

## DELEGATED DECISION OFFICER REPORT

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**Application:** 19/01717/FUL **Town / Parish:** St Osyth Parish Council

**Applicant:** Mr and Mrs Richardson

**Address:** 3 Kenilworth Cottages Rectory Road Weeley Heath

**Development:** New detached dwelling and double garage.

### 1. Town / Parish Council

The Parish note that whilst the proposed dwelling is in a different location on the plot than that previously submitted under planning application 18/00424/FUL, all other objections to the previous application, submitted on 24th April 2018, remain extant.

The Parish Council objects to the current application on the basis that the proposed development is again considered as being backland development, in that it is contrary to paragraphs 5.8.4 and 5.8.5 respectively, which state:

5.8.4 There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations; and

5.8.5 "Tandem" development consists of a dwelling or dwellings immediately behind an existing residential frontage which are served by a shared access.

It is generally unsatisfactory because of the difficulties of access to the dwelling at the rear and the disturbance and lack of privacy suffered by the residents of the dwelling in front.

Furthermore, Policy LP 8 of the draft District Local Plan 2013-2033 & Beyond, paragraphs b - f state: b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;

c. the proposal must avoid "tandem" development using a shared access;

d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;

e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and

f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

It is worthy of note that that site is some distance from the nearest Settlement Development Boundary as defined in the emerging Local Plan Publication Draft 2017.

In light of the points raised above, the Parish Council would request that the Planning Authority consider the aforementioned comments, when determining the application, be it by way of a Committee or delegated decision.

## **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 application would appear identical to the previous Planning Application 18/00424/FUL; the application is utilising the existing vehicular access and provides adequate turning and parking for the proposed dwelling 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 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.

2. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

3. There shall be no discharge of surface water onto the highway.

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.

4. Each new property shall be provided with at least 2 parking spaces and each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

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

5. Any double garages should have a minimum internal measurement of 7m x 5.5m.

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.

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: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: Steps should be taken to ensure that the Developer provides sufficient turning and off-loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing 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.

### **3. Planning History**

98/01106/FUL	(3 Kenilworth Cottages, Rectory Road, St Osyth) Three stables and tack room in one block	Approved	22.09.1998
18/00424/FUL	Proposed new detached dwelling & double garage on land to rear of existing host dwelling for private use.	Refused	09.05.2018

### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG13 Backland Residential Development

HG14 Side Isolation

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

LP8 Backland Residential Development

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## **5. Officer Appraisal**

### Site Description

The application site is situated in a backland location situated on the eastern side of Rectory Road within the parish of St Osyth. The site comprises of paddock land that is in the ownership of no. 3 Kenilworth Cottages. The paddock is a flat grassed area surrounded by mature trees on its perimeters. Several of these trees, due to their amenity value, have become the subject of TPOs during the course of the application. The site is accessed from Rectory Road via a narrow grassed track that leads to the paddock and a garage serving a neighbouring cottage. To the south is Eight Oaks, which is a large two-story property set within spacious landscaped grounds.

The site is located outside any settlement development boundary in both the saved/emerging local plans.

### Description of Proposal

This application proposes the erection of one detached 1.5 storey residential dwelling, serving four bedrooms. The application also includes a detached double garage/cart lodge.

### Site History

Under planning reference 18/00424/FUL, planning permission was refused on this site for a similar scheme of one dwelling and double garage. The Council was at this time able to demonstrate a five year housing land supply and the site was considered to fail the social strand of sustainability. The proposal also represented a form of backland development which involved tandem development, served by a long and narrow access road and appeared out of character. Furthermore, information provided with the planning application did not demonstrate the development could be implemented without causing harm to the trees or that a satisfactory juxtaposition between the trees and the proposed dwelling could be achieved.

### Assessment

#### 1. Principle of Development

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

Saved Tendring 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.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

#### Economic:

It is considered that the proposal for one dwelling would have a modest contribution economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

#### Social:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

The nearest settlement is Weeley Heath, the Settlement Development Boundary of which is approximately 680m to the north, and within the Established Settlement Hierarchy (2016) this settlement performs relatively poorly with no defined village centre, GP Surgery or primary school. It is therefore considered that the majority of trips, including those for day-to-day needs, would need to be made by car to access essential services and facilities.

Therefore taking all of the above into consideration it is considered that the site fails to meet the social strand of sustainability.

#### Environmental:

The environmental role is about contributing to protecting and enhancing the natural built and historic environment which is considered below under Impact on Surrounding Area.

#### Impact on Surrounding Area

The development involves the construction of one dwelling in a 'backland' location to the rear of the established residential frontage along Rectory Road. With regards to Policy HG13 of the 2007 Local Plan (and echoed in policy LP8 of the draft Local Plan), it states proposals for the residential development of backland sites must comply with the following criteria:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;
- ii. where a proposal includes existing private garden land which would not result in less satisfactory access or off-street parking arrangements, an unacceptable reduction in existing private amenity space or any other unreasonable loss of amenity to existing dwellings;
- iii. a safe and convenient means of vehicular and pedestrian access/egress can be provided that is not likely to cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will be discouraged;
- iv. the proposal does not involve "tandem" development using a shared access;
- v. the site does not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

The main problems that can arise as a result of backland development include undermining the established character of an area (especially if similar schemes were to be repeated elsewhere in a locality); dwelling plots appearing cramped relative to their surroundings; the fragmentation of established gardens with a loss of mature landscaping; and the infringement of neighbouring residents' amenities. Development behind an established building line can also appear incongruous, particularly with isolated dwellings.

