

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	09/07/2019
Planning Development Manager authorisation:	GCS	12/7/2019
Admin checks / despatch completed	SB	12/7/19

**Application:** 18/01584/OUT

**Town / Parish:** Tendring Parish Council ER

**Applicant:** Mr & Mrs Moor

**Address:** Site opposite The Moors Heath Road Tendring

**Development:** Residential development of land to create 5 detached dwellings with associated garaging and parking.

### 1. Town / Parish Council

Tendring Parish Council object to this application; outside the settlement boundary, no services and filling in the green space between the two separate settlements of Tendring Heath and Tendring Green.

### 2. Consultation Responses

ECC Highways Dept

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1 Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed to a width of 6.0m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of 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.

2 Prior to the proposed access being brought into use, minimum 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 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 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.

6 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.

7 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.

8 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.

9 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.

10 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.

11 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.

Informative1: The Highway Authority observes that Heath Road is subject to a 40 mph restriction which requires a visibility splay of at least 120m x 2.4m x 120m, should these not be able to be provided over land within the applicants ownership or control or the highway then it is suggested that an independent speed survey over 5 days and outside of any holiday periods be carried out to determine if the 85%tile speeds are low enough to warrant a reduction in the required "Y" distance of the visibility splays.

Informative2: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

### 3. Planning History

No site specific planning history (see report for planning appeal history of nearby sites).

### 4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

- QL1 Spatial Strategy
  - QL9 Design of New Development
  - QL10 Designing New Development to Meet Functional Needs
  - QL11 Environmental Impacts and Compatibility of Uses
  - HG6 Dwelling Size and Type
  - HG7 Residential Densities
  - HG9 Private Amenity Space
  - TR1A Development Affecting Highways
  - EN6 Biodiversity
  - EN1 Landscape Character
  - EN11A Protection of International Sites European Sites and RAMSAR Sites
  - COM6 Provision of Recreational Open Space for New Residential Development
  - 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
  - LP3 Housing Density and Standards
  - LP4 Housing Layout
  - PPL3 The Rural Landscape
  - PPL4 Biodiversity and Geodiversity
  - CP1 Sustainable Transport and Accessibility
  - CP2 Improving the Transport Network
  - HP5 Open Space, Sports & Recreation Facilities
- 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 (2019) 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 Description

The application relates to a parcel of land on north-eastern side of Heath Road, within the Parish of Tending. The site has a frontage with Heath Road of just under 125 metres and an average depth of just over 49 metres. The site has an established hedgerow to the frontage and a sparser hedgerow to the eastern boundary. The land was formerly in agricultural use. To the east of the site is an open field with the settlement of Tendring Green beyond, approximately 250 metres away.

### Description of Proposal

The application seeks outline planning permission with all matters reserved for the residential development of land to create five detached dwellings with associated garaging and parking.

Scale, appearance, landscaping, access and layout are all reserved for subsequent consideration.

Although this is an outline application with all matters reserved the application includes an indicative site plan to illustrate that the proposal for five dwellings can be accommodated on this site.

### Assessment

The main considerations in this instance are;

- Planning and Appeal History;
- Principle of Development;
- Layout, Scale and Impact;
- Trees and Landscaping;
- Highway Safety and Parking;
- Residential Amenities;
- Ecology;
- Financial Contribution - Open Space/Play Space;
- Financial Contribution - RAMS; and,
- Representations.

### Planning and Appeal History

There is no site specific planning history for this site.

However, recent appeal decisions in the locality are considered relevant to the determination of this application. The conclusions of the Planning Inspectorate in terms of the principle of residential development in this location can be summarised as follows;

17/02102/OUT - Land North of Lodge Lane, Tendring  
*Erection of one dwelling.*

- The site is not an appropriate location for a new house.
- The proposal would not be environmentally sustainable (specifically in terms of landscape character, biodiversity and ecology).

18/01093/OUT - Land adjacent Fat Goose PH, Heath Road  
*Proposed 5 No. detached dwellinghouses, garaging and parking spaces.*

- Given the local bus service, and potential employment opportunities at the nearby care homes, the location of the proposed development may be considered suitable in terms of social and economic considerations.
- The proposed development would not provide a suitable location for housing having regard to the character and appearance of the countryside (significant harm to character and appearance, intrusion into the countryside).

