



TENDRING DISTRICT COUNCIL

Planning Services

Council Offices, Thorpe Road, Weeley, Clacton-on-Sea, Essex CO16 9AJ

AGENT:	Jamie Cambridge 14 Seafield Avenue Mistley Manningtree Essex CO11 1UE	APPLICANT:	Paul Mason 17 Coggeshall Road Ardleigh Colchester Essex CO7 7LP
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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 20/00359/OUT **DATE REGISTERED:** 6th March 2020

Proposed Development and Location of Land:

**Construction of three detached dwellings.
17 Coggeshall Road Ardleigh Colchester Essex**

THE TENDRING DISTRICT COUNCIL AS LOCAL PLANNING AUTHORITY **HEREBY REFUSE OUTLINE PLANNING PERMISSION** in accordance with the application form, supporting documents and plans submitted, for the following reason(s)

- 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 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.

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

In line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 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 2013-2033 and Beyond Publication Draft (June 2017) which has much less in the way of job opportunities, local services, facilities and other infrastructure. For these settlements, the emerging Local Plan identifies opportunities for small-scale growth. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of villages and thus enabling them to be considered for small-scale residential 'infill' developments. With this in mind, the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) settlement development boundary for Ardleigh has been extended but does not include the application site.

There are very few amenities in the area and, whilst there are bus stops nearby, these can only be accessed by travelling 160m along a road which has no streetlights and only grassed verges, meaning that future occupants would be car dependant for their day to day needs. The area is rural in appearance; characterised by sporadic pairs of small-scale, linear, semi-detached dwellings (likely historic agricultural workers' dwellings) set on medium to large plots. It is considered that the local landscape character, which is one of a very low density, linear, rural settlement pattern would not be maintained by the proposal. The layout of the site, with three dwellings reaching far in to the plot and having one single-storey bungalow at the front of the plot, which is some way forward of the perceived building line of adjacent dwellings, neither protects nor enhances the natural and built environment. Not only are the dwellings themselves of a scale which is at odds with the established form of the existing built environment, but the resulting plot sizes also introduce an alien site layout. For this reason the proposal also fails the environmental arm of sustainable development. The location of the application site fails to meet the social and environmental objectives and there are no benefits that outweigh this conflict. In addition, approving development at this location would set a harmful precedent for further socially unsustainable residential development.

- 2 Paragraphs 127 and 170 of the NPPF state that developments should add to the overall quality of the area, be visually attractive as a result of good architecture and be sympathetic to local character, including the surrounding built environment.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District local Plan (2007) seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward within Policy SPL3 of the emerging Local Plan.

The area is rural in appearance; characterised by sporadic pairs of small-scale, linear, semi-detached dwellings (likely historic agricultural workers' dwellings) set on medium to large plots with large areas for off-street parking forward of the building line. The site layout proposes three dwellings reaching deep in to the site on plots which are significantly smaller than any other in the locale and, with the forwardmost single-storey bungalow some way in advance of the perceived building line of adjacent dwellings, neither adds to the overall quality of the area nor is it visually attractive or sympathetic to local character. The extent of buildings and hard built form (parking spaces and driveways) when compared to features which could soften the impact of the development, for example soft landscaping and sense of spaciousness, result in a layout which appears harsh and cramped.

The development does not add to the overall quality of the area, be visually attractive as a result of good architecture or be sympathetic to local character, including the surrounding built environment. Further, it does not make a positive contribution to the quality of the local environment and character, by being well designed, nor does it relate satisfactorily to its setting and is therefore contrary to the aforementioned national and local planning policies.

- 3 Paragraph 127 of the National Planning Policy Framework 2019 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Saved Policy QL10 of the adopted Tendring District Local Plan (2007) requires that all new development should meet functional requirements. In particular the policy states that planning permission will only be granted if; buildings and structures are orientated to ensure adequate daylight, outlook and privacy and provision is made for functional needs including private amenity space. Emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017 supports these objectives. Additionally, Saved Policy HG9 sets out the minimum standards for private amenity space.

The proposed dwellings would be served by adequate levels of private amenity space that meet the minimum standards.

