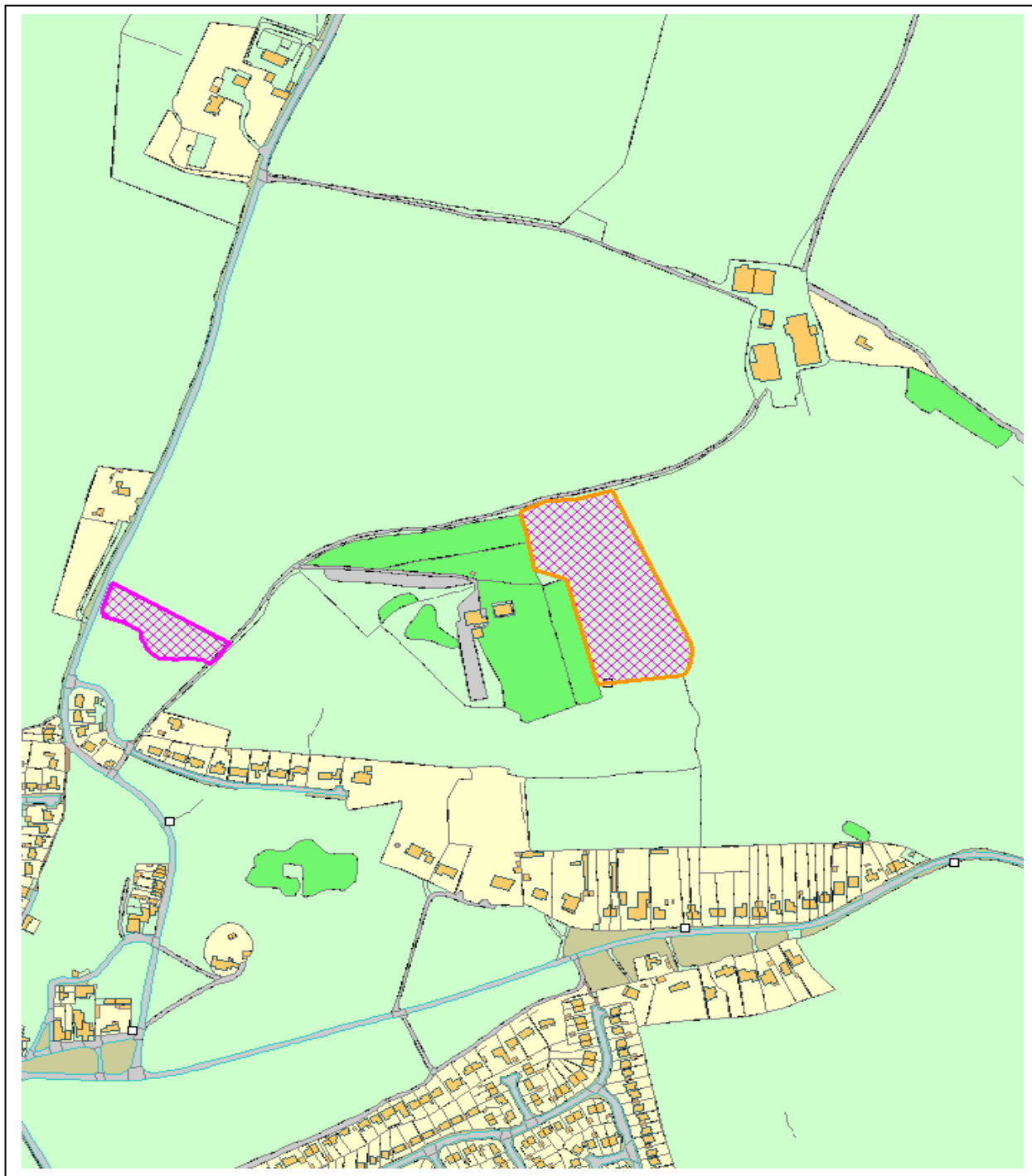


PLANNING COMMITTEE

29 MARCH 2017

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION – 16/01999/OUT - LAND EAST OF HECKFORDS ROAD, GREAT BENTLEY, CO7 8RS



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Application:	16/01999/OUT	Town / Parish: Great Bentley Parish Council
Applicant:	Mr. Stephen Williams – Hills Building Group	
Address:	Land east of Heckfords Road, Great Bentley, Essex CO7 8RS	
Development:	A doctors surgery and twenty five dwellings, associated infrastructure and landscaping.	

