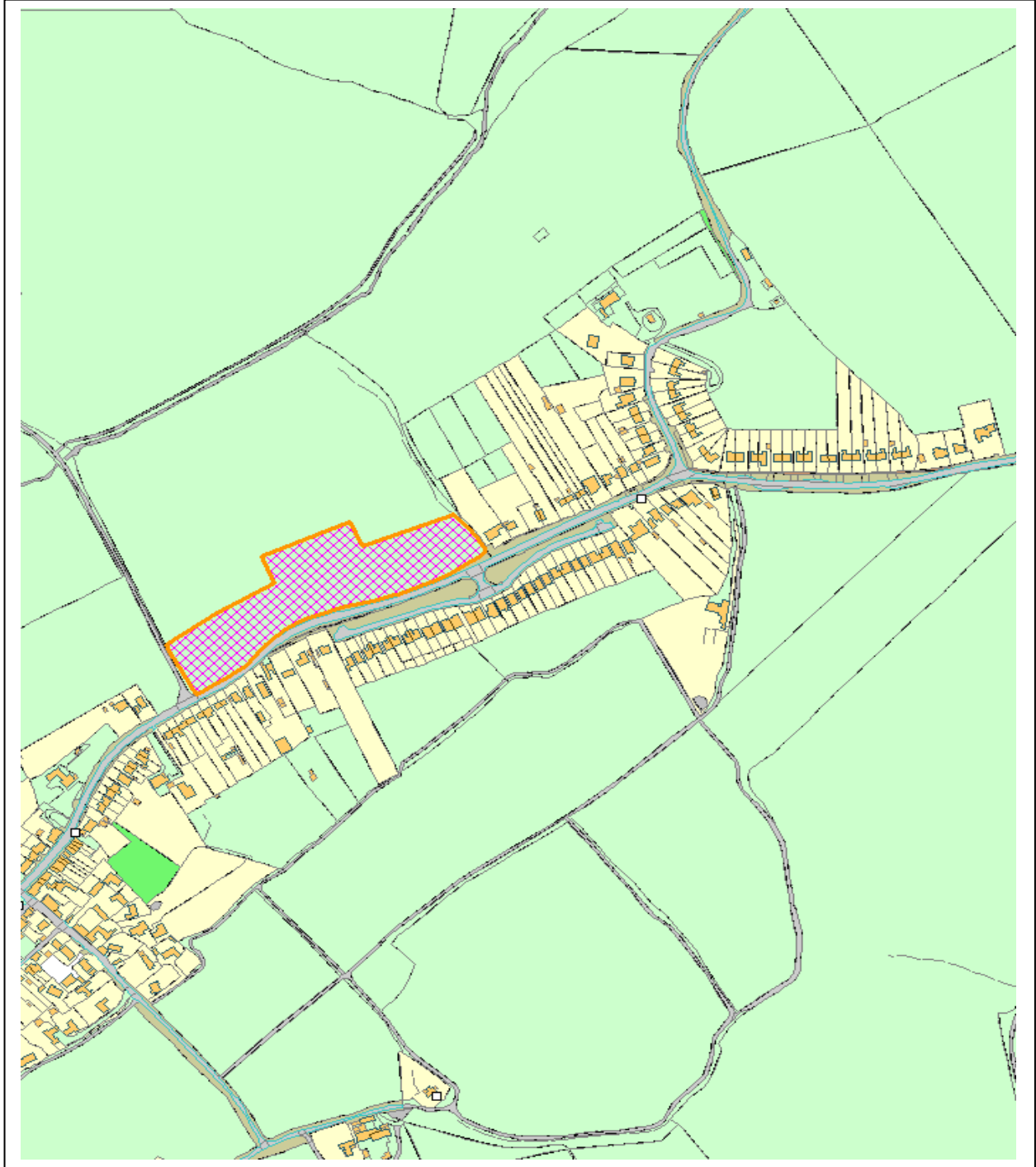


PLANNING COMMITTEE

29 MARCH, 2017

REPORT OF THE HEAD OF PLANNING

**A.7 PLANNING APPLICATION - 16/01642/OUT - GREAT OAKLEY LODGE,
HARWICH ROAD, GREAT OAKLEY, CO12 5AE**



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Application:	16/01642/OUT	Town / Parish: Great Oakley Parish Council
Applicant:	Mr Tim Spurge	
Address:	Great Oakley Lodge Harwich Road Great Oakley	
Development:	Erection of 30 dwellings, new access and landscaping.	