These represent the most recent appeal decisions in the area. However, there are also a number of earlier appeal decisions which conclude that the area is socially and economically sustainable regardless of the Council's 5 year housing land supply position. One being application 14/01435/OUT allowed on appeal for the erection of 5 detached dwellings approximately 170 metres to the south-east of the application site.

For completeness, the principle of this current development is addressed in full below having regard to the Council's current 5 year housing land supply.

### Principle of Development

The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Tendring Heath lies to the north-west of the site and Tendring Green to the south east. These settlements are defined within the adopted Tendring District Local Plan (2007) but have been removed from 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 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. 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.

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.

#### - Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

- economic;
- social, and;
- environmental roles.

The sustainability of the application site is therefore of particular importance. In assessing sustainability, it is not necessary for the applicant to show why the proposed development could not be located within the development boundary.

#### - Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the properties and from future occupants utilising local services, and so meets the economic arm of sustainable development.

#### - Social

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 paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved



Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Tendring is identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and is defined as a Smaller Rural Settlement within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). These smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. It is accepted that each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, where appropriate the emerging Local Plan settlement development boundary has been extended but does not include the application site.

Heath Road is a main bus route providing links to Clacton, Mistley and Walton-on-the Naze with bus stops within a brief walk from the site. Given the local bus service, and potential employment opportunities at the nearby care homes, the location of the proposed development may be considered suitable in terms of social and economic considerations. This stance concurs with the approach taken within recent planning and appeal decisions.

#### - 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 and Impact.

#### Layout, Scale and Impact

Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF 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.

Although the site could not be described as wholly isolated with built form to the north and south (Tendring Heath and Tendring Green), the site itself, bounded by open fields, occupies an important break in this built form between the established settlements. This side and stretch of Heath Road therefore takes on a different character. Although there are dwellings opposite the site, these are few and more sporadically spaced, contributing to the semi-rural character of the immediate locality.

The development represents an unplanned advance of urbanisation into the countryside eroding the semi-rural character of the area resulting in a detrimental impact upon the landscape. Residential development of any scale on this site would appear prominent and intrusive in its open surroundings and therefore significantly harmful to the character and appearance of the area. Furthermore, if approved, this development would set a harmful precedent creating ribbon development and the amalgamation of the two settlements.

Whilst the provision of 5 dwellings would make a modest contribution to the provision of housing in the district, the adverse visual impacts would significantly and demonstrably harm the character of the area therefore failing the environmental strand of sustainability outweighing any economic and social benefits of the scheme.

### Trees and Landscaping

The main body of the application site is set to grass with an established boundary hedgerow on its southern and eastern boundaries.

Just off-site at the western end of the southern boundary there are two established Oaks. One is large and features prominently in the street scene; the other is smaller and although it makes some contribution to the appearance of the area it is not comparable with that of the larger tree. As these trees are off-site they are unlikely to be affected by the development proposal.

On the eastern boundary, on the other side of a boundary ditch there is another Oak that can be clearly seen from the highway and makes a significant positive contribution to the character and appearance of the local landscape character. Taking into account the position of the tree and the ditch between the tree and the application site, that will act as a natural barrier to root growth it is considered that the development proposal would be unlikely to adversely affect the viability of this tree.

### Highway Safety and Parking

Saved 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.

Access for the proposed development will be via a new private drive parallel with Heath Road with an entrance slightly to the south east of the existing access to achieve better visibility splays. The indicative site layout plan shows each dwelling with its own parking and garage with adequate turning areas.

Officers consider that sufficient space is available on site to provide a development that could achieve access, turning and parking in line with the requirements the Council's current adopted Parking Standards.

Essex County Council Highway Authority raise no objection subject to conditions.

### Residential Amenities

The NPPF, in paragraph 17 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 Tendring District Local Plan (2007) 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 Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) supports these objectives.

