

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CT/AN	20/06/2019
Planning Development Manager authorisation:	SCE	21.06.19
Admin checks / despatch completed	<i>XNE</i>	21/06/19.

ER

Application: 19/00474/OUT **Town / Parish:** Alresford Parish Council
Applicant: Mr Oliver Hookway - Go Homes Ltd
Address: Land South of Main Road Alresford
Development: Residential development of up to 40 dwellings incorporating affordable housing, access, infrastructure, allotments and public open space.

1. Town / Parish Council

Alresford Parish Council

The Parish Council does not support this application and refers to the following reasons.

- * 2016-847-40-007 map ref. drawing is incorrect, the current Vaughn & Blyth development doesn't go past Oakwood, it is inaccurate.
- * The site is not recommended in the new emerging local plan.
- * Direct access on to the B1027 is not acceptable.
- * No bus service on the B1027.
- * Outside of the settlement boundary.
- * Urbanization of the countryside.

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. Visibility splays at the proposed junction / access with dimensions of 2.4 metres by 120 metres in both directions.
2. Prior to occupation appropriate vehicular turning facilities shall be provided surfaced and maintained free from obstruction within the site.
3. Prior to occupation provision of a 2-metre-wide footway southwards of the new access into the development along the site frontage providing a link with the existing footway on Main Road that currently ends in the area of the property called 'Oakwood'; including associated highway works and relocation of utilities.
4. Prior to occupation the proposed road junction shall be constructed in accordance with specified design standards, including a carriageway width of 5.5 metres straight for at least the first 12 metres with 2.0 metre width footways on both sides.
5. Prior to occupation, the proposed access road shall be constructed at a width of 5.5 metres with 2-metre-wide footway running on both sides of the road.
6. Prior to commencement of development, details of the estate

roads and footways shall be submitted to and approved by the LPA.

7. All dwellings shall be provided with 2 parking spaces, and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

8. Any single garages should have a minimum internal measurement of 7m x 3m and any double garages should have a minimum internal measurement of 7m x 6m.

9. Provision of approved Residential Travel Information Packs for sustainable transport.

10. Prior to occupation a system of pedestrian and cycle routes shall be provided to link the development with the B1027 and Cockaynes Lane. This shall include a 2m wide walkable grass verge created along the B1027 frontage which shall be dedicated as highway maintainable at public expense.

Environment Agency	No response received
Essex Wildlife Trust	No response received
Essex Police	Development, pursuant to the NPPF and the Tendring Local Plan policy PL4, should be designed to ensure development is a safe, secure place to live, minimising the opportunities for crime and anti-social behaviour by ensuring good surveillance, and clear definition between public and private spaces. The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision in relation to Crime Prevention. Recommend that the applicant incorporate apply for Secured By Design (SBD) accreditation and that the applicant should work with Essex Police to mitigate risks through good design.
ECC SuDS Consultee	<p>Initially registered a holding objection having identified concerns over the depth of proposed soakaways and the lack of treatment of roof-water before entering soakaways.</p> <p>Following receipt of additional information from the applicant the recommendation has been amended and there is no objection to planning permission being granted subject to conditions requiring approval and implementation of a detailed surface water drainage scheme for the site; a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works; approval of a SuDS Maintenance Plan; maintain yearly logs for SuDS maintenance undertaken.</p>
Anglian Water Services Ltd	No objection, or recommended conditions. The foul drainage from this development is in the catchment of Thorrington Water Recycling Centre that will have available capacity for these flows and the sewerage system at present also has available capacity for these flows.
UU Open Spaces	There is currently a deficit of 1.91 hectares of equipped play and formal open space in Alresford. Any additional development in Alresford will increase demand on already stretched play facilities. The closest play area and recreation ground to the development site is located just off St. Andrews Close, Alresford. This play area is designated as a Local Equipped Area for Play.

Open Space, a Play Area and Allotments are to be included on site and it is known that the Parish Council are keen to take on these areas themselves with a commuted sum towards maintenance, rather than the site being maintained by a management company.