1. **Executive Summary**

- 1.1 This is an outline planning application effectively seeking approval for an extension of the already approved 50-home Admirals Farm development north of Great Bentley to include additional land 1) for a doctors surgery and 2) for 25 more dwellings. As an outline application, permission is only being sought at this stage for the principle of development, although indicative drawings have been supplied to indicate how the surgery and housing could possibly be accommodated on the two areas of land in question.
- 1.2 The adjoining land at Admirals Farm already has outline planning permission for 50 dwellings and the reserved matters application for the detailed design and layout is the subject of the separate report A.3.
- 1.3 The provision of a new doctors surgery for the village to replace the existing one at the Hollies represents a significant social benefit which is supported by the local surgery itself and the NHS in principle (although there is no firm commitment from the NHS at this stage to secure its delivery). The application for the surgery land and the additional 25 dwellings is a departure from both the adopted and the emerging Local Plans and has attracted objections from around 20 residents, mostly concerned about the impact of continued development around Great Bentley and issues of traffic and pedestrian safety. The proposal is supported however, in principle, by Great Bentley Parish Council – mainly because of the potential surgery.
- 1.4 From reports A.1 and A.2, the Committee will be aware that there is considerable local concern about the continued development of Great Bentley. For the Thorrington Road and Plough Road applications, Officers considered that the housing land supply position combined with the positive progress of the new Local Plan justified their refusal. For this application however, Officers have given weight to the potential to deliver a new surgery for the village and, mindful of Parish Council support, are recommending approval, on balance.
- 1.5 The 25 new dwellings would be accessed via the eastern end of approved Admirals Farm scheme and the surgery would be accessed at the western end of the development, closest to Heckfords Road. Subject to the relevant s106 contributions towards education provision (if necessary), on-site affordable housing and the transfer of land to the GP surgery, the proposals are considered acceptable. Technical matters relating to highways and ecology have also been addressed to Officers' satisfaction – although comments from Essex County Council on the applicant's revised surface water drainage strategy will be reported to the Committee on the night of the meeting.

Recommendation: Approve Outline

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

- a) Within 6 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matters (where required):
 - Council/affordable housing;
 - Education contributions; and
 - Securing the land for a new GP surgery.
- b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate).
- (i) Conditions:
 - 1. Standard 3 year time limit for submission of reserved matters application;
 - 2. Standard 2 year limit for commencement of development following approval of reserved matters;
 - 3. Details of appearance, access, layout, scale and landscaping (the reserved matters);
 - 4. Residential development to contain up to (but no more than) 25 dwellings;
 - 5. Highways conditions (as recommended by the Highway Authority);
 - 6. SUDS and drainage conditions as requested by Essex County Council;
 - 7. Hard and soft landscaping plan/implementation;
 - 8. Ecological mitigation/tree protection measures;
 - 9. Construction methods plan;
 - 10. Details of lighting, materials and refuse storage/collection points; and
 - 11. Archaeological investigation and report works;
 - 12. Site lighting strategy; and
 - 13. Broadband.
- c) That the Head of Planning be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of 6 (six) months, as the requirements necessary to make the development acceptable in planning terms had not been secured through a s106 planning obligation.

2. Planning Policy

National Policy:

NPPF National Planning Policy Framework (2012)

- 2.1 The National Planning Policy Framework (March 2012) sets out the Government's planning policies and how these are expected to be applied at the local level.
- 2.2 Planning law requires that applications for planning permission be determined in accordance with the 'development plan' unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan as the starting point for decision taking. Where proposed development accords with an up to date Local Plan it should be approved and where it does not it should be refused – unless other material considerations indicate otherwise. An important material consideration is the

NPPF's 'presumption in favour of sustainable development'. The NPPF defines 'sustainable development' as having three dimensions:

- an economic role;
- a social role, and;
- an environmental role.

