

DELEGATED DECISION OFFICER REPORT

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Application: 20/00359/OUT **Town / Parish:** Ardleigh Parish Council

Applicant: Paul Mason

Address: 17 Coggeshall Road Ardleigh Colchester

Development: Construction of three detached dwellings.

1. Town / Parish Council

Clerk to Ardleigh Parish Council

Ardleigh Parish Council wishes to object to this application which falls outside the settlement development boundary in an area which was Land Settlement Agency land. The location opens on to quite a dangerous part of the A137 and there would be concerns about increased traffic, road safety and over-development. The council is unconvinced that there is a need for further detached houses in and around our village and is also concerned about further loss of agricultural land at this uncertain time.

2. Consultation Responses

UU Open Spaces

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh.

Due the current deficit of play provision in Ardleigh a contribution towards play provision is both relevant and justified to this application. The contribution received will be used to make improvements at the play area located at Ardleigh Recreation Ground.

ECC Highways Dept

In principle the Highway Authority does not object to the proposal but has some concerns in relation to the density of the application and the impact that has on the internal layout

Building Control and Access Officer

No comments at this time.

3. Planning History

97/00013/FUL	(Oaktree Corner, 17 Coggeshall Road, Ardleigh) Two storey side extension (residential)	Approved	18.02.1997
09/00501/FUL	Erection of 8 stables and hay store and construction of menage, as amended by drawing nos 5A and 6A received on 05/06/09 and 2B received on 17/06/09.	Approved	15.07.2009

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

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

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 an 'L' shaped plot of land to the west of No. 17 Coggeshall Road in Ardleigh. The plot, excluding the vehicular apron, is around 1462sqm; being approximately 18m wide at the entrance and then, for a length around 55m, it increases gradually to 23m. The 'base' of the L-shape is in the region of 33m wide for a depth of 16.8m.

The area has a very rural character to it with and, for the most part, small pairs of semi-detached dwellings set back around 15m from the road edge. Plots vary in size and typically have the appearance of farmworkers' dwellings.

Proposal

This is an application for outline planning permission with all matters reserved for consideration at a later date; notwithstanding that no plans accompany the application – the supporting Planning Statement confirms that three detached bungalows are proposed.

A 5m wide vehicular access is proposed at the western-most point of the site.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Amenities of Existing & Future Occupiers
- Highway Considerations;
- Biodiversity;
- Financial Contributions - RAMS;
- Financial Contributions - COM6;
- Representations; and,
- Other Considerations.

1. 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 anyone 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 (as recognised by the Inspector) 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 11d) 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

Development should be plan led unless material considerations indicate otherwise. The above-mentioned appeal decision forms a material consideration in this instance of significant weight. However, 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. For completeness, these are assessed below.

- economic;
- social, and;
- environmental roles.

Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the development 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 a Smaller Rural Settlement which has much less in the way of job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and villages for work, shopping and other services and frequently need to travel distances either by public transport (if it is available) or, more often than not, by private car. Because of this, 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. However, these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep local shops and services viable and help bring balance to any ageing population. 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 the villages and thus enabling them to be considered for small-scale residential 'infill' developments provided that it does not detrimentally impact the historic and natural environment.

The proposed development is located approximately 160m away from the main A137 Harwich Road, where bus-stops providing regular services to Harwich are close to the junction with Coggleshall Road. However, the route to this point comprises an unlit road with grass verges only and no pavements and there is a significant concern for the safety for both pedestrians of limited mobility or those with pushchairs/buggies. As such, access along Coggleshall Road to public transport is likely to be unsafe and impractical. The great majority of journeys by future residents to gain access to employment and day to day services would then be made by private car. For this reason the proposal fails the social arm of sustainable development.

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. 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 fails the environmental arm of sustainable development.

2. Layout, Scale and Appearance

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.

No elevational plans have been submitted as the appearance of the proposal is a matter reserved for later consideration. 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.

3. Amenities of Existing & Future Occupiers

The NPPF, at paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In addition, Policy QL11 of the Saved Plan states that amongst other criteria, 'development will only be permitted if the development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties'. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Different dwelling sizes and types provide accommodation for individuals and families with a wide range of expectations and need for private amenity space. "Private amenity space" comprises a private outdoor sitting area not overlooked by adjacent or opposite living rooms or outdoor sitting areas. It will therefore not necessarily always amount to the entire rear garden. Apart from its private recreation function, private amenity space is also important in achieving well laid out development. Policy HG9 requires that private amenity space shall be provided to new dwellings in accordance with the following standards:- for three or more bedroom house - a minimum of 100 square metres; two bedroom house - a minimum of 75 square metres. The block plans indicates that the three dwellings would have a private amenity space that meets the minimum standards.

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.

In regards to the existing occupiers of No. 14 Coggeshall Road, the intervening bank of glasshouses provides separation distances in excess of 30m and, in regards to the existing occupiers of No. 17 Coggeshall 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.

4. Highways

Paragraph 108 of the NPPF 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. These objectives are supported by emerging Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017. The Council's current Parking Standards require that for dwellings with 3 bedrooms a minimum of 2 parking spaces be provided per unit. The preferred bay size for cars is 5.5 metres by 2.9 metres and the minimum bay size is 5 metres by 2.5 metres.

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 to 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.

5. Recreational Disturbance Avoidance and Mitigation Strategy (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 three new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 2,988.1 metres from Stour And Orwell Estuaries SPA and Ramsar. Since the development is for 3 dwellings only, the number of additional recreational visitors would be limited and the likely effects on the Stour And Orwell Estuaries from the proposed development alone may not be significant. However, new housing development within the Zoi would be likely to increase the number of recreational visitors to the Stour And Orwell Estuaries; and, in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the

emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

6. Public 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.

There is currently a deficit of -1.70 hectares of equipped play/open space in Ardleigh.

Due the current deficit of play provision in Ardleigh a contribution towards play provision is both relevant and justified to this application. The contribution received will be used to make improvements at the play area located at Ardleigh Recreation Ground.

8. Representations

Ardleigh Parish Council objects to this application which falls outside the settlement development boundary. The location opens on to quite a dangerous part of the A137 and there would be concerns about increased traffic, road safety and over-development. The council is unconvinced that there is a need for further detached houses in and around our village and is also concerned about further loss of agricultural land at this uncertain time.

Conclusion

For the reasons set out above, being a socially and environmentally unsustainable form of development, causing harm to the established linear form of development, harm to the established scale of development and resulting in incompatible plot size and form, representing poor design by reason of the site layout, harm to the amenity and privacy of the future occupiers by reason of the proximity of the dwellings to the internal site's pavement and access road, the potential to inconvenience or cause a hazard to pedestrians as a result of multiple reversing manoeuvres attempting to turn vehicles around so they can exit in forward gear, the 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 and the risk to pedestrian safety as a result of there being no pavements or street lights along Coggeshall Road, warrant refusal of planning permission.

6. Recommendation

Refusal - Outline

7. Conditions / 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 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 Arleigh 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 Coggeshall Road, the intervening bank of glasshouses provides separation distances in excess of 30m and, in regards to the existing occupiers of No. 17 Coggeshall 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.

8. Informatives

Positive and Proactive Statement

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

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.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO