

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	15/08/2018
Planning Development Manager authorisation:	AN	16/8/18
Admin checks / despatch completed	SB	17/08/18.

Application: 18/01093/OUT **Town / Parish:** Tendring Parish Council

Applicant: Mr A Smith

Address: Land adjacent Fat Goose PH Heath Road Tendring

Development: Proposed 5 No. detached dwellinghouses, garaging and parking spaces.

1. Town / Parish Council

Tendring Parish Council Tendring Parish Council strongly objects to this application as stated in all previous comments. TDC have a 6.2 yr land supply no more housing is needed or wanted in the village of Tendring.

2. Consultation Responses

ECC Highways Dept

The Highway Authority observes that the parking spaces and garages for the middle and right hand plot on the submitted plans are now undersized and not conforming with current Parking Standards. There is no longer a 6.0m space in front of the undersized garages which is likely to lead to obstruction of the access route through the site. Furthermore, the offset angled connection to the access and connection to Heath Road is also liable to be obstructed by either parked or manoeuvring cars associated to these plots. The obstructions and poor geometry are likely to be hazardous to highway users and may lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction and congestion or vehicles reversing into the highway contrary to highway safety and Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

Tree & Landscape Officer

There are no trees or other significant vegetation in the main body of the application site.

The site boundaries are demarcated by established hedgerows containing trees. The trees are set back from the highway and have only moderate to low visual amenity value. Nevertheless they would form an attractive 'backdrop' to any development that may be granted planning permission.

It is not considered necessary for the applicant to provide a full tree report and survey although; if planning permission were to be granted then a condition should be attached to secure details of the way that the roots of the trees would be physically protected for the duration of the construction phase of the development.

A planning condition should also be attached to secure details of the indicative soft landscaping shown on the site layout plan.

Building Control and
Access Officer

Adequate access and turning facilities for a fire appliance are
required.

3. Planning History

10/00781/FUL	Retention of overspill car park. Change of use of agricultural land to use as an overspill car park for customers vehicles with manoeuvring facility, used ancillary to The Fat Goose.	Approved	27.08.2010
15/00544/OUT	3 detached dwellings with associated garaging and parking.	Refused	11.06.2015
15/01222/FUL	Retention of mobile home for a temporary period of one year.	Approved	13.04.2016
16/00616/DETAIL	Reserved matters application following application 15/00544/OUT (allowed at appeal) for the erection of 3 detached dwellings with associated garaging and parking.	Approved	07.09.2016
16/00639/FUL	Proposed dwelling with associated garaging and parking.	Approved	14.09.2016
16/01488/DISCON	Discharge of conditions 2 (materials), 6 (bin storage), 7 (vehicular turning) and 10 (landscaping) of planning permission 16/00616/DETAIL.	Approved	03.10.2016
17/02141/OUT	Proposed 5 No. detached dwellinghouses, garaging and parking spaces.	Refused	28.02.2018
17/02142/FUL	Proposed 3No. detached dwellings with associated garaging and parking (revision to approval 16/00616/FUL).	Approved	20.03.2018
18/01093/OUT	Proposed 5 No. detached dwellinghouses, garaging and parking spaces.	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

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

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)

SP1 Presumption in Favour of Sustainable Development

SP2 Spatial Strategy for North Essex

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP7 Self-Build and Custom-Built Homes

LP8 Backland Residential Development

CP1 Sustainable Transport and Accessibility

PPL3 The Rural Landscape

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 situated on the south side of Heath Road, to the east of former The Fat Goose Public House on land to the rear of what was previously the overspill car park to the public house. The site generally is roughly square and flat, and mainly laid to grass and the perimeter boundaries to three sides are densely wooded with mature trees. Land to the north, fronting onto Heath Lane, is currently under construction to erect 3no. dwellings.

Vehicular access onto the application site is presently taken from the Fat Goose Public House and proceeds along the western side of the development site to the north where it enters the western corner of the site. There is presently no link to Heath Road, however, the applicant has indicated an intention to create access through the approved development to link the application site to Heath Road.

The site is presently unused and vacant except for a mobile home (granted time limited planning permission - 15/01222/FUL) situated on the western side of the field adjacent to the flank boundary and vehicular access.

Proposal

The application proposal is seeking outline planning permission to erect 5 no. detached dwellings. Other than the point of access and layout no further details are provided in respect of the character and appearance of the proposed dwellings.

