



14/30411/PREAPP	Proposal for 20 no. dwellings and public open space.	Refused	19.12.2014
15/00675/OUT	Residential development of up to 32 dwellings (incorporating 25% affordable housing) with associated open space and infrastructure.	Refused	05.08.2015
16/01994/DETAIL	Residential development of up to 32 dwellings (incorporating 25% affordable housing) with associated open space and infrastructure.	Approved	10.03.2017
17/00135/DISCON	Discharge of Conditions 6 (Materials), 7 (Boundary Treatment), 8 (Waste Collection), 9 (Lighting), 13 (Energy Measures), 14 (CMS), 16 (Ecological Mitigation Scheme), 17 (Landscaping Management Plan), and 19 (Local Recruitment Strategy) of Planning Permission 15/00675/OUT.	Approved	27.03.2017
17/00463/DISCON	Discharge of condition 12 (surface water drainage) of the planning permission 15/00675/OUT approved under appeal reference APP/P1560/W15/3136692.	Approved	01.12.2017
17/00909/DISCON	Discharge of conditions 10 (highways information), 11 (off street parking), 15 (play space and open space) and 18 (broadband connection) of planning permission 15/00675/OUT allowed at appeal APP/P1560/W/15/3136692.	Approved	19.09.2017
17/00961/FUL	Proposed 6 No. detached bungalows	Approved	23.08.2017
17/01189/FUL	Erection of detached dwelling and garage.	Refused	27.09.2017
17/01190/FUL	Erection of detached dwelling and garaging.	Refused	27.09.2017
17/01240/DETAIL	Variation of condition 1 of planning permission 16/01994/DETAIL - Revised site plan to update garage position to plot 01.	Approved	22.09.2017
17/01821/FUL	Erection of detached dwelling and garaging.	Approved	08.12.2017
17/01822/FUL	Erection of detached dwelling and garaging.	Approved	08.12.2017
18/00001/DISCON	Discharge of conditions 2 (Materials) and 3 (Landscaping) of	Approved	15.01.2018

	planning permission 17/01821/FUL.		
18/00002/DISCON	Discharge of conditions 2 (Materials) and 3 (Landscaping) of planning permission 17/01822/FUL.	Approved	15.01.2018
18/00950/OUT	Proposed 3 bedroom dwelling.	Current	

#### **4. Relevant Policies / Government Guidance**

##### **NPPF National Planning Policy Framework July 2018 National Planning Practice Guidance**

##### **Tendring District Local Plan 2007**

QL1 Spatial Strategy  
 QL9 Design of New Development  
 QL10 Designing New Development to Meet Functional Needs  
 QL11 Environmental Impacts and Compatibility of Uses  
 HG9 Private Amenity Space  
 HG14 Side Isolation  
 EN1 Landscape Character  
 TR1A Development Affecting Highways  
 TR7 Vehicle Parking at New Development

##### **Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)**

SPL1 Managing Growth  
 SPL2 Settlement Development Boundaries  
 SPL3 Sustainable Design  
 LP1 Housing Supply  
 LP3 Housing Density and Standards  
 LP4 Housing Layout  
 PPL3 The Rural Landscape  
 CP1 Sustainable Transport and Accessibility  
 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 (including Site Description and Proposal)**

### Site Description

The application site is located on the northern side of Clacton Road on the eastern edge of the village of Elmstead. The site sits directly to the south of a recently approved housing development for 32 dwellings which is currently under construction. The site comprises of vacant land comprising of shrubby overgrowth. The plot measures 38m in depth and 15.5m wide. To the site frontage a mature roadside hedgerow is situated. On the opposite side of Clacton Road are several large residential properties set in spacious grounds.

The application site is located outside of any defined development boundary in both the saved and emerging local plans.

### Proposal

This application proposes the erection of a 3 bedroom dwelling on the plot. The application is in outline form with all matters reserved. The indicative block plan shows a central access point onto Clacton Road and a detached property with an attached garage.

### Appraisal

#### Principle

The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. 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.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework (2018) 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.

Furthermore the NPPF (2018) 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 application, 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.

With this in mind, the emerging Local Plan also 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. Elmstead Market is categorised in emerging Policy SPL1, along with five other villages, as a 'Rural Service Centre', which are capable of small scale growth with a modest increase in housing stock. However the application site is not located within the Elmstead Market Defined Settlement Boundary both within the existing and the emerging Local Plan. These boundaries aim to restrict new development to the most sustainable sites and outside of the boundary the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

At the time of the decision, large sites on the edge of Elmstead Market had already obtained planning permissions to deliver a total of up to 269 dwellings, representing an approximate 33% increase in the village's housing stock. For the proposed plan period to 2033, Elmstead Market is therefore already expected to accommodate a greater level of housing development than envisaged in the emerging Local Plan. When considered in relation to the objectively assessed housing need for Tendring, further development around Elmstead Market will bring about a highly disproportionate level of growth for the village, which runs contrary to the core principle of the National Planning Policy Framework to actively manage sustainable patterns of growth, and the thrust of the spatial strategy in both the adopted and emerging Local Plans.

In applying the National Planning Policy Framework's presumption in favour of sustainable development, the adverse impacts of the proposal 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 paragraph 17 of the National Planning Policy Framework and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

#### Character/Visual Impact

Plot width is roughly the same as that enjoyed by comparable properties on the new housing development to the north and there can be little doubt that the site could be developed satisfactorily for a detached dwelling that would sit comfortably in its surroundings, without appearing cramped and providing sufficient private amenity space. With regard to parking provision it is considered that sufficient space would be available within the plot to accommodate levels of parking that would be compliant with the Council's standards.

