

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	16/07/2019
Planning Development Manager authorisation:	AN	18/7/19
Admin checks / despatch completed	GL	19/7/19

**Application:** 18/01634/OUT

**Town / Parish:** Great Bromley Parish Council

**Applicant:** Mrs Stennett

**Address:** Land North of Harwich Road Harwich Road Great Bromley

**Development:** Construction of 7 no. Bungalows.

### **1. Town / Parish Council**

Great Bromley Parish  
Council

Great Bromley Parish Council support the application.

### **2. Consultation Responses**

ECC Highways Dept  
**ORIGINAL COMMENTS**

A site visit has been undertaken and the information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposed development is located adjacent to some existing properties within the existing 40-mph speed limit the location of the proposed access into the site is identical to the existing field access:

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

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

1. Prior to occupation of the development, the road junction at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 120 metres in both, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / access is first used by vehicular traffic and retained free of obstruction above 600mm at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. 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.

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 simultaneously clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM1.

3. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres 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

4. There shall be no discharge of surface water from the development onto the Highway of Valley Road.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

5. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8.

6. All single garages should have a minimum internal measurement of 7m x 3m

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8

7. Any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1

8. 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:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. 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.

9. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8

10. Prior to first occupation of the proposed development, the

Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

11. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

12. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative 1: Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control, or alter the flow of water within an ordinary watercourse. This is in relation to the access into the proposed site as it will cross an existing watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River.

If you believe you need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively you can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk)

Informative 2: 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

ECC Highways Dept  
**AMENDED COMMENTS**

General

- i. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.
- ii. The above to be provided at no cost to the Highway Authority
- iii. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

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

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

1 Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Harwich Road shall be provided with 10.0m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

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

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

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

3 Prior to the proposed access being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be retained and maintained free from obstruction clear to ground thereafter.

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

4 Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 25m by 2.4m by 25m on both sides. Such visibility splays shall be provided before

the road is first used by vehicular traffic and shall be retained and maintained free from obstruction clear to ground thereafter.

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

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

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

6 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.

7 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.

8 All footways should be provided at no less than 2.0m in width.

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

9 Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road turning for motor cars for each dwelling in accord with current Parking Standards which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur and to enable cars to join the highway in a forward gear, 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.

10 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided

within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

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

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

12 The development shall not be occupied until such time as details of the provision for parking of bicycles, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

13 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.

14 Prior to the occupation of any of the proposed dwellings the applicant shall provide a new footway from the site access to a minimum of 2.0m in width westwards towards the Old Courthouse PH and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

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

15 Prior to the first occupation of any of the proposed dwellings the applicant shall provide a new bus stop between the proposed access and the Old Courthouse PH along the length of the new footway in the vicinity of the sites western boundary and the provision of level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

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

Design Informative:

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

Informative1: The offered new footway across the sites frontage extending eastwards towards Hare Green would not be a requirement of the Highway Authority as it may not be deliverable.

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

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

### **3. Planning History**

16/01927/OUT      Construction of 7 no. dwellings.      Refused      04.10.2017

### **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

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

Tendring District Landscape Character Assessment

### **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 Context

The application site comprises an area of land and approximately 0.49 hectares in size and forms part of a larger field currently used for grazing horses. The site has a frontage with Harwich Road that is bounded with an established hedgerow and a grass verge. The site is within a 40 mph speed restricted area.

The eastern boundary of the application site is adjacent to the rear boundaries of the residential properties within Meadow Close. Meadow Close extends to the north with further dwellings to the east. Directly to the rear of the site and opposite are open fields. Approximately 145 metres to the west is the junction with Frating Road where there is a grouping of buildings comprising a used car dealership, The Old Courthouse Inn with further dwellings beyond and to the north.

The site is approximately 900 metres from the edge of the Settlement Development boundary of Frating to the south and 1.5km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

### Description of Proposal

The application seeks outline permission with all matters reserved for the construction of 7 bungalows. The application site includes a new footpath across the full site frontage and beyond in approximately 100 metres to the west (with the potential for a further footpath to the east) with the intention to provide a pedestrian link from the site to the footpath that would link to Great Bromley Village (and Hare Green to the east a later date).

Whilst the application is in outline form with all matters reserved there is an existing vehicular access to the site which is shown on the indicative layout plan as the proposed access to serve the development.

