPPF National Planning Policy Framework (2012)**

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

Local Plan Policy:

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

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

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

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

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

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

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

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

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

HG1: Housing Provision: Sets out the strategy for delivering new homes to meet the need up to 2011 (which is now out of date and needs replacing through the new Local Plan).

HG3: Residential Development Within Defined Settlements: Supports appropriate residential developments within the settlement development boundaries of the district's towns and villages.

HG3a: Mixed Communities: Promotes a mix of housing types, sizes and tenures to meet the needs of all sectors of housing demand.

HG4: Affordable Housing in New Developments: Seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing.

HG6: Dwellings Size and Type: Requires a mix of housing types, sizes and tenures on developments of 10 or more dwellings.

HG7: Residential Densities: Requires residential developments to achieve an appropriate density. This policy refers to minimum densities from government guidance that have long since been superseded by the NPPF.

HG9: Private Amenity Space: Requires a minimum level of private amenity space (garden space) for new homes depending on how many bedrooms they have.

COM2: Community Safety: Requires developments to contribute toward a safe and secure environment and minimise the opportunities for crime and anti-social behaviour.

COM6: Provision of Recreational Open Space for New Residential Developments: Requires residential developments on sites of 1.5 hectares or more to provide 10% of the site area as public open space.

COM21: Light Pollution: Requires external lighting for new development to avoid unacceptable impacts on the landscape, wildlife or highway and pedestrian safety.

COM23: General Pollution: States that permission will be refused for developments that have a significant adverse effect through the release of pollutants.

COM26: Contributions to Education Provision: Requires residential developments of 12 or more dwellings to make a financial contribution, if necessary, toward the provision of additional school places.

COM29: Utilities: Seeks to ensure that new development on large sites is or can be supported by the necessary infrastructure.

COM31a: Sewerage and Sewage Disposal: Seeks to ensure that new development is able to deal with waste water and effluent.

EN1: Landscape Character: Requires new developments to conserve key features of the landscape that contribute toward local distinctiveness.

EN4: Protection of the Best and Most Versatile Agricultural Land: Seeks to ensure that where agricultural land is needed for development, poorer quality land is used as priority over higher quality land.

EN6: Biodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

EN6a: Protected Species: Ensures protected species including badgers are not adversely impacted by new development.

EN6b: Habitat Creation: Encourages the creation of new wildlife habitats in new developments, subject to suitable management arrangements and public access.

EN12: Design and Access Statements: Requires Design and Access Statements to be submitted with most planning applications.

EN13: Sustainable Drainage Systems: Requires developments to incorporate sustainable drainage systems to manage surface water run-off.

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.

TR5: Provision for Cycling: Requires all major developments to provide appropriate facilities for cyclists.

TR6: Provision for Public Transport Use: Requires developments to make provision for bus and/or rail where transport assessment identifies a need.

TR7: Vehicle Parking at New Development: Refers to the adopted Essex County Council parking standards which will be applied to all non-residential development.

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

Relevant policies include:

SP1: Presumption in Favour of Sustainable Development: Follows the Planning Inspectorate's standard wording to ensure compliance with the NPPF.

SP4: Infrastructure and Connectivity: Requires the provision of infrastructure, services and facilities that are identified to serve the needs arising from new development.

SP5: Place Shaping Principles: Requires the highest standards of built and urban design and sets out the key principles that will apply to all new developments.

SPL1: Managing Growth: Identifies Great Bentley as a 'rural service centre' within a hierarchy of settlements designed to direct future growth to the most sustainable locations.

SPL2: Settlement Development Boundaries: Seeks to direct new development to sites within settlement development boundaries.

SPL3: Sustainable Design: Sets out the criteria against which the design of new development will be judged.

HP1: Improving Health and Wellbeing: Requires a Health Impact Assessment on all development sites deliver 50 or more dwellings and financial contributions towards new or enhanced health facilities where new housing development would result in a shortfall or worsening of health provision.

HP4: Open Space, Sports and Recreation Facilities: Requires new developments to contribute to the district's provision of playing pitches and outdoor sports facilities and also

requires larger residential developments to provide land as open space with financial contributions toward off-site provision required from smaller sites.

LP1: Housing Supply: Sets out the broad location of where new housing is proposed to be built to over the next 15-20 years to meet objectively assessed needs. This application site is not included in the emerging Plan for housing.

LP2: Housing Choice: Promotes a range of house size, type and tenure on large housing developments to reflect the projected needs of the housing market.

LP3: Housing Density: Policy requires the density of new housing development to reflect accessibility to local services, minimum floor space requirements, the need for a mix of housing, the character of surrounding development and on-site infrastructure requirements.

LP4: Housing Layout: Policy seeks to ensure large housing developments achieve a layout that, amongst other requirements, promotes health and wellbeing; minimises opportunities for crime and anti-social behaviour; ensures safe movement for large vehicles including emergency services and waste collection; and ensures sufficient off-street parking.

LP5: Affordable and Council Housing: Requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing.

PP12: Improving Education and Skills: Requires the impacts of development on education provision to be addressed at a developer's costs and also requires applicants to enter into an Employment and Skills Charter or Local Labour Agreement to ensure local contractors are employed to implement the development and that any temporary or permanent employment vacancies (including apprenticeships) are advertised through agreed channels.

PPL1: Development and Flood Risk: Seeks to direct development away from land at a high risk of flooding and requires a Flood Risk Assessment for developments in Flood Zone 1 on sites of 1 hectare or more.

PPL3: The Rural Landscape: Requires developments to conserve, where possible, key features that contribute toward the local distinctiveness of the landscape and include suitable measures for landscape conservation and enhancement.

PPL4: Biodiversity and Geodiversity: Requires existing biodiversity and geodiversity to be protected and enhanced with compensation measures put in place where development will cause harm.

PPL5: Water Conservation, Drainage and Sewerage: Requires developments to incorporate sustainable drainage systems to manage surface water run-off and ensure that new development is able to deal with waste water and effluent.

PPL7: Archaeology: Where developments might affect archaeological remains, this policy requires proper surveys, investigation and recording to be undertaken.