1. **Executive Summary**

- 1.1 This is an outline planning application seeking approval for the principle of developing 30 dwellings, with all other matters (with the exception of access and layout) reserved for approval through a detailed application at a later date. The site measures 2.04 hectares in area and currently consists of a strip of open agricultural land set behind existing mature hedging fronting Harwich Road. The development is shown as being accessed by a new central access point, serving a new service road, set behind the existing Harwich Road frontage. Ten letters of objection from residents has been received in respect of the application. Former Ward Councillor, Tom Howard requested that the application be considered by planning committee.
- 1.2 The applicant, has however, appealed to the Secretary of State against non-determination of the application and as a result the Council cannot now determine this application. However Members are requested to consider the following report and to confirm that the suggested reasons for refusal are put forward as part of the Councils case in defending the forthcoming appeal.
- 1.3 As noted from the report officers currently 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. Recent Appeal decisions have confirmed the view that the Council are close to meeting their five year housing land supply and are in a stronger position to resist adhoc planning applications on greenfield sites which are not identified for development in the Local Plan or the emerging Local Plan.
- 1.4 Great Oakley is defined as a village in the adopted Local Plan and as a 'smaller rural settlement' in the emerging Local Plan and whilst some limited growth can be accommodated the relatively low level of service provision and infrastructure means that the village cannot sustain large increases in housing numbers. This is particularly the case when taking into consideration the number of residential dwellings approved more recently.
- 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 why the proposed development could not proceed. However officers consider that taking into account the nature and character of the locality, as well as other recent residential approvals within the village, outweighs the benefits of development in this case.
- 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.

Recommendation: Refusal

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

- The site lies outside the settlement development boundary for Great Oakley 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 Oakley. In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the character of the Great Oakley 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.
- No s106 agreement to secure affordable housing and open space has been completed.

2. Planning Policy

- 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:

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.

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 Oakley as a 'Smaller Rural Settlement' 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.

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

00/01424/FUL	Conversion of redundant barn to office accommodation	Approved	06.12.2000
00/01425/LBC	Change of use of existing barn to office - materials as existing except for roof changed to pantiles	Approved	06.12.2000
01/00319/FUL	Variation of planning condition No. 3 of 99/01430/FUL to allow the making of up to 10 take-off movements in any one day on a permanent basis	Approved	24.04.2001
91/01030/LBC	Repair to structural timbers, using	Approved	14.11.1991

home grown oak. Repairs to foundation walls and plate, re clad using identical pattern weather board.

93/00773/FUL	Continued use of grassland for purposes of recreational flying and as a base for three light aircraft, use of caravan for meteorological equipment and safety equipment	Refused	26.10.1993
93/00990/FUL	(New Farmhouse, Great Oakley Lodge, Great Oakley) Alteration to farm entrance	Approved	05.11.1993
94/01021/LBC	(Great Oakley Lodge Farm, Great Oakley) Extensive upgrading and repair externally; alteration and repair internally	Approved	12.10.1994
95/01206/FUL	Continued use of former part of agricultural holding as an airstrip together with use of a caravan for meteorology and safety equipment storage (Renewal of permissions granted on appeal by letter 15 August 1994	Approved	21.11.1995
96/01267/FUL	Variation to Condition 4 of TEN/93/0773 to allow not more than 4 aeroplanes instead of three	Approved	03.12.1996
98/01284/FUL	Variation of Conditions 3 & 4 of permission granted on appeal by letter dated 15th August 1994 (subject to deletion of Condition 1 by planning permission TEN/95/1206): Continued use of part of agricultural	Approved	09.12.1998
99/01430/FUL	Variation of Planning Condition No. 3 of TEN/98/1284 to allow number of take-off movements to be increased from 5 to 10 and deletion of Condition 2 of TEN/98/1284 to allow such movements on a permanent permission.	Approved	24.11.1999
03/01557/OUT	Change of use renovation and conversion of barn to form holiday lets	Approved	01.04.2004
04/01855/FUL	Change of use of agricultural buildings to B2 use.	Approved	30.11.2004
05/01152/FUL	Variation of conditions 2, 3, 4 & 6	Approved	13.01.2006

