

DELEGATED DECISION OFFICER REPORT

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Application: 19/01879/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr and Mrs Steward

Address: Land adjacent Shaftesbury Ardleigh Road Great Bromley

Development: Outline planning permission with all matters reserved for the erection of up to 4 detached dwellings.

1. Town / Parish Council

Ardleigh Parish Council

Ardleigh Parish Council strongly objects to this application. Although the address appears to have been given differently we believe that it is similar to earlier rejected applications and may be misleading.

The site falls outside the settlement development boundary on a rural site with inadequate local infrastructure (eg no footpath along this stretch of B1029).

The reasons for earlier rejections have not changed, this is not a suitable site for housing. Building in this location would not be sustainable, and the proposed development is strongly out of keeping with the locality. We do not believe there is a need for more of this type of housing, the housing land supply shortfall is relatively modest.

The Parish Council did not receive copies of the paperwork although we understand that they may have been sent to Great Bromley (and the site borders the two parishes). We may have further comments to add, but aware of time limits and wished to flag our strong objection.

Bromley Parish Council

Great Bromley Parish Council highlights this application due to incorrect jurisdiction. The land adjacent to Shaftesbury is in Ardleigh. The Parish Council objects for the same reasons as submitted on the previous application for this site (15/01935/OUT).

2. Consultation Responses

Essex County Council
Archaeology

The above application has been identified on the weekly planning list.

The proposed development lies along a historic route adjacent to a mid 19th century chapel which is a listed building. Historically the area was known as Burnt Heath and settlement along the main roads would have originated from the medieval period onwards. The road is very straightened in this area and heads northwards towards the location of a Roman road linking Mistley with Colchester, revealed through aerial photography and existing alignments. Cropmark evidence to the southeast reveals further track or routeways. There is potential for evidence relating to roadside occupation or activity within

the proposed development area that will be impacted upon by the proposed development.

The following recommendations are made in line with the Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary ground-works can commence until a programme of archaeological evaluation has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

2. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ, shall be submitted to the local planning authority.

3. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

4. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

If you have any questions about this advice, please do not hesitate to contact me.

ECC Highways Dept

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

1. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in

accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

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

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

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

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

4 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5 Any new or proposed boundary hedge shall be planted a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway and to preserve the integrity of the highway, in the interests of highway safety in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

6 The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in indicative Drawing Numbered 02-2019-02P. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

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

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1

and 8 of the Highway Authority's Development Management Policies February 2011.

8 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

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

9 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

10 Prior to the occupation of any of the proposed dwellings the applicant shall provide a new footway across the entire sites frontage to Ardleigh Road to a minimum of 2.0m in width which shall extend from the existing adjacent footway outside Chapel Cottage to the outer tangent of the junction with Mill Lane and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

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

Informative1: 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

90/00224/FUL	Two storey extension to provide swimming pool and games room.	Approved	30.03.1990
94/00200/FUL	(Shaftesbury House, Briar Road, Great Bromley) Demolition of an existing building which is to be replaced with a larger building to be used for storage and parking of agricultural contractors equipment	Refused	17.05.1994
95/00558/FUL	(Shaftesbury House, Briar Road, Great Bromley) Demolition of an existing building and construction of new to be used for out of season storage of agricultural equipment	Refused	04.07.1995
99/01326/FUL	Open storage of agricultural machinery	Approved	11.11.1999
99/01327/FUL	Retention of domestic storage building	Approved	11.11.1999
01/00296/FUL	Open storage of agricultural machinery (Renewal of planning permission 99/01326/FUL)	Approved	25.04.2001
15/00426/OUT	Outline planning application with all matters reserved for 5 dwellings.	Refused	20.05.2015
15/01935/OUT	Outline planning application with all matters reserved for 5 dwellings	Refused	24.05.2016
		Dismissed at Appeal	20.02.2017

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

HG1 Housing Provision

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

HG14 Side Isolation

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

SPL1 Managing Growth

SPL3 Sustainable Design

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency

with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

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

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

In relation to housing supply:

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

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application relates to a parcel of land on the eastern side of Ardleigh Road within the Parish of Ardleigh (close to the boundary with Great Bromley Parish). The site extends approximately 3.9 hectares in size, is rectangular in shape with a road frontage of 110 metres extending from the junction with Mill Lane which bounds the north of the site down to the property known as 'Chapel House' to the south. The front and side boundaries are enclosed by an established Hawthorn hedgerow with an open rear boundary with fields beyond.