In regards to the existing occupiers of No. 14 Coggleshall Road, the intervening bank of glasshouses provides separation distances in excess of 30m and, in regards to the existing occupiers of No. 17 Coggleshall Road, subject to there being no dormer windows in the north or east roofslopes, it is likely that the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of these properties.

However, the layout of the site is such that the front and middle dwelling are positioned with their front elevation within 2m of the access road and 0.6m from the pavement; the occupiers of these dwellings are at both a significant risk of suffering from a loss of privacy from pedestrians accessing the dwelling at the rear of the site but also potentially suffering from a materially damaging impact on their amenities by reason of the closeness of passing vehicular traffic.

The development fails to secure a good standard of amenity for future occupants contrary to the afore-mentioned national and local plan policies.

- 4 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. Furthermore, for a dwelling of this size, Essex County Council Parking Standards require a minimum of 2 parking spaces 2.9m x 5.5 metre in size.

Grouping of dwellings served by a common access, need to ensure that opposing vehicles are able to turn into and out of the access and pass clear of the limits of the highway as such the proposed private drive needs be constructed to a width of 5.5 metres for at least the first 6 metres so vehicles can enter and leave the highway in a controlled manner. In relation to the first two dwellings the allocated parking spaces appear to be confined and very narrow with the potential for people having to exit the vehicle via the private drive. The internal dimensions of the proposed garages appear to be too narrow and as a result the application has not demonstrated what Cycle parking shall be provided in accordance with the EPOA Parking Standards for all the plots apart from Plot 2.

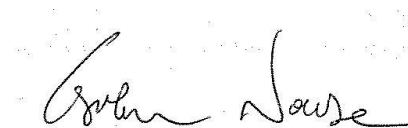
The plans indicate that the site layout has insufficient space within the site to enable emergency service vehicles/refuse lorries or the largest type of vehicle visiting the site to turn around and approach the highway in a forward gear. There is a potential to inconvenience or cause a hazard to pedestrians due to various multiple reversing manoeuvres attempting to turn vehicles around so they can exit in forward gear. Alternatively, it would lead to vehicles reversing onto the busy carriageway of Coggeshall Road, which would result in an unacceptable degree of hazard for both emerging and approaching vehicles and to other highway users to the detriment of highway safety.

Pedestrian access from sustainable modes of transport would be along an unlit road with no form of pavement. The grassed verges are likely to cause difficulty for pedestrians to negotiate whom have limited mobility or those pushing buggies/prams etc, the outcome of this is likely to be that the pedestrians walk in the road.

The proposal is therefore considered contrary to the aforementioned national and local plan policies due to the adverse effect on highway safety for both pedestrians and drivers.

DATED: 15th May 2020

SIGNED:



Graham Nourse
Acting Assistant Director
Planning Service

IMPORTANT INFORMATION :-

The local planning authority considers that the following policies and proposals in the development plan are relevant to the above decision:

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
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
COM6	Provision of Recreational Open Space for New Residential Development
HG1	Housing Provision
HG9	Private Amenity Space
LP1	Housing Supply
TR7	Vehicle Parking at New Development

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

SP1	Presumption in Favour of Sustainable Development
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports & Recreation Facilities
PPL4	Biodiversity and Geodiversity

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

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

Legal Agreement Informative - Recreational Impact Mitigation

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues: mitigation against any recreational impact from residential developments in accordance with Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Legal Agreement Informative - Public Open Space

This application is the subject of a legal agreement and this decision should only be read in conjunction with this agreement. The agreement addresses the following issues:- public open space in accordance with saved Policy COM6.

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within the set time frame as outlined below:
 - a. If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Householder Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - b. If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within **12 weeks** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
 - c. If you want to appeal against your local planning authority's decision on a development which is not caught by a. and b. above then you must do so within **6 months** of the date of this notice. A **Planning Appeal Form** is required, available online at <https://www.gov.uk/planning-inspectorate>
- Appeals must be made using the relevant form (as detailed above) which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. **Please note, only the applicant possesses the right of appeal.**
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted permission for the proposed development or could not have granted it without the conditions imposed having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

ENFORCEMENT

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.