The indicative layout plan shows 7 detached dwellings, being a mix of 2, 3 and 4 bed properties, served by an internal private road accessed via the existing access with Harwich Road including a turning area at its western end. The field access is retained between two of the dwellings at the eastern end of the site.

### Assessment

The main considerations in this instance are;

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

### 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). 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 property 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.

Great Bromley 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. Within the emerging Local Plan, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments.

As stated above, the application site is approximately 900 metres from the edge of the Settlement Development boundary of Frating to the south and 1.5km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is a considerable distance from these villages which already have very limited services, severely diminishing any socially sustainable merits of the application site. Those areas with much fewer services are excluded from any settlement boundary as is the case with Hare Green to the east, the application and the small cluster of built form to the west. The footpath link is therefore immaterial given the lack of facilities that would be linked as a result.

Consideration has been given to the development approved at Little Paddocks to the west of this application site on the junction with Frating Road under application 16/01040/OUT for 6 No. detached dwellings and garages, and the change of use of the existing barn into a village shop with associated parking for visitors. The application was granted at a time when the Council were unable to demonstrate a 5 year housing supply and the countryside nature of the plot was diminished by the former commercial uses of the site and the presence of buildings and caravans meaning that the environmental impacts cannot be considered comparable. This development is still in its early stages with no reserved matters application submitted to date. Should the development come forward and a village shop be provided, this is not considered sufficient to render the site socially sustainable. Moreover, there is no mechanism in place to secure the shop in perpetuity.

It is noted that there is a bus service a short walk from the application site but this together with the footpath extension is not considered sufficient to support new dwellings in this locality.

In this regard, there is no access to day to day needs within a practical walking distance. It is highly likely that the occupants of the proposed dwellings would be car dependant failing to promote sustainable modes of transport therefore failing to meet the social strand of sustainable development.

Regardless of the Council's housing land supply position, the application fails to meet the social strand of sustainable development as set out within Paragraph 8 of the NPPF and is contrary to the afore-mentioned local plan policies and the aims of the NPPF as a whole. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light.

#### - 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.

The geography of the site would result in a linear pattern of development, as shown on the indicative layout plan. This plan shows 7 detached dwellings fronting Harwich Road but sited behind the internal private access road with the existing front boundary hedge to be retained.

The main cluster of dwellings closest to the application site are those within Meadow Close to the east accessed via Back Lane East over 300 metres away. These single storey dwellings front Meadow Close and not Harwich Road. This part of Harwich Road is characterised by roadside hedging and grass verges and appears as open countryside. There are some glimpses of the rear elevations of the bungalows within Meadow Close but these are well screened by existing vegetation and do not appear prominent. Road frontage development starts at The Elms approximately 140 metres to the east where the proposed footpath would adjoin.

The indicative layout plan satisfactorily demonstrates that the site can accommodate 7 dwellings with the required parking, garden and turning areas. The plot sizes and spacing around the dwellings are similar or more spacious to those within the locality. The description of the application also confirms that the proposal would be single storey dwellings. Therefore the density and general scale of the development cannot be considered as cramped or over-development.

However, the erection of detached dwellings in this location fronting Harwich Road (as suggested by the indicative plans) would be wholly out of character with the immediate settlement pattern. Whilst a condition could be secured to ensure the single storey scale of the dwellings, it is considered that the introduction of built form in this location would be significantly detrimental to the semi-rural character of the area and would result in harmful urbanisation of the locality.

The application site is situated within the Bromley Heaths Landscape Character Area (LCA) as defined in the Tendring District Landscape Character Assessment. The Bromley Heaths LCA is an elevated plateau that extends from Colchester to Wix in the east and Thorington in the south. It corresponds to the highest part of the district and has high grade agricultural land. The large scale, open plateau is dominated by large scale, geometric fields indicative of late enclosure that provide a strong pattern in field layout. The relatively intimate character of the immediate area within which the application site is set is not typical of the LCA type. Notwithstanding the way that the application site relates to the LCA within which it sits it retains an intrinsic value with strongly rural features that are typical of its setting. The Landscape Character Area Guidance Document states in paragraph 3 that the aim is to: 'maintain the dispersed historic settlement pattern of hamlets, scattered farmsteads, and distinct villages. Further incremental linear development along roads would disrupt this pattern. The identity of individual villages should be retained.'