PPL9: Listed Buildings: States that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest and its character, appearance and fabric. Developments have to be explained and justified through an informed assessment of the significance of the heritage asset and its setting and need to be of a scale and design and use materials and finishes that respect the listed building and its setting.

CP1: Sustainable Transport and Accessibility: Requires the transport implications of development to be considered and appropriately addressed.

CP3: Improving the Telecommunications Network: Requires new development to be served by a superfast broadband (fibre optic) connection installed on an open access basis and that can be directly accessed from the nearest British Telecom exchange and threaded through resistant tubing to enable easy access for future repair, replacement or upgrading.

#### Other Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

### **3. Relevant Planning History**

00/01055/FUL	Dormer extension	Approved	17.08.2000
12/60486/HO UENQ	Change one window, remove front door and replace with window		15.11.2012
16/02125/OUT	Proposed 75 dwellings with associated infrastructure, landscaping and public open space.	Current	

### **4. Consultations**

TDC Building Control      No adverse comments at this time.

TDC Principal Tree & Landscape Officer      The main body of the application site is in agricultural use. There are no trees or other vegetation on the land on the main body of the land although there are mature trees and a scrubby hedgerow on the western boundary and an established but somewhat gappy hedgerow, with a few early mature trees, on the northern boundary of the land. The eastern and southern boundaries abut gardens forming part of the curtilage of existing dwellings. The most visually prominent trees, potentially affected by the development proposal, are those situated on the western boundary.

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

The report accurately describes the general health and condition of the

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

If the recommendations contained in the tree report are adhered to then the trees covered by the tree survey will not be harmed by the development proposal. It is therefore not considered necessary or expedient to make a new TPO in respect of any of the trees on the land.

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

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

The LVIA contains information relating to views of the development proposal from 10 locations. Along with the text of the LVIA this information provides an accurate description of the impact of the development proposal on the character and appearance of the countryside. It demonstrates that the development proposal could be relatively well assimilated into its setting and that the countryside, although valuable for its own sake has no outstanding or special qualities. It recognises that the development will cause a degree of harm but that the harm arising will not significantly affect the existing landscape character as long as the soft landscaping mitigation measures are implemented.

Should planning permission be likely to be granted then it will be necessary to ensure that the harm caused to the character of the area is minimised by soft landscaping works. The treatment of the boundary will be especially important and the indicative site layout showing open space around the perimeter will provide an opportunity for strong planting to soften the potentially hard edge of the development.

TDC Open  
Space and Play

There is currently a deficit of 1.73 hectares of equipped play in Great Bentley. However there is more than adequate provision in terms of formal open space. Due to the limited play provision in Great Bentley, any further development in the area will increase the current deficit and put greater demand on already stretched facilities. Due to the size of the site open space has been made within the development site however play provision should also be included to a LAP standard.

ECC Highways

This Authority has assessed the highway and transportation impact of the proposal and does not wish to raise an objection to the above application subject to the following:

Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 5.5 metres, shall be retained at that width within the site, will be provided with 2x2m wide footways and shall be provided with an appropriate junction with 10.5m radii kerbs

Prior to commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing, the means of surface water drainage, and all parking facilities in accordance with policy standards) shall be submitted to and approved in writing by the Local Planning Authority.

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

No works in connection with the proposed development shall commence until such time as the two nearest bus stops have been upgraded with any appropriate infrastructure entirely at the Developers expense.

#### ECC Schools

A development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places and 15 secondary school places.

Additional provision will need to be made for early years and childcare facilities in the Great Bentley Ward, for which a contribution of £94,028 is sought.

This proposed development is located in the primary admissions area of Great Bentley Primary School which will require additional places to accommodate growing demand. A developer contribution of £274,905 is sought to mitigate the impact on local primary school provision. .

For secondary school education, the proposed development is located within the priority admissions area of Colne Community School. Based on the demand generated by this proposal, a developer contribution of £278,415 is sought to pay for additional places. The nearest secondary school is over 3 miles from the proposed development and therefore a contribution towards school transport of £63,270 is also requested.

#### 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 Thorrington Water Recycling Centre that will have available capacity for these flows.

Foul Sewerage Network: 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. The following planning condition is suggested: *“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.”*

Surface Water Disposal: The proposed method of surface water

management does not relate to Anglian Water operated assets. The advice of the Lead Local Flood Authority or the Internal Drainage Board should be sought.

Natural England Natural England has no comments to make on this application. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

Essex County Council Flood Authority The Drainage Strategy submitted with this application does not comply with the requirements set out Essex County Council's Outline Drainage Checklist. Therefore the submitted drainage strategy does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Essex County Council Archaeology The Essex Historic Environment Record records a number of cropmark features in the surrounding area that would indicate a high probability of surviving archaeological remains being present within the development site. These include features that are indicative of prehistoric burial mounds and settlement as well as evidence for historic agricultural landuse, there is some evidence for Roman activity from findspots.

The proposed site is surrounded by evidence for late medieval dispersed settlement and a number of 16th and 17th century buildings survive which are protected by listing. Many of these represent the remains of late medieval farmsteads and settlement on the edge of the historic settlement at Great Bentley. Further evidence for medieval and later activity associated with the settlement may survive within the site.

Planning conditions should be imposed on approval of planning permission to secure, prior to commencement of development:

- a programme of trial trenching and a subsequent summary report and mitigation strategy to be submitted for the Council's consideration;
- archaeological fieldwork in any areas of the site considered to contain archaeological deposits; and
- a post excavation assessment with the full site archive and report to be deposited at the local museum.

NHS England This development is likely to have an impact on the services of the Great Bentley Surgery (The Hollies). 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.

The development would give rise to a need for improvements to capacity by way of relocating the Great Bentley Surgery, a proportion of the cost of which would need to be met by the developer. NHS England requests that £26,103 be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 agreement.

