

DELEGATED DECISION OFFICER REPORT

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Planning Development Manager authorisation:	AN	17/10/2019
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Application: 19/01271/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs Grant

Address: Land at Crockleford Stud Bromley Road Ardleigh

Development: Proposed 3 dwellings (outline application with all matters reserved).

1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council objects to the application along with other developments proposed on land off Bromley Road. There appears to be an increase in proposed development along this road with potential detrimental effects on traffic and infrastructure. The Council agrees with the comments of the Tree and Landscape Officer that the erection of three dwellings would cause visual harm to the appearance of the local landscape character and contribute to the gradual erosion of the countryside.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority.

The proposal is situated within the existing 40-mph speed limit for this section of Bromley Road; there has been similar application in the vicinity of this site and there appears to be adequate room and provision for off street parking and turning, for the proposed dwellings therefore:

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 occupation of the development, the road junction / access (with Bromley Road) at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres in both directions, 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 any obstruction 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.

NOTE: If the visibility splays are unachievable due to site or land control constraints the applicant will need to provide evidence by way of a speed survey that a relaxation in these requirements will not

create a highway safety issue.

2. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

3. No unbound materials shall be used in the surface treatment of the proposed Private 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 DM1.

4. Prior to the occupation of any of the proposed dwellings, the proposed private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of Footway / Highway Boundary and provided with an appropriate dropped kerb crossing of the footway/verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

5. The vehicular access road shall be constructed at right angles to the highway boundary and to the existing carriageway and shall be provided, but not be limited to, the following:

- The existing footway to be widened to no less than 1.5m in width across the site frontage.

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1.

6. 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.

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: Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

Informative 2: The (rural/remote) location of the site is such that access to key facilities, public transport, employment and leisure opportunities is limited and for the vast majority of journeys the only practical option would be the car. This should be taken in to consideration by the Planning Authority when assessing the overall

sustainability and acceptability of the site.

Informative 3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

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

3. Planning History

01/00098/FUL	Proposed stud farm for training and breeding of show jumpers and carriage horses	Approved	27.06.2001
02/01357/FUL	Two additional larger stables in lieu of two approved stables.	Approved	16.09.2002
04/00150/FUL	Conversion of part of first floor to residential flat	Refused	29.06.2004
86/01288/FUL	Country sporting amenity including fishing, clay pigeon, air rifle and archery and new toilet block and car park	Refused	11.11.1986
87/00146/FUL	Country sporting amenity incl. air rifle and archery, new toilet block and car park	Refused	26.02.1987
09/01223/LUEX	Existing lawful use certificate for the use of the first floor as residential.		17.03.2010
15/30291/PREAPP	Conversion of existing barn.	Refused	02.12.2015
16/01110/FUL	Proposed conversion of upper floors of existing barn/stable building to provide on-site living accommodation for rural workers together with the creation of a	Approved	07.09.2016

viewing room and covered terrace.

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

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 site is located on the northern side of Bromley Road, within the Parish of Ardleigh. The site currently forms part of a larger paddock. The paddock is one of a series of similar

paddocks associated with Crockleford Stud located off a private track and comprises an extensive equestrian complex.

The application site occupies the frontage of the field and adjoins a vehicular access immediately to the western boundary. A further driveway alongside provides access to Greystones, a detached house in separate ownership. The road frontage is screened by a 3m high continuous hedgerow. There is a collection of dwellings along both sides of Bromley Road, including Greenways and Broomhangings Farm immediately to the west. Beyond these properties are a row of recently completed detached houses.

Description of Proposal

The application seeks outline consent for the erection of 3 dwellings with all matters reserved for subsequent approval.

Layout, scale, appearance, access and landscaping are all reserved for subsequent approval.

The application is accompanied by a red lined site plan only. No indicative plans have been submitted.

Assessment

The main considerations in this instance are;

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

Planning and Appeal History

The site itself has no specific planning history relevant to the consideration of this application.

The field directly opposite the site has been the subject of a planning application under reference number 17/00362/OUT. This application was refused at time when the Council were satisfied that a 5 year housing land supply could be demonstrated. The application was refused due to the environmental harm and due to the location outside any settlement development boundary and the distance to amenities. The application was dismissed at appeal. The Inspector made reference to the recent developments to the south-west of the site at Land opposite The Old Mission, Bromley Road approved under 17/00271/OUT and 17/01426/DETAIL and Wood View Cottage, Bromley Road approved under 17/00081/FUL when assessing the sustainability of the site in relation to the social benefits and accessibility to services. The Inspector stated that 'when the appeal scheme is compared with those other housing developments then all of the occupiers of the houses would have a comparable level of accessibility to everyday local facilities and services.' The Inspector did not uphold the Council's reasons for refusal based upon social sustainability grounds.