- 2.3 These dimensions have to be considered together and not in isolation. The NPPF requires Local Planning Authorities to positively seek opportunities to meet the development needs of their area whilst allowing sufficient flexibility to adapt to change. Where relevant policies in Local Plans are either absent or out of date, there is an expectation for Councils to approve planning applications, without delay, unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.4 Section 6 of the NPPF relates to delivering a wide choice of quality new homes. It requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years worth of deliverable housing land against their projected housing requirements (plus a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.
- 2.5 Section 8 of the NPPF relates to promoting healthy communities. In paragraph 70, the NPPF states that planning policies and decisions should plan positively for the provision and use of community facilities and other services and should ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- 2.6 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:

- 2.7 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.

QL7: Rural Regeneration: Supports developments that provide new affordable village housing, employment opportunities and local services.

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.

COM1: Access for All: Requires buildings and spaces accessible to visitors, customers or employees to provide safe and convenient access for people of all abilities.

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

COM3: Protection of Existing Local Services and Facilities: Guards against the loss of community facilities and local services unless replacement facilities are provided within reasonable walking distance of an equal benefit, which are readily accessible to local people and served by viable public transport.

COM4: New Community Facilities (including Built Sports and Recreational Facilities): Supports the provision of community uses subject to consideration of accessibility to local people, the character of the area, parking and traffic issues, and other planning or infrastructure constraints. For developments outside of settlement development boundaries, applicants need to prove a local need for the facility and demonstrate that there is no suitable site available within the settlement it is intended to serve.

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.

COM24: Health Care Provision: Supports proposals for new and improved health care facilities where they are accessible to the community they are intended to serve, would not have a materially detrimental impact on highway and pedestrian safety, can be served by a variety of transport modes and provide adequate car parking.

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.

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. One of the strategic priorities of this policy is to ensure that essential healthcare infrastructure is provided as part of new developments of appropriate scale in the form of expanded or new doctors' and dentists' surgeries.

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. The policy also states that the Council will work in partnership with the NHS to ensure that our residents can access high quality primary and secondary health care services and that new and improved services are put in place to serve the growing population.

HP2: Community Facilities: Supports the provision of new or enhanced community facilities to meet needs arising from growth.

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.

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

15/00682/OUT	Proposed erection of 75 dwellings, garages, roads and associated works.	Refused	08.01.2016
16/00133/OUT	Proposed erection of 50 dwellings, garages, roads and associated works.	Approved	28.09.2016
16/01912/DET AIL	Proposed erection of 50 dwellings, garages and associated works.	Current	
16/01999/OUT	A doctors surgery and twenty five dwellings,	Current	

associated infrastructure and landscaping.

4. **Consultations**

TDC Building Control Please indicate how compliance with Section B5 from Approved Document B will be achieved.

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 significant deficit of play facilities in the area it is felt that a contribution towards play is justified and relevant to the planning application. However, Great Bentley is well provided for in terms of open space and we do not consider that a contribution towards additional formal open space is necessary or relevant to this application.

ECC Highways The Highway Authority has no objections in principle but any Reserved Matters application should show the following details:

- 1) The junction with Heckfords Road being completed prior to commencement of this development and providing appropriate visibility splays in accordance with the submitted information;
- 2) The carriageway being no less than 5.5m in width along with 2x2m wide footways;
- 3) All parking and garaging facilities in accordance with current policy standards; and
- 4) All new units being provided with a transport information marketing pack.

ECC Schools Prior to the implementation of the revised Community Infrastructure Levy Regulations on the 6th April 2015 the County Council would have sought a developer contribution from this proposed development for additional early years and childcare, primary and secondary school places.

However, the implementation of the revised Regulations now restrict the pooling of contributions for a specific item of infrastructure, such as the expansion of a school, to contributions from five separate planning obligations. Under these changed circumstances the County Council has decided not to request a contribution for the provision of additional primary or secondary school places from this proposed development.

This is because the scale of this development is relatively small and the impact on pupil places is limited. Seeking contributions from a number of small developments might, in the future, preclude the County Council from seeking a contribution from a larger development, should there already be

5 contributions allocated to a particular project to add school places in the area.

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

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

Natural England Natural England 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.

