

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	11/10/2018
Planning Development Manager authorisation:	AN	15/10/18
Admin checks / despatch completed	SB	15/10/18

Application: 18/01293/OUT **Town / Parish:** Alresford Parish Council

Applicant: Sibbons (Alresford) Ltd

Address: Land at Tenpenny Farm St Osyth Road Alresford

Development: Proposed residential development of nine detached dwellings.

1. Town / Parish Council

Alresford Parish Council See document dated 14.09.18

2. Consultation Responses

ECC Highways Dept

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all purpose access) will be subject to the Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

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 development, the proposed estate road, at its bellmouth junction with St Osyth Road shall be provided with 6.0m. radius kerbs returned to an access road carriageway width of 6.0m. and flanking footways 2m. in width returned around the radius kerbs which shall connect to the existing footways. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2 Prior to the proposed access being brought into use, vehicular visibility splays of 120m by 2.4m by 120m 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 commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

4 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

5 Prior to commencement of the proposed development, vehicular turning facilities for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6 No unbound materials shall be used in the surface treatment of each of the proposed vehicular accesses within 6m of the highway boundary / throughout.

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.

7 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m 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 vehicles using the site 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.

8 All carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicular access is taken but without kerbing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

9 All footways should be provided at no less than 2.0m in width.
Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

10 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained 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.

11 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, 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.

12 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, 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.

13 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.

14 Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of Residential Travel Information Packs for sustainable transport sufficient for the occupants of each dwelling, approved by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

15 Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage to St Osyth Road shall be extended to a minimum of 2.0m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

16 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

17 Prior to the commencement of the proposed development, the recommendations and designers responses made in the CJ SAFETY AUDIT reference RJEC9/NGC/RSA1 – HIGHWAY WORKS document submitted for the planning application reference 16/00669/OUT specifically relating to Item 3.3 - access junction; 3.4 - proposed access road junction & 3.5 - refuge island crossing point shall be incorporated into the design and provided entirely at the developers expense prior to any occupation of the proposed dwellings.

Reason: To ensure that vehicles using the site 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.

Design Informative:

1. There should be no vehicular access over any radius kerbs.
2. The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
3. Any trees provided within the adoptable highway will attract a commuted sum of no less than £750 per tree.
4. The applicant should be requested to consider the provision and location of street lighting columns, particularly at road junctions, these should be within the adoptable areas.
5. The proposed carriageway to enable future expansion of the site should be shown at no less than 5.5m in width together with 2.0m wide footways.
6. Refuse freighters are unlikely to manoeuvre over Private Drives.

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Building Control and
Access Officer

No comments at this time.

Tree & Landscape Officer

The main body of the application site is set to grass. On land adjacent to the western boundary of the application site forming part of White House Farm Nurseries there is a row of mature Oaks that feature prominently in the landscape and make a positive contribution to the character and appearance of the local environs.

The trees are mature healthy specimens, some approaching veteran stage, that make a positive contribution to the character and appearance of the area. The trees are afforded formal legal protection by Tree Preservation Order TPO/16/05 White House Farm, St Osyth Rd, Alresford. Whilst the removal of the trees is not threatened by the development it has the potential to affect their viability by an incursion into their root zones.

In order to show the likely impact of the development proposal on these trees the applicant will need to submit a tree survey and report that has been completed in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations.

The report should include a Tree Constraints Plan (TCP) showing the Root Protection Area (RPA) for each of the Oaks. The RPA is the area within which development should not take place.

As the trees are on the western boundary it will also be necessary for the developer to demonstrate that a satisfactory juxtaposition between the trees and the proposed dwellings can be achieved. The applicant will need to show the degree to which the trees have an impact on the private amenity spaces of the proposed dwellings: potential impact issues include - leaf litter, debris, shading and the future resident's perceptions of the trees.