of planning consent 02/02235/FUL to enable;

- a maximum of 30 take-offs in any one day, (without exceeding the current annual allowances).

- visiting aircraft to land and take off from the site, whilst still being limited to the overall restrictions on the numbers of movements controlled by condition 2, as may be modified, (currently only those 'based' at the site can land and take-off).

- gliding to take place on 3 days per year.

In addition, access improvements at the junction with Harwich Road.

05/01153/FUL	Demolish 'Nissen hut' and replace with 'Miracle Span' building for aircraft storage.	Approved	05.01.2006
05/01154/FUL	Use of building as aircraft support room.	Approved	05.01.2006
05/01155/FUL	Use of farm reservoirs as fisheries to include single storey portable building and the provision of toilet facilities	Approved	05.01.2006
06/00770/FUL	Variation of Condition 2 of planning permission 05/01152/FUL to enable the Local Planning Authority to authorise additional flights (in excess of 30 per day) on special occasions.	Approved	22.06.2006
96/00003/AGRIC	Third Reservoir	Determination	03.05.1996
12/00343/FUL	Five 10kW Photovoltaic tracker arrays.	Approved	29.05.2012
12/00405/FUL	Variation of condition 5 of planning permission T/APP/P1560/A/94/435398 to allow helicopters to operate from the aerodrome.	Approved	30.01.2013
16/01642/OUT	Erection of 30 dwellings, new access and landscaping.	Current	

4. **Consultations**

ECC SuDS Consultee	No objection subject to surface water drainage conditions.
UU - Open Space Consultation	Requests a financial contribution for replacement and enhancement of play equipment at Orchard Close Play Area.
Essex County Council Archaeology	No objection subject to planning conditions requiring trial trenching prior to development.
Tree & Landscape Officer	<p>The application site has a strong hedge on the boundary with the highway comprising primarily Elm and Hawthorn. The main body of the application site is in agricultural use and there are no trees or other significant vegetation on the main body of the land.</p> <p>In terms of the potential impact of the development proposal on the local landscape character it should be noted that the application site is situated in The Ramsey Valley System Landscape Character Area (LCA). The key characteristics of the LCA type are that it is a distinctive steep sided valley of Ramsey Creek and its tributaries extending inland from Harwich. Much of the land is set out in large fields that are intensively farmed.</p> <p>The Ramsey Valley System is a relatively narrow strip of land with the Tendring and Wix Clay Plateau LCA to the North and the Oakley Ridge LCA to the south. Whilst, in principle, the development proposal has the potential to have an adverse impact on all three LCA types the scale of the proposal considered against topography and existing development would have a fairly contained and localised impact on the landscape character. In this respect the greatest impact would be on the LCA within which the application site is situated</p> <p>In terms of the impact of the development proposal on the existing landscape character the Landscape Management Strategy section of the LCA sets out the aim to conserve the rural character of the river valley by maintaining low density of settlement and ensuring that built development does not intrude onto ridgelines. It is considered that the development would result in an intensification of the local development pattern that would to cause harm to the existing landscape character.</p> <p>Should planning permission be likely to be granted then a soft landscaping condition should be attached to maximise opportunities to secure new tree or shrub planting to improve the appearance and screening of the development and to help the dwellings to sit comfortably in their rural setting.</p>
Anglian Water Services Ltd	No objection noting the development is in the catchment of Harwich and Dovercourt Water Recycling Centre that has capacity for proposed flows.
ECC Highways Dept	<p>In principle the Highway Authority has no objections to the above noted proposal, but any Reserved Matters application should show the following;</p> <ol style="list-style-type: none"> 1) The new access road providing 2.4x43m vehicle visibility splays to the East and West, and a 5.5m wide c/way, with a 2m footways on Harwich Road and the house side of the new access road, 2) All parking and turning facilities according to current policy