[Note: Revised information has been provided to ECC and Officers were, at the time of writing, awaiting confirmation from ECC that this objection had be addressed].

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.

As the proposal has a relatively low scale residential element, it is unlikely to have a considerable impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically with the health catchment of the development. However, the proposed provision of a new health facility does warrant further comment.

Additionally, it is understood that this outline application is part of a wider scale residential development on adjoining sites, covered by other separate planning applications; the cumulative impact of this development growth on primary healthcare provision in the area should be considered and mitigated appropriately.

The intention of NHS England is to promote Primary Healthcare Hubs with co-ordinated mixed professionals. This is encapsulated in the strategy

document: The NHS Five Year Forward View.

Further to a review of the application, NHS England has no objection in principle to the proposed development. However, it must be made clear at the present time there is no agreement in place between the application and NHS England or the GP within Great Bentley, that this facility will be utilised by an NHS England funded GP Practice. Discussions between NHS England and Great Bentley Surgery are at a very early stage and as yet no decisions have been made. Please note any project proposed by the GP Practice is subject to CCG agreement and NHS prioritisation and approval processes.

Assuming the above is considered in conjunction with the current application process, NHS England would not wish to raise an objection to the proposed development. NHS England and the CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response.

Great Bentley Surgery

Great Bentley Surgery is a rural practice serving approximately 8,600 patients over a wide area of 25 square miles. Current challenges faced by local primary care include:

- Increasing population;
- Ageing patients and social care issues;
- Services previously in secondary care now offered in primary care;
- Increasing number of local healthcare providers;
- Diminishing NHS resources;
- Inability to recruit or retain GPs; and
- Current premises is too small.

Great Bentley Surgery has an excellent reputation and as a partnership we seek to continue to offer outstanding and innovative primary care despite the challenges we face.

Whilst we have a possible option to expand on our current site, this is a short term solution and may not allow us to meet the demands of the GP Forward View. This government initiative aims to transform UK primary care, including the development of working to scale models: practices working together to centralise services to a greater number of patients.

We can be at the forefront of this transformation offering more services locally to our patients in Tendring, an area in desperate need for a collaborative approach to primary care. To achieve this goal we need premises that can accommodate more patients, attract new GPs, expand service delivery and build an enviable functioning team of healthcare professionals.

A new building, as proposed in this planning application, would undoubtedly allow us to develop this vision.

5. Representations

5.1 22 representations have been received from local residents, mostly (17 of them) in objection to the new homes forming part of the proposal. Concerns include:

- Increase in already heavy traffic.

- Pedestrian safety here and elsewhere in the village will worsen.
- The junction of Heckfords Road and the A133 is dangerous.
- Not enough parking in the village.
- Negative impact on sense of community.
- Lack of public transport, particularly bus services.
- Disproportionate levels of development going to Great Bentley.
- No school places.
- No capacity at the doctors surgery and no guarantee of new surgery being built;.
- Chemist is constantly busy.
- Disruption to bats and other wildlife.
- Light pollution on the night sky.
- No safe passage to the proposed foot path on the west of Heckfords Road.
- Developers should be made to use brownfield sites first.
- The earlier scheme of 75 dwellings at Admirals Farm was refused.
- The settlement boundary in the draft Local Plan should be upheld.
- The development should be considered as two separate applications.
- The surgery is just a sweetener to get the additional homes.
- Dangerous location for the surgery at Heckfords Road.
- Development should be focussed on urban areas to aid their regeneration.
- Until the NHS has agreed that the surgery will be commissioned, no permission should be granted.
- Development is too distant from the centre of the village and amenities to be considered walkable.

5.2 Some of the representations are supportive of the development, particularly the surgery and the opportunity for the improvement and expansion of health facilities in the village.

5.3 Great Bentley Parish Council supports the application subject to the completion of a new footfall study which supports the development.

6. **Assessment**

The Site

6.1 The application site comprises two parcels of land that are physically separate from one another but that effectively represent an overall extension to the approved Admirals Farm development that adjoins Great Bentley village to the south.

6.2 The smaller 0.43 hectare parcel of undeveloped agricultural land closest to Heckfords Road is positioned immediately north of the new access road that is proposed as part of the Admirals Farm development upon which it is proposed to construct a new GP surgery with associated parking and infrastructure.

