

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	13/08/18
Planning Development Manager authorisation:	AN	16/8/18
Admin checks / despatch completed	me	17/08/18

Application: 18/01105/FUL **Town / Parish:** Ardleigh Parish Council

Applicant: Mr & Mrs N Moorcroft

Address: Land adjacent to Willowell Spring Valley Lane Ardleigh

Development: Proposed single residential dwelling, cart lodge, landscaping & access.

1. Town / Parish Council

Ardleigh Parish Council No comment.

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. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 4.8m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.
Reason: To ensure that all vehicles using the private drive access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

2. Prior to the proposed access being brought into use, minimum vehicular visibility splays of 90m by 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.
Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. 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.

6. 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.

7. 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 main body of the application site is set to grass and has no trees

or other significant vegetation. The site is however constrained by Oak trees situated on the perimeter of the application site. 13 Oaks on the perimeter of the application site are afforded formal legal protection by way of Tendring District Council Tree Preservation Order TPO/16/16

In order to show that the development proposal can be implemented without causing harm to the trees described above the applicant has provided tree survey and report. The report is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations

The report shows the extent of the constraint that the trees are on the development potential of the land shows the positions of the barriers that will need to be erected to ensure roots within the Root Protection Area (RPA) are not damaged during the construction phase of any development that may be granted planning permission.

In terms of the physical damage to the protected trees the information provided by the applicant shows only a minor incursion into the RPA's of the protected trees and shows that the development could take place without causing significant harm to the trees.

Two trees in poor condition have been removed to facilitate access to the application site. Further improvements to the vehicular access would be unlikely to cause harm to other trees on the land. Specialist construction methods may be required for hard surfacing within the RPA's of any retained tree to upgrade the access point

In addition to the below ground constraint resulting from the extent of the roots of the protected trees it is also important to consider the above ground constraint caused by branches and canopies of the trees.

The above ground element of the constraint that the trees are on the development of the land affects the relationship between the proposed building and the trees. In this respect it is anticipated that the trees would reduce the amount of light reaching the windows and private amenity space of the proposed dwelling. Debris and detritus falling from the crown of the trees is also likely to be an issue.

Experience shows that if a satisfactory relationship between new dwellings and retained trees is not achieved in the development process then it results in pressure to prune trees, to address this issues, in a way that is not beneficial to the continued good health and longevity of the trees.

Although the private amenity area for the dwelling is quite large it will be dominated by the collective impact of the trees that will be likely to have a significant obstruction to direct sunlight and daylight reaching the proposed dwelling. Taking into account the positions of the existing trees and that of the proposed new dwelling it is considered that it has not been demonstrated that a satisfactory juxtaposition between the proposed new dwelling and the trees has been achieved.

Building Control and
Access Officer

No comments at this time.

3. Planning History

93/01359/OUT	(Willow Well, Spring Valley Lane, Ardleigh) The demolition of existing structurally defective bungalow and the replacement with new bungalow of similar size	Approved	01.02.1994
94/00883/FUL	(Willow Well, Spring Valley Lane, Ardleigh) The demolition of existing structurally defective bungalow and the replacement with new bungalow of similar size	Approved	20.09.1994
96/01539/FUL	(Willow Well, Spring Valley Lane, Ardleigh) Demolition of existing structurally defective bungalow and erection of replacement bungalow with Granny Annex (as variation to approved scheme TEN/94/0883)	Approved	21.01.1997
99/01606/FUL	Detached garage, and erection of wall and gate to side entrance	Approved	14.12.1999
06/01493/FUL	Proposed stable block.	Approved	23.01.2007
08/00448/FUL	Erection of single storey side and rear extensions.	Approved	20.05.2008
11/60195/HOUEN Q	To move entrance from existing to a safer point on paddock land adjacent to Willowell		12.05.2011
16/00859/OUT	Proposed erection of three detached dwellings.	Refused	26.08.2016
18/00864/TPO	T1 Oak - Remove lowest primary lateral at 2.5m. T3 - Oak Reduce by 50%. T8 Oak - Reduce crown by 30%. T12 Oak - Reduce crown by 30%. T13 - Oak - Remove lowest primary lateral at 1.5m and reduce crown garden side by 3m. T1-T13 Oak - Raise crown to 5m.	Approved	25.06.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

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

SP1 Presumption in Favour of Sustainable Development

SPL1 Managing Growth

SPL3 Sustainable Design

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

Site Description

The application site is land adjacent to Willowell, Spring Valley Lane, Ardleigh. The site is not situated within a recognised Settlement Development within both the Saved Tendring Local Plan 2007 and the Emerging 2013-2033 Tendring Local Plan Publication Draft. To the north and south of the site are detached residential properties. However, the surrounding area can generally be characterised as rural, with large open fields beyond to the north, east and south, and agricultural land to the south. To the north and east of the site is a Public Right of Way.

Proposal

This application seeks planning permission for the erection of one detached dwelling that will also incorporate a cart lodge. The dwelling is to be 1.5 storey, served by three bedrooms and will be of a semi-rural design.

History

Under planning reference 16/00859/OUT, planning permission was refused for the erection of 3 detached dwellings as the site fell outside of a recognised Settlement Development Boundary and failed the social and environmental strands of sustainability.

This decision was upheld under planning appeal reference APP/P1560/W/17/3169159. Whilst the inspector highlighted the Council were unable to demonstrate a five year housing-land supply, he concluded that "The adverse environmental impacts resulting from three dwellings proposed in a relatively isolated rural location, thereby encouraging residential occupation overly reliant on private car use to access regularly required services and causing harm to the largely undeveloped character of this rural area, would significantly and demonstrably outweigh these limited benefits."

Since this appeal decision the Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites, which have been confirmed within recent appeal decisions.

Assessment

1. Principle of Development

The site lies outside of the Settlement Development Boundary for Ardleigh 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.

- 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.

Ardleigh 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:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

The proposal site itself is detached, approximately 1.5 miles, from the Settlement Development Boundary of Ardleigh, which is defined within Policy SPL1 as a Smaller Rural Settlement. In the Council's "Local Plan Settlement Hierarchy" document (April 2016) Ardleigh is identified as a smaller rural settlement with no defined village centre, employment area or train station.

Under appeal reference APP/P1560/W/17/3169159, the inspector stated the application site in question was unable to meet the social strand of sustainability as "despite the availability of a bus service, this would be a location for new housing where future occupiers would generally find it more convenient to use a private car to reach regularly required services, such as shops, schools and employment . . . the nearest services, such as schools, medical centres and foodstores, are within the nearest built suburbs of Colchester to the west. These are accessible via Bromley Road, just to the south of Spring Valley Lane, but are a significant distance away along an unlit country lane initially without footways and lacking an adjacent cycle path, which would not be a convenient walking distance from the appeal site."

As a result the proposal is not considered to be sited within a socially sustainable location and would likely require the use of a private vehicle to complete everyday trips, thereby failing to accord with the social strand of sustainable development.

Environmental:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, in indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 of the The National Planning Policy Framework (2018) states that planning policies and decisions should ensure developments will add to the overall quality of the area, are visually attractive and are sympathetic to local character and history.

Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

The proposed dwelling would front onto Spring Valley Lane, which is a rural country lane located to the east of the main bulk of residential development located within Colchester. There are some detached dwellings situated in the surrounding area but overall it can be characterised as rural. The application site takes on a form that is mainly screened from the lane by mature hedging and trees. To the west of the site the land forms open agricultural fields. Consequently, the absence of significant built form in close proximity to the site, the narrow nature of the lane in this location and the presence of mature roadside hedging and trees ensure that the site and its immediate

surroundings take on a strong rural character and appearance. As such the resultant dwelling and the removal of sections of hedgerow and trees to achieve the required visibility splays and accesses would have a significant urbanising effect on the character of the area and result in the unplanned advance of urbanisation into the countryside, eroding the rural character of the lane and resulting in a significant detrimental impact upon the rural appearance of the area. Furthermore, whilst it has been demonstrated there is not to be significant harm to the root protection area of trees afforded protection by a Tree Preservation Order as a result of the development, it has not been demonstrated that a satisfactory relationship between the proposed dwelling and the retained trees can be achieved.

