

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	25/07/18
Planning Development Manager authorisation:	AN	26/7/18
Admin checks / despatch completed	due	27/07/18

Application: 18/00881/OUT **Town / Parish:** Great Oakley Parish Council
Applicant: Mr J Cole
Address: Land adjacent Acorn Cottage Farm Road Great Oakley
Development: Erection of one dwelling.

1. Town / Parish Council

Great Oakley Parish Council

Great Oakley Parish Council object to this application on the following grounds:

- This plot was never put forward as part of the extensive Local Plan Consultation
- The plot is outside the village housing development boundaries
- Encroaches on the green belt and the coastal protection belt
- The housing allocation for the village has already been exceeded many times over
- The site would constitute backland development

2. Consultation Responses

ECC Highways Dept

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

1. The development shall not be occupied until such time as a car parking and turning area has been provided in accord with current Parking Standards. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that dwelling, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

3. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

Informative1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

Tree & Landscape Officer

The application site set to grass with early mature trees. It has a pleasant parkland feel but the trees on the land have only low visual amenity value as the site is not visible from the public realm.

Just off-site there are three other trees that are fully mature. They are a Beech and two Oaks that are unlikely to be affected by the development proposal.

The development would, if implemented necessitate the removal of three trees: a Cedar, a Willow and a Field Maple. None of these trees have sufficient amenity value to merit formal legal protection by means of a tree preservation order.

The north western boundary is demarcated by an established conifer hedge. The hedge may need to be drastically reduced in size or completely removed as it is on the boundary close to the position of the proposed dwelling.

The hedge does not fall within the scope of the legislation under which it can be formally protected. At the present time it performs a valuable screening function but could be considered an incongruous feature in its setting.

Should planning permission be likely to be granted then it would be desirable to secure details of soft landscaping, including tree planting,

to both soften and enhance the appearance of the development.

Building Control and
Access Officer

Fire service access would appear to be difficult to achieve.

3. Planning History

00/00409/FUL	To site touring caravan to complete self build - dimension 4.5m x 2m	Approved	11.05.2000
01/00713/FUL	Variation of condition 1 of 00/00409/FUL for extended period for caravan until 31st January 2002	Approved	18.06.2001
02/01046/FUL	Renewal of temporary consent to site touring caravan	Approved	19.07.2002
92/01365/OUT	(Land to rear of Malting Farm Restaurant, Farm Road, Great Oakley) Proposed demolition of existing general industrial units and outline application for residential use	Approved	23.08.1994
97/00454/DETAIL	(Land at Maltings Farm, Farm Road, Great Oakley) Access road and sewers (to serve residential development as part of submission of detail under outline permission TEN/92/1365)	Approved	19.08.1997
97/01046/OUT	(Land rear of former Maltings Farm Restaurant, Farm Road,) Demolition of existing industrial units and redevelopment for residential use (Renewal of TEN/92/1365)	Approved	01.10.1997
98/00862/CON	Total demolition of barn/outbuildings	Approved	25.08.1998
98/01047/FUL	Erection of one detached dwelling and garages	Approved	08.09.1998
99/01179/FUL	Variation of design of house approved under TEN/98/1047	Approved	24.11.1999
10/00273/FUL	Erection of dwelling (extension of time on previously approved 06/02064/FUL).	Withdrawn	31.03.2010

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

- EN1 Landscape Character
 - EN17 Conservation Areas
 - HG1 Housing Provision
 - HG6 Dwelling Size and Type
 - HG7 Residential Densities
 - HG9 Private Amenity Space
 - HG13 Backland Residential Development
 - HG14 Side Isolation
 - QL1 Spatial Strategy
 - QL9 Design of New Development
 - QL10 Designing New Development to Meet Functional Needs
 - QL11 Environmental Impacts and Compatibility of Uses
 - TR1A Development Affecting Highways
 - TR7 Vehicle Parking at New Development
- Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)
- LP1 Housing Supply
 - LP2 Housing Choice
 - LP4 Housing Layout
 - LP7 Self-Build and Custom-Built Homes
 - LP8 Backland Residential Development
 - PPL3 The Rural Landscape
 - PPL8 Conservation Areas
 - SPL1 Managing Growth
 - SPL3 Sustainable Design
 - SP1 Presumption in Favour of Sustainable Development
- Local Planning Guidance
- Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) 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 48 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 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. 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 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF 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 an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal

Site Description

The application relates to land adjacent to the north-east of Acorn Cottage, Farm Road, Great Oakley. The site measures approximately 0.1 hectares in size and currently forms part of land adjoined to the garden area of Acorn Cottage. The character of the surrounding area is semi-rural; to the south and south-west are a number of residential properties, and to the north and east are large areas of grassed and agricultural land. The site is adjacent to, but outside of, the Settlement Development Boundary for Great Oakley within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The north-eastern section of the Great Oakley Conservation area is located to the south of the site.

Description of Proposal

The application seeks outline consent with all matters reserved for the erection of one dwelling.

Assessment

1. Principle of Development

The site lies adjacent to, but outside of, the Settlement Development Boundary for Great Oakley as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The core planning principles under paragraphs 15, 17 and 20 of the NPPF state that development should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

- 5 year Housing Land Supply and Plan-led approach

The NPPF 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.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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 therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Great Oakley is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging Local Plan settlement development boundary has been extended but does not include the application site.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality 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 are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the NPPF and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- Assessment of Sustainable Development

Officers consider that Saved Policy QL1 and emerging Policy SPL1 are in line with the aforementioned aims of the NPPF. However, until such time as the emerging local plan has been adopted, and for the purposes of completeness in assessing sustainable development, the 3 dimensions as set out under Paragraph 8 of the NPPF can be addressed as follows;

Economic:

Officers consider that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

Social:

Socially, it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. As stated above, Great Oakley is categorised in emerging Policy SPL1 as a 'Smaller Rural Settlement' in recognition of its size and small range of local services. Within the Established Settlement Hierarchy (2016), Great Oakley has no defined village centre, defined employment area or railway station; however it is acknowledged that it contains a primary school, GP Surgery and a good bus route. Further, the site is within walking distance of both a Public House and a convenience store. Therefore, on balance, the site is considered to perform reasonably well under the socially sustainable strand and it would be unreasonable to refuse planning permission on this basis.

Environmental:

Environmentally, it is necessary to consider the impact on the character and appearance of the countryside. The site is located in a semi-rural area; however there are examples of residential development within the immediate vicinity, particularly to the south and south-west. The proposed dwelling lies to the north of this existing pattern of development and would result in a strong physical change in the landscape, introducing built form into the undeveloped countryside which would also set a harmful precedent for future similar applications to the remainder of the land to the north-west, north and south-east.

On this basis, it is considered that the proposal would result in an unacceptable intrusion to the open countryside and consequently would fail the environmental strand of sustainability.

2. Self-Build Properties

As the application seeks permission for self-build or custom built dwellings, draft Policy LP7 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) must be considered. However, this is a new policy with no equivalent saved policy within the adopted Local Plan. The NPPF is silent on policies relating directly to self-build or custom-built dwellings. Paragraph 79 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances that warrant it. Such circumstances do not include self-build or custom-built dwellings. It is accepted that this site would not be considered isolated due to the close proximity to existing dwellings on Farm Road.

Whilst the emerging Local Plan is progressing well, Draft Policy LP7 has not yet been scrutinised by the Planning Inspectorate by an appeal or through the Local Plan process. It can therefore only be given very limited weight. Other policies such as Draft Policy SPL1 (addressed above) has been endorsed by the Planning Inspector as being in line with the core planning principles under paragraphs 15, 17 and 20 of the NPPF.

The National Planning Policy Guidance tells us that The Self-build and Custom Housebuilding Act 2015 requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes (referred to in the guidance as self-build and custom housebuilding registers). The guidance accompanies the Self-build and Custom Housebuilding (Register) Regulations 2016 made under the Act.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register that relates to their area when carrying out their plan-making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents.

This site has not been presented or considered as part of this Council's Register.

