



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Mr Nigel Tedder - Go Planning Ltd Unit 4 Bolding Hatch Business Centre Bishops Stortford Road Chelmsford Essex CM1 4LF	APPLICANT:	Mr Oliver Hookway - Go Homes Ltd Unit 4 Bolding Hatch Business Centre Bishops Stortford Road Chelmsford Essex CM1 4LF
---------------	---	-------------------	--

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 19/00474/OUT

DATE REGISTERED: 22nd March 2019

Proposed Development and Location of Land:

**Residential development of up to 40 dwellings incorporating affordable housing, access, infrastructure, allotments and public open space.
Land South of Main Road Alresford Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY HEREBY REFUSE OUTLINE PLANNING PERMISSION in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 1 The application site lies outside of the Alresford Settlement Development Boundary as defined within the Adopted Tendring District Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The National Planning Policy Framework 2019 (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 report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. There are therefore significant doubts about the validity or extent of any housing supply 'deficit', albeit the tilted balance applies. This minimises the reduction in weight to conflict with Policy QL1, as per the Hallam Land judgement, especially in view of the fact that the Council has considerably increased its housing delivery figures in recent years.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

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. 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. 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. 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 2013-2033 and Beyond Publication Draft June 2017 in recognition of its size and limited range of local services.

Saved Policy QL1 sets out a spatial strategy for Tendring that seeks to direct most new development to the larger urban areas, but allows limited development within the smaller towns and villages where accessibility to employment, services, and public transport is maximised. Draft Policy SPL2 confirms that within settlement development boundaries there will be a general presumption in favour of new development, subject to detailed consideration against other relevant Local Plan policies.

Saved Policy EN1 and Draft Policy PPL3 state that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced and any development which would significantly harm landscape character or quality will not be permitted. The NPPF at its heart, promotes a presumption in favour of sustainable development that performs an economic, social and environmental role. The environmental role is about contributing to protecting and enhancing our natural, built and historic environment.

In this instance, the application site lies beyond the clearly defined edge of the village of Alresford, within open countryside, between the small hamlet (identified as 'Elmstead Heath' within the 2012 draft local plan but since removed) to the north and the key rural service centre of Alresford to the south. Recent residential developments and planning permissions have created a strong western boundary to the settlement of Alresford, with undeveloped agricultural land beyond. That undeveloped land includes the application site, the field to the west of it and the field opposite it on the eastern side of the B1027. This undeveloped land provides a clear break between the recently expanded settlement of Alresford and the less dense linear development to the north. The proposed development would represent an unwelcome intrusion into the undeveloped countryside to the detriment of the rural character of the surrounding area and the setting of the settlements and there is therefore an objection in principle to residential development of the site as it would fail the environmental dimension of sustainability. Development of this site would also set an unwelcome precedent for development of the agricultural land to the immediate south west and on the opposite side of the B1027 to the further detriment of the rural character of the surrounding area.

The developments social and environmental sustainability credentials are severely diminished due to the site being further out on a limb relative to the developments

previously approved to the south, and with the comparatively poor cycle and pedestrian connectivity into the village. The lack of safe and attractive pedestrian and cycle routes connecting the site to the village facilities, and the fact that not all the facilities required for day-to-day living are available within the village - such as the lack of secondary schools, large supermarkets, a wide offer of retail outlets and other services and major employment areas - would all mean that it is highly likely that the occupants of the proposed dwelling would be car dependant failing to promote sustainable modes of transport therefore failing to meet the social and environmental strands of sustainable development.

It is considered that the moderate social and economic benefits of the development would be significantly and demonstrably outweighed by the significant adverse environmental harm through a suburban-scale of housing projecting into the countryside setting of this settlement and the environmental and social harm arising from a continued reliance on the private car for day to day living and breaching development plan policies to focus only a limited amount of development within smaller settlements to avoid its unplanned spread further into the countryside. For the reasons set out above the proposal is considered to fail the social and environmental objectives. This together with the conflict with Saved Policy QL1 of the adopted plan and emerging Policy SPL1 amounts to an unsustainable form of development.

- 2 The proposal seeks outline planning permission for up to 40 dwellings and is contrary to the provisions of The National Planning Policy Framework (2019), Saved Policies COM6, COM26 and HG4 of the Adopted Tendring District Local Plan (2007) and Draft Policies LP5, PP12 and HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Draft Policy LP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 11 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing. There is a high demand for housing in Alresford and there is therefore a need for affordable housing to be delivered on site.

Saved Policy COM26 states where necessary planning permission will only be granted for residential developments of 12 or more dwellings if land and/or financial contributions are made to provide the additional school places that will be needed to service the development. Draft Policy PP12 states planning permission will not be granted for new residential development unless the individual or cumulative impacts of development on education provision can be addressed, at the developer's cost, either on-site or through financial contributions towards off-site improvements.

ECC Education confirm a deficit in primary education and secondary education and seek financial contributions, linked to the number of dwellings that would be developed, for each of these elements to compensate for the impacts of the proposed dwellings.

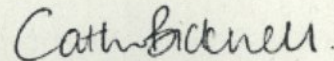
Saved Policy COM6 requires new housing development in excess of 1.5 hectares to

make provision for recreational Open Space on-site within new developments. The applicant proposes the provision of Public Open Space on the site, in the form of amenity greenspace; an equipped play area and an allotment site. The quantum, setting out and future management of the Open Spaces need to be secured to ensure that the needs of future residents are met and that the mitigation and benefits promoted by the applicant are secured.

Under the Habitat Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European Designated site must provide appropriate mitigation. This development has been identified as having likely significant effect on the designated areas through increased recreational pressure arising from the increased population. Appropriate mitigation would include a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance and Mitigation Strategy (RAMS) requirements. Without this financial contribution there is no certainty that the development would not adversely affect the integrity of European designated Habitat sites, contrary to Saved Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007 and Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

DATED: 21st June 2019

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

QL3 Minimising and Managing Flood Risk

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

QL12 Planning Obligations

HG1 Housing Provision

HG3A Mixed Communities

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

- HG7 Residential Densities
- HG9 Private Amenity Space
- COM1 Access for All
- COM2 Community Safety
- COM6 Provision of Recreational Open Space for New Residential Development
- COM 9 Allotments
- COM21 Light Pollution
- COM26 Contributions to Education Provision
- COM29 Utilities
- COM31A Sewerage and Sewage Disposal
- EN1 Landscape Character
- EN6 Biodiversity
- EN6A Protected Species
- EN6B Habitat Creation
- EN11A Protection of International Sites European Sites and RAMSAR Sites
- EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites
- EN12 Design and Access Statements
- EN13 Sustainable Drainage Systems
- EN29 Archaeology
- TR1A Development Affecting Highways
- TR3A Provision for Walking
- TR5 Provision for Cycling
- 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
- SP5 Infrastructure & Connectivity
- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries

- SPL3 Sustainable Design
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- LP5 Affordable and Council Housing
- PP12 Improving Education and Skills
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL7 Archaeology
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- CP3 Improving the Telecommunications Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

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.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.