Officers consider that sufficient space is available on site to provide a development that could achieve an internal layout and separation distances that would not detract from the amenities of any nearby dwellings or the future occupiers of the proposed dwellings and would provide private amenity areas in excess of the standards set out within Saved Policy HG9 of the adopted Local Plan.

### Ecology

Due to the character of the land and the presence of a pond to the north of the application site. An Ecological Assessment Report accompanies this application and finds no protected species. It sets out recommendations for the clearing of the site and also for ecological enhancements that the applicant could incorporate in the detailed scheme. This could be addressed by condition.

### Financial Contribution - Open Space/Play Space

There is currently a deficit of '1.33 hectares of equipped play/formal open space in the village of Tendring. Any additional development in Tendring will increase demand on already stretched facilities and increase the current deficit further. The play area in Tendring was completed in 2011 and is designated as a Local Equipped Area for Play. However, there is still a significant deficit in terms of both play (-0.44) and formal open space (-0.89) in the village which would need to be addressed in relation to any future development.

Due to the significant lack of provision in the area it is felt that a contribution is justified and relevant to the planning application and that this money would be spent at the play area in Heath Road Tendring.

This application is accompanied by a unilateral undertaking securing the financial contribution.

#### Financial Contribution - RAMS

Following Natural England's recent advice and the introduction of Zones of Influences around all European Designated Sites (i.e. Ramsar, Special Protection Areas and Special Area of Conservation). Within Zones of Influences (which the site falls within) Natural England are requesting financial contributions to mitigate against any recreational impact from new dwellings.

Legal advice has been sought in relation to the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) which supports the view that Tendring District Council can seek financial contributions in accordance with the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A Habitat Regulations Assessment has therefore been undertaken to confirm that the mitigation will be the RAMS level contribution as recommended by Natural England. It is therefore considered that this contribution is sufficient to mitigate against any adverse impact the proposal may have on European Designated Sites. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, 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.

This application is accompanied by a unilateral undertaking securing a proportionate financial contribution in line with the Essex Coast RAMS requirements to ensure that this proposal will not have an adverse effect on the integrity of the nearby European sites from recreational disturbance, when considered 'in combination' with other development.

#### Representations

Tendring Parish Council object to the application on the following grounds;

- Outside development boundary.
- No services.
- Filling in green gap between Tendring Heath and Tendring Green.

1 individual letter of objection has been received. The objection raised can be summarised as follows;

- Outside development boundary for the area.
- Harmful to the rural appearance and character of the area.
- 5 year housing supply reached.
- Important green space.
- Erosion of visual break between Tendring Heath and Tendring Green.
- Will set a harmful precedent for ribbon development and the amalgamation of the two settlements.

A planning committee referral request was received from Councillor's Coley and Guglielmi if officers were mindful to approve the application.

*The reasons why the development is unacceptable is addressed in the main report above.*

#### Conclusion

For the reasons set out above, the development is considered to represent an unsustainable form of development due to the environmental harm identified. The application is therefore contrary to the aims of national and local plan policies for the delivery of new housing and recommended for refusal.

## **6. Recommendation**

Refusal - Outline

## **7. Reasons for Refusal**

- 1 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF 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.

Although the site could not be described as wholly isolated with built form to the north and south (Tendring Heath and Tendring Green), the site itself, bounded by open fields, occupies an important break in this built form between the established settlements. This side and stretch of Heath Road therefore takes on a different character. Although there are dwellings opposite the site, these are few and more sporadically spaced, contributing to the semi-rural character of the immediate locality.

The development represents an unplanned advance of urbanisation into the countryside eroding the semi-rural character of the area resulting in a detrimental impact upon the landscape. Residential development of any scale on this site would appear prominent and intrusive in its open surroundings and therefore significantly harmful to the character and appearance of the area. Furthermore, if approved, this development would set a harmful precedent creating ribbon development and the amalgamation of the two settlements.

Whilst the provision of 5 dwellings would make a modest contribution to the provision of housing in the district, the adverse visual impacts would significantly and demonstrably harm the character of the area therefore failing the environmental strand of sustainability outweighing any economic and social benefits of the scheme.

## **8. Informatives**

### **Positive and Proactive Statement**

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