Regardless of the very limited weight that can be afforded to Draft Policy LP7, this development is not considered to meet the aims of the policy anyway as set out below.

Draft Policy LP7 states that the Council will consider, on their merits, proposals for Self-Build and Custom-built Homes on land outside of settlement boundaries, not involving the replacement of an existing dwelling, where they will still support a sustainable pattern of growth in the District unless the impacts of development would conflict with other policy requirements within the Local Plan.

Such developments must either:

a. be located on a site safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements', 'smaller urban settlements' or 'strategic rural service centres';

The application site is located approximately 4500 metres away from the edge of Harwich and Dovercourt, a Strategic Urban Settlement. The proposed dwelling exceeds the 600 metres and therefore it is considered that the proposal is not located on a site safely accessible on foot.

b. be located on a site safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or

The application site is located approximately 6800 metres away from Weeley and therefore it is not considered to be located on a site safely accessible due to the lack of footpaths.

c. involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use."

The application site is not currently for employment use and therefore this is not relevant.

The Publication Draft Plan does not define, or distinguish between, 'Self-build' and 'Custom-built' homes but at 5.7.1 the supporting text refers to '... individual properties of bespoke and innovative architectural design, larger more spacious properties for the higher end of the market and self-build 'grand designs'.

Finally, the adverse environmental impacts from the development in conflict with Saved Policy QL9 and EN1 as set out above means that the development also fails to comply with other policy requirements within the Local Plan.

The additional information received from the Applicant in support of their application and in response to the consultee comments from the Policy Team have been taken into account. Regardless of the merits of the application failing to meet the policy, the status of Draft Policy LP7 means that a refusal based on this policy is not required at this time.

3. Backland Development

The development involves the construction of one dwelling in a 'backland' location to the rear of the established residential frontage along Farm Road. With regards to Policy HG13 of the 2007 Local Plan (and echoed in policy LP8 of the draft Local Plan), it states proposals for the residential development of backland sites must comply with the following criteria:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve "tandem" development using a shared access;
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

In respect of the policy criteria noted above the development is considered to meet the requirements as follows;

- (i) - the site is not within the defined settlement boundary in both the saved and emerging local plans, but is not designated for any particular use;
- (ii) - the proposed dwelling is to be located within the extended garden area of Acorn Cottage; however the site is of a significant size that would be able to comfortably accommodate the necessary parking and provide the necessary private amenity requirements in excess of 100sqm for both the new dwelling and for Acorn Cottage.
- (iii) - the private access would be located to the rear of Acorn Cottage, and therefore any vehicle movement relating to the new dwelling will impact upon their amenities. However, the comings and goings relating to one dwelling are not considered to cause undue noise and disturbance, whilst Essex Highways Authority have raised no objections.
- (iv) - whilst the access will be shared, the layout does not indicate 'tandem development'.

(v) - the site is of a relatively regular shape and would not compromise a more comprehensive development solution.

(vi) - the development of the site would not form a hard urban edge to the settlement as the land is surrounded by residential development on all sides.

(vii) – There are a number of residential properties forming the Great Oakley settlement adjacent to the south/south-west. However the application site is located to the north of this existing pattern of development and would appear out of character with the surrounding land, whilst the introduction of built form on this undeveloped countryside would also set a harmful precedent for further development to the north, north-west and south-east, to the serious detriment of the overall character of the locality.

4. Design, Layout and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application, and as such no elevational drawings have been submitted. Design within any future application should look to be in-keeping and not detrimental to the character of the surrounding area. However as previously highlighted, it is considered that a dwelling of any design in this location will appear at odds with the existing pattern of development, creating a harmful appearance and likely setting an unwanted precedent.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the number of bedrooms; although there is sufficient space within the site to ensure there will be enough private amenity space for the proposed dwelling.

5. Coastal Protection Belt

Policy EN3 of the Tendring Local Plan 2007 states new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted. Further, even where a compelling functional need is demonstrated, the development should not significantly harm the landscape character and quality of the undeveloped coastline.