The main issues relevant to the proposal are whether housing in this location comprises sustainable development having regard to the Development Plan the National Planning Policy Framework (NPPF - 2018), and the effects of the development on the character and appearance of the site and surrounding area having particular regard to the pattern of development and its countryside location.

Planning History

Outline planning permission for 5 no. properties on this land was refused earlier this year under planning reference 17/02141/OUT. The reasons being that the site is located outside of any defined settlement boundary and constitutes an intrusion into open countryside.

Appraisal

Principle of Development

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. Tendring Heath is not categorised in emerging Policy SPL1.

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.

Planning permission was granted on appeal for 3 no. dwellings on land fronting onto Heath Road north of the application site (LPA Reference 15/00544/OUT and APP/P1560/W/15/3133238). At the time of granting planning permission the council was not able to demonstrate a 5 year housing land supply and therefore relevant policies for the supply of housing were considered out of date and the skewed approach engaged.

The Planning Inspector in his assessment of the social, economic and environmental dimensions to sustainable development considered the development of the site to the north to constitute sustainable development consistent with the aims of Policy QL1 of the Tendring District Local Plan (2007). Furthermore, the inspector states that since the site would occupy an 'undeveloped gap' in the built development on the south side of Heath Road between the public house and a pair of semi-detached dwellings, the development was not considered to encroach significantly into the open countryside and would protect the rural nature of the wider area. As such the environmental role would be met.

A more recent appeal (APP/P1560/W/17/3189713) relating to the re-development of the Fat Goose Public House with the erection of two 4-bed detached properties and one micro pub with flat at first floor level was allowed by the Planning Inspectorate. The planning inspector concluded that overall the retention of the public house element contributes to the sustainability of the location. The proposed development would not be in an isolated location the development would support the provision of visitor locations and would promote the retention of a local service and facility. Further the inspector states that although intensifying the built form on the site would not result in an adverse effect on the wider landscape which would retain the characteristic of a small settlement in the open landscape.

Economic Dimension

With regard to the economic dimension of sustainable development, the provision of a residential development on the application site will mainly involve short term employment opportunities and other associated benefits within the building process. However, it is not considered that there are sufficient local employment opportunities to meet the needs of residents of a further 5 no. dwellings and future residents are likely to have to travel further afield for employment.

Social Dimension

Socially, it is necessary to consider the proximity of the site to important services and facilities such as convenience shopping, education, healthcare, community halls and jobs. In the Council's 'Establishing a Settlement Hierarchy' Study (July 2014), Tendring Heath is not recognised as a settlement, and as such is considered amongst the least sustainable location. The provision of a modest sized micro-pub on the adjoining site is not considered to provide sufficient needs for the future residents of these dwelling. There are therefore, no longer the local resources able to provide even basic provisions, and existing and future residents would have to travel further afield. Whilst there are bus stops close to the site, it remains likely that journeys to important services and facilities will be taken by unsustainable modes of transport. On this basis, the proposal would not be socially sustainable.

Environmental Dimension

Environmentally, it is necessary to consider the impact on the character and appearance of the Countryside. The site forms part of a small and un-designated settlement of Tendring Heath consisting of approx. 10 no. dwellings, a closed public house and an operational care home (Tendring Meadows).

Impacts of the Proposed Development

The Planning Inspector in his decision on the land to the north stated that the 3 no. dwellings would occupy a gap in the built development. The application proposal involves erecting 5 no. further dwellings on a greenfield site within the open countryside and set back away from the ribbon development along the Heath Road frontage. The proposed development would be

substantial and significant and no special or extenuating circumstances exist to justify need. The proposed development would impact significantly the openness of the surrounding landscape, by reason of its scale, siting and appearance, and represent an unnecessary and intrusive form of development within the countryside.

As such, the proposed development would be out of keeping within its surroundings and constitute an inappropriate form of development that would neither enhance nor conserve the countryside for its own sake, and detract from the open character of the landscape. As such the proposed development would not comply with Policy EN1 of the Local Plan.

Furthermore, the application proposal is also contrary to saved policy HG13 of the local plan because it would constitute backland development outside of a 'Settlement Development Boundary'. The provision of a long narrow driveway through the development to the north flanked by houses and fencing enclosing rear gardens would appear overly harsh and urban in this semi-rural location as there would be no space for planting to soften its appearance.

As such the development would be wholly out of character with the linear form of ribbon development in the vicinity and would set a harmful precedent for other similar development within the area.