The development proposal would if approved contribute to the linear spread of ribbon development in a location that would cause harm to the character and appearance of the area and set a precedent for similar applications both in the immediate vicinity and in the wider area. The proposed footway would contribute to the urbanisation of the countryside.

In applying the NPPF's presumption in favour of sustainable development, the adverse environmental impacts of the proposal on the character of the locality are not outweighed by any benefits.

#### Trees and Landscaping

The application site is currently being used for the keeping or grazing of horses and the main body of the land does not contain any trees or other significant vegetation.

On the boundary with the highway there is an established hedgerow comprising primarily Hawthorn with a short section of Hazel. The hedgerow contains several large trees that make a significant positive contribution to the character of the area. There is also a large Oak on the western boundary of the application site that makes a positive contribution to the appearance of the area.

At the present time the site forms part of the open countryside and the boundary hedgerow and trees contribute to the rural character of the area. It would be desirable to retain the boundary hedgerow for its screening value and the trees are of such quality that they merit retention for their visual amenity.

It appears from the information provided that boundary trees are intended to be retained however the creation of a new footway would encroach into the Root Protection Areas (RPA's) of the trees in the boundary hedgerows. Consequently harm may result if the footway is constructed in the position shown on the site layout plan. As the trees make a positive contribution to both the character and appearance of the area and their long term viability is potentially compromised by the development proposal the trees that meet the criteria to be formally legally protected have been included in a new Tendring District Council Tree Preservation Order (TPO). The TPO is TPO/18/16 Harwich Road, land north of, Great Bromley and afford formal legal protection to 4 Oaks and 1 Field Maple.

In order to show the extent of the constraint that the protected trees are on the development potential of the land and to show the likely impact of the development on the trees and boundary hedgerow the applicant has provided a detailed tree survey and report. The information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction: Recommendations.

The main issue in terms of the impact of the development on the trees situated on the boundary of the site - is the creation of the new footway adjacent to the highway.

By way on the position of the footway it is apparent that it will be within the Root Protection Areas (RPA's) of the protected trees. This has the potential to cause damage to roots and consequently compromise the health and viability of the trees.

Using the numbering system in the tree report, provided by the applicant, it appears that damage to trees T3,T4 and T5 can be avoided by the use of 'No-dig' construction techniques for works within the RPA's. The development proposal does not show the footway extending as far as the RPA of T1 although if the long term aim is to link the new section of footway to the existing section further to the east then the tree will be at risk of damage at some stage in the future. The gap between the tree and the highway is only 1.5m making it impossible for a full width footway to be constructed.

The construction of the footway will necessitate the removal of the protected Oak -T6 in order for the works to be carried out. Whilst in principle this is undesirable the harm caused to the amenity of the locality, by the removal of the tree, could be relatively easily replicated and improved upon by new planting. This could be secured by a condition attached to any planning permission that may be granted.

In terms of the construction of the footway from the application site westwards it is clear that sections of hedgerow and small trees will need to be removed to facilitate this. A condition would be required to secure replacement planting.

In terms of the protection of trees and hedgerows and the safety of future users of the footway, it would be desirable if it were to be constructed on the field side of the hedgerow; for its full length. This would reduce the need to remove trees and sections of hedgerow as well as making the footway a safer and more pleasant facility to use.

#### Highways and Parking Considerations

Paragraph 108 of the National Planning Policy Framework 2019 seeks to ensure that safe and suitable access to a development site can be achieved for all users. Saved Policy QL10 of the adopted Tendring District Local Plan 2007 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

The Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally.

Whilst access details are a reserved matter, Essex County Council Highways have confirmed no objections subject to requirements being secured at the reserved matters stage. If approved, the footway would be secured via a legal agreement with The Highway Authority.

The indicative layout and street scene shows the dwellings to be served by either integral or detached garages with space for parking in front which sufficiently meets the requirements set out within the current parking standards.

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.

#### Residential Amenities

The NPPF, in paragraph 127 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the 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.

#### Financial Contribution – Open/Play Space

There is currently a deficit of -1.15 hectares of equipped play and formal open space in Great Bromley. There is only one play area space in Great Bromley and is located along Harwich Road, approximately 0.3 miles from the application site. This play area is likely to see the biggest impact from the development. Due to the lack of facilities in Great Bromley a contribution towards the improvements at Hare Green are both justified and relevant to this planning application. Any contribution received would be used to provide some new toddler equipment at Hare Green, Harwich Road, Great Bromley.

