

3. Planning History

10/00291/FUL	Continued occupation of dwelling house without complying with agricultural occupancy condition (removal of Condition 04 of planning permission TEN/184/69).	Approved	11.06.2010
15/30228/PREAPP	Erection of 4 detached dwellings with garaging.	Refused	19.01.2016
19/30125/PREAPP	Proposed cartlodge with home office.	Refused	17.09.2019
19/01412/FUL	Proposed cartlodge with home office.	Approved	15.11.2019

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG4 Affordable Housing in New Developments

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

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
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- PPL4 Biodiversity and Geodiversity
- LP5 Affordable and Council Housing
- HP5 Open Space, Sports & Recreation Facilities

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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

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

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

In relation to housing supply:

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

this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal (including Site Description and Proposal)

Site Context

The application relates to the property known as Three Elms located on the northern side of Harts Lane within the Parish of Ardeleigh. The application site itself encompasses the access and driveway and the land to the rear of Three Elms amounting to a site area of approximately 0.86 hectares.

The site itself contains a number of existing buildings formerly used as a poultry farm on the western side as well as a large expanse of hardstanding to the north of the site. There is also a building in the south-eastern corner of the site which has the benefit of a Class Q permission for two residential units (not implemented).

The supporting statement accompanying the application states that a separate application has been submitted for alternative access arrangements to the existing dwelling, however, there is no record of this at the time of writing this report.

There is dense belt of vegetation on the western boundary and a boundary hedgerow to the north. Land to the east of the application site is set out as paddocks. There are irregularly spaced and sited residential dwellings opposite and to both sides of the application site with open countryside to the north

The area is rural in character and lies outside the defined settlement limits for the area. Application TEN/184/69 was the original permission for the bungalow with an agricultural occupancy condition attached that was later removed under approved planning application 10/00291/FUL.

Description of Proposal

The application seeks outline consent for the redevelopment of the site for 4 no. single storey residential dwellings following the demolition of all existing redundant farm buildings.

The application is in outline form considering access only. Scale, appearance, landscaping and layout are all reserved for subsequent consideration.

Indicative layout plan Drawing No.2019/090/PL1 Revision B shows 4 detached dwellings in a cul-de-sac arrangement set to the rear of the existing dwelling with a central access road (running along the western side of Three Elms) and turning head each served by a detached double garage.

Assessment

The main considerations in this instance are;

- Principle of Development;
- Layout, Scale and Impact;
- Trees and Landscaping;
- Highway Safety and Parking;
- Residential Amenities;
- Affordable Housing;
- Biodiversity;
- Financial Contribution - Open Space;
- Financial Contribution - RAMS;
- Other Considerations - fall-back position; 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.

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.

These are assessed below.

- Economic

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

- Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 17 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

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

However, in this instance, the application site is located approximately 3km from the edge of the settlement boundary with its already limited range of services and amenities.

In this regard, there is no access to day to day needs within a practical walking distance and the conditions are unsafe on this 60mph country road with no footpaths or street lighting. Any social sustainability credentials of the site are severely diminished due to its distance from the built up area of Ardleigh which already has limited local services. 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 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.

Although the site could not be described as isolated as it is bounded by built development, the residential character of Harts Lane is that of sporadic dwellings on deep and spacious plots. Harts Lane is an unclassified country road with no footpaths or street lighting contributing to the semi-rural character of the area as a whole. Although there are redundant buildings currently present and the proposal is for single storey dwellings, the development represents an unplanned advance of urbanisation into the countryside creating a cul-de-sac of dwellings being wholly out of character.

The development would result in a significantly harmful impact on the rural character of the area and its surroundings.

In balancing the sustainability issues of the proposal, the adverse social and environmental impacts of the proposal would significantly and demonstrably outweigh any economic benefits and would therefore not represent sustainable development.

Trees and Landscaping

Saved Policy EN1 relates to landscape character and states, inter alia, that development control will seek in particular to conserve features which contribute to local distinctiveness, which includes important hedgerows and trees.

The application site comprises of some open areas and land occupied by redundant farm outbuildings. Close to the northern boundary of the adjacent property Harts Lodge there are a few small trees comprising of a single Oak, a Goat Willow and a group of self-sown Silver Birch. None of these trees makes a significant contribution to the character or appearance of the area and consequently they do not merit retention or protection by means of a tree preservation order. Nevertheless it may be possible to retain the Oak for its own sake.

On the boundary of the land to the west and north of the application site there are large trees that feature prominently in their setting. In terms of the possible impact of the development proposal on these trees it will be important to establish that no development is carried out that causes harm to them or compromises their long term viability.

