

DELEGATED DECISION OFFICER REPORT

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Application: 20/01438/OUT **Town / Parish:** Great Bentley Parish Council
Applicant: Mr P Brown
Address: Land adjacent Timberlea Mere Shair Lane Great Bentley
Development: Erection of two detached dwellings and alterations to existing vehicular access.

1. Town / Parish Council

Great Bentley Parish
Council
04.12.2020

At Great Bentley Parish Council Planning Committee meeting held on 3rd December 2020 it was resolved to object to this application for the following reasons:

1. The land is outside the village envelope.
2. The land is outside the emerging Local Plan.
3. Building additional properties in this location will have a negative effect upon the current rural aspect and building 2 houses will be out of context with other nearby properties.
4. This does not meet sustainable development objectives where there is no footpath or safe pedestrian access therefore vehicular use to amenities will be required.

It was also noted that there are mis-leading and perceived inaccuracies within the outline planning statement for example the bus stop - there is no bus service to Great Bentley.

There are no plans to show positioning of the 2 houses on the proposed site.

2. Consultation Responses

ECC Highways Dept
08.12.2020

The information that was submitted in association with the application has been fully considered by the Highway Authority. The site is situated on a stretch of Shair Lane that is subject to a de-restricted speed limit and the plot has an established hedge abutting the highway either side of the existing field access.

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority.

TDC Building Control and
Access Officer
09.11.2020

Insufficient information to be able to comment at this time.

TDC Tree & Landscape
Officer
20.11.2020

The main body of the application site is set to rough grass with ruderal vegetation becoming established. The site contains several seedling Oaks that do not constrain the development potential of the land.

TDC UU Open Spaces
09.12.2020

There is currently a deficit of -1.73 hectares of equipped play in Great Bentley.

Recommendation

Although there is a deficit of play facilities in Great Bentley, due to the size and location of the development it is unlikely that the development will have an impact on the current facilities. However should further development occur a contribution may be required.

3. Planning History

04/01463/FUL	Conversion of existing garage and minor alterations	Approved	21.09.2004
19/30193/PREAPP	Erection of two detached dwellings.	Refused	04.02.2020
20/01438/OUT	Erection of two detached dwellings and alterations to existing vehicular access.	Current	

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

COM6 Provision of Recreational Open Space for New Residential Development

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

LP1 Housing Supply

TR1A Development Affecting Highways

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) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council is now making arrangements to formally adopt Section 1 of the Local Plan in its modified state and this is expected to be confirmed at the meeting of Full Council on 26th January 2021 – at which point will become part of the development plan and will carry full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan. In the interim, the modified policies in the Section 1 Local Plan, including the confirmed housing requirement, can be given significant weight in decision making owing to their advancement through the final stages of the plan-making process.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) is now expected to proceed in 2021 and two Inspectors have already been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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 technically falls below 5 years – but this is only because, until the modified Section 1 Local Plan is formally adopted at the end of January 2021, housing supply has to be calculated against a housing need figure derived through the government's 'standard methodology' – a figure that is significantly higher than the 'objectively assessed housing need' of 550 dwellings per annum in the Section 1 Plan and confirmed by the Inspector in his final report to be sound. Because of this technicality, the NPPF still requires 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.

However, because the housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

5. Officer Appraisal

Site Description

The application site is a roughly square-shaped parcel of land measuring approximately 2936m². The plot is to the south west of the property known as 'Timberlea Mere' and comprises what was their garden. Both the western and northern boundaries are demarcated by established conifer hedges that are approximately 4m tall.

The site is situated along a stretch of Shair Lane where limited housing – sporadic even, is present, and, in that sense, and for the purposes of the Framework, the proposal would not constitute an isolated home in the countryside. Nevertheless, there are shortcomings in respect of the site's location relative to services and facilities, and its accessibility.

The site lies on the boundary of both Great Bentley and Tendring Parishes, but is within the boundary of Great Bentley. It is outside the Settlement Boundaries of both Great Bentley and Tendring.

Description of Proposal

The application is for outline permission for two dwellings with all matters reserved; the purpose of such an application is to simply determine whether the principle of the development is acceptable. As all matters are reserved there is no requirement for details regarding siting, scale, design or landscaping are required at this initial stage.

Relevant Planning History

In 2019, an application for two dwellings with double garages was made on land a little under 200m to the north east of the current application site. Application 19/00277/OUT was the subject

of a non-determination appeal in July 2019; the appeal was dismissed in November 2019 on the grounds that the site was not an appropriate location for housing (including with regard to the accessibility of services and facilities) and the effect of the development on the character and appearance of the area. Significant weight is attributed to the dismissal of this appeal as the appeal site is in extremely close proximity to the application site.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Neighbouring Amenities;
- Highway Considerations;
- Financial Contributions - RAMS;
- Representations

1. Principle of Development:

Having regard to the above and for completeness, the principle of residential development on the site can be assessed as follows.

The site lies outside of any Settlement Development Boundary (SDB) 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. Not supported by any specific countryside policy nor allocated for development, the location outside the SDB renders this proposal contrary to LP Policy QL1.

LP Policy Q1 remains broadly consistent with the Framework objective for achieving sustainable development. This is through a plan-led approach that focuses significant development on locations which are or can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes. This also includes making effective use of land, particularly that which is previously developed, in meeting the need for homes. Those planned for rural areas should be responsive to local circumstances and support local needs, whilst recognising the intrinsic character and beauty of the countryside.