This view was supported by the inspector of appeal reference APP/P1560/W/17/3169159, who stated the application site in question was unable to meet the environmental strand of sustainability as "the three dwellings would be an incursion of residential development into an area that is mainly open countryside and of an undeveloped rural character. Notwithstanding the examples of permissions granted elsewhere in this locality, this proposal would quite clearly constitute a harmful encroachment of development into the relatively unspoilt countryside . . . the resulting housing in the undeveloped countryside would fail to make a positive contribution to the quality of the local environment or protect or enhance its local character."

Therefore for the reasons given the development would not meet the environmental dimension of sustainable development.

2. 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 proposed dwelling is to be detached, 1.5 storeys and sited to the north of 'Willowell' along Spring Valley Lane. The dwelling will be accessed via a new access point created to the east of the site off Spring Valley Lane. The siting of the dwelling will be in line with 'Willowell' to the south and 'Lavender House' to the north and will therefore help to build upon the existing building line. Therefore there is no identifiable harm with the dwellings' proposed siting.

In terms of the design of the dwelling, it takes the form of a semi-rural appearance and is considered to be of good design. Key features are included to help break up the proposal, including front and rear dormers, single storey elements, a covered porch and brick plinth.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied shows that this is comfortably achievable for both new dwellings and for the existing dwelling.

3. Impact to Neighbouring 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 two dwellings will be visible to the existing residential properties to both the north and south, there is an approximate separation distance of 30m to the south facing property and 50m to the north facing property. This will ensure no loss of light or that the dwelling will appear imposing. Further, the dwelling has been designed to ensure no direct overlooking via first floor side elevation windows. Whilst there is a rear dormer window serving a bedroom, the views from this window are only partially able to overlook the neighbouring private amenity areas, whilst the large separation distances will ensure it will not be detrimental to their existing amenities.

4. Highways

Essex County Council Highways have been consulted as part of this application and have stated the proposal is acceptable subject to conditions relating to vehicular access width, visibility splays, bridging/piping, no unbound materials, a car parking and turning area and the inclusion of a Construction Method Statement.

A further condition was recommended with regards to the storage of bicycles; however given the site has comfortably enough private amenity space this condition would not be imposed had the decision been one of approval.

Adopted Car Parking Standards state that for a dwelling of two or more bedrooms, provision should be made for a minimum of two parking spaces measuring 5.5m x 2.9m or a garage, if being used as one of the parking space, should have a minimum internal measurement of 7m x 3m. The submitted plans show the proposed cart lodge does not accord with the above measurements; however there is sufficient space to the front of the dwelling to accommodate the necessary parking requirements.

5. Tree and Landscapes Impact

The main body of the application site is set to grass and has no trees or other significant vegetation. There are however 13 Oak Trees to the perimeter of the site afforded formal legal protection via Tree Preservation Order TPO/16/16.

In order to show the development can be implemented without harming the trees described, the applicant has submitted a tree survey and report. The report shows the extent of a constraint the trees are to the development potential of the site, and shows positioning of barriers needed to be erected to ensure the Root Protection Area of the trees are not damaged during construction of the development. The report demonstrates only a minor incursion into the RPA's and shows development can take place without causing significant harm to the trees.

Two trees that are in poor condition have been removed to facilitate access to the site, whilst further improvements to the access are unlikely to harm other trees on the land. However, specialist construction methods may be required for hard surfacing within the RPA's of any retained tree.