There must also be proper means of access to backland development, which is safe and convenient for both drivers and pedestrians, with a turning area where necessary to avoid the need for vehicles to reverse onto a public highway. A proposed access should avoid excessive disturbance or loss of privacy to neighbouring residents through, for example, an access drive passing unreasonably close to an adjoining dwelling. The likely frequency of use by vehicular traffic and the suitability of the access for service vehicles and the emergency services will also be relevant material considerations.

In respect of the policy criteria noted above the development is considered to meet the requirements as follows;

- i. the site is not located within a defined settlement boundary in the adopted or emerging local plans; however is not designated for any particular use;

ii. the plans show that the private amenity areas for the proposed and existing plots will meet the requirements of Policy HG9. Further, there is sufficient off-street parking for all dwellings, while the layout has been designed in such a way to ensure significant distance to the nearest neighbouring properties.

iii. the access would be located to the north-west of the site, off Rectory Road. While there are neighbouring properties to each side of this access, the comings and goings associated with one dwelling is not considered to be excessive. However, the access measures approximately 120 metres in length, and is also narrow at 4 metres, resulting visual harm to the areas existing character.

iv. the proposal does represent a form of 'tandem development' with a shared access and thereby fails to adhere to this criterion.

v. while the site is not of a regular shape it would not compromise a more comprehensive development solution.

vi. the application site is not located on the edge of a defined settlement. However the dwelling being set far back from Rectory Road will appear out of character with the existing area, which is largely rural but does include residential dwellings in a relatively uniformed manner further forward.

vii. the layout plan provided shows the property being sited a significant distance to the rear of the existing cottages fronting Rectory Road and served by long narrow access road. The siting and position of the dwelling in a backland location would be wholly out of character with the prevailing pattern of built form in the locality and would result in residential development in an isolated rural location. The development, along with the construction of a long and narrow surfaced access road, would lead to the urbanisation of this area of countryside to its significant detriment.

## 2. Design, Layout and Appearance

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan 2007 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design. Policy SPL3 of the emerging Tendring District Local Plan Publication Draft 2017 carries forward these sentiments stating that all new development must make a positive contribution to the quality of the local environment and protect or enhance local character.

As previously discussed above, the proposed dwelling will not be in-keeping with the character of the area, being set far back from the existing building line along Rectory Road. It will therefore appear as a harmful addition to the surrounding area.

With respect to the proposed design, it incorporates a number of features to help break up the overall bulk, including two front gables and a brick plinth. Given this, and that the proposed materials of black weatherboarding, red brick and terracotta roof files are all acceptable, there are no principle concerns with the design.

The submitted plans include a double garage/cart lodge, which is to be single storey and located to the south-east of the proposed dwelling. The overall design mirrors the rural surrounds and due to its set back nature will not be visible from the street scene. Accordingly there are no objections to the proposed garage/cart lodge.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling with three bedrooms or more should be a minimum of 100 square metres. The submitted plans show that there is comfortably sufficient amenity area for both the existing and proposed dwellings.

## 3. Impact to Neighbouring Amenities

Policy QL11 of the Saved Plan 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'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The property would be sited a significant distance (in excess of 100m) from the cottages to the west and therefore would not harm existing residents amenity. The vehicular movements associated with a single dwelling would not be significant and therefore would not cause adverse noise and disturbance to the residents of 3 Kenilworth Cottages or Eight Oaks to the south.

#### 4. Highway Safety

Essex County Council Highways have no objections to the development subject to conditions relating to a vehicular turning facility, the use of no unbound materials and no discharge of surface water. Had the application been recommended for approval these conditions would have been attached.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are 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. While the proposed garage does not meet the above requirements, there is sufficient space to the front of the dwelling to accommodate the required two parking spaces.

#### 5. Tree Impacts

There several large Oaks on the application and on adjacent land that are potentially affected by the development proposal. Trees on the application site and adjacent land can be seen from a public place and have high visual amenity value. These are afforded formal legal protection by three Tendring District Council tree Preservation Orders. The TPO references are 18/04/TPO 3 Kenilworth Cottages, Rectory Road, Weeley Heath (4 Oaks), 18/05/TPO Eight Oaks, Rectory Road, Weeley Heath (1 Oak) and 18/06/TPO Land North of Honey Pot Lane, Weeley Heath (2 Oaks).

In order to show the impact of the development proposal on the trees and to identify works that may be required in order to implement the development proposal, without causing harm to the protected tree the applicant has provided an Arboricultural Impact Assessment (AIA) as part of a Tree Survey and Report. This information is in accordance with BS5837: 2012 Trees in relation to design, demolition and construction.