6.3 The larger 1.67 hectare parcel of undeveloped agricultural land, which is proposed for housing, lies to the east of the woodland around Great Bentley Pumping Station and to the north of the eastern end of the approved Admirals farm development. It is intended that the access road through the Admirals Farm scheme simply be extended into the application site to serve the additional phase of new dwellings.

6.4 The western (surgery) site is currently open countryside with limited landscape features, forming part of the wider Admirals Farm holding which extends from Great Bentley to the A133 and the A133 traffic can be seen in the distance from viewpoints on the site. The

eastern (housing) site is more contained within its own boundary vegetation and views from the site into the wider countryside and views into the site are fairly limited. The substantial agricultural buildings associated with Admirals Farm lie to the north east and the Pumping Station and associated woodland lies to the west.

The Proposal

- 6.5 The application is for a GP surgery and associated infrastructure and parking on the western site and for 25 dwellings on the eastern site. Only outline consent is being sought at this stage, but the proposal is supported by indicative drawings which show roughly how the buildings could potentially be accommodated on the site. Both developments would be accessed via the approved access road that forms part of the Admirals Farm development.

Architectural Drawings

- 3684 – 0001 Rev P01 Site Location Plan
- 3684 – 0010 Rev P01 Existing Site Block Plan
- 3684 – 0011 Rev P01 Proposed Site Block Plan

Reports and Technical Information

- Planning Statement
- Design and Access Statement
- Ecological Assessment
- Transport Statement
- Archaeological Desk Based Assessment
- Desk Based Contamination Assessment
- Soil and Agricultural Land Classification

Main Planning Considerations

- 6.6 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;
 - Education provision;
 - Healthcare provision;
 - Council Housing/Affordable Housing;
 - Open space;
 - Potential layout and density; and
 - Overall planning balance.

Local Plan and housing supply position

- 6.7 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.

- 6.8 The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 14th July 2016, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document. As this plan is currently at an early stage of preparation, some of its policies can only be given limited weight in the determination of planning applications, but the weight to be given to emerging policies will increase as the plan progresses through the later stages of the process. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in planning decisions. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.
- 6.9 On 19th 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.
- 6.10 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.
- 6.11 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.
- 6.12 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 31st 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'.

- 6.13 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.
- 6.14 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 – unless material considerations, such as overriding public benefits, indicate otherwise.

Principle of development

- 6.15 The application site(s) is located to the north of undeveloped land on the edge of Great Bentley that has already obtained outline planning permission for up to 50 dwellings. The subsequent reserved matters application for the detailed layout and design for that scheme is the subject of report A.3. It is intended that the proposed development would represent an extension to the approved Admirals Farm scheme.
- 6.16 The land in question lies outside of the village's settlement development boundary as defined in the adopted and emerging Local Plans but adjoins the revised boundary for the emerging plan that flows from the grant of planning permission at Admirals Farm. The settlement boundary policy 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, or any other development, unless it is consistent with countryside policies.
- 6.17 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.

- 6.18 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.
- 6.19 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.
- 6.20 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. For these reasons, reports A.1 and A.2 recommend the refusal of planning permission for two schemes of up to 75 dwellings each in Thorington Road and Plough Road.
- 6.21 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%.
- 6.22 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

- 6.23 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 25 dwellings as proposed in this outline application would increase the potential growth to around 39%.
- 6.24 The separate proposals for up to 75 dwellings each on land in Thorrington Road and Plough Road are purely residential. For those schemes there are no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might have led Officers to consider the proposals in an exceptional light and there is no support at all for those schemes from the Parish Council or local residents. In contrast, the current application for land off Heckfords Road provides land for a much needed GP surgery that, if built, would improve healthcare capacity to the benefit of both Great Bentley residents and people in the wider district that use Great Bentley surgery. This is an exceptional benefit that weighs more heavily in favour of this proposal and, despite a fair level of local objection, the Parish Council supports this application.
- 6.25 On balance, and despite the stronger housing land position and the positive progress of the Local Plan, Officers consider that this application could be supported in principle as a departure from local policy on the basis that the adverse impacts would be outweighed by the potential benefits. If the Committee does not agree with this approach, refusal for being contrary to the Local Plan (as recommended for Thorrington Road and Plough Road) would be a legitimate course of action that could be reasonably defended on appeal.