This section of a Clacton Road is characterised by small plots of land in separate ownership. The construction of a dwelling in this location would result in the removal of the mature roadside hedge to facilitate the construction of the site access. The removal of a section of this mature hedgerow would erode the semi-rural character prevalent at the eastern entrance into the village and represent an undesirable precedent for further piecemeal ribbon development extending eastwards along Clacton Road that would result in the unwarranted erosion of the soft transition from the rural character to the east into the built form of the village to the west.

#### Residential Amenities

The dwelling would be sited a sufficient distance from the new housing development to the north not to cause any loss of privacy, outlook or light issues to arise.

#### Highway Safety

Essex County Council Highways do not support the principle of the development and provide the following comments;

The Highway Authority would not wish to support any proposals which includes the proliferation of multiple vehicular accesses onto any high speed road and therefore strongly suggests that all adjacent land owners with frontages to Clacton Road with the intention of developing these plots for residential use should incorporate a single point of access leading to a service road suitable for all plots and vehicular use.

Notwithstanding the above, ECC-Highways have requested that the development includes the following;

- Vehicular visibility splays of 215m x 2.4m x 215m in both directions
- The plot being provided with off street parking facilities in accord with current Parking Standards
- The plot being provided with a turning facility for cars
- Any garage facing the highway being set back at least 6m from the highway boundary
- The provision of cycle storage facilities sufficient for all occupants of that dwelling
- No unbound materials used in the surfacing of the vehicular access within 6m of the highway boundary

The majority of these requirements can be secured at Reserved Matters stage. However, it has not been suitably demonstrated that the required visibility splays can be achieved without crossing third party land.

#### Other Considerations

Elmstead Parish Council has not commented upon the application. No further letters of representation have been received.

### **6. Recommendation**

Refusal

### **7. Reasons for Refusal**

- 1 The application site is located outside of a defined Settlement Development Boundary as defined by the Saved Tendring District Local Plan 2007 and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). Outside Development Boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies. 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.

The planning principles under paragraphs 15, 17 and 20 of the National Planning Policy Framework (2018) 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.

Furthermore the NPPF (2018) 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 application, 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 the plan-led approach.

With this in mind, the emerging Local Plan also 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. Elmstead Market is categorised in emerging Policy SPL1, along with five other villages, as a 'Rural Service Centre', which are capable of small scale growth with a modest increase in housing stock. However the application site is not located within the Elmstead Market Defined Settlement Boundary both within the existing and the emerging Local Plan. These boundaries aim to restrict new development to the most sustainable sites and outside of the boundary the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

At the time of the decision, large sites on the edge of Elmstead Market had already obtained planning permissions to deliver a total of up to 269 dwellings, representing an approximate 33% increase in the village's housing stock. For the proposed plan period to 2033, Elmstead Market is therefore already expected to accommodate a greater level of housing development than envisaged in the emerging Local Plan. When considered in relation to the objectively assessed housing need for Tendring, further development around Elmstead Market will bring about a highly disproportionate level of growth for the village, which runs contrary to the core principle of the National Planning Policy Framework to actively manage sustainable patterns of growth, and the thrust of the spatial strategy in both the adopted and emerging Local Plans.

In applying the National Planning Policy Framework's presumption in favour of sustainable development, the adverse impacts of the proposal 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 paragraph 17 of the National Planning Policy Framework and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The National Planning Policy Framework (2018) attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings. Paragraph 127 of the NPPF states planning policies and decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to the local character and history, including the surrounding built environment and landscape setting.

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. Saved Policy EN1 relates to landscape character and states, inter alia, that the quality of the district's landscape and its distinctive local character will be protected and where possible, enhanced. The policy also seeks to conserve the settings and character of settlements and any development proposals which could visually detract from settlement characteristics will be considered harmful. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) carries forward the sentiments of these saved policies stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

This section of Clacton Road is characterised by small plots of land in separate ownership. The construction of a dwelling in this location would result in the removal of the mature roadside hedge to facilitate the construction of the site access. The removal of a section of this mature hedgerow would erode the semi-rural character prevalent at the eastern entrance into the village and represent an undesirable precedent for further piecemeal ribbon development extending eastwards along Clacton Road. The development would result in the unwarranted erosion of the soft transition from the rural character to the east into the built form of the village to the west to the detriment of the character of the area and contrary to the aforementioned local and national planning policies.

- 3 As far as can be determined from the submitted plans the applicant does not appear to own or control sufficient land to provide the access with adequate vehicular visibility splays contrary to the recommended minimum standards for highway safety. Essex County Council Highways have requested any site access be afforded 2.4m x 215m visibility splays in both directions. The submitted plans do not suitably demonstrate that these splays can be achieved on land in the applicant's ownership.

Furthermore, the development of the plot with a single dwelling utilising a single access point onto the busy Clacton Road would set an undesirable precedent for a proliferation of multiple vehicular accesses onto a high speed 'A' road.

The proposed development is therefore contrary to Saved Policy TR1a of the Tendring District Local Plan (2007) which requires new development to be considered in relation to the road hierarchy to reducing and preventing hazards and inconvenience to traffic.

## 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.

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>	<p>YES</p>	<p>NO</p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>	<p>YES</p>	<p>NO</p>