Essex County Council
Archaeology

The site lies within an area of known archaeological potential as identified from aerial photographic evidence. Cropmark features within the development area indicate archaeological activity and the surrounding area has evidence for agricultural, settlement and ritual activity possibly dating from the prehistoric period. The development will impact upon the known archaeological features as well as possibly disturb or destroy further unidentified archaeological evidence. No objection subject to a condition requiring a scheme of archaeological investigation and recording.

ECC Schools Service

An assessment of the potential impact of the development on Education services has been made, assuming a development of 40 dwellings all with 2 or more bedrooms.

Early Years and Childcare

There is currently capacity to accommodate additional places generated by this development.

Primary Education

A development of this size can be expected to generate the need for up to 12 primary school places.

Although there are plans to expand Alresford Primary School ECC projections are that schools in the area will remain full and that additional places will be required. As a guide if 12 additional places are required then an estimated total cost of £183,372 would be sought to mitigate the developments impact on local primary provision.

Secondary Education

A development of this size can be expected to generate the need for up to 8 secondary school places.

Colne Community School is the local secondary school and several year groups are already full and ECC projections are that it will remain full and require additional places. As a guide if 8 additional places are required then an estimated total cost of £185,712 would be sought to mitigate the developments impact on local secondary school provision.

If planning permission for this development is granted it should be subject to a section 106 agreement to mitigate its impact on Primary & Secondary Education, standard formula s106 agreement clauses.

One written representation objecting to the application has been received. In summary the main reasons for objecting to the application were given as:

- A right hand turn would be necessary to be able to access the site safely and without compromising highway safety;
- Safety of drivers and pedestrians will be compromised;
- Outside Settlement Development Boundary and it is not supported by the Neighbourhood Plan;
- Alresford has seen a lot of development approved, adding +40% to the village;
- Site is not well served by public transport with bus services further from the development than has been indicated;
- Pedestrian footways in this part of the village are limited which makes walking difficult or dangerous. Particularly poor for young families with children;and
- Poor healthcare facilities / service in the village

3. Planning History

17/01761/OUT	Residential development of up to 56 dwellings incorporating affordable housing, infrastructure and public open space.	Refused Appeal Dismissed	07.11.2018
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4. Relevant Policies / Government Guidance

National Planning Policy Framework 2019

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.

QL12: Planning Obligations

HG1: Housing Provision

HG3a: Mixed Communities

HG4: Affordable Housing in New Developments

HG6: Dwellings 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 Developments

COM9: 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

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 and Connectivity

SPL1: Managing Growth

SPL2: Settlement Development Boundaries

SPL3: Sustainable Design

HP5: Open Space, Sports and Recreation Facilities

LP1: Housing Supply

LP2: Housing Choice

LP3: Housing Density.

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

Supplementary Guidance

Essex Design Guide for Mixed Use and Residential Areas

Essex County Council Car Parking Standards – Design and Good Practice (2009)

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 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. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application site covers 3.96ha of land located immediately to the north-east of the village of Alresford and consists of a relatively flat, arable field with boundary hedgerows and intermittent trees. Three Oak trees along the boundary with the B1027 are subject to Tree Preservation Orders.

The site lies outside, but immediately adjacent to the Settlement Development Boundary of the both the Saved and new Draft Local Plan and is not subject to any specific landscape designations or in close proximity to any designated heritage assets.

To the north of the site along the B1027 lies the hamlet of 'Elmstead Heath' which does not have a settlement development boundary. Elmstead Heath is considered to be a distinct settlement and has a more sporadic development pattern. There are two dwellings and an electricity sub-station opposite the site's north-western boundary, on the other side of Cockaynes Lane.

To the north eastern boundary is the B1027 with arable land beyond. To the south eastern boundary is linear residential development, with a recently constructed development of 9no dwellings on the eastern side of the B1027. Beyond the south western boundary is arable land.