Highways, transport and accessibility

- 6.26 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.
- 6.27 Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport. The approval of the Admirals Farm development establishes that this location is generally acceptable in accessibility terms and if the surgery were constructed in this location, it would improve accessibility to and capacity of local health services whilst improving parking provision – which is a current concern amongst residents.
- 6.28 On the negative side, Officers are very aware of residents concerns about the safety of Heckfords Road and the adequacy of the footpaths, existing or proposed, in this location. However the approval of Admirals Farm and the subsequent loss of the appeal against the

refusal of permission for 50 dwellings on the western side of Heckfords Road combined with no objection from the Highway Authority would make it difficult to argue as a reason for refusal. Officers note the Parish Council's request for a footfall survey, but in the absence of any objection from the Highway Authority, and given their support for the proposal in principle, it is difficult to see what such a survey would achieve – particularly as there are no alternative proposals for a new GP surgery in Great Bentley and the fact that there is widespread concern about capacity and parking at the existing surgery.

- 6.29 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.
- 6.30 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 slightly against the development, although this must be weighed against the positive benefit of a new surgery and parking.
- 6.31 In conclusion, whilst the site enjoys reasonable access to local facilities and the highways impact are not considered to be severe, the development would increase traffic in the area and is a matter of great concern within the community. However, Officers consider that the overall benefits of the proposal on this occasion outweigh such concerns.

Landscape, visual impact and trees

- 6.32 The application sites are located to the north of Great Bentley where the land is generally flat and featureless, extending all the way to the A133 to the north. The sites offer views towards the A133 and can be seen from the A133 itself.
- 6.33 The surgery site is exposed with only the vegetation along Heckfords Road itself providing any form of enclosure whereas the housing site is very enclosed by its boundary vegetation. The proposals must however be considered in the context of the approved Admirals Farm developments which will naturally bring about a change in the character of this part of the village. The application is not supported by any specific landscape, visual impact assessment or tree surveys so Officers have assessed the impact of the development from the information provided and from knowledge of what exists on the ground.
- 6.34 Officers are satisfied that development on the land in question can be achieved in an appropriate manner with landscaping measures to minimise visual impacts, particularly in

the more exposed land proposed for the surgery. No significant trees are to be lost as a result of development on either portion of land but tree protection measures will be required, via planning condition, if the Committee is minded to approve.

- 6.35 From a settlement pattern and form perspective, the 25 dwellings extending out into the countryside in a 'finger' of development is not the most logical way in which the village could expand, although on the ground the intrusion into the countryside would not be that significant given the presence of the woodland around the pumping station to the west and the agricultural buildings to the north. Officers consider that the overall social benefit of the development outweighs the concern about maintaining a compact settlement pattern, however if the Committee takes an alternative view, the intrusion of the development into the countryside (a matter of planning judgement) could reasonably be cited as a reason for refusal alongside being contrary to the Local Plan.

Flood risk and drainage

- 6.36 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.
- 6.37 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.
- 6.38 Officers are expecting ECC's comments to arrive shortly after the publication of the Committee agenda and it is therefore proposed to update the Committee on the night of the meeting. If for whatever reason the holding objection has not been addressed before the meeting, Officers will advise the Committee how best to proceed with the determination of this application in the absence of that information.
- 6.39 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

- 6.40 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.