When assessing the impact of the development on the character and appearance of the locality the Inspector considered that 'the development would represent an unacceptable incursion into the agricultural field and that it would be uncharacteristic of its surroundings' which is 'characterised by quite loose ribbon residential development'. The Inspector concluded that 'the development would be harmful to the character and appearance of the area' and 'would not make a positive contribution to the quality of the local environment and it would neither protect nor enhance local character. The nearby approved developments considered under the social strand were not considered directly comparable to the appeal site and 'the harm to the character and appearance

of the area would significantly and demonstrably outweigh this development's modest housing supply benefits.'

A short distance to the north-east of the site (in the locality of Spring Valley Lane) there are number of planning and appeal decisions for residential developments. 18/01105/FUL for one dwelling was allowed on appeal (Spring Valley Lane). However, in closer proximity to the application site being considered here, are residential developments that were refused and dismissed at appeal under 17/01846/FUL, 17/02132/FUL and 16/00861/OUT (all Bromley Road). The merits of these applications are noted however, the appeal decision directly opposite the site is considered the most relevant in this instance.

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. In this instance, the nearby planning permissions and appeal decisions constitute material planning considerations relevant to the assessment of this development.

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

The emerging Local Plan 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. Ardleigh 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 2013-2033 and Beyond Publication Draft (June 2017) in recognition of its size and small range of local services. 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, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary has been marginally extended.

However, the site itself lies within Crockleford Heath, a smaller settlement sited a considerable distance from Ardleigh village. The site is therefore considered to be within a rural location and within one of the least sustainable settlements.

The site is in proximity to the larger village of Greenstead, which includes facilities such as a mini-supermarket, primary and secondary school, a dentist and doctor's surgery, a hairdresser and takeaway restaurants. Furthermore, the site benefits from footpaths (albeit unlit) to these areas, and there are bus services running to the nearby towns of Brightlingsea, Colchester and Clacton.

Having regard to these accessibility characteristics and the recent planning permissions and appeal decisions, on balance, a refusal based upon poor accessibility to services is not justified in this instance.

- 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.

Although the site could not be described as wholly isolated, due to the presence of dwellings to the west and east, the area is characterised by quite loose ribbon residential development. The

application site is located within a clear break in built form within an expanse of openness extending over 300 metres from Greenways to the west and Greta Woods to the east with open agricultural fields opposite extending further. Although there can be no objection to the erection of 2 storey dwellings in this location due to the residential character directly to the west, the introduction of dwellings in this location are considered wholly out of character.

The development would represent an unacceptable incursion into the countryside being uncharacteristic of its surroundings. The development would be harmful to the character and appearance of the area failing to make a positive contribution to the quality of the local environment and failing to protect or enhance local character. The provision of 3 dwellings would make an immaterial contribution to the delivery of housing in the district. Furthermore, the development would set an undesirable precedent for harmful ribbon development further eroding the rural character of the Bromley Road. The harm to the character and appearance of the area would significantly and demonstrably outweigh this development's modest housing supply benefits.

The supporting statement makes reference to the large estate (145 dwellings) soon to be commenced alongside Salary Brook and how this will alter the landscape irrevocably. This was refused under application reference 17/00859/OUT but allowed on appeal. However, this is located directly adjacent to the built up area of Colchester and is for a major housing scheme. The considerations in relation to the landscape impact and contribution toward the housing supply for the area are not comparable.

Self-Build / Custom Built Homes

The supporting statement makes reference to the development having the potential to deliver self-build or custom build projects and the willingness of the applicant to submit a Unilateral Undertaking to secure the dwellings as a self-build.

The National Planning Policy Guidance (NPPG) tells us that The Self-build and Custom Housebuilding Act 2015 requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes (referred to in the guidance as self-build and custom housebuilding registers). The guidance accompanies the Self-build and Custom Housebuilding (Register) Regulations 2016 made under the Act. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals. Section 2 (1) of the Self-build and Custom Housebuilding Act 2015 (as amended) places a duty on relevant bodies to have regard to each self-build and custom housebuilding register that relates to their area when carrying out their plan-making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents. Section 2A (2) of the Self-build and Custom Housebuilding Act 2015 (as amended) states that the Authority must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register.

Policy LP7 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) is a new policy which aims to satisfy the requirements set out within legislation and national policy and guidance. There is no equivalent saved policy within the adopted Local Plan (2007) as this pre-dates the Self-build and Custom Housebuilding Act 2015 (as amended).