The site falls within a Coastal Protection Belt along with large areas of undeveloped land to the south, east and south-east. However, due to the close proximity of the site to the existing settlement and that there is existing screening along Farm Road the harm of one additional dwelling is not considered to significantly harm the character of the undeveloped coastline, and therefore does not form a reason for refusal.

6. Heritage Impact

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The application site lies partly within the Great Oakley Conservation Area but the vast majority falls adjacent, with only the edge of the vehicular access falling within. As such a Heritage Statement is not required on this occasion, however the site is clearly within a sensitive location and the impacts of the proposal to the Great Oakley Conservation Area are still a consideration of this application.

As highlighted above, the submitted plans do not provide any detailed elevational drawings; however subject to a future design of traditional appearance in-keeping with the existing built form, there is not considered to be detrimental harm to the existing conservation area.

7. Residential Amenities

Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Whilst the application is in outline form with all matters reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

8. Highway Safety and Parking

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to the provision of a car parking and turning area and the submission of a construction method statement.

Whilst a condition was also requested for the storage of bicycles, Officers consider there is sufficient space on the site to accommodate private amenity area or garage provision that could account for this, and therefore this condition would not have been imposed had the application been recommended for approval.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. There is considered to be sufficient space to accommodate this with any future detailed application.

9. Tree Impacts

The application site is set to grass with early mature trees, which provide a pleasant parkland feel but the trees themselves are of low visual amenity value due to the lack of visibility from the public realm. The development would necessitate the removal of three fully mature trees; a Cedar, a Willow and a Field Maple. None of these have sufficient amenity value to warrant protection by means of a tree preservation order. Further a conifer hedge on the north-western boundary may need to be drastically reduced in size or removed, however does not fall under the scope of the legislation under which it can be formally protected and can also be considered an incongruous feature in the setting. Therefore, there is not significant harm to the existing trees on site, and subject to a condition to secure a soft landscaping scheme the development can be achieved satisfactorily.

Other Considerations

Great Oakley Parish Council object on the following grounds:

1. The plot was not put forward as part of the Local Plan;
2. Outside a settlement development boundary;
3. Impact upon Coastal Protection Belt; and
4. Backland development.

In answer to this, all points raised have been addressed within the main body of the report above.

There have also been two letters of objection received, with the following concerns:

1. Proposal would set a precedent;
2. Impacts to ownership of access; and
3. Visual Impacts.

In answer to this, points 1 and 3 have been addressed within the main body of the report above, whilst with regards to point 2 the applicant has confirmed in their application form that they maintain ownership of the site in question; if this is disputed this is a legal issue aside from planning regulations.

Conclusion

For the reasons set out above, the proposal is considered to represent an unsustainable form of development contrary to the aims of national and local plan policy and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 The site lies adjacent to, but outside of, the Settlement Development Boundary for Great Oakley as defined by the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018. Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Having regard to the latest HLS figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to the planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework that development should be genuinely plan-led and that the Council should actively manage patterns of growth.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 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 therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the National Planning Policy Framework. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Great Oakley is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages

are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives.

In applying the National Planning Policy Framework's presumption in favour of sustainable development, the adverse impacts of the proposal, both on the undeveloped character of the locality 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 are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to the aims of paragraphs 15, 17 and 20 of the National Planning Policy Framework and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 124 is to always seek to secure high quality design. Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) and Policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017) seeks to ensure that development is appropriate in its locality and does not harm the character and appearance of the rural landscape.

Policy HG13 (vii) of the Adopted 2007 Local Plan states that proposals for residential development of 'backland' sites will only be permitted if the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development. These sentiments are echoed within Policy LP8 (f) of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

Environmentally, it is necessary to consider the impact on the character and appearance of the countryside. The site is located in a largely rural area; however there are examples of residential development within the immediate vicinity, particularly to the south. The proposed development is to be sited to the north of this pattern of development and would result in a strong physical change in the landscape, introducing built form into the undeveloped countryside which would also set a harmful precedent for future similar applications to the remainder of the land to the north-west, north and south-east. This would be to the serious detriment of the character of the area and therefore fails to adhere to the above policies.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.