## **5. Representations**

5.1 Great Bentley Parish Council has objected strongly to the application for the following reasons:

1. The site is outside the village boundary and is not included in Option T of the emerging Local Plan. It would result in the loss of grade 1 arable land.
2. The single access to the site in itself would be problematic but coupled with its location on a bend on a hill on to Thorrington Road constitute a safety issue for pedestrians and vehicles.
3. The Housing Needs Survey report completed by RCCE for GBPC in October 2016 identifies the housing needs locally. The housing approved in the parish in the past 12 months has more than met the need identified and therefore, there exists no need for this additional housing.
4. Great Bentley currently suffers from traffic congestion in the Village centre on Plough Road and at the level crossings. Further housing development will compound this situation. The developers' own traffic impact assessment estimates an increase in traffic movements at the junction of Plough Road and Thorrington Road of 150 traffic movements up to 863. Further, when assessing the 2022 traffic flows the assessment judges that the PICADY modelling becomes unstable and is unable to predict traffic density. This is a huge concern especially as the Assessment may have taken no account of other recent housing development proposals.
5. It is understood that Highways England has commented when assessing the impact of the previous housing development locally that it would have a severe impact on the A120 in the case of Great Bentley.
6. The Village Primary School is at capacity and there is no scope to expand it. An additional 75 houses would require the children to travel to outside the parish to school generating additional journeys.
7. Parishioners are concerned about the impact on the GP Surgery that the 300+ planning applications approved in the past twelve months will have as the new houses are built and new residents move in to the village. This development would compound the situation.

It is acknowledged that TDC has consulted with the Parish Council for the seven major housing developments in the Parish that have been submitted in the last couple of years. However, these proposals have all been approved in the face of strong opposition from the Parish Council and local residents. Each of these proposals have been considered the Planning Authority on their individual merits with what appears to be no concern about the combined impact of a 40% increase in the number of dwellings. You will understand that the frustration locally is palpable.

There is an overwhelming feeling that enough is enough.

5.2 35 individual objections have been submitted in response to this planning application which includes the following concerns:

- The development would ruin the character of the area;
- The access point cause safety concerns on a busy road;
- Concern over the safety of residents using the existing narrow footpaths;
- Properties would be too large to benefit local residents looking to downsize;
- Impact on already overstretched schools and surgeries;
- Additional pressure on the local village hall;
- Impact upon the residents of Thorrington Road, particularly those close to the access point;
- Too much development already proposed for Great Bentley;
- Local people do not want any more development in the village;
- Not enough parking to serve the existing amenities in the village;
- Highways England, in its representations on the Local Plan, has raised concerns about the impact of further development in the Great Bentley area on the A120;
- Development should be focussed on urban areas to aid their regeneration;
- Great Bentley will turn from a village into a small town;
- Further development and more road users will add to the danger at the Heckfords Road/A133 junction;
- No benefits from this development to the local community;
- Increased queuing at the level crossing;
- Inconvenience to local residents during the construction phase;
- The site is a home to grass snakes, bats and other protected species;
- Goes against the Council's backland development policies;
- Impact upon biodiversity at the nearby Great Bentley Brook;
- Development would damage the setting of the two Grade II Listed Buildings in Thorrington Road;
- Given the size of Great Bentley Village Green, the proposed open space and play area is of negligible benefit to the community;
- Emergency vehicles would find it hard to access the site, particularly when the level crossing is closed;
- Additional cars will add to air pollution;
- There are very few employment opportunities in the area;
- Local bus services are very poor;
- Destruction of the countryside should be avoided;
- Concern about the capacity of local sewers;
- The developer has suggested that the Scouts would benefit from an alternative access through the site, but there are no guarantees;
- Concern about increased flooding around the brook; and
- Loss of arable farmland.

5.3 There are no letters of support.

## 6. **Assessment**

### **The Site**

6.1 The application site comprises a 3.17 hectare rectangle of agricultural land (used to grow oilseed rape) to the north of properties in Thorrington Road at the north western corner of Great Bentley. The site includes one of the properties on Thorrington Road itself which would be demolished to provide access. A public footpath runs along the western side of the site and paddocks are situated along the site's northern edge. To the east lies Great

Bentley Scout Hut and associated grounds which are accessed separately by a narrow access path from the De Vere Estate and some the rear gardens of properties on the De Vere Estate also abut the site. The site is relatively well enclosed by trees and hedges around its perimeter and the land itself is relatively flat, although the landscape begins to undulate more dramatically through the countryside to the west around Bentley Brook. The properties in Thorrington Road itself include a variety of styles and eras and include grade II listed buildings, namely the Field House and Gardeners Cottage which share the same plot. There is also a telephone exchange to the south of the site.

### **The Proposal**

- 6.2 The application is for to 75 dwellings with associated infrastructure, landscaping and public open space. The application is in outline with all matters reserved apart from the access point, which is to be achieved through the demolition of the property 'White Oak', the second property in from the western end of development in Thorrington Road. The proposal is supported by an indicative parameter and layout plans which show roughly how a scheme of 75 dwellings with open space could potentially be accommodated on the site. It is also supported by indicative dwelling designs to show how properties on the site could look.

### **Architectural Drawings**

- OC006-GB1-001 Location Plan
- OC006-GB1-002 Constraints Plan
- OC006-GB1-004 Opportunities Plan
- OC006-GB1-005 Proposed Built Form (Indicative)
- OC006-GB1-006 Parameters Plan
- OC006-GB1-ST01 Plough Road Street Elevations (Indicative)
- OAS-16-218-TS01/A Tree Protection Plan
- 10526\_P20a Landscape Strategy Plan

### **Reports and Technical Information**

- Planning Statement
- Design and Access Statement
- Landscape and Visual Appraisal
- Preliminary Ecological Appraisal
- Transport Assessment
- Flood Risk Assessment
- Arboricultural Implications Assessment

### **Main Planning Considerations**

- 6.3 The main planning considerations are:
- Local Plan and Housing Supply Position;
  - Principle of development;
  - Highways, transport and accessibility;
  - Landscape, visual impact and trees;
  - Flood risk and drainage;
  - Ecology;
  - Listed Buildings;

- Education provision;
- Healthcare provision;
- Council Housing/Affordable Housing;
- Open space;
- Potential layout and density; and
- Overall planning balance.