standards,

- 3) All units being provided with transport information marketing packs,
- 4) The bus stop closest to the development site being improved by provision of a Littlethorpe Hassocks shelter to match the shelter on the other side of Harwich Road, and a flag bracket on the approach end of the shelter.

ECC Schools Service

Advised that no s106 contribution is being sought.

5. Representations

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

1. The site was not supported by the previous Local Plan Consultation meetings held in the village.
2. There is no demand for this additional housing stock within the Parish.

5.2 10 individual objections have been submitted in response to this planning application which include the following comments:

- Too much development already planned.
- Lack of local infrastructure and services.
- Highway dangers.
- Traffic generation.
- Impact on local landscape, loss of views and character.
- Loss of agricultural land.
- Lack of local employment opportunity.

5.3 There are no letters of support.

6. Assessment

The Site

6.1 The application site extends to 2.04 hectares in area and comprises of open agricultural land located to the north side of Harwich Road. Much of the site frontage is characterised by a mature hedge. Frontage only residential dwellings are located to the east and west of the site boundaries whilst to the southern side of Harwich Road the immediate locality is again characterised by frontage only development. The land forms part of a much larger area of agricultural land extending to the north of the village. The landscape slopes gently away from Harwich Road and is open and rolling in character.

The Proposal

6.2 The application is for the erection of 30 dwellings, including a new access and associated landscaping. The application is in outline with matters relating to Appearance, Landscaping and Scale reserved. Access and Layout details are submitted as part of the current application. The proposed scheme proposes a single new access from Harwich Road which then links to a service road serving the proposed dwellings. This mimics a similar layout located to the south of Harwich Road at Partridge Close. The scheme provides for a mix of detached, semi-detached and terraced dwellings laid out as a frontage only scheme. Indicative elevations show traditional designed dwellings incorporating a mix of materials including cladding, render and facing brick.

Architectural Drawings

- Location Plan
- RS16.31.SK04 – Proposed Block Plan
- RS16.31.SK07 - Typical Elevations

Reports and Technical Information

- Planning Statement
- 10212/R01/01 - Flood Risk Assessment
- 10212 - R02 – SuDS Assessment Report.

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;
- Education Contribution
- 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 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.

- 6.6 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.
- 6.7 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 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’.
- 6.10 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 to the north of an area of frontage only development located on Harwich Road with some additional frontage development located to the east and west of the site. The site is located outside the defined Development Boundary for the village both within the existing and the emerging Local Plan. 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 Oakley is categorised in emerging Policy SPL1, along with seventeen other villages, as a 'Smaller Rural Settlement' in recognition of its size and relatively small range of local services. Great Oakley and other smaller villages are considered to be the least sustainable settlements for growth and development should normally be restricted to small-scale development only, respecting the existing character and form of the village.
- 6.15 As noted by the Parish Council and a number of local residents the village has already been subject to recent expansion and approvals for other residential schemes. They are concerned that existing infrastructure and services are unlikely to cope with any significant increase in development and would not be considered 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 Taking into account other recent approvals within Great Oakley including land at Sparrows Corner for 8 dwellings (15/01774/OUT), 17 on land at 'Break of Day' (15/00987/OUT) and for 51 dwellings at Beaumont Road (15/01080/OUT), Great Oakley is already expected to accommodate a housing stock increase of around 23%. The proposal at Harwich Road for an additional 30 dwellings outside the Development Boundary is considered to be unsustainable, taking into account the relatively limited access to services within the village. 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 being developed within Great Oakley.
- 6.19 Officers therefore recommend that members support the suggested reasons for refusal which will be used to defend the forthcoming Appeal. As noted above the recent Rush Green appeal decision 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

- 6.20 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.
- 6.21 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 the application site is located in a semi-rural location it is still within walking and cycling distance of existing local services and does have access to a regular bus service.
- 6.22 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.