The site is around 1.4km from the Colne Estuary Special Protection Area and Ramsar site and the Essex Estuaries Special Area of Conservation which are all European sites protected by the Habitats Regulations. Also, at a national level the Colne Estuary is a designated Site of Special Scientific Interest.

Planning History

An application for outline planning permission for the development of up to 56 dwellings was submitted for this site in 2017. The Council refused that application in March 2018. At the time it could demonstrate a 5-year housing land supply and further significant residential development beyond that already permitted would not be consistent with Saved Policy QL1 and Draft Policy SPL2. In addition, the site provided a clear buffer between the village and the hamlet of Elmstead Heath which would be lost if the development were allowed. The absence of a S106 legal agreement to secure planning obligations formed a second reason for refusal.

The appeal (APP/P1560/W/18/3202993) was dismissed 7th November 2018 as the Inspector agreed with the Council judging that the development would '*result in the harmful extension of a suburban form of development into quite open countryside*'. The Inspector also accepted that

whilst Alresford has a good range of services for an expanded village, these are insufficient to provide the basis for significantly more than the limited amount of development consistent with community needs required by policy.

In considering this application and in light of the Inspectors conclusions on the appeal scheme it is relevant to consider the recent history of planning and development in Alresford.

Planning permissions granted in the immediate area include;

- 16/00022/REFUSE (15/00120/OUT) for 60 dwellings referred to hereafter as Cockaynes North. No associated reserved matters application has been submitted, but an application (18/00367/FUL) is currently pending determination – with a resolution to grant planning permission subject to completion of the S106 agreement - and proposes 84 dwellings on this site. This site adjoins the application site at its south eastern corner.
- 14/01823/OUT and 17/00565/DETAIL for 145 dwellings referred to hereafter as Cockaynes South. This site is currently under construction.
- 16/00305/OUT and 17/01221/DETAIL approved nine dwellings adjoining Rainbow Cottage to the immediate north east which is currently under construction. That permission reflects the existing linear development opposite and stops in line with Oakwood which abuts the application site of the current proposal.
- 15/01277/OUT and 17/00658/DETAIL approved 45 dwellings Land South of St Andrews Close. This site is currently under construction.
- 15/00674/OUT and 17/01214/DETAIL for 8 detached dwellings - Land at Tenpenny Farm, North of St Osyth Road
- 16/00669/OUT Land North of St Osyth Road, Tenpenny Farm 50 dwellings refused and dismissed at appeal on 11th January 2018 (APP/P1560/W/17/3177219). At paragraph 18 the Inspector accepted that the Council had more than a 5-year supply of deliverable housing sites. At paragraph 23 the Inspector also referred to the number of dwellings recently approved in Alresford and states "*The amount of development granted permission in Alresford recently is more than can be considered limited as set out in Policy QL1 of the LP. As such, further development in this location would be contrary to Policy QL1 of the LP and Policy SPL2 of the draft LP.*"

Proposal

The application seeks Outline planning permission, with all matters except access reserved, for up to 40 dwellings, including affordable housing, along with the associated access and infrastructure, and the provision of allotments and public open space. The application seeks approval for a single vehicular access to serve the development, formed with a priority junction on the site's eastern boundary onto the B1027 and a 6m wide shared surface road into the site. The proposed access arrangements are contained at Appendix 4 of the Transport Statement.

Whilst all matters are reserved, except access, the applicant has submitted numerous plans to illustrate how the site could be developed in the event that planning permission were granted. The information provided includes an indicative layout, indicative streetscene elevations, the indicative position of 12no affordable housing units, and indicative storey heights, but these are illustrative and not for formal consideration at this stage.

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The application site lies outside (but abutting to the south east corner) of the Alresford Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved Tendring Local Plan Policy QL1 sets out that development should be focussed towards the larger urban areas and to within settlement development boundaries as defined in the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft Local Plan.

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 writing 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 that 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.