However, the above ground element of the constraint that the trees are on the development of the land affects the relationship between the proposed building and the trees, with it anticipated the trees would reduce the amount of light reaching the windows and private amenity space of the proposed dwelling. Debris and detritus falling from the crown of the trees is also likely to be an issue. It is therefore likely that there will be future pressure to prune trees in a way that is not beneficial to the continued good health and longevity of the trees. The admittedly large private amenity area will still be dominated by the collective impact of the trees that would likely result in significant obstruction to direct sunlight and daylight reaching the proposed dwelling. Therefore, taking account of the positions of the existing trees and that of the proposed dwelling, it is considered that it has not been demonstrated that a satisfactory juxtaposition between the proposed dwelling and the trees.

Other Considerations

Ardleigh Parish Council has not commented.

There has been one letter of support received.

Conclusion

For the reasons set out above, the proposed development would be contrary to the aims and aspirations of the afore-mentioned policies and is therefore recommended for refusal.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 1 The site lies outside of the Settlement Development Boundary for Ardleigh 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 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 National Planning Policy Framework (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.

Ardleigh 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 the Council's "Local Plan Settlement Hierarchy" document (April 2016) Ardleigh is identified as a smaller rural settlement with no defined village centre, employment area or train station. Ardleigh is therefore classed as one of the District's lowest scoring settlements in terms of its sustainability credentials. The proposal site itself is detached, approximately 1.5 miles, from the Settlement Development Boundary of Ardleigh, which is defined within Policy SPL1 as a Smaller Rural Settlement. As a result the proposal is not considered to be sited within a socially sustainable location and would likely require the use of a private

vehicle to complete everyday trips, thereby failing to accord with the social strand of sustainable development.

Further, under appeal reference APP/P1560/W/17/3169159, the inspector stated the application site in question was unable to meet the social strand of sustainability as *"despite the availability of a bus service, this would be a location for new housing where future occupiers would generally find it more convenient to use a private car to reach regularly required services, such as shops, schools and employment . . . the nearest services, such as schools, medical centres and foodstores, are within the nearest built suburbs of Colchester to the west. These are accessible via Bromley Road, just to the south of Spring Valley Lane, but are a significant distance away along an unlit country lane initially without footways and lacking an adjacent cycle path, which would not be a convenient walking distance from the appeal 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.

- 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. Paragraph 127 of the The National Planning Policy Framework (2018) states that planning policies and decisions should ensure developments will add to the overall quality of the area, are visually attractive and are sympathetic to local character and history.

Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the countryside.

The proposed dwelling would front onto Spring Valley Lane, which is a rural country lane located to the east of the main bulk of residential development located within Colchester. There are some detached dwellings situated in the surrounding area but overall it can be characterised as rural. The application site takes on a form that is mainly screened from the lane by mature hedging and trees. To the west of the site the land forms open agricultural fields. Consequently, the absence of significant built form in close proximity to the site, the narrow nature of the lane in this location and the presence of mature roadside hedging and trees ensure that the site and its immediate surroundings take on a strong rural character and appearance. As such the resultant dwelling and the removal of sections of hedgerow and trees to achieve the required visibility splays and accesses would have a significant urbanising effect on the character of the area and result in the unplanned advance of urbanisation into the countryside, eroding the rural character of the lane and resulting in a significant detrimental impact upon the rural appearance of the area. Furthermore, whilst it has been demonstrated there is not to be significant harm to the root protection area of trees afforded protection by a Tree Preservation Order as a result of the development, it has not been demonstrated that a satisfactory relationship between the proposed dwellings and the retained trees can be achieved.

This view was supported by the inspector of appeal reference APP/P1560/W/17/3169159, who stated the application site in question was unable to meet the environmental strand of sustainability as *"the three dwellings would be an incursion of residential development into an area that is mainly open countryside and of an undeveloped rural character. Notwithstanding the examples of permissions granted elsewhere in this locality, this proposal would quite clearly constitute a harmful encroachment of development into the relatively unspoilt countryside . . . the resulting housing in the undeveloped countryside would fail to make a positive contribution to the quality of the local environment or protect or enhance its local character."*

Therefore for the reasons given the development would not meet the environmental dimension of sustainable development.

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.