- 6.23 The local community has raised concerns in respect of additional traffic movements and potential highway dangers in this location. However the Highway Authority raises no objections in terms of highway capacity or safety to the application. From a pure highway capacity and safety perspective, it is accepted that the local network could technically accommodate the additional vehicles generated by the proposed development. No highway objection is therefore presented against the scheme.

Landscape and Visual Impact

- 6.24 As noted the application site is located on an area of open agricultural land which affords open views over landscape to the north of the village. The Council's Principal Tree and Landscape Officer notes that the site has a strong hedge on the boundary with the highway comprising primarily Elm and Hawthorn. The main body of the application site is in agricultural use and there are no trees or other trees or other significant vegetation on the land.
- 6.25 In terms of the potential impact of the development proposal on the local landscape character it should be noted that the application site is situated in The Ramsey Valley System Landscape Character Area (LCA). The key characteristics of the LCA type are that it is a distinctive steep sided valley of Ramsey Creek and its tributaries extending inland from Harwich. Much of the land is set out in large fields that are intensively farmed. The Ramsey Valley System is a relatively narrow strip of land with the Tendring and Wix Clay Plateau LCA to the North and the Oakley Ridge LCA to the south. Whilst, in principle, the development proposal has the potential to have an adverse impact on all three LCA types the scale of the proposal considered against topography and existing development would have a fairly contained and localised impact on the landscape character. In this respect the greatest impact would be on the LCA within which the application site is situated. In terms of the impact of the development proposal on the existing landscape character the Landscape Management Strategy section of the LCA sets out the aim to conserve the rural character of the river valley by maintaining low density of settlement and ensuring that built development does not intrude onto ridgelines. It is considered that the development would result in an intensification of the local development pattern that would cause harm to the existing landscape character. The Council's Principal Tree and Landscape officer suggests that if planning permission were to be granted then a soft landscaping condition could be attached to maximise opportunities to secure new tree or shrub planting to improve the appearance and screening of the development and to help the dwellings to sit comfortably in their rural setting. On this basis although accepting there would be some impact on the adjoining landscape it is considered possible to mitigate the impact of the development and therefore a refusal reason on grounds of landscape impact is considered difficult to sustain.

Flood risk and drainage

- 6.26 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.

- 6.27 The applicant has submitted a Flood Risk Assessment which has been considered by Essex County Council as the authority for sustainable drainage. Initially, ECC issued a 'holding objection' and required further work to be undertaken to ensure compliance with the guidelines set out in the relevant National Planning Practice Guidance. The applicant responded to the objection with further information requested and the objection has now been addressed. ECC now supports the grant of outline planning permission subject to conditions relating to the submission and subsequent approval of a detailed Surface Water Drainage Scheme before development can take place.
- 6.28 In conclusion, the applicant has demonstrated through their Flood Risk Assessment and supplementary information that development can, in principle, be achieved without increasing flood risk elsewhere. With the planning condition suggested by ECC, the scheme should comply with the NPPF and Policies QL3 and PPL1 of the adopted and emerging Local Plans (respectively) and therefore addresses the flood risk element of the environmental dimension of sustainable development.
- 6.29 In addition, Anglian Water has commented upon the application, and confirm the foul drainage from the development is in the catchment of Harwich and Dovercourt Water Recycling Centre that will have available capacity for these flows. The sewerage system also has available capacity. In summary 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

- 6.30 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.
- 6.31 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.