Policy QL1 seeks to steer most development to the urban areas, where there is a wide range of services and choice in travel means, and a more limited amount of development consistent with community needs within the settlement development boundaries defined for villages. Outside of the settlement development boundaries, Policy QL1 of the adopted Local Plan states that only development which is consistent with countryside policies will be permitted. Although the Local Plan was intended to cover the period up to 2011 the policies within it have been saved and are therefore extant. The Council considers that Policy QL1 is broadly consistent with the National Planning Policy Framework and the Planning Inspector, who considered the appeal on this site previously agreed, commenting that the approach the policy takes *'remains consistent with the Framework principles for plan-led sustainable development and patterns of growth which maximise the use of previously-developed land and recognise the intrinsic character and beauty of the countryside'* (Para.27). Policy QL1 also makes it clear that in lower order settlements, such as Alresford, the facilities and services are such that a limited amount of development can be justified and supported but that these settlements are not able to support significant levels of development. The two Planning Inspectors (APP/P1560/W/17/3177219 & APP/P1560/W/18/3202993) who have considered residential appeals in Alresford in the last 18 months have concluded that the amount of development granted permission in this settlement recently was more than could be considered limited, as set out in Policy QL1; and the appeals have been dismissed partly for this reason.

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.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF – the economic, social and environmental objectives are therefore considered below:

Economic

The Planning Inspector who considered the appeal for a scheme of 56 dwellings on this site concluded that there would be moderate economic benefits to the local construction sector and

through occupation supporting the retention and possible addition to the range of village services and facilities. The scheme now proposes 40 dwellings – a reduction in the number of dwellings by 29%. This is a significant reduction in housing numbers and must reduce the moderate economic benefits that a Planning Inspector has previously attributed to a larger housing development.

Social

The Council accept the provision of up to 40 additional dwellings would deliver social benefits and that this, along with the boost to housing supply, should be afforded moderate weight.

The applicant has also stated that a planning policy compliant 30% of the dwellings (potentially 12 units) would be provided as Affordable Housing which delivers additional social benefits given the identified need for additional Affordable Housing in the area.

The applicant has proposed the provision of an allotment site as well as an equipped play area as part of the Open Space provision within the site. The Council's Public Realm and Open Space Officer has identified a shortfall in the provision of play areas within the village and the applicant refers to the village allotment site being over-subscribed, although this has not been confirmed with the Parish Council. The provision of allotments and a play area would primarily be of benefit to residents of this development, but there would be some minor wider public benefit from these facilities as well. Contributions that could be secured to mitigate the developments impact on education and health services through a S106 legal agreement will have some moderate wider public benefit.

Environment

The development of arable land would result in no material harm to biodiversity which might be slightly enhanced by the landscaping and open space provided.

The site may have modest attributes in terms of landscape quality and might be screened to some degree by retained trees and hedges, but Policy EN1 seeks to protect, and where possible enhance, the quality of Tendring's landscape and distinctive local character. This policy resists development significantly harming landscape character or quality, including the settings of settlements. Officers remain of the view that the housing would project into otherwise undeveloped open countryside to the north of the existing settlement which currently has a clearly defined edge.

Whilst the applicant has proposed a larger area of open space in this application, the field/development site would connect the built-up area of Alresford with the more sporadic amount of development lying beyond it within the small hamlet of Elmstead Heath. Although a larger open space/landscape buffer is proposed, much of this area would be managed, or is proposed to contain built development (the equipped play area and allotment site which would be fenced and is likely to contain sheds and structures). The open space/landscape buffer would provide a significantly weaker buffer than that which is currently provided by the whole field being undeveloped and farmed. The Open Space would inevitably be used by residents of the development and would likely change in character over time, and in any event would still be read along with the proposed housing immediately adjacent to it. Officers maintain that this smaller development would still have a harmfully suburbanising impact, by extending significantly beyond the even edge of the settlement and increase the sense of coalescence between the development /village of Alresford and Elmstead Heath. There would be substantial environmental harm arising from the failure to preserve the setting of the village, or the distinctive local character of the landscape, which in this location is that of undeveloped countryside. For similar reasons there would be conflict with the ELP Policy PPL 3 which seeks to protect the rural landscape and resist development causing overriding harm to its character and appearance.

Furthermore, whilst the village has a reasonable range of services, including a train station, primary and infant school, village shop/post office and medical centre, the application site is not well located to the majority of the facilities, which are spread out within the village. The Inspector who previously assessed the site concluded that whilst the facilities would be notionally within walking distance, the proposal would be further out on a limb compared to other development sites that have come forward in the village. The Inspector went on to opine that the site has comparatively poor cycle and pedestrian connectivity into the village and the absence of

secondary schools, large supermarkets, a wide offer of retail outlets and other services and major employment areas all would suggest that the proposal would necessitate a significant amount of private car journeys, notwithstanding the public transport services that are available. Reliance on the private car and limits on the attractiveness of pedestrian and cycle journeys by occupants to meet regular needs, would not consistent with Framework aims to reduce congestion and emissions, and improve air quality, all resulting in additional environmental and social harm.

Access and Highways

Where concerning the promotion of sustainable transport, the NPPF in para. 103 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. Policy QL2 in the adopted Local Plan and Policy CP1 in the emerging Local Plan seek to ensure that developments maximise the opportunities for access to sustainable transport including walking, cycling and public transport.

Policy TR1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP1 in the emerging Local Plan states that developments will only be acceptable if the additional vehicular movements likely to result from the development can be accommodated within the capacity of the existing or improved highway network or would not lead to an unacceptable increase in congestion.

Access is included for consideration at this stage and a single vehicular access is proposed onto the B1027. The required visibility splays would result in some loss of the existing hedgerow, particularly to the south, however, the Council's Tree and Landscape Officer has confirmed that the protected Oak trees would not be affected and Officers consider that the loss of hedgerow could be adequately replaced in a detailed landscaping proposal to be considered at reserved matters stage.

The Highway Authority do not object to application, subject to a number of conditions. It is noted that the Highway Authority have recommended that the access road into the site be formed of a 5.5m wide carriageway with 2m wide footways to either side. The applicants access drawing shows a 6m wide shared surface road. Whilst the shared surface road should not be approved, there is no reason why the applicant could not provide a 5.5m wide carriageway with footways and this could have been covered by condition if Officers were minded to recommend approval of the scheme.

As previously noted, the site is not well served with footways/cycleways. The Highway Authority has again requested a 2-metre wide walkable grass verge along the B1027 frontage. This would involve total loss of the existing hedgerow. Officers previously considered that a more sympathetic approach would be to provide high quality internal pedestrian and cycle routes to the northern and southern edges of the site. There is already an existing footpath along the entire B1027 frontage, but this is reasonably narrow.

The indicative layout provides each dwelling with adequate off-street parking (two spaces per dwelling measuring 5.5m x 2.9m or 7m x 3m garages). Visitor parking should also be provided at 0.25 spaces per dwelling. The density of development proposed would enable sufficient space to provide visitor parking within any detailed design.

Design (Layout, Scale and Appearance)

The application seeks outline planning permission with approval of just access. As a result, landscaping, layout, scale and appearance are reserved for later consideration. That said an indicative layout, streetscenes and storey height plan have been provided but are not for formal determination at this stage.

To the north of the application site existing dwellings are predominately two storey, to the south they are predominantly single storey. Any detailed design would need to respect the scale of the

neighbouring development. Although only illustrative the layout provided indicates that each dwelling could be provided with adequate private amenity space in accordance with saved policy HG9.

The layout indicated respects the existing building line along the highway and would allow retention of the frontage hedgerows to soften the appearance of the development. Compared to the earlier scheme that was dismissed on appeal this application seeks permission for up to 40 dwellings – 16 fewer than the dismissed appeal scheme. This application proposes an enlarged area of 'Open Space' at the northern end of the site and within the site. It is indicated that the Open Space would include an equipped play area; an allotment site and could be set out to include a mix of amenity grass and wildflower meadow, although again the landscaping of the scheme is a reserved matter.