In terms of the impact of the development on the local landscape character it should be noted that the application site is situated within the area defined in The Tendring District Landscape Character Assessment (LCA) as The Bromley Heaths (7a). The landscape area has a sparse and dispersed settlement pattern and is particularly sensitive to change. Any development needs to be carefully sited and the impact of the development proposal on the character and

appearance of the area must be carefully considered along with proposals to minimise and mitigate any potential harm.

The Council's Landscape Management Strategy describes the condition of the Bromley Heaths LCA landscape as declining with a moderate character. It identifies need to conserve the rural character and historic elements of the landscape and to enhance woodlands cover, hedgerows character and heathland.

The development proposal does not address the aspirations of the Landscape Management Strategy section of the Council's LCA and if approved would be likely to have a permanent adverse impact on the character and appearance of the local landscape character.

It is important to note that the application site forms part of a larger area of land that was the subject of a previous planning application for residential development of up to 50 dwellings; Ref 16/00699/OUT. The planning application was refused by this Council and the appeal lodged by the applicant was subsequently dismissed. In this respect the development of the application site, situated in the countryside, is unacceptable in principle.

Should planning permission be likely to be granted then the soft landscaping, including tree planting as indicated on the Illustrative Layout Plan should be secured as a reserved matter.

3. Planning History

03/01034/FUL	Change of use and erection of new building to form commercial stables and livery, formation of new vehicular access and construction of external manege.	Refused	25.07.2003
03/02228/FUL	Change of use and erection of new building to form commercial stables and livery, formation of new vehicular access and construction of external manege.	Refused	25.08.2005
05/02047/AGRIC	Storage barn including new access.		26.10.2006
08/00501/FUL	Erection of new building to form ancillary office, store and tack room, as part of commercial stables.	Approved	23.06.2008
08/00688/FUL	Erection of store building ancillary to commercial stables. Revised design to previous application reference 03/02228/FUL approved on appeal.	Approved	08.07.2008
09/00191/FUL	Revised stable building design to that approved by 03/02228/FUL.	Approved	01.05.2009
10/01437/NMA	Revised stable roof design to that approved by planning permission		20.12.2010

	09/00191/FUL.		
11/00685/FUL	Revised stable building design to that approved by planning permission ref. no. 03/02228/FUL.	Approved	16.08.2011
11/01439/NMA	Amendment to materials approved under application no. 08/00688/FUL from the external wall cladding being stained softwood or black boarding to black leather grain plasticol cladding.	Approved	21.12.2011
12/00568/FUL	Proposed covered menage (relocation and amended design to menage approved under 03/02228/FUL).	Approved	16.07.2012
12/00959/FUL	Revision of stable building design (variation to approval under 03/02228/FUL, subsequently revised by planning permission 11/00685/FUL).	Approved	01.11.2012
13/01223/FUL	Change of use of existing equestrian buildings to alternative use class B1 and/or B8.	Withdrawn	19.12.2013
14/00453/FUL	Change of use of existing equestrian buildings to use Class B1 business.	Approved	16.12.2014
15/00674/OUT	Outline planning application with all matters reserved, proposed residential development, erection of 8 no. detached dwellings.	Approved	23.10.2015
15/00740/DISCON	Discharge of condition 04 (roofing materials) and 05 (landscaping) of application 12/00568/FUL.	Approved	05.06.2015
16/00669/OUT	Proposed residential development of up to 50 No. new dwellings.	Refused	13.02.2017
17/01214/DETAIL	Reserved matters application for proposed residential development, erection of 8 no. detached dwellings.	Approved	19.09.2017

4. **Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG13 Backland Residential Development

EN1 Landscape Character

EN6 Biodiversity

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

SPL1 Managing Growth

SPL3 Sustainable Design

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

CP1 Sustainable Transport and Accessibility

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 northern side of St Osyth Road in Alresford. It comprises of part of an agricultural field used in connection with Tenpenny Farm. The site extends approximately 0.72 hectares in size with vehicular access from St. Osyth Road toward to the eastern end of the site. It is currently grassland with a mature hedge along the highway frontage (adjacent site) and western boundary.