### **Local Plan and Housing Supply Position**

- 6.4 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2014, planning decisions must be taken in accordance with the 'development plan' unless material considerations indicate otherwise. The requirements of the National Planning Policy Framework (NPPF) are a material consideration in this regard.
- 6.5 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14<sup>th</sup> July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.6 On 19<sup>th</sup> January 2017, the Local Plan Committee resolved to approve a new Local Development Scheme (LDS) setting out a revised timetable for the next stages of plan preparation. The timetable proposes consultation on the final publication version of the Local Plan in June/July 2017 with submission of the plan to the Secretary of State in October 2017. The Local Plan comprises two parts – one jointly prepared on a sub-regional basis between Braintree, Colchester and Tendring Councils which promotes the establishment of new 'garden communities' and a second part containing policies for the Tendring area only. The examination of part 1 of the Local Plan is timetabled for December 2017 with the examination of part 2 to follow in April 2018. It is envisaged that, following a successful examination, the Local Plan will be adopted, in full, in September 2018.
- 6.7 It has been agreed by the Local Plan Committee that the objectively assessed housing need for Tendring will be set at 550 dwellings per annum based on the evidence contained with the 'Objectively Assessed Housing Need Study' November 2016 update produced by Peter Brett Associates on behalf of Braintree, Chelmsford, Colchester and Tendring Councils. In setting this figure, it has also been agreed that in the final publication version of the plan (due in June/July 2017) some land allocations will be deleted from the plan, namely in the Weeley area because the preferred options version currently over-provides.



- 6.8 In the recent appeal decision for land at Rush Green Road, Clacton, the Inspector commented on the use of 550 dwellings per annum as the housing needs figure and concluded that whilst the figure had not been tested through the development plan examination and there was some uncertainty about regarding 'UPC' (Unattributable Population Change), she considered that, in the interim, the Council's application of 550 dpa represented a broadly reasonable and pragmatic approach.
- 6.9 Further to setting the overall housing figure, the Local Plan Committee on 19th January 2017 agreed a methodology for calculating the five-year housing supply requirement of paragraph 47 in the NPPF as well as the calculation of what the Council believes the up to date housing land position to be. The estimated housing supply, predicted for 31<sup>st</sup> March 2017 is 4.4 years. With the approval of more residential planning applications since January, the Council is arguably even closer to achieving a 5-year supply. In the Rush Green Road appeal decision, the Inspector endorsed the Council's general approach to calculating the housing supply calculation and considered that, at the time of the appeal in December 2016, the shortfall was 'limited'.
- 6.10 Whilst the Council remains short of a full 5-year supply, paragraph 49 of the NPPF dictates that relevant policies for the supply of housing should not be considered 'up to date' and, in such cases, the 'presumption in favour of sustainable development' set out in paragraph 14 of the NPPF is engaged. '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.
- 6.11 The Council lost a number of planning appeals in 2016 because the Planning Inspectorate judged that the adverse impacts would not be outweighed by the benefits, particularly in light of the significant housing land shortfall. As the shortfall is eliminated or at least reduces to a negligible level, the pressure or urgency to approve schemes that run contrary to the Local Plan is much less, as evidenced by the Inspector's decision to dismiss the Rush Green appeal. This, combined with the strong progress of the Local Plan towards final submission stage where sites are to be deleted to reflect the lower agreed figure of 550dpa, leads Officers to recommend a more resistant approach to unnecessary and unwanted development proposals that do not accord with the development plan. In other words, at the present time, Officers consider that the plan-led approach to planning should prevail over the need to release sites in the short term to meet what has become a relatively limited housing land shortfall.

### **Principle of development**

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

- 6.13 Because the site lies outside of the settlement development boundaries and is not allocated for development in either the adopted or emerging Local Plan, it is contrary to local policy. However, where Councils are short of identifying a five-year supply of deliverable housing sites, the NPPF's presumption in favour of sustainable development is engaged and applications must be considered on their merits. Over the course of 2016, this led to a number of major residential proposals being approved either by the Council or following an appeal.
- 6.14 With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. Great Bentley is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the district's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'strategic urban settlements', 'smaller urban settlements' and 'expanded settlements' (of which Weeley is the only one). Therefore, a level of housing development for Great Bentley could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.
- 6.15 However, one of the main concerns raised by the Parish Council and a large number of local residents is the total number of new dwellings that have already gained planning permission on sites around Great Bentley and the cumulative impact that any additional homes and population could have on local services, traffic, other infrastructure and the character of the village. Whilst Great Bentley is categorised in the emerging Local Plan as a rural service centre where some sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in emerging Local Plan, as set out in paragraph 2.50, is meant to be modest, fair, achievable and sustainable.
- 6.16 Now that the Council is very close to identifying a five-year supply of deliverable housing sites and the emerging Local Plan is progressing well, Officers consider that greater weight can be given to the core planning principles under paragraph 17 of the NPPF that development should be genuinely plan-led and that the Council should actively manage patterns of growth should 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 Council should now be in a better position to protect villages from unfair, disproportionate and potentially unlimited levels of new housing.
- 6.17 Based on the agreed objectively assessed housing need of 550 dwellings per annum over the 20 year period 2013-2033, Tendring will be planning for a dwelling stock increase of some 11,000 which equates to an approximate 16% increase to the district's housing. It would therefore follow that a strategy seeking to direct the majority growth to larger and more sustainable settlements will see dwelling stock increases above 16% in those settlements but for those villages further down the hierarchy, the growth would be proportionately less, and generally below 16%.
- 6.18 Major developments with planning permission in Great Bentley already include:
- 14/01750/OUT Station Field, Plough Road – 150 dwellings

- 16/00133/OUT Admirals Farm, Heckfords Road – 50 dwellings
- 15/01820/OUT Land west of Heckfords Road – 50 dwellings

- 6.19 These 250 dwellings represent an approximate 35% increase in the village's housing which, based on the district-wide housing need for the whole of Tendring is already disproportionate. If added to the permissions already granted, a further 75 dwellings as proposed in this outline application would increase the potential growth to around 45%. If the other 75 dwellings at Plough Road were also added into the equation, the increase would be nearer 60%.
- 6.20 The 75 dwellings proposed for land in Thorington Road is a purely residential scheme that offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead Officers to consider the proposal in an exceptional light and there is no support from the Parish Council or local residents. Given the improving housing land situation, the positive progress of the Local Plan and lack of community support, Officers consider this to be an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the community's concerns about the disproportionate level of housing going to Great Bentley.
- 6.21 Officers therefore recommend the refusal of planning permission. Whilst the applicants will have the right to appeal to the Secretary of State, the Rush Green appeal decision mentioned above demonstrates that Tendring is now in a stronger position to defend against unwanted proposals that are contrary to the adopted and emerging Local Plans.