In order to show the extent of the constraint that the trees are on the development potential of the land, an Arboricultural Impact Assessment (AIA) is required. This document is required to show how retained trees will be physically protected for the duration of the construction phase of any development for which planning permission may be granted and to show details of the Root Protection Areas (RPA's) of the trees. This information is required to be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

In this instance no such report has been submitted. These issues are matter of principle and it has not been demonstrated that the development would not result in any harm to the large trees present on the boundaries of the site. Consequently, the development is contrary to the aforementioned local plan policy.

Biodiversity

The application site has been subject to a number of ecological surveys, each of which are submitted with the application.

An initial Preliminary Ecological Appraisal and Preliminary Roost Assessment was commissioned, the corresponding report concluded that additional surveys would be required to confirm the likely presence/absence of reptiles and bats.

The site overall was considered to be of low ecological value. With the further surveys for bats and reptiles undertaken and appropriate impact avoidance, mitigation and/or compensation measures designed and implemented in conjunction with the other impact avoidance measures outlined in this report, it should be possible for the proposed development to proceed with minimal risk of impact on protected or Section 41 wildlife or local nature conservation. Further, with some or all of the suggested enhancements included, it may be possible to increase the value of the site to biodiversity and local wildlife, with a net gain for biodiversity as encouraged by the National Planning Policy Framework (NPPF).

It was considered highly unlikely that the Buildings 1, 2, 4, 8, 9 and 10 were used as a large or regular bat roost. However, there was considered to be a very low risk of impact to individual bats that may on occasion use the buildings during the works on site. It was considered that impact avoidance measures as outlined in Section 5 of this report were sufficient to allow works on these buildings to proceed lawfully, with negligible risk of impact to bat roosts and/or roosting bats, and without the need for a European Protected Species Licence (EPSL). Further impact avoidance measures as outlined in Section 5 of this report were also considered sufficient to reduce any risk of impact to low

numbers of foraging and/or commuting bats shown to use the site to negligible. All impact avoidance measures detailed for other species or species groups in the PEA report (Adonis Ecology, 2019) should also be undertaken.

A Reptile Presence/Likely Absence Report was undertaken between the 3rd and 18th September 2019. A single, likely dispersing juvenile grass snake was observed on the site indicating that the site is unlikely to support any resident population of reptiles, but that very low numbers of reptiles may on occasion traverse the site, in particular habitats against the northern boundary. It was therefore considered that the loss of habitats from the site would pose a negligible risk of impact to any reptile population, and with the impact avoidance measures outlined in this report undertaken, it was considered the proposed development could proceed with negligible risk of harm to any individual reptiles.

It is therefore considered that, subject to appropriate conditions, the proposal would not result in material harm to protected species.

Highway Safety and Parking

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 and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

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

However, as far as can be determined from the submitted plans the Applicant does not appear to own or control enough land to provide the proposed access with adequate vehicular visibility splays in both directions and is therefore contrary to the recommended minimum standards for highway safety. Currently, the access to the site serves a single dwelling and its ancillary uses satisfactorily. This proposal seeks to intensify the use of that vehicular access with the traffic movements associated with four additional dwellings, being 5 in total. In order to enable an informed decision and determine what measures would be required to improve the access and the inter-visibility at the access, the Highway Authority have requested a speed survey. No such survey has been provided.

The proposal would lead to the intensification of use of a substandard access by reason of insufficient vehicular visibility splays contrary to the interests of highway safety. The application is therefore contrary to the afore-mentioned national and local plan policies as it fails to demonstrate that there would be no harm to highway safety as a result of the development.

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. 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'. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives.

Officers consider that sufficient space is available on site to provide a single storey 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.

Affordable Housing

The National Planning Policy Framework 2019 states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of

conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement.

There is a requirement for affordable housing on this application due to the site being greater than 0.5 hectares in area, namely 0.86 hectares. As set out in the emerging Local Plan, this equates to a requirement for 1 dwelling to be delivered as affordable housing.

There are currently 18 households on the housing register seeking a 4 bedroom home in Ardleigh and therefore there is a demonstrable need for affordable housing in the village.

Although there is a demonstrable need for housing in the village of Ardleigh, the council would seek a financial contribution in lieu of on-site provision on this application as the funds can be used to deliver affordable housing in other parts of the district.

A completed Section 106 agreement to secure the above-mentioned planning obligations has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

Financial Contribution - Open Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

No contribution towards open space is being requested on this occasion.