The site lies outside of any defined settlement development for the area as set out with the adopted Tendring District Local Plan 2007 and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Description of Proposal

The site address and description have been amended to better describe the site and development and to also tie in with the planning and appeal history.

The application seeks outline planning permission with all matters reserved for development of site for detached dwellings.

Layout, Scale, Appearance, Access and Landscaping are all reserved for subsequent consideration.

The number of dwellings proposed is not specified within the application description.

The application is accompanied by an indicative layout plan showing 4 large detached 2 storey dwellings each served by a double garage (Drawing No. 02-2019-02P). The layout plan shows the creation of 4 new accesses to serve the dwellings. The application is also accompanied by an indicative elevation plan showing an example of a dwelling and its garage (Drawing No. 02-2019-03P).

Assessment

The main considerations in this instance are;

- Planning and Appeal history;
- Principle of Development;
- Layout, Scale and Impact (including Impact on Green Gap);
- Residential Amenities;
- Access and Parking;
- Trees and Landscaping;
- Financial Contribution - Recreational Disturbance;
- Financial Contribution - Open Space and Play Space;
- Archaeology; and,
- Representations.

Planning and Appeal History

This application follows 2 previously refused applications on the same site under planning application reference numbers 15/00426/OUT and 15/01935/OUT, the latter application was the subject of an appeal under appeal reference number APP/P1560/W/16/3163353. The appeal was dismissed on 20th February 2017.

The supporting statement provided by the Agent also refers to a number of nearby approved residential developments. However, these were approved at a time when application were being assessed against the draft Local Plan: Proposed Submission Draft (2012) as amended by The Tendring District Local Plan: Pre-Submission Focussed Changes (2014) which included a Bromley Cross Settlement Boundary. This application site remained outside of this settlement boundary which has now been removed from the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The appeal decision made reference to this;

'A settlement boundary was placed around Bromley Cross, in part, due to the presence of the bus service and public house, which once included a post office. Because of this, the Council have recently approved the erection of houses in Colchester Road west of The Cross Inn as well as east of Morants Lodge. Houses have also been approved south of Camelot and north of the Cross Inn.

However, it appears that the post office has closed and the pub, which is due to reopen soon, will operate on reduced hours. The already limited array of facilities has therefore been curtailed further. This is a material change since the recent housing approvals in Bromley Cross.'

The planning and appeal history forms a material consideration and is referred to within the assessment below where relevant.

Principle of Development

The site lies outside of the Ardleigh 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. Development should be plan led unless material considerations indicate otherwise.

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

- Economic

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

In this instance, the site lies approximately equidistant between the defined settlements of Arleigh and Great Bromley being in excess of 2km to either village.

Arleigh and Great Bromley are both identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and are defined as Smaller Rural Settlements within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). 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.

The flurry of development secured during the Local Plan Pre-Submission Focussed Changes (2014) has provided a small scale increase in housing stock in this vicinity which has secured the re-opening of Great Bromley Cross Public House. The Appeal Inspector recognised that 'a public house and bus stop are located within a comfortable walk and safe of the site'. However, this is the only facility in the immediate locality of the site. 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.

The Appeal Inspector concluded that 'the bus stop provides a service to nearby towns and villages. Nevertheless, the timetable demonstrates there are some significant gaps in the service, which would limit opportunities to travel to work by bus. However, these factors go a little way in offsetting the appeal site's isolation from facilities.' In addition it was concluded that 'the nearest service centres to the site, which include education, retail, leisure and employment opportunities, appear to be Ardleigh and Colchester. To access these facilities on foot would require future occupants of the scheme to negotiate busy rural roads, which for long sections are devoid of pavements. As such, they are not routes along which pedestrians should be encouraged to travel frequently. The distance and unappealing walking environment would deter future residents from walking to these local facilities. Accessing these services by bicycle could be an option for some future residents, but not all, depending on mobility and proficiency. Thus reducing the reliance that can be placed on this mode of transport as a genuine alternative to a private car. As such, the site could reasonably be described as being isolated from everyday services and facilities.'