Living Conditions

Only access is included for determination at this stage with the access point located reasonably central to the site and opposite farmland. There are no dwellings immediate opposite (NE) or behind (SW). There are residential properties to the SE boundary, with new dwellings under construction opposite and two further properties to the NW boundary. The density of development proposed would allow adequate space to create a layout which prevents material harm to neighbouring amenity in terms of loss of light, outlook or privacy. There are not therefore any overriding amenity concerns relating to the principle of development or the vehicular access.

Landscaping and Ecology

Part 15 of the NPPF indicates that development should contribute to and enhance the natural environment and that impacts on biodiversity should be minimised.

The site currently comprises an arable field with dense boundary hedgerows. The boundary with the Main Road is demarcated by an established hedgerow comprising primarily Hawthorn, Blackthorn and Wild Rose with specimen Oaks. The three Oak trees within this boundary hedge have been protected by TPO.

The intention is to retain the boundary hedgerows except where required to form the new vehicular access to the site and to achieve the required visibility splays. The Council's Tree & Landscape Officer has reviewed the Arboricultural Report supplied with the application. The report focuses on the three protected Oak trees on the boundary with the Main Road. The Council's Tree & Landscape Officer is satisfied that the report shows that the new access and visibility splays can be constructed without causing harm to the protected trees.

The northernmost boundary and western boundary of the application site is also planted with an established hedgerow. These hedges are valuable as they make a positive contribution to the character and appearance of the area, most notably along Cockaynes Lane.

The applicant has submitted an Ecological Report with their application and this identifies that the majority of the site has a low ecological value being an intensively managed arable field. The boundary hedgerows on three sides do however provide good nesting and foraging habitat and the mature Oaks have bat roosting potential. The applicants report concludes that providing the works to remove trees/hedgerow are undertaken outside the nesting season then the development would not adversely affect protected species and biodiversity.

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 mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development within the Zone of Influence of designated sites must provide mitigation.

This residential development lies within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped in the emerging Essex Coast Recreational disturbance

Avoidance and Mitigation Strategy (RAMS). This residential development lies within the designated Zol of the Colne Estuary and Essex Estuaries.

It is anticipated that without mitigation, this new residential development would likely have a significant effect on the sensitive features of the coastal European sites, through increased recreational pressure when considered 'in combination' with other plans and projects. It is considered that the proposal falls within the scope of RAMS as 'relevant development'.

The applicant has submitted a statement which highlights the provision of Public Open Space on-site and that dog walkers can be encouraged, through leaflets provided to new residents, to use paths and dog waste bins provided within the site and the Public Rights of Way network adjoining the site. These measures to encourage future residents to remain on-site for day to day recreation/dog walking will reduce pressure on the designated sites. In addition, the applicant states they would be willing to make a financial contribution towards necessary mitigation in accordance with the Essex Coast RAMS (Recreational Disturbance Avoidance and Mitigation Strategy). All required mitigation must be provided prior to first occupation of the development.

Planning Obligations

The National Planning Policy Framework 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.

Affordable Housing

Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing.

TDC Housing Officers confirm there is a high demand for housing in the village and as a result there is a strong need for affordable housing to be delivered on site.

The application states that the applicant intends to provide 40 dwellings on the site; of which 12 dwellings would be provided as Affordable Housing. This equates to 30% of the site as required in the emerging Local Plan. TDC Housing would prefer that another registered provider is sought to purchase the affordable properties as we have other development commitments at present. They can provide details of those registered providers who are keen to expand their portfolios in this district as necessary. In the (unlikely) event that another registered provider cannot be found, the Council would consider other delivery options to provide affordable housing on this site.