- 6.41 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.
- 6.42 The land and woodland around the neighbouring Pumping Station is designated as a 'Local Wildlife Site' through the emerging Local Plan for the range of plant species across the land and the habitat for Slow-worm, Grass Snake and Adder. It has subsequently been surveyed for its potential for bat roosts and bat activity. The ecological assessment concludes that the proposed developments will not reduce the area of these habitats, their conservation value, management regimes or future ecological viability. It recommends a sensitive approach to lighting within the development to mitigate any potential impacts on bat activity.
- 6.43 The ecological value of the application site itself is also the subject of the applicant's ecological assessment. The surgery site is judged to be open flat featureless intensive arable agricultural land with negligible biodiversity or conservation value. The ecologist also considers that the development of the surgery would not impact upon the bat populations in the wider area and no further surveys are required.
- 6.44 The land proposed for 25 dwellings is identified as an intensive arable field with no biodiversity or conservation value. A wet ditch within the adjacent woodland affects one of the site's boundaries and was surveyed for any amphibian presence. The survey found no protected amphibian species and no further surveys are recommended. To the northern and eastern boundary of the site is a mature treeline with relict hedgerow and occasional gaps. The assessment considers that this linear habitat does have mixed general conservation value and should be retained and enhanced as part of any future biodiversity provision – as is proposed by the applicants. Within the eastern hedge/tree was an active fox earth. It had no associated badger field signs and could be considered as any type of badger sett. It is suggested that some protection however be given as part of the ecological mitigation for the development.
- 6.45 Officers note the findings of the assessment and if the proposal were granted planning permission, mitigation and enhancement measures would be secured through a planning condition.

Education provision

- 6.46 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 25 new homes, particularly when considered alongside other proposals for major residential development already approved in Great Bentley.

- 6.47 Essex County Council as the Local Education Authority has been consulted on the planning application and has made representations. Because of the restrictions imposed by the government under the Community Infrastructure Levy (CIL) regulations, which prevent Councils securing any more than five financial contributions towards any one piece of infrastructure (e.g. Great Bentley Primary School), ECC has resolved not to request a financial contribution – reserving the opportunity to secure contributions from other larger developments, if necessary.
- 6.48 Based on ECC's standard formula, a development of an extra 25 dwellings would be expected to generate the need for up to 2.3 Early Years and Childcare (EY&C) places, 7.5 primary school places, and 5 secondary school places. Under normal circumstances, and based on its advice on the Thorington Road and Plough Road applications, ECC would be inclined to request contributions in the region of £32,000 for EY&C, £92,000 for primary provision, £93,000 for secondary provision and £21,000 for school transport – a contribution of around £238,000 in total.
- 6.49 If the Committee resolves to accept the Officer recommendation to refuse the Thorington Road and Plough Road applications and if it is minded to approve this application, Officers will re-consult ECC to confirm whether or not they wish to secure the above contributions from this development through the s106 agreement.

Healthcare provision

- 6.50 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. As this the case across most parts of the district, local health services are operating either at, close to or above capacity in catering for the needs of the current population. One of the roles of the Local Plan is to ensure that major residential developments are planned alongside agreed investment in an area's infrastructure to accommodate anticipated increases in population. For this particular proposal, a new GP surgery is proposed on one of the sites which would replace, modernise and expand upon facilities at the existing surgery at The Hollies.
- 6.51 NHS England has written to the Council to state that it has no objection in principle to the proposed development. However, there is no formal agreement in place between the applicant, the NHS or the local GPs and no guarantee, at this stage, that facility will be utilised by an NHS funded practice. Discussions between the parties are at a very early stage. Great Bentley Surgery itself has a possible option to expand on its current site, but this is only seen as a short term solution and, with an eye on the government's vision for primary health care provision, the surgery welcomes the opportunity to create a new building on the application site.