Layout

Notwithstanding the issues raised above the layout provided shows that the site can accommodate 5 properties in a spacious manner with opportunities for soft landscaping to enhance the appearance of the development. Each property is shown to be provided with ample parking and private amenity space provision.

Residential Amenities

The flank walls of plots 2 and 3 (approved to the north), which will face the proposed access, do not contain any openings that could be affected by the through movement of traffic. The additional traffic movements associated with 5 dwellings would not cause sufficient noise and disturbance to be harmful to the future resident's enjoyment of their properties and rear amenity areas.

The design of the properties is a reserved matter however the layout shown confirms that there would be sufficient spacing between the proposed dwellings and those to the north not to cause any loss of privacy or outlook concerns to arise.

Highway Considerations

Essex County Council observes that the parking spaces and garages for the middle and right hand plots on the approved scheme to the north are shown to be undersized and not conforming with current Parking Standards. However, these garages fall outside of the application site and if they are not built in accordance with the approved plans would represent a breach of planning control.

Furthermore, ECC-Highways state that the offset angled connection to the access and connection to Heath Road is also liable to be obstructed by either parked or manoeuvring cars associated to the approved plots. The obstructions and poor geometry are likely to be hazardous to highway users and may lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction and congestion or vehicles reversing into the highway contrary to highway safety.

Tree Considerations

There are no trees or other significant vegetation in the main body of the application site.

The site boundaries are demarcated by established hedgerows containing trees. The trees are set back from the highway and have only moderate to low visual amenity value. Nevertheless they would form an attractive 'backdrop' to any development that may be granted planning permission. It is not considered necessary for the applicant to provide a full tree report and survey although; if

planning permission were to be granted then a condition should be attached to secure details of the way that the roots of the trees would be physically protected for the duration of the construction phase of the development.

Other Considerations

Tendring Parish Council strongly objects to this application as stated in all previous comments. TDC have a 6.2 yr land supply no more housing is needed or wanted in the village of Tendring.

1 letter of objection has been received outlining the following concerns;

- backland development which is out of character
- dangerous access as blind bend in the road
- 5yr housing supply is met
- development would erode the rural hamlet character of Tendring Heath.

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 delivery 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. Tendring Heath is not categorised in emerging Policy SPL1. Therefore the application site is not located within any 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.

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 the National Planning Policy Framework (2018) and contrary to the development plan Saved Policy QL1 and emerging Policy SP1.

- 2 The development proposal to erect 5 no. dwellings is contrary to Policies QL1, QL11, HG13 and EN1 of the adopted Tendring District Local Plan (2007), Policies SPL1, LP7, LP8 and PPL3 of the Tendring District Local Plan 2013 - 2033 and Beyond Publication Draft (2017). The aforementioned Development Plan policies state (amongst other things) that the countryside shall be protected from inappropriate forms of development to ensure the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. Further the policies state that backland development will not be permitted where it would be out of character with the pattern of development in the locality, set a harmful precedent and comprise of a long narrow driveway.

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 application proposal involves erecting 5 no. further dwellings on a greenfield site within the open countryside and set back away from the ribbon development along the Heath Road frontage. The proposed development would be substantial and significant and no special or extenuating circumstances exist to justify need. The proposed development would impact significantly on the openness of the surrounding landscape, by reason of its scale, siting and appearance, and represent an unnecessary and intrusive form of development within the countryside.

The provision of a long narrow driveway through the development to the north flanked by houses and fencing enclosing rear gardens would appear overly harsh and urban in this semi-rural location as there would be no space for planting to soften its appearance. As such the development would be wholly out of character with the linear form of ribbon development in the vicinity and would set a harmful precedent for other similar backland development within the area.

The proposed development would therefore be out of keeping within its surroundings and constitute an inappropriate form of development that would neither enhance nor conserve the countryside for its own sake, and detract from the open character of the landscape and the settlement pattern. As such the proposed development would not comply with the aforementioned local and national planning policies.

- 3 The offset angled connection to the access and connection to Heath Road is liable to be obstructed by either parked or manoeuvring cars associated to the approved plots to the north. The obstructions and poor geometry are likely to be hazardous to highway users and may lead to vehicles being left parked in the access route or adjacent highway causing conditions of danger, obstruction and congestion or vehicles reversing into the highway contrary to highway safety.

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 reasons for the refusal, approval has not been possible.

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