#### **Highways, transport and accessibility**

- 6.22 Paragraph 32 of the NPPF relates to transport and requires Councils, when making decisions, to take account of whether:
- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
  - safe a suitable access to the site can be achieved for all people; and
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.23 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. Although it is located at the very far end of the village, the application site still performs fairly well being within 800 meters of the GP surgery and pharmacy and around 1 kilometer from the village hall, railway station, business centre and primary school and with other local services in the centre of the village. The site offers a reasonable level of accessibility which is reflected in Great Bentley's categorisation as a rural service centre in the emerging Local Plan.

- 6.24 Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy 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.
- 6.25 Local residents are concerned about the cumulative increase in traffic that could arise as a result of the housing developments that have already obtained planning permission and any additional developments that might be approved.
- 6.26 The Highway Authority raises no objections in terms of highway capacity or safety to the application, in the full knowledge of the other proposals already consented or under consideration in the village. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles that would result from the various developments, but more traffic and queuing would undoubtedly have an effect on the character and enjoyment of the village. So, although cumulative impacts are not considered to be 'severe' and would not, by themselves, justify outright refusal of planning permission, there will naturally be an adverse social and environmental impact that, in the overall planning balance, weighs against the development – particularly when no longer outweighed by an overriding need to deliver housing in the short term.
- 6.27 In conclusion, whilst the site enjoys reasonable access to local facilities and the highways impact are not considered to be severe, an additional 75 dwellings would increase traffic in the area and is a matter of great concern within the community. The development is not required to meet local housing needs and in refusing planning permission for the reasons set out in this report, this concern can be averted.

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

- 6.28 The application site is located to the north west of Great Bentley where the countryside begins to undulate more around the valley of Great Bentley Brook. The site itself however is actually very well contained by the properties to the south and east and vegetation around the north and west. If development took place, it could potentially be achieved without any significant affect on the visual character of the village.
- 6.29 The Council's Principal Tree and Landscape Officer has considered the applicant's Landscape and Visual Impact Assessment and agrees that the development proposal could be relatively well assimilated into its setting and that the countryside. Whilst it is recognised that the development will cause a degree of harm, it is unlikely to significantly affect the existing landscape character as long as the soft landscaping mitigation measures are implemented. If the application were approved, the treatment of the boundary would be especially important and the indicative site layout showing open space around the perimeter would provide an opportunity for strong planting to soften the potentially hard edge of the development.
- 6.30 In respect of trees, the Tree Officer observes that there are no trees or other vegetation on the land on the main body of the land although there are mature trees and a scrubby

hedgerow on the western boundary and an established but somewhat gappy hedgerow, with a few early mature trees, on the northern boundary of the land. The eastern and southern boundaries abut gardens forming part of the curtilage of existing dwellings. The most visually prominent trees, potentially affected by the development proposal, are those situated on the western boundary. He states that if the recommendations contained within the applicant's arboricultural report are adhered to then the trees will not be harmed by the development proposal.

- 6.31 If development were considered acceptable in principle, it is clear that the impacts on landscape character and on trees could be mitigated to an acceptable level. It would therefore not be appropriate to refuse planning permission on such grounds alone. As is always the case with the loss of greenfield land, there will be a degree of harm to landscape character which would be a slight adverse impact to be weighed against the benefits of development. Because the development is not required to meet local housing needs, and it is recommended that planning permission be refused for the reasons set out in this report, any local concerns about the visual impact of the development and the loss of undeveloped agricultural land can be averted.

### **Flood risk and drainage**

- 6.32 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.
- 6.33 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. ECC has issued a 'holding objection' due to the lack of an adequate surface water drainage strategy and has highlighted the areas that would need to be addressed in order for the objection to be withdrawn. The applicant has submitted relevant information for ECC's consideration but, at the time of writing, Officers had yet to receive confirmation that this information addresses ECC's requirements.
- 6.34 The lack of an adequate surface water drainage strategy is recommended as an additional reason for refusal, however Officers consider that there is a reasonable prospect of ECC confirming the withdrawal of its objection either before the application is considered by the Planning Committee (in which case it will be reported as an update) or, if the applicant chooses to appeal against refusal, before any appeal hearing/inquiry takes place.
- 6.35 Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for these flows. Based on the details contained within the FRA and Drainage Report, it is considered that the application site could be developed in the manner proposed without any risk of flooding from or to the proposed development compliant with the aims and objectives of the NPPF as well as Local Plan Policies set out above.

## **Ecology**

- 6.36 Paragraph 118 of the NPPF requires Councils, when determining planning applications, to aim to conserve and enhance biodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.
- 6.37 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 and Officers consider that is sufficiently far from such designated sites not to warrant a further 'appropriate assessment' under the Habitat Regulations. Natural England has offered no objection to the proposal subject to the Council's consideration of the ecological value of the site itself.
- 6.38 The ecological value of the site itself is of considerable concern to a number of local objectors with some suggesting that the site is frequented by grass snakes, bats and other protected species. The applicant has prepared and submitted a Phase 1 Preliminary Ecological Assessment to assess the ecological value of this site (and that of the separate Plough Road site) and immediate area itself and the potential impact of the development. The main findings are summarised below.
- 6.39 Badgers: The assessment found no evidence of Badgers such as latrines, snuffle holes or setts anywhere on or around the sites. However, it is acknowledged that Badgers from the surrounding area may use the site, particularly the edge habitats, for commuting or foraging. It is recommended that an updated badger survey be carried out once the crops have been harvested and if any development is to take place, any excavations and trenches associated with construction should be either covered at night or supplemented with a means of escape for any badgers that may fall into the excavation whilst foraging. Any open pipes or conduits laid should be blocked off each night to prevent badgers from entering them. If possible, construction work should only take place between dawn and dusk with no late evening work to reduce possible disturbance.
- 6.40 Bats: None of the trees close to the site were found to support complex growth forms, cracks and crevices, which are traditionally associated with roosting bats and therefore these, were considered to have negligible potential for roosting bats. Bats are however likely to use the tree lines and hedgerows along the field boundaries for foraging and commuting between roosting sites and foraging habitats.
- 6.41 These linear features also provide connectivity across the site and into the wider landscape. It is therefore recommended that boundary trees and hedges are retained and enhanced wherever possible. An appropriate mitigation strategy would involve the use of a sensitive lighting scheme and the use of dark corridors along boundary features such as hedgerows and tree lines. As long as boundary features are retained within the scheme and enhancements for bats are provided, then no further surveys for bats are required.