To the west of the site there is a row of residential dwellings in a linear form facing towards the road, these are a mixture of semi-detached and detached dwellings. Closest to the application site they are predominately two storey in height, but further west there are single storey and one and a half storey properties. To the east of the application site there is a pair of semi-detached dwellings and Alresford Business Centre.

To the north of the application site lies the remainder of the agricultural field and to the south on the opposite side of the road are residential dwellings but these are not accessed via St Osyth Road and screened by mature hedgerow.

Description of Proposal

The application seeks outline planning permission with all matters reserved for residential development of 9 detached dwellings. All matters of detail such as access, appearance, landscaping, layout and scale are reserved for a future application.

The application is accompanied by a site layout plan that is for illustrative purposes only.

Assessment

The main considerations are;

- Planning and Appeal History;
- Principle of Development;
- Scale, Layout and Appearance;
- Residential Amenities;
- Trees and Landscaping;
- Access and Parking; and,
- Representations.

Planning and Appeal History

The application site forms part of a larger site subject of an application for 50 dwellings refused by the Planning Committee and dismissed at appeal under 16/00669/OUT.

The site lies to the rear of a site subject of a separate approval for 8 dwellings under applications 15/00674/OUT and 17/01214/DETAIL. Application 15/00674/OUT was allowed at a time when the Council were unable to demonstrate a 5 year housing supply. The development will be a continuation of the linear development on this side of the road. Any environmental harm from the loss of the open area was minimal and outweighed by the contribution toward the housing supply.

The larger site subject of application 16/00669/OUT was refused on the basis of the lack of financial contributions. It was also concluded that the development would have a permanent adverse impact on the character and appearance of the local landscape character due to its extension into open countryside. The Appeal Inspector states at paragraph 31 of his decision;

'I conclude that the effect on the character and appearance of the landscape from the proposed development would be minor, confined to the appeal site and limited views from surrounding roads and footpaths. However, that is sufficient to conclude that the proposed development would be contrary to Policy QL11 of the LP, Policy PPL3 of the draft LP and the Framework that seek to minimise adverse environmental effects, including that development should not lead to material loss of, or damage to, landscape value.'

Having regard to the above planning and appeal history for the site and adjacent site, this application can be assessed as follows.

Principle of Development

The site lies outside of the Settlement Development Boundary 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 2018 (NPPF2). 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 NPPF2. 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 as referred to above.

Alresford is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Rural Service Centre within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). For these settlements, the emerging Local Plan identifies opportunities for smaller-scale growth. The application site abuts the extended boundary for Alresford. Therefore the extent of growth planned for the area does not include this site. There are more sustainable locations for growth.

In applying the NPPF'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 NPPF2 and contrary to the development plan.

- Assessment of Sustainable Development

Officers consider that Saved Policy QL1 and emerging Policy SPL1 are in line with the aforementioned aims of the NPPF2. 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 within the NPPF2 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 application site abuts the extended Alresford Settlement Development Boundary as defined within the emerging Local Plan and is located within a comfortable walking distance of amenities and public transport links. Paragraph 23 of the appeal decision states that 'the site is located adjacent to the village and on a main road with some choice in means of transport, such that it is reasonably accessible'. The site performs well in terms of the social strand of sustainability and a refusal on this basis could not be justified.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale, Character and Appearance.

Scale, Layout and Appearance

Paragraph 127 of the National Planning Policy Framework 2018 (NPPF2) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. 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.

Furthermore, saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 are of particular relevance in this instance due to the nature of the development constituting backland development. Saved Policy HG13 states that proposals for the residential development of backland sites will only be approved where it meets specific criteria. Such criteria includes the site being located within the

defined settlement development boundary and the development being in keeping with the character of the area.

Whilst it is recognised that the number of dwellings and site area has been greatly reduced from 50 to 9, the environmental harm remains unacceptable. The backland siting of the development in a locality predominantly characterised by linear, road frontage development fails to meet the aims of saved Policy HG13 of the adopted Local Plan and emerging Policy LP8 of the draft Local Plan. The built form to the rear of the dwellings in the vicinity relate to sporadic commercial or agricultural uses and do not form part of the residential character of the area.