The sustainability credentials of the site against the social objective of the NPPF are poor and would result in future occupants of the site being largely reliant on private vehicles with limited travel choices.

- 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.

Whilst it is recognised that the indicative plan shows a reduced number of dwellings to that shown under application 15/01935/OUT (5 reduced to 4), matters of detail have been reserved for future consideration for both applications and there has been no material change in circumstances since the appeal (reference number APP/P1560/W/16/3163353).

The site encompasses part of a larger field with the southern boundary delineated by Chapel House and the northern boundary by Mill Lane. The roadside hedge along the appeal site's western boundary is a notable landscape feature. The site has an undeveloped and rural character which contributes positively to the visual amenity of the area. The indicative drawings demonstrate that the scheme would involve the erection of 4 no. detached houses with double garages and the boundary hedge would be breached by 4 individual hardened accesses. Thus, the scheme would result in a harmful urbanisation of the site with its existing open and undeveloped character, when viewed from the Ardleigh Road and Mill Lane, replaced by housing and its associated paraphernalia. The retention of most of the existing frontage hedge would not mitigate this adverse impact as the houses

and garages would be visible over this hedge and any screening would be notably diminished in the winter.

Moreover, the scheme would appear as a discordant intrusion into the countryside due to its suburban and linear character, which would appear as a form of ribbon development intruding into open countryside and away from the natural boundary of the hamlet marked by Chapel House. As such, it would not consolidate the built form of Bromley Cross in the same way the recent infill development along Colchester Road has or will. Instead, the scheme would appear as an incongruous adjunct to the hamlet.

For these reasons, the scheme would significantly harm the rural character and appearance of the area contrary to saved Policies EN1, QL11 and QL9 of the Tendring District Local Plan 2007, which seek to secure developments which are well designed and protect the existing local character.

Residential Amenity

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.

Highway safety

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.

Access is reserved for subsequent approval. 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 current Essex County Council Parking Standards.

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

Financial Contribution - Recreational Disturbance

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 5800 metres from the Stour and Orwell Estuaries SPA and Ramsar. 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 Contribution - Open Space and Play 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.

There is currently a deficit of -1.15 hectares of equipped play and formal open space in Great Bromley. The nearest play space in Great Bromley is located along Harwich Road, approximately 2.8 miles from the application site. Due to the distance from the development site to the nearest play area. It is unlikely that there will be any significant impact on this play area. Therefore no contribution is requested on this occasion.

Archaeology

The planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

The proposed development lies along a historic route adjacent to a mid 19th century chapel which is a listed building. Historically the area was known as Burnt Heath and settlement along the main roads would have originated from the medieval period onwards. The road is very straightened in this area and heads northwards towards the location of a Roman road linking Mistley with Colchester, revealed through aerial photography and existing alignments. Cropmark evidence to the southeast reveals further track or routeways. There is potential for evidence relating to roadside occupation or activity within the proposed development area that will be impacted upon by the proposed development.

The recommendations and conditions would be necessary in the event of the development being approved.

Representations

Both Ardleigh and Great Bromley Parish Council's object to the application for the reasons set out above.

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

- Planning and appeal history remain relevant – no material change.
- 4 large properties do not provide affordable housing.
- Severe lack of amenities and services.
- Occupants would be car dependant.
- Will result in the merging of settlements.
- Outside settlement boundary.

- Harmful to rural character and landscape character.
- Unsustainable location.
- Little to no street lighting or footpaths.
- Overlooking and loss of privacy.
- Poor, repetitive design.
- Harmful to highway safety and pedestrian safety.
- Loss of agricultural land.

The harmful impact on the character and appearance of the area is addressed in the main report above.

- Loss of hedgerow will have a harmful impact on wildlife.

The time of any clearance of the hedgerow could be controlled by condition to ensure this would take place outside of the nesting season. A condition could also be imposed to ensure a net biodiversity gain through the implementation of hedgehog friendly fencing, bat and bird boxes and other mitigation techniques. This does not therefore form a justified reason for refusal in this instance and the site agricultural land and is devoid of any habitat rich vegetation.