- 6.52 Wider potential benefits include the provision of additional parking – something that the current surgery is deficient of, leading to on-street parking in and around the village green. Concerns about the new location for a surgery mainly relate to it being located further from the centre of the village and accessible by foot via the footpath proposed for Heckfords Road, which is considered by residents to be unsafe. There is however no alternative site for a new surgery being proposed anywhere else in the village at this time. .
- 6.53 The Parish Council supports the development in principle and there is some recognition amongst residents, amongst the objections, of the potential benefit to the village and the wider community of securing a purpose built surgery on the site in question. There is some suggestion within the representations received from local residents that none of the 25 dwellings should be built or occupied until the surgery has been built or at least formally commissioned.
- 6.54 Officers consider that the potential to deliver a new surgery is key to the success of this planning application. Had the proposal been for 25 dwellings only, the recommendation would have been refusal, for being contrary to the Local Plan – consistent with the approach taken to the separate Thorrington Road and Plough Road applications (see reports A.1 and A.2). There needs therefore to be some connection between the development of 25 dwellings and the delivery of the surgery.
- 6.55 Officers have considered the following options, that would be secured through either planning conditions or a s106 legal agreement:
- 1) No residential development until the surgery is constructed and operational;
 - 2) A limit to the number of dwellings that could be occupied prior to the completion of the surgery;
 - 3) No residential development until there is at least formal agreement to commission a new surgery; or
 - 4) No residential development until the land is transferred, for a nominal sum, to either the Council or another appropriate body e.g. the NHS or the GP Practice.
- 6.56 Any such restriction would need to be reasonable, justified and workable. On one hand the community does not want to be left in a position where 25 homes are built but no surgery ever prevails, equally the delivery of the surgery is somewhat out of the developer's hands and it might be unreasonable to stop them building because of delays caused by third parties. Furthermore, whilst the developer is seeking planning permission for a surgery, there is no suggestion that they will commit to building it from their own funds, given that it would be a multi-million pound project. The funding would come primarily from the NHS, the surgery and other relevant investors via the standard commissioning process.
- 6.57 If the Committee is minded to approve planning permission, Officers consider that the most reasonable approach to delivering the surgery will be to secure the land for a nominal sum, giving the surgery and the NHS the freedom to develop the site as and when the funding becomes available. Naturally, if the Committee is concerned that this offers an insufficient guarantee of delivery, one of the more stringent approaches could be explored or the application could be refused – but in the latter, the opportunity for the surgery might be lost.

Council Housing/Affordable Housing

- 6.58 Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. If minded to approve this application, up to 7 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.

Open space

- 6.59 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.
- 6.60 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 the residential development.

Potential layout and density

- 6.61 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 a surgery and 25 dwellings, with associated infrastructure and open space could be accommodated on the site in an appropriate manner.
- 6.62 The applicant has submitted indicative drawings to show how the scheme could potentially be laid out. For the surgery site, a simple L shape block in the centre of the land is shown with space around it for public open space, patient parking and staff/service access. There is very limited detail upon which to assess the visual impacts and/or parking requirements against at this stage; however, as there is no objection in principle from either NHS England, the local GP practice or Essex County Council Highways, Officers must be satisfied that the land is sufficient in size to accommodate such a facility in an appropriate manner – with details to follow at a later stage.
- 6.63 For the residential land, a more detailed dwelling layout showing individual plots, the footpath and highway arrangement and open space is shown. 25 dwellings on a 1.67 hectare site with at least 10% open space would result in a net density of 17 dwellings per

hectare – which is a low density that would be suitable for a edge of village site. The dwellings shown are all detached plots. The development would follow on naturally from the approved Admirals Farm development in terms of its indicative layout and density.

Overall Planning Balance

- 6.64 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.
- 6.65 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.
- 6.66 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.
- 6.67 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.
- 6.68 Economic: The surgery if constructed would bring about potential for additional employment and the services expand to deal with a larger number of patients. There would also be temporary employment opportunities during the construction phases. The 25 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.

- 6.69 Social: The provision of an additional 25 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. The potential to deliver a new surgery better equipped to meet the needs of a growing population is however a significant social benefit, particularly as the proposal is supported by the existing GP practice and, in principle, by the NHS.
- 6.70 Environmental: The environmental impacts of the proposal have required very careful consideration. The ecological impacts are expected to be low and the visual impact, with appropriate landscaping, should be acceptable. The way in which the residential phase of development extends into the countryside represents an illogical intrusion however, although the impacts in visual terms would be limited by the woodland and agricultural buildings within the land's proximity.
- 6.71 The Committee will be updated on the status of Essex County Council's holding objection to the submitted surface water drainage strategy.
- 6.72 In the overall planning balance, Officers consider that whilst this development goes against the plan-led approach advocated in the NPPF and which the Council is actively securing through its emerging Local Plan, and represents an unusual intrusion of development into the countryside to the north of the village, the potential for a new surgery is a significant planning benefit that outweighs the development's adverse impacts. With suitable safeguards to ensure the land is transferred to a nominated body to deliver the surgery, the application is recommended, on balance, for approval.

Background Papers

None.