Allotments & Public Open Space

Policy COM6 in the adopted Local Plan and Policy HP5 of the emerging Local Plan require large residential developments to provide at least 10% of land as public open space or otherwise make financial contributions toward off-site provision.

TDC Open Space Officers confirm the substantial local deficit in equipped play, but the applicant proposes play provision as part of the development. It is understood that the Parish Council may wish to take on ownership / management of the Open Spaces. The legal agreement would need to secure the quantity and types of Open Space and make suitable arrangements for its future management, which could include a commuted sum to the Parish Council towards future maintenance.

Policy HP5 sets out the Council's standards for the provision of Open Space within the District. For allotments the Council seeks to provide 0.22ha per 1,000 population and at least one site within 15 minutes walking time (1000m) of the urban / or at least one site within 20 minutes' drive time (5km) of the rural population. Whilst there is no policy requirement that a development of

this size provide allotments the applicant proposes using part of the enlarged area of Open Space that they propose would avoid the issue of coalescence with Elmstead Heath.

Education

Saved Policy QL12 and draft Policy PP12 require that new development is supported by the necessary infrastructure which includes education provision.

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 places and request financial contributions. The actual amount required would be linked to the number of qualifying dwellings that are built but based on 40 qualifying dwellings the contributions would be £183,372 & £185,712 respectively. A contribution towards the cost of transporting pupils to secondary school was requested by the County Council on the 2017 application however does not form part of their request for this current application.

RAMS

In accordance with the emerging Essex RAMS a payment of £122.30 per dwelling needs to be secured through the legal agreement to contribute towards funding strategic off-site measures at European designated sites, or such figure is subsequently agreed in the Essex RAMS. This contribution would contribute towards increasing the relevant Europeans sites' resilience to recreational pressure (such as providing wardens at the sites) and be in line with the aspirations of the emerging RAMS. The agreement should also secure the mitigation on-site to reduce visitor pressure at the designated sites.

Village Hall

The applicant has recognised that the development would increase the demands on the Alresford Village Hall and have offered to make a financial contribution towards improvements to the hall, although no figure has been suggested. The Government states that planning obligations can only be secured where they meet the relevant tests enshrined in legislation – namely that the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. It is not considered that on this occasion a financial contribution from this development would meet the statutory tests and therefore the game is not take place.

The applicants planning statement refers to the proposed Heads of Terms (HoTs) being provided as an appendix to the statement, but the appendix was not included. Officers have not pursued the drafting of a new S106 agreement in connection with this development, although it is acknowledged that the applicant has indicated a willingness to enter into a S106 legal agreement containing necessary planning obligations, and no such agreement has been completed. It is therefore recommended that a second reason for refusal is included referring to the fact that planning obligations, necessary to make the development acceptable in planning terms, have not been secured. Such an absence represents a reason for refusal, however if a satisfactory S106 agreement providing all items listed above is provided with any appeal the Council would not defend this reason for refusal.

It is noted that through the previous application for 56 dwellings saw the NHS recommend that a financial contribution be made towards increasing capacity at the local GP practice, however it is current policy that the NHS do not seek contributions on developments with fewer than 50 dwellings due to issues with pooling.

Other matters

Archaeology

The County Council's Historic Environment Adviser has confirmed that the site lies within an area of known archaeological potential and request pre-commencement conditions to secure archaeological evaluation, fieldwork, mitigation and post excavation assessment. These matters can all be secured by condition.

Neighbourhood Plan

Tendring District Council received an application to designate a neighbourhood area from Alresford Parish Council over the summer of 2016. The application proposed that the neighbourhood area should cover the entire parish and on 3rd November 2016 the Neighbourhood Plan area was designated. The Neighbourhood Plan Group are continuing to work on developing the Plan and a draft plan is being prepared. As such the draft plan remains at a very early stage and cannot be given any significant weight in the consideration of this application.

6. Recommendation

Refusal – Outline

7. Reasons for Refusal

1 The application site lies outside of the Alresford Settlement Development Boundary as defined within the Adopted Tendring 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.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.