The NPPF is silent on policies relating directly to the delivery mechanism for self-build or custom-built dwellings.

Emerging Policy LP7 states that the Council will consider, on their merits, proposals for Self-Build and Custom-Built Homes on land outside of settlement development boundaries, where they will still support a sustainable pattern of growth in the District. Such developments must either:

- be located on a site safely accessible on foot within 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements' or 'smaller urban settlements'; or,
- be located on a site safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres'; or,
- involve the redevelopment of vacant or redundant previously developed land that can be shown, with evidence, to be unviable for employment use.

Whilst the emerging Local Plan is progressing well, Draft Policy LP7 has not yet been scrutinised by the Planning Inspectorate by an appeal or through the Local Plan process. It can therefore only be given very limited weight. Other policies such as Draft Policy SPL1 have been endorsed by the Planning Inspector as being in line with the NPPF.

Regardless of the need identified through our Self-build and Custom Housebuilding Register or the merits of the application in relation to Draft Policy LP7, the self-build aspect of the proposal is not considered to constitute a material consideration that warrants a departure from the Local Plan and there are no exceptional circumstances that outweigh the environmental harm identified above.

The status of Draft Policy LP7 means that a refusal based on this policy is not required at this time.

Trees and Landscaping

The land is currently set to grass and is being used for the grazing or keeping of horses. The boundary with the highway is demarcated by an established hedgerow comprising Hawthorn and Blackthorn.

It is apparent that no established trees will be affected by the development proposal however it is not clear how access to the land will be achieved or what the potential impact of this will be on the boundary hedgerow. It should be noted that the hedgerow falls within the scope of the Hedgerow Regulations 1997 and should not be removed unless formal notice is served on the Council or planning permission necessitates the removal of the hedgerow.

In terms of the impact of the development on the local landscape character it is clear that the development would, if approved and implemented result in a significant change to the character of the area. The erection of three dwellings would cause visual harm to the appearance of the local landscape character and contribute to the gradual erosion of the countryside. This echoes the environmental assessment set out above.

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 is reserved for subsequent approval. No indicative plans have been provided. However, officers consider that sufficient space is available on site to provide a development that could achieve access 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.

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.

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 8800 metres from the Stour and Orwell Estuaries SPA and Ramsar. Since the development is for 3 dwellings only, the number of additional recreational visitors would be limited and the likely effects on the Stour and Orwell Estuaries from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to 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.

Financial Contributions - Open Space and Play Space

The Council's Open Space Team has been consulted in accordance with the requirements of Saved Policy COM6 of the adopted Tendring District Local Plan and Draft Policy HP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

No contribution is being sought in this instance.

Representations

Ardleigh Parish Council objects to the application on the following grounds;

- Potential detrimental effects on traffic and infrastructure.
- Three dwellings would cause visual harm to the appearance of the local landscape character and contribute to the gradual erosion of the countryside.

The reasons why the development is unacceptable are addressed in the main report above. A development of this scale could not be considered materially detrimental to traffic and infrastructure.

Conclusion

For the reasons set out above, the harm identified and the absence of a proportionate financial contribution in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements warrant refusal of planning permission.

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.

Although the site could not be described as wholly isolated, due to the presence of dwellings to the west and east, the area is characterised by quite loose ribbon residential development. The application site is located within a clear break in built form within an expanse of openness extending over 300 metres from Greenways to the west and Greta Woods to the east with open agricultural fields opposite extending further. Although there can be no objection to the erection of 2 storey dwellings in this location due to the residential character directly to the west, the introduction of dwellings in this location are considered wholly out of character.

The development would represent an unacceptable incursion into the countryside being uncharacteristic of its surroundings. The development would be harmful to the character and appearance of the area failing to make a positive contribution to the quality of the local environment and failing to protect or enhance local character. The provision of 3 dwellings would make an immaterial contribution to the delivery of housing in the district. Furthermore, the development would set an undesirable precedent for harmful ribbon development further eroding the rural character of the Bromley Road. The harm to the character and appearance of the area would significantly and demonstrably outweigh this development's modest housing supply benefits.

- 2 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. The contribution is secured by unilateral undertaking.

The application scheme proposes new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 8800 metres from the Stour and Orwell Estuaries SPA and Ramsar. Since the development is for 3 dwellings only, the number of additional recreational visitors would be limited and the likely effects on the Stour and Orwell Estuaries from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to

the Stour and Orwell Estuaries; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to 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.

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.