- 6.32 The applicant has not submitted a preliminary ecological survey with the application. In terms of the ecological value of the site, as noted the site is currently in use as an arable field although does have a mature hedge to the site frontage which will be removed to facilitate the proposed scheme. It is proposed to then plant a mixed planting scheme between Harwich Road and the proposed service road which arguably would mitigate the loss of the existing hedge. Coupled with additional landscaping to be agreed at a later date it is difficult to justify an objection on ecology grounds in this case, despite the lack of a preliminary ecological survey.

Education provision

- 6.33 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. Essex County Council as the Local Education Authority has been consulted on the planning application and has stated that there is no requirement for education provision in this case.

Council Housing/Affordable Housing

- 6.34 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.
- 6.35 If minded to approve this application, up to 9 of the proposed properties would need to be secured for affordable housing purposes through a s106 legal agreement. To date agreement with the applicant regarding s106 requirements has not been concluded and this will be pursued through the forthcoming Appeal process. The absence of a s106 agreement to secure the necessary level of affordable housing should be included as a reason for refusal, to ensure that this matter is properly addressed at appeal.

Open Space

- 6.36 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 at the Orchard Close play area. It is recommended that a contribution is sought for the replacement and enhancement of play equipment.
- 6.37 The current absence of an agreed s106 agreement to secure necessary play equipment will be included as a reason for refusal, to ensure that this matter is properly addressed through the appeal process.

Potential layout and density

- 6.38 As an outline planning application, detailed design, landscaping and scale are for future reserved matter consideration. The applicant has however submitted Access and Layout detail as part of the current application. The scheme is shown as frontage only development served by a new access road set behind the main Harwich Road frontage. Thirty dwellings are proposed consisting indicatively of 6 x two bed dwellings, 16 x three bed dwellings and 8 x four bed dwellings with a mix of detached, semi-detached and terrace units. A central access point is provided from Harwich Road with a bank of landscaping set between Harwich Road and the new service road behind. Effectively the development 'infills' a large open gap of approximately 300 metres in length.
- 6.39 The development is set between Park Pale Barn to the east and adjoins a farm track and a new bungalow under construction to the west of the site. The proposed layout is not considered to harm neighbour amenity and the proposed layout can comfortably accommodate the proposed level of development at just under a density of 15 units per hectare. The proposed garden sizes again comfortably achieve the Councils minimum garden standards. The layout reflects the general pattern of development in the locality. Based on the proposed and indicative details it is not proposed to raise objection with regard to layout, density or access.

Overall Planning Balance

- 6.40 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.
- 6.41 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.
- 6.42 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.

- 6.43 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.
- 6.44 Economic: Whilst the scheme is residential with no commercial premises provided, 30 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.
- 6.45 However as noted two recently approved schemes in Great Oakley providing an additional 76 dwellings should be taken into account when considering the designation of Great Oakley as a smaller rural settlement. Arguably Great Oakley has already received a greater share of development than would have been anticipated under emerging planning policy. 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 Oakley is already providing land for its fair share of housing.
- 6.46 Social: The provision of 30 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 Oakley is already expected to accommodate the additional dwellings referred to above, within the next five years, which is considered more than sufficient to address short-term local housing needs and absorb market demand. This stance reflects the designation of Great Oakley as a smaller rural settlement. 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 additional development above that currently approved within Great Oakley does not reflect the positive approach set out in the emerging Local Plan which is progressing well through the plan making process.
- 6.47 Environmental: The environmental impacts of the proposal have required careful consideration. Whilst the site is considered of low ecological significance, as noted by the Councils Principal Tree and Landscape officer the site is exposed in visual landscape terms. As previously discussed the ecological and landscape impacts of the development could be kept to a minimum through mitigation measures, although the impact on the character of the area is likely, at best, to be neutral but more likely slightly adverse – however not significant enough to justify a reason for refusal in this instance.
- 6.48 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 Oakley is already well provided for in terms of extant consents for additional residential dwellings 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.

- 6.49 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 the forthcoming appeal and members are requested to endorse the suggested reasons for refusal.

Background Papers

None.