In terms of the impact of the development on the local landscape character it should be noted that the application site is situated within the area defined in The Tendring District Landscape Character Assessment (LCA) as The Bromley Heaths (7a). The landscape area has a sparse and dispersed settlement pattern and is particularly sensitive to change. Any development needs to be carefully sited and the impact of the development proposal on the character and appearance of the area must be carefully considered along with proposals to minimise and mitigate any potential harm.

The Council's Landscape Management Strategy describes the condition of the Bromley Heaths LCA landscape as declining with a moderate character. It identifies need to conserve the rural character and historic elements of the landscape and to enhance woodlands cover, hedgerows character and heathland.

The development proposal does not address the aspirations of the Landscape Management Strategy section of the Council's LCA and if approved would be likely to have a permanent adverse impact on the character and appearance of the local landscape character.

The illustrative layout plan raises concerns with the number of dwellings proposed. The 2 dwellings sited closest to the entrance appear cramped and the development would be better if only one dwelling was proposed in this location. Overall the site is fairly spacious and an amendment to the layout could overcome the concerns with the cramped nature of these 2 front plots.

Furthermore, the site area is clearly an artificial subdivision of the larger field with the road layout shown on the illustrative plan suggesting further development of the remainder of the site. The approval of this application could set a harmful precedent for piecemeal development of the remainder of the site to the serious detriment of the landscape character of the surrounding area.

Residential Amenities

The NPPF2, at paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, 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'. Policy SPL3 of the Draft Plan carries forward the sentiments of these saved policies and states that 'the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'.

The appearance of the proposed dwellings is not included within this application, so it is not possible at this stage to fully assess the impact on neighbour's amenities. However, it is considered that there is potential for the site to be developed, without resulting in any adverse impact on the amenities of the neighbouring residents or future occupants of the development, subject to the siting, height, scale and position of windows in the proposed dwellings.

There are some concerns with the juxtaposition of the dwellings in relation to the trees and the likely overshadowing to the private amenity areas of the plots along the western boundary. This is covered in more detail within 'Trees and Landscaping' below.

Trees and Landscaping

The Council's Principle Tree and Landscaping Officer has been consulted on the application and provided comments in relation to the protected trees and the landscape harm as set out in full above.

Whilst the removal of the protected trees is not threatened by the development it has the potential to affect their viability by an incursion into their root zones. The juxtaposition between the trees and the proposed dwellings could also be an issue. The application needs to show the degree to which the trees could have an impact on the private amenity spaces of the proposed dwellings: potential impact issues include - leaf litter, debris, shading and the future resident's perceptions of the trees.

In order to show the likely impact of the development proposal on these trees and relationship with the dwellings a tree survey and report is required. No such report has been submitted and upon request the Agent requested that this be dealt with by condition. This is a matter of principle and cannot be dealt with by way of condition as it may not be possible to develop the site. The Agent was advised via email but no report has been received.

This therefore amounts to a justified reason for refusal as the Council cannot be satisfied that the development would not result in harm to the protected trees or an unacceptable relationship with the proposed dwellings.

Access and Parking

Policy QL10 of the Saved Plan states that planning permission will only be granted, if amongst other things, access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate. This requirement is also carried forward to Policy SD9 of the Draft Plan.

Essex County Council Highways have been consulted on the application and raise no objections to the proposal on highway safety grounds subject to the above conditions.

Officers consider that sufficient space is available within the site to provide access, parking and turning in accordance with adopted standards. This would be fully assessed at the reserved matters stages.

Representations

Alresford Parish Council raise an objection to the application on the following grounds;

- Should be refused for the same reasons as the previous application.
- Fewer dwellings but same principles.
- Would result in incremental development into the field behind.

These issues are covered in the main report above.