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

Great Bromley Parish Council support the application.

3 individual letters of objection have been received. The concerns raised can be summarised and addressed as follows;

- Flood plain.

*The site is not within a designated flood zone. Surface water drainage could be controlled by conditions.*

- Negative impact on wildlife and the environment.

*Due to the condition and current use of the land, the planned retention of the boundary hedge and majority of the trees, an ecology report is not required in this instance.*

*Appropriately worded conditions relating to the timing of any vegetation clearance and inclusion of ecology enhancements, such a new planting would satisfactorily mitigate any wildlife impacts.*

- Not in keeping with character of the area.
- Set a harmful precedent.
- Footpath is not enough to make the application acceptable.
- Object to the bus stop on private land.
- Outside settlement boundary.
- Urbanisation of rural character.
- Overdevelopment of the site.
- Potential harm to pedestrian safety along this busy road with large commercial vehicles.

*The principle of development and reasons why the development is unacceptable due to its visual and landscape impact are addressed in the main report above.*

### Conclusion

For the reasons set out above, the development is considered to represent an unsustainable form of development contrary to the aims of national and local plan policies for the delivery of new housing.

## **6. Recommendation**

Refusal - Outline

## **7. Reasons for Refusal**

- 1 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). 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. 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.

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.

Great Bromley 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. Within the emerging Local Plan, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments but does not include or extend near the application site.

In fact, the application site is approximately 900 metres from the edge of the Settlement Development boundary of Frating to the south and 1.5km from the edge of the Settlement Boundary with Great Bromley to the north as defined in both the Saved Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is a considerable distance from these villages which already have very limited services, severely diminishing any merits of social sustainability. Those areas with much fewer services are excluded from any settlement boundary as is the case with Hare Green to the east, the application and the small cluster of built form to the west. The footpath link is therefore immaterial given the lack of facilities that would be linked as a result. It is noted that there is a bus service a short walk from the application site but this together with the footpath extension is not considered sufficient to support new dwellings in this locality.

In this regard, there is no access to day to day needs within a practical walking distance. It is highly likely that the occupants of the proposed dwellings would be car dependant failing to promote sustainable modes of transport therefore failing to meet the social strand of sustainable development.

Regardless of the Council's housing land supply position, the application fails to meet the social strand of sustainable development as set out within Paragraph 8 of the NPPF and is contrary to the afore-mentioned local plan policies and the aims of the NPPF as a whole. The development is unnecessary and there are no public benefits that might warrant the proposal being considered in an exceptional light.

- 2 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.

The erection of detached dwellings in this location fronting Harwich Road (as suggested by the indicative plans) would be wholly out of character with the immediate settlement pattern. Whilst a condition could be secured to ensure the single storey scale of the dwellings, it is considered that the introduction of built form in this location would be significantly detrimental to the semi-rural character of the area and would result in harmful urbanisation of the locality.

The application site is situated within the Bromley Heaths Landscape Character Area (LCA) as defined in the Tendring District Landscape Character Assessment. The Bromley Heaths LCA is an elevated plateau that extends from Colchester to Wix in the east and Thorington in the south. It corresponds to the highest part of the district and has high grade agricultural land. The large scale, open plateau is dominated by large scale, geometric fields indicative of late enclosure that provide a strong pattern in field layout. The relatively intimate character of the immediate area within which the application site is set is not typical of the LCA type. Notwithstanding the way that the application site relates to the LCA within which it sits it retains an intrinsic value with strongly rural features that are typical of its setting. The Landscape Character Area Guidance Document states in paragraph 3 that the aim is to: 'maintain the dispersed historic settlement pattern of hamlets, scattered farmsteads, and distinct villages. Further incremental linear development along roads would disrupt this pattern. The identity of individual villages should be retained.'

The development proposal would if approved contribute to the linear spread of ribbon development in a location that would cause harm to the character and appearance of the area and set a precedent for similar applications both in the immediate vicinity and in the wider area. The proposed footway would contribute to the urbanisation of the countryside.

In applying the NPPF's presumption in favour of sustainable development, the adverse environmental impacts of the proposal on the character of the locality are not outweighed by any benefits.

## **8. Informatives**

### **Positive and Proactive Statement**

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