- 6.42 To enhance the local bat population and provide roosting opportunities, it is also recommended that bat boxes be hung on mature trees or buildings around the site. Bat boxes on trees should be erected prior to the commencement of works on site. Further enhancements for bats in the local area can be achieved through the use of native tree planting and landscaping within the development. Planting a wide range of plant species will encourage a wider diversity of invertebrate species, which provides more foraging opportunities for bats.
- 6.43 Reptiles: The assessment observes that the site is subjected to high levels of disturbance with regular harvesting of arable crops, there were no field margins which are often used by reptiles and the strips of vegetation were very narrow. These areas at the time of survey were considered to be negligible habitat for reptile species. They also lack connectivity to other areas of suitable habitat. Therefore, it is considered that the sites are not constrained by reptiles and no further surveys for reptiles are required.
- 6.44 Great Crested Newts: The assessment identifies a number of ponds within 250m of the site and surveyed them for their suitability for Great crested Newts. Some were judged to have 'excellent' suitability, others 'good' suitability and others 'below average' suitability. The site itself however, as an arable field, is judged to contain suboptimal habitat for Great Crested Newts and that the connective habitats between the surrounding ponds and the site were not well developed and were missing in places. Given the distance between the ponds and the site and the limited habitat connectivity, it is considered that the sites are not constrained by Great Crested Newts and no further surveys are required.
- 6.45 Other species: The assessment notes that birds are likely to use the trees and hedgerows along the boundaries of the site for foraging and breeding. Species include skylark, greenfinch, goldfinch, swallow, wood pigeon, carrion crow, pheasant and kestrel. Evidence of barn owls in the wider area was also noted. However, owing to a lack of suitable habitat and connectivity, the sites are not considered to have potential to support species such as dormice, otters and water voles.
- 6.46 Breeding birds are likely to use the scattered trees and hedgerows along the boundaries of the sites as nesting habitat. There is also some potential for ground nesting birds within the arable fields on site. It is recommended that the boundary features be retained and enhanced where possible and if any clearance of the trees or hedgerows is required then this should be done outside the nesting bird season and the trees should be replaced elsewhere. It is also recommended that a full updated assessment of the field boundaries be undertaken prior to development to ensure that no specially protected species are actually present.
- 6.47 To protect skylarks, a ground feeding species, it is recommended that skylark plots be created in the arable fields adjacent to the sites. It is also recommended that open grassland areas or community orchards be incorporated into the scheme. A mowing regime where plots are not mown and are left to form tussocks could create similar habitat; encouraging skylarks to nest within areas of longer rank grassland and forage in the insect rich wild flower grassland areas and amongst orchards. The areas where skylarks are encouraged to nest should be set aside and have restricted access by members of the

public. As long as skylarks are considered within the design of the scheme, it is considered that no further bird surveys are recommended.

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

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

6.49 Officers note the findings of the report and the potential to deliver an enhanced wildlife habitat in the location off the back of development. If the proposal were granted planning permission, the recommended mitigation/enhancement measures could be secured through a planning condition requiring an ecological plan to be agreed by the Council prior to the commencement of the development. However, as the proposal is recommended for refusal for the reasons set out elsewhere in this report, the concerns raised by local residents about ecological impacts can be entirely averted.

### **Listed Buildings**

6.50 Thorington Road contains two Grade II listed buildings located on the same plot, these are Field House and Gardeners Cottage, located to the south east of the site. Whilst these buildings would not be lost as a result of the development, special consideration still needs to be given to the potential impact on their setting.

6.51 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.

6.52 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 132 states that as heritage assets are irreplaceable, any harm or loss (which can include harm to its setting) should require clear and convincing justification.



- 6.53 Paragraph 133 guards against substantial harm other than in very exceptional circumstances, but paragraph 134 determines that where a development proposal will lead to 'less than substantial harm' to a heritage asset, 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 PPL9 in the emerging Local Plan broadly reflects the requirements of current national planning policy.
- 6.54 Whilst the applicant has not provided a detailed assessment of the listed buildings' significance and potential impacts of the development on their setting, their Design and Access Statement acknowledges their presence and proposes that a landscape buffer be included within the design to eliminate harm to their setting. Given the location of the site to the north west of the listed buildings, the location of the listed buildings in relation to surrounding development, the existing separation provided by the telephone exchange, the fact that this is an outline planning application with matters of design and layout reserved for future consideration and the proposal to provide a buffer has been suggested, Officers are satisfied that a development could take place without harm to the setting of Field House and Gardeners Cottage. It is not suggested that the application be refused on such grounds.