2 individual letters of objection have been received raising the following concerns;

- Already refused and upheld at appeal.
- Too much development already allowed in Alresford.
- The site is outside the village envelope.
- Dangerous busy road.
- Piecemeal development.
- Too much pressure on infrastructure and facilities.
- Loss of countryside.

The reasons why the development is considered harmful and unacceptable are set out in the main report above.

Conclusion

For the reasons set out above, the proposal is considered to represent an unsustainable form of development that will result in overriding harm to the character of the area and landscape contrary to the aims of national and local plan policy and is therefore recommended for refusal.

6. Recommendation

Refusal - Outline

7. Reasons for Refusal

- 1 The site lies outside of the Settlement Development Boundary 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 2018 (NPPF2). Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely planned, 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 NPPF2. 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 as referred to above.

Alresford is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Rural Service Centre within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). For these settlements, the emerging Local Plan identifies opportunities for smaller-scale growth. The application site abuts the extended boundary for Alresford. Therefore the extent of growth planned for the area does not include this site. There are more sustainable locations for growth.

In applying the NPPF'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 NPPF2 and contrary to the development plan.

- 2 Paragraph 127 of the National Planning Policy Framework 2018 (NPPF2) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. 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.

Furthermore, saved Policy HG13 of the adopted 2007 Local Plan and emerging Policy LP8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 are of particular relevance in this instance due to the nature of the development constituting backland development. Saved Policy HG13 states that proposals for the residential development of backland sites will only be approved where it meets specific criteria. Such criteria includes the site being located within the defined settlement development boundary and the development being in keeping with the character of the area.

The backland siting of the development in a locality predominantly characterised by linear, road frontage development fails to meet the aims of saved Policy HG13 of the adopted Local Plan and emerging Policy LP8 of the draft Local Plan. The built form to the rear of the dwellings in the vicinity relate to sporadic commercial or agricultural uses and do not form part of the residential character of the area.

The landscape character has a sparse and dispersed settlement pattern and is particularly sensitive to change. Any development needs to minimise and mitigate any potential harm. The development proposal does not address the aspirations of the Landscape Management Strategy section of the Councils LCA and would have a permanent adverse impact on the character and appearance of the local landscape character.

As a result of the development the site would be urbanised. Its existing open and undeveloped character to the rear of the linear frontage would be eroded. It would be replaced with housing, its long access road, hardsurfaced driveways and its associated paraphernalia. Development on the site would result in a fundamental change to its character and appearance setting a harmful precedent for further development of land to the rear. Although development would be reasonably well contained in relation to longer range views, the result would still be a bulge of houses out into the countryside setting in this area.

The introduction of 9 new dwellings in the location proposed would constitute an unacceptable form of backland residential development resulting in overriding harm to the character of the area and landscape character.

- 3 Saved Policy EN1 relates to landscape character and states, inter alia, that development control will seek in particular to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.

On land adjacent to the western boundary of the application site forming part of White House Farm Nurseries there is a row of mature Oaks that feature prominently in the landscape and make a positive contribution to the character and appearance of the local environs. The trees are mature healthy specimens, some approaching veteran stage, that make a positive contribution to the character and appearance of the area. The trees are afforded formal legal protection by Tree Preservation Order TPO/16/05 White House Farm, St Osyth Rd, Alresford. Whilst the removal of the trees is not threatened by the development it has the potential to affect their viability by an incursion into their root zones.

In order to show that the development could take place without causing harm to the trees a detailed Tree Report and Survey should be submitted. In this instance no such report has been submitted. These issues are matter of principle and it has not been demonstrated that the development would not result in any harm to the mature trees present on the boundary of the site.

Furthermore, the application fails to demonstrate that a satisfactory juxtaposition between the trees on the western boundary and the proposed dwellings can be achieved in terms of the impact on the private amenity spaces of the proposed dwellings: potential impact issues include - leaf litter, debris, shading and the future resident's perceptions of the trees.

Consequently, the development is contrary to the aforementioned local plan policy.

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 Agent. 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.