It should be noted that section 1.9 of the Tree Report states that the (AIA) is valid for a period of 12 months from its date of issue; 3rd January 2012. Therefore the report is no longer valid. However the information relating to the Root Protection Areas (RPA's) of the trees will not have noticeably changed since its issue and therefore, the part of the report relating to RPA's can still be relied on to assess the impact of the development on the protected trees.

It should also be noted that the tree closest to the access road and situated on the boundary of the application site with the property known as Eight Oaks has not been allocated a number or described in the AIA (It is adjacent to T1). Nevertheless the RPA is shown and therefore can inform the extent of the areas where specialist construction techniques will need to be used.

The report contains a Tree Constraints Plan to show the RPA of the trees and consequently the extent of the constraint that it is on the development potential of the land. The report shows that the construction of the proposed dwelling would not result in an incursion into the RPA of any of the trees on the land.

In terms of the narrow access road and the creation of the gravel drive it will be important to ensure that any improvement to the surfacing are carried out using 'No-Dig' methods to ensure that harm to the roots of trees on adjacent land is not caused. Both the gravel drive and any improvements to the access road should be constructed using cellular confinement systems to minimise harm to tree roots. Details of this would have been secured by a condition had the application been recommended for approval.

Taking into account the position of the proposed dwelling and the strength of the existing boundary vegetation it is not considered necessary to secure details of new soft landscaping.

## 6. Habitats Regulation Assessment

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 the Colne Estuary Ramsar and SPA. The contribution is secured by unilateral undertaking. There is therefore certainty that the development would not adversely affect the integrity of the Colne Estuary Ramsar and SPA 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.

## 7. Open Space

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

A contribution towards Open Spaces is not considered to be relevant or justified to this application, and accordingly has not been requested on this occasion.

### Other Considerations

St Osyth Parish Council object to the development for the following reasons;

Objections on the basis that this development is considered as being backland development, in that it is contrary to Policy LP8 of the Emerging District Local Plan 2013-2033 & Beyond, paragraphs b - f of which state:

- b. a safe and convenient means of vehicular and pedestrian access/egress must be provided that does not cause undue disturbance or loss of privacy to neighbouring residents or visual detriment to the street scene. Long or narrow driveways will not be permitted;
- c. the proposal must avoid "tandem" development using a shared access;
- d. the site must not comprise an awkwardly shaped or fragmented parcel of land likely to be difficult to develop in isolation or involve development which could prejudice a more appropriate comprehensive development solution;
- e. the site must not be on the edge of defined settlements where likely to produce a hard urban edge or other form of development out of character in its particular setting; and
- f. the proposal must not be out of character with the area or set a harmful precedent for other similar forms of development.

It is worthy of comment that that site is some distance from the nearest Settlement Development Boundary (SBD), as defined in the emerging Local Plan Publication Draft 2017.

In answer to this, these points have been addressed within the main body of the report above.

Three letters of objection have also been received, covering the following points:

1. Backland development;
2. Loss of privacy;
3. Arboricultural Impact Assessment not up to date;
4. Highway safety concerns;
5. Outside of a Settlement Development Boundary;
6. Harm to trees; and
7. Narrow access track.

In answer to this, all of the points have been addressed within the main body of the report above.

## **6. Recommendation**

Refusal.

## **7. Reasons for Refusal**

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

The National Planning Policy Framework 2019 (NPPF) requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

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

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

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft. Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger

urban areas. 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 limited range of local services.

The nearest settlement is Weeley Heath, the Settlement Development Boundary of which is approximately 680m to the north, and within the Established Settlement Hierarchy (2016) this settlement performs relatively poorly with no defined village centre, GP Surgery or primary school. It is therefore considered that the majority of trips, including those for day-to-day needs, would need to be made by car to access essential services and facilities.

Therefore taking all of the above into consideration it is considered that the site fails to meet the social strand of sustainability.

For the reasons set out above the proposal is considered to fail the social objective. This together with the conflict with Saved Policy QL1 of the adopted plan and emerging Policy SPL1 amounts to an unsustainable form of development.

- 2 "Saved" Tendring District Local Plan (2007) Policy HG13 (iii, iv, vi and vii) and "Emerging" Tendring District Local Plan 2013-2033 and Beyond Publication Draft Policy LP8(f) on "Backland Residential Development" requires that proposals for residential backland development should not involve tandem development using a shared access and that the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development.

In this instance the proposal does involve tandem development as the layout proposed consists of a dwelling located behind an existing residential frontage which is accessed by a shared access. The layout plan provided shows the property being sited a significant distance to the rear of the existing cottages fronting Rectory Road and served by long narrow access road. The siting and position of the dwelling in a backland location would be wholly out of character with the prevailing pattern of built form in the locality and would result in residential development in an isolated rural location. The development, along with the construction of a long and narrow surfaced access road, would lead to the urbanisation of this area of countryside to its significant detriment thereby setting an undesirable precedent for further unsuitable residential development. The proposal therefore fails to adhere to the environmental strand of sustainability.

## **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.