#### **Education provision**

- 6.55 Policy QL12 in the adopted Local Plan and Policy PP12 in the emerging Local Plan require that new development is supported by the necessary infrastructure which includes education provision. 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 75 new homes, particularly when considered alongside other proposals for major residential development already approved in Great Bentley.
- 6.56 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. ECC's advice was submitted in response to this application in isolation however the cumulative effect of other potential developments has also been taken into account. ECC advised that, based on its standard formula, a development of this size can be expected to generate the need for up to 6.7 Early Years and Childcare (EY&C) places, 22.5 primary school places, and 15 secondary school places.
- 6.57 On the basis that there are insufficient places to meet the needs of this development, the County Council has requested financial contributions of approximately £94,000 for EY&C, £275,000 for primary school places and £267,000 for secondary school places along with a contribution of £63,000 for secondary school transport. The total contribution would therefore be in the order of £700,000. A similar contribution would be required for the separate Plough Road application. The applicant has indicated that they are willing to make these contributions in full, but no s106 agreement is formally in place at the moment.
- 6.58 In considering cumulative impacts on education provision, the approved developments at Admirals Farm (50), Station Field (150) and Heckford Road West (50) are expected, through their relevant s106 legal agreements, to contribute an approximate total of £230,000 for EY&C and £850,000 for primary provision but no money for secondary provision. The earlier Sturicks Lane development of 32 dwellings in Great Bentley will have already contributed £104,000 for primary provision and £24,000 for secondary transport.

The estimated total 'fund' for education provision to be secured from consented developments in Great Bentley is therefore around £1,200,000. If the Thorringon Road proposal were permitted with an appropriate s106 legal agreement, the fund would increase to around £1,900,000 and if the Plough Road proposal were also allowed, the fund would be close to £2,800,000 – with which Essex County Council would be responsible for ensuring sufficient school places and school transport is put in place.

- 6.59 Whilst local people are very concerned about the impact of development on school provision, it is the advice of Essex County Council that both the individual and cumulative impact could be mitigated through financial contributions. There may be concerns over how ECC spends the money to create the necessary capacity, but this is not Tendring District Council's responsibility and a refusal of planning permission purely on education grounds would not be justified.
- 6.60 However, it is recommended that one of the reasons for refusal refers to the lack of a s106 to secure the necessary contributions. Although the applicant has indicated a willingness to enter into such an agreement, including it as a reason for refusal will at least ensure this matter is properly addressed if the applicant decides to appeal.

#### **Healthcare provision**

- 6.61 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 HP1 in the emerging Local Plan, new development needs to be supported by the necessary infrastructure, including health provision.
- 6.62 As is 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.
- 6.63 In the absence of an up to date adopted Local Plan, 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 Great Bentley area. Through adopted Policy QL12 and emerging Policy HP1, 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. It is noted that there is local scepticism about how this will work in practice, but in the absence of an up to date Local Plan, this is an approach that has been accepted by Planning Inspectors.
- 6.64 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. 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.

- 6.65 NHS England has undertaken a Health Impact Assessment of the Thorrington Road development proposal and has identified that the existing surgery will not have the capacity to serve the additional residents that would result from the development. A developer contribution just over £26,000 is requested to mitigate the capital cost to the NHS for the provision of additional healthcare services. It is noted that, as part of a separate outline planning application for land east of Heckfords Road (16/01999/OUT), a new GP surgery to replace and improve upon the services at the existing Great Bentley Surgery is proposed (alongside a further 25 dwellings at the Admirals Farm development). That proposal is supported, in principle, by the NHS but there is no commitment from them at this stage to assist in its delivery.
- 6.66 In considering cumulative impacts on education provision, the approved developments at Admirals Farm (50), Station Field (150) and Heckford Road West (50) are expected, through their relevant s106 legal agreements, to contribute an approximate total of £75,000. If the Thorrington Road proposal were permitted with an appropriate s106 legal agreement, the fund would increase to around £101,000 and if the Plough Road proposal were also allowed, the fund would be close to £127,000 – with which the NHS would be responsible for ensuring sufficient capacity is put in place.
- 6.67 Whilst local people are very concerned about the impact of development on health provision, it is the advice of the NHS that both the individual and cumulative impact could be mitigated through financial contributions. There may be concerns over how the NHS spends the money to create the necessary capacity, but this is not Tendring District Council's responsibility and a refusal of planning permission purely on health grounds would not be justified.
- 6.68 However, it is recommended that one of the reasons for refusal refers to the lack of a s106 to secure the necessary contribution. Although the applicant has indicated a willingness to enter into such an agreement, including it as a reason for refusal will at least ensure this matter is properly addressed if the applicant decides to appeal.

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

- 6.69 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.
- 6.70 If minded to approve this application, up to 22 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement and the applicant

has indicated that they would be willing to provide the full policy-compliant contribution of affordable housing. However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of affordable housing will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

### **Open space**

- 6.71 Policy COM6 in the adopted Local Plan and Policy HP4 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision. The Council's Open Space Team has commented on the application and has identified a deficiency of equipped play areas in Great Bentley that would be exacerbated by additional residential development. Due to the size of the site it is recommended that at least 10% of the site is laid out as open space and the site includes play provision to a LEAP standard.
- 6.72 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 Council wanted to approve this application, Officers would engage in negotiations with the applicant to agree the necessary requirements in line with the guidance contained within the Council's Supplementary Planning Document on Open Space. The applicants have indicated, as part of their indicative drawings, how open space could be incorporated as part of their development.
- 6.73 However, if the Committee accepts the officer recommendation of refusal, the lack of a s106 agreement to secure the necessary level of open space and play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

### **Potential layout and density**

- 6.74 As an outline planning application, detailed design and layout is a reserved matter for future consideration but if minded to approve, the Council would need to be satisfied that an appropriate scheme of up to 75 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.75 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. These show an estate development laid out in traditional 'perimeter block' form with dwellings all to be located east of the new access road and open space to be provided at the western end of the site aimed at achieving a soft transition between development and the wider countryside. The scheme provides for a secondary area of open space to the west of the site, landscaping around the perimeter and a buffer to protect the setting of listed buildings. The indicative layout shows properties backing onto the existing dwellings in Thorington Road which is good practice in urban design terms, aimed at maximising security and minimising impacts on amenity.
- 6.76 At 3.2 hectares, the site would be required to provide a minimum of 10% open space and if one excludes the land occupied by the property to be demolished for access (approximately 0.1ha), the net dwelling density of 27 dwellings per hectare. This is within a range of housing density that is generally considered acceptable by modern standards and that can

achieve the Council's minimum garden standards. For context, the adjoining properties in Thorington Road (based on a historic plot layout) are much lower at around 10 dph and the properties in the neighbouring De Vere Estate average approximately 27 dph.

- 6.77 The proposed development would be of a slightly higher density than neighbouring developments, but not excessively so and would not be particularly visible from within or outside of the village being tucked behind the established development. Unless the Committee is concerned about the housing numbers from a density perspective, it is not proposed to make density a reason for refusal.

### **Overall Planning Balance**

- 6.78 This development proposal is contrary to both the Council's adopted and emerging Local Plans as it lies outside of the settlement development boundary. Throughout 2016, the Planning Committee were presented with a number of outline planning applications recommended for approval contrary to the Local Plan. For many of those proposals, refusal of permission purely on matters of principle could not be justified because the adopted Local Plan was out of date, the emerging Local Plan was at an early and uncertain stage of preparation and the Council was a long way off of being able to identify a five-year supply of deliverable housing sites.
- 6.79 Under these circumstances, government policy in the National Planning Policy Framework (NPPF) required 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. Many applications were approved, either by the Council or on appeal, because it was judged that the overall balance of benefits against harm weighed in favour of development.
- 6.80 In March 2017 the Council finds itself in a stronger position to resist unnecessary and unwanted development proposals. The adopted Local Plan remains out of date but with the confirmation of the objectively assessed housing need at 550 dwellings per annum, the emerging Local Plan is expected to progress smoothly to the next stage of the process later this year – gaining weight as a material planning consideration at every step. The Council remains slightly short of identifying a full five-year supply of deliverable housing sites, but this is based on cautious assumptions and the Inspector in the Rush Green Road appeal endorsed the Council's general approach to calculating housing supply and commented that the shortfall is now limited.
- 6.81 Whilst it remains the case that the NPPF presumption in favour of sustainable development is still engaged, and applications must be considered on their individual merits, the Council's stronger position means that, in the overall planning balance, there is less urgency to accept developments that are contrary to the Local Plan to meet a short-term housing need. The balanced assessment of economic, social and environmental factors is set out as follows.
- 6.82 Economic: Whilst the scheme is residential with no commercial premises provided, 75 dwellings would generate additional expenditure in the local economy which has to be

classed as an economic benefit. There will also be temporary jobs in construction whilst the homes are being built. The overall economic effect is therefore positive.

- 6.83 That said, Great Bentley is already expected to accommodate a significant increase in population resulting from the 250 or so new homes expected to be built on land that gained planning permission in 2016 and there needs to be a sensible limit to how much development one village can be expected to accommodate. The economic role of sustainable development, as set out in the NPPF, specifically requires sufficient land of the right type be made available in the right places and at the right time – Officers consider that Great Bentley is already providing land for its fair share of housing.
- 6.84 Social: The provision of 75 dwellings toward meeting projected housing need is a social benefit. However, this is tempered by the fact that the housing land shortfall against the five-year requirement is now 'limited' and this is based on cautious assumptions about projected delivery. Great Bentley village is already expected to accommodate around 250 new homes over the next five years as a result of existing planning consents which is more than sufficient to address short-term local housing needs and absorb market demand.
- 6.85 250 dwellings is an approximate 35% increase in the village's existing housing stock and this is already considered a disproportionate level of housing for a village that, as a 'rural service centre' features in the fourth category of the settlement hierarchy. The social role of sustainable development, as set out in the NPPF, requires housing to meet the needs of present and future generations with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The NPPF advocates a plan-led approach that actively seeks to direct development to the most sustainable locations and Officers consider that continued, seemingly unlimited development around Great Bentley does not reflect the positive approach set out in the emerging Local Plan which is progressing well through the plan making process.
- 6.86 The impacts of health and schools provision could be mitigated through financial contributions to be secured through a s106 agreement, if the application were to be approved – but Officers consider that more weight can now be given to the plan-led process which is designed to deliver housing, economic growth and infrastructure in a coordinated way. It should be noted that Parish Council nor any residents of Great Bentley support this proposal, but are positively engaged in the plan making process.
- 6.87 There is a suggestion of providing an alternative access to the Scout Hut through the development, as a potential benefit of the development, but there are no firm plans and no representations of support so Officers have given this concept limited weight in the planning balance.
- 6.88 Environmental: The environmental impacts of the proposal have required very careful consideration. Whilst the site is well contained in landscape terms, it does have some ecological value. Through mitigation measures, the ecological and landscape impacts of the development could be kept to a minimum, although the impact on the character of the area is likely, at best, to be neutral but more likely slightly adverse – not significant enough to justify an outright refusal of planning permission.

- 6.89 Local concerns about traffic have also been taken into account and whilst there is no technical objection to the proposal on highway capacity of safety, additional traffic in the village, when considered cumulatively alongside other consented schemes, does represent an adverse impact on the character and enjoyment of the area. Whilst not 'severe' enough to justify an outright refusal of planning permission, these considerations weigh against the development in the overall balance of benefits against harms.
- 6.90 There are two Grade II Listed Buildings close to the site, but Officers consider that development could take place with no harm to them or their setting.
- 6.91 In the overall planning balance, Officers consider that this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan. The housing land shortfall is no longer substantial enough to justify a significant departure from the plan-led approach which aims to direct development to the most suitable and sustainable locations. Great Bentley is already being expected to accommodate more than its fair share of residential development and further significant developments in the village are considered unnecessary, disproportionate and the impacts of continued development on the character and enjoyment of the village represent adverse impacts that are no longer significantly and demonstrably outweighed by the benefits.
- 6.92 The development is not supported by the community and offers no exceptional public benefits over and above additional housing that might lead Officers to come to a more positive on-balance view. The application is recommended for refusal – in the knowledge that the housing land position is improving rapidly and the Local Plan is likely to progress to final submission stage this summer. Under these circumstances, Officers consider that the Council would be in a strong position to defend against an appeal.
- 6.93 Additional reasons for refusal relating to the inadequacy of the applicant's drainage strategy and the lack of a s106 legal agreement are recommended, but there is a possibility that these issues might be addressed before the Committee meeting, or if necessary, as part of the appeal process.

#### Background Papers

None.