Financial Contribution - RAMS

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 (Zol) being approximately 4500 metres from the Stour and Orwell Estuaries. Since the development is for 4 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 Zol 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.

Other Considerations - fall-back position

It is noted that the existing building located in south-eastern corner of the site benefits from permission under planning reference 17/01710/COUNOT for its conversion to 2 no. 3 bedroom dwellings utilising the rights under Class Q of Part 3, Schedule 2 of the General Permitted Development Order 2015 (as amended).

However, the proposal is not comparable to the fall-back position increasing the number of units to 4. The scope of considerations allowed under Class Q are limited. In this instance, for the reasons set out above, the proposal for the re-development of the site for 4 dwellings is unacceptable.

Representations

Ardleigh Parish Council objects to this planning application for the following reasons;

- Outside the settlement development boundary.
- Would constitute over-development in what is a rural area.
- Set a harmful precedent for further backfilling.
- Pressure on local services.
- Additional traffic.
- No need for this number or type of housing in this location.

No individual letters of objection have been received.

The merits of the development are set out in the main report above and the justifiable reasons for refusal addressed.

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 determination 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. 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. 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. The sustainability of the application site is therefore of particular importance.

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 8 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.

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

However, in this instance, the application site is located approximately 3km from the edge of the settlement boundary with its already limited range of services and amenities. In this regard, there is no access to day to day needs within a practical walking distance and the conditions are unsafe on this 60mph country road with no footpaths or street lighting. Any social sustainability credentials of the site are severely diminished due to its distance from the built up area of Ardleigh which already has limited local services. 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 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.

objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

Although the site could not be described as isolated as it is bounded by built development, the residential character of Harts Lane is that of sporadic dwellings on deep and spacious plots. Harts Lane is an unclassified country road with no footpaths or street lighting contributing to the semi-rural character of the area as a whole. Although there are redundant buildings currently present and the proposal is for single storey dwellings, the development represents an unplanned advance of urbanisation into the countryside creating a cul-de-sac of dwellings being wholly out of character. The development would result in a significantly harmful impact on the rural character of the area and its surroundings.

In balancing the sustainability issues of the proposal, the adverse social and environmental impacts of the proposal would significantly and demonstrably outweigh any economic benefits and would therefore not represent sustainable development.

- 3 The National Planning Policy Framework 2019 states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Policy HG4 in the adopted Local Plan requires large residential developments to provide 40% of new dwellings as affordable housing for people who cannot otherwise afford to buy or rent on the open market. Policy LP5 in the emerging Local Plan, which is based on more up to date evidence on viability, requires 30% of new dwellings on large sites to be made available for affordable or Council Housing. The policy does allow flexibility to accept as low as 10% of dwellings on site, with a financial contribution toward the construction or acquisition of property for use as Council Housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. There is a requirement for affordable housing on this application due to the site being greater than 0.5 hectares in area, namely 0.86 hectares. As set out in the emerging Local Plan, this equates to a requirement for 1 dwelling to be delivered as affordable housing.

There are currently 18 households on the housing register seeking a 4 bedroom home in Ardleigh and therefore there is a demonstrable need for affordable housing in the village. Although there is a demonstrable need for housing in the village of Ardleigh, the council would seek a financial contribution in lieu of on-site provision on this application as the funds can be used to deliver affordable housing in other parts of the district.

A completed Section 106 agreement to secure the above-mentioned planning obligations has not been provided prior to the application determination date and the application is therefore contrary to the above policies.

- 4 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 4500 metres from the Stour and Orwell Estuaries. Since the

development is for 4 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 Zol 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.

- 5 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 and the design and layout of the development provides safe and convenient access for people. The sentiments of this policy are carried forward within draft Policy SPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

As far as can be determined from the submitted plans the Applicant does not appear to own or control enough land to provide the proposed access with adequate vehicular visibility splays in both directions and is therefore contrary to the recommended minimum standards for highway safety. Currently, the access to the site serves a single dwelling and its ancillary uses satisfactorily. This proposal seeks to intensify the use of that vehicular access with the traffic movements associated with four additional dwellings, being 5 in total. In order to enable an informed decision and determine what measures would be required to improve the access and the inter-visibility at the access, the Highway Authority have requested a speed survey. No such survey has been provided.

The proposal would lead to the intensification of use of a substandard access by reason of insufficient vehicular visibility splays contrary to the interests of highway safety. The application is therefore contrary to the afore-mentioned national and local plan policies as it fails to demonstrate that there would be no harm to highway safety as a result of the development.

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 reasons for the refusal, approval has not been possible.