- Land is of archaeological value.
This is covered in the main report above.
- Will worsen flooding and surface water flooding.
- Local sewage system could not cope with further development.
The site is not within a flood zone and any application would be subject of a permeable surfacing only requirements. Sewerage and drainage is not a consideration for a development of this scale and there is no requirement to consult the local water body. Drainage would be dealt with at the building control stages of development.
- Noise, disturbance and obstruction during construction.
Noise and disturbance during construction is an inevitable and short term impact of the development process and cannot constitute a reason for refusal.

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 proposed development is considered socially and environmentally unsustainable. The application is not accompanied by a legal agreement to secure the financial contribution towards recreational disturbance. The application is therefore recommended for refusal.

6. Recommendation

Refusal - Outline

7. Reasons for Refusal

- 1 The site lies outside of the Ardleigh 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. Development should be plan led unless material considerations indicate otherwise.

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

In this instance, the site lies approximately equidistant between the defined settlements of Ardleigh and Great Bromley being in excess of 2km to either village.

Ardleigh and Great Bromley are both identified as a village within saved Policy QL1 of the adopted Tendring District Local Plan 2007 and are defined as Smaller Rural Settlements within Policy SPL1 of the emerging Tendring District Local Plan Publication Draft (2017). 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. 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.

Great Bromley Cross Public House is the only facility in the immediate locality of the site. The nearby bus stop provides a service to nearby towns and villages. Nevertheless, the timetable demonstrates there are some significant gaps in the service, which would limit opportunities to travel to work by bus. However, these factors go a little way in offsetting the site's isolation from facilities. In addition the nearest service centres to the site, which include education, retail, leisure and employment opportunities, are Ardleigh and Colchester. To access these

facilities on foot would require future occupants of the scheme to negotiate busy rural roads, which for long sections are devoid of pavements. As such, they are not routes along which pedestrians should be encouraged to travel frequently. The distance and unappealing walking environment would deter future residents from walking to these local facilities. Accessing these services by bicycle could be an option for some future residents, but not all, depending on mobility and proficiency. Thus reducing the reliance that can be placed on this mode of transport as a genuine alternative to a private car. As such, the site could reasonably be described as being isolated from everyday services and facilities.

The sustainability credentials of the site against the social objective of the NPPF are poor and would result in future occupants of the site being largely reliant on private vehicles with limited travel choices failing to meet the social objective of sustainable development.

- 2 Paragraph 8 of the National Planning Policy Framework 2019 (NPPF) sets out the overarching objectives for achieving sustainable development, one being the environmental objective which requires the planning system to contribute to protecting and enhancing our natural, built and historic environment. Furthermore, Paragraph 127 of the NPPF requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

The site encompasses part of a larger field with the southern boundary delineated by Chapel House and the northern boundary by Mill Lane. The roadside hedge along the site's western boundary is a notable landscape feature. The site has an undeveloped and rural character which contributes positively to the visual amenity of the area. The indicative drawings demonstrate that the scheme would involve the erection of 4 no. detached houses with double garages and the boundary hedge would be breached by 4 individual hardened accesses. Thus, the scheme would result in a harmful urbanisation of the site with its existing open and undeveloped character, when viewed from the Ardleigh Road and Mill Lane, replaced by housing and its associated paraphernalia. The retention of most of the existing frontage hedge would not mitigate this adverse impact as the houses and garages would be visible over this hedge and any screening would be notably diminished in the winter.

Moreover, the scheme would appear as a discordant intrusion into the countryside due to its suburban and linear character, which would appear as a form of ribbon development intruding into open countryside and away from the natural boundary of the hamlet marked by Chapel House. As such, it would not consolidate the built form of Bromley Cross in the same way the recent infill development along Colchester Road has or will. Instead, the scheme would appear as an incongruous adjunct to the hamlet.

Regardless of the Council's 5 year housing land supply, the scheme would significantly harm the rural character and appearance of the area contrary to saved Policies EN1, QL11 and QL9 of the Tendring District Local Plan 2007, which seek to secure developments which are well designed and protect the existing local character.

- 3 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 5800 metres from the Stour and Orwell Estuaries SPA and Ramsar. 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 Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.