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.

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.

As of 16 June 2017, the emerging Local Plan is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (DLP). Section 1 of the DLP (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and

May 2018, with further hearing sessions in January 2020. The strategy has been found sound and, subject to modifications, is at an advanced stage towards adoption.

However, the Section 2 DLP, which is more relevant to decisions over the actual distribution of growth within Tendring, is at a much earlier stage and has yet to be the subject of examination; as such limited weight can be afforded to the policies contained within it. The DLP follows the approach of the LP in having separate SDBs defined.

- Assessment of Sustainable Development

While the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

In line with Paragraph 8 of the National Planning Policy Framework (2018), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. These are assessed below.

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

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 arm of sustainable development. Notwithstanding this, such benefits would be the same were the development in a location that accorded with development plan policy.

- 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.

DLP Policy SPL1 identifies Great Bentley as a Rural Service Centre, the third lowest of four categories in sustainability terms. The supporting text states that Rural Service centres, the Local Plan identifies opportunities for smaller-scale growth. Some of these villages will accommodate a modest increase in housing stock, where appropriate, within the plan period.

Socially, it is necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs.

The village of Great Bentley hosts a range of services and facilities which would allow future occupants of the proposed dwellings to meet their day to day needs. Notwithstanding this, the most direct route to the centre of the village from the site would involve negotiating narrow and winding country lanes, which would mean walking or cycling a distance approximately 2.5km/1.5miles. This distance alone would have the effect of discouraging future residents to access the village on foot. Moreover, there is a distinct lack of footpaths or street lighting along this route which would be a further impediment for pedestrians, as well as dissuading cycle use outside daylight hours.

A limited number of services and facilities are clustered together off a roundabout (at the junction with the A133 and B1033) approximately 800m to the east of the site, including a petrol station with shop, fast food restaurant and pub/restaurant. The most direct access to these facilities would involve walking along a series of rural footpaths, which are accessible adjacent to the site, routing through the countryside and away from nearby roads. Again, a large majority of this route is unlit and unevenly and poorly surfaced to the extent that it would be an unsuitable route for those residing in the proposed dwellings to access these services, particularly during inclement weather or at night.

Additional provisions, including a railway station, can be found in the village of Weeley, circa 2.9km/1.8miles away. However, access to it would involve utilising the same footpath route, albeit over a longer distance, and this route would not be an attractive alternative to using a private car.

Bus stops are positioned alongside Colchester Road, close to its junction with Shair Lane, within a 767m of the site. Despite the regularity of bus services (approximately half-hourly) from these stops serving Jaywick, Clacton, Great and Little Clacton, Weeley, Frating, Elmstead Market, Hythe Railway Station and on to Colchester, pedestrian accessibility from the site is impaired by a lack of lighting or suitable footpaths, making it an undesirable and potentially unsafe route with a lack of suitable segregation between vehicles and those walking along Shair Lane. This would be compounded by inadequate visibility during the hours of darkness. Furthermore, the bus stop located on the opposite side of Colchester Road would require pedestrians to cross a busy, poorly lit road with limited pedestrian refuge either within the carriageway, or at either side of the road, to aid with safe crossing. Consequently, despite the proximity of bus stops to the site, access to them by foot is somewhat precarious.

Paragraph 103 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas; it is to be expected, therefore, that some travel by private motor vehicles is likely in rural areas such as this. The proximity of bus stops would give future residents some degree of choice over transport modes. However, even taking this into account, the distance between the proposed dwellings and the services and facilities on which future occupiers would rely for day to day living, and the aforementioned factors which would restrict access to those services and facilities for pedestrians and cyclists, means it is likely that residents would be heavily reliant on the use of the private car, which is the least sustainable travel option.

The site is not considered to perform well under the socially sustainable strand and it would be reasonable to refuse planning permission on this basis.

- 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.

2. Layout, Scale and Appearance:

The Government attach great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. One of the core planning principles of The National Planning Policy Framework (NPPF) as stated at paragraph 130 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 aim to ensure that all new development makes a positive contribution to the quality of the local environment, relates well to its site and surroundings particularly in relation to its form and design and does not have a materially damaging impact on the amenities of occupiers of nearby properties. Emerging Policy SP1 reflects these considerations.

In terms of the impact on the character and appearance of the area, the site is well screened from the road and the surrounding area by a (circa) 4m high conifer hedge. Whilst the land has been fenced off to delineate the different ownerships, it retains a rich and verdurous character and

appearance which is more akin with the surrounding countryside than the properties which are interspersed intermittently alongside Shair Lane.

Properties along Shair Lane typically benefit from expansive plots; the application site is a typical size of plot – notwithstanding this it is proposed to site two dwellings on the plot which would not reflect the established scale of development within the vicinity.

The submitted plans are indicative, but it is clear that to accommodate the dwellings proposed, whatever the final form of the development, it would involve permanent encroachment into an area of countryside, diminishing the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character.

Whilst planting/landscaping could be carried out to soften, screen and enhance the appearance of the development and the retention of the four Oaks on the site could be conditioned, these factors would not negate the harmful effect this urban form would have on the rural character and appearance of the area.

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.

Private amenity space shall be provided to new dwellings in accordance with the following standards:- a three or more bedroom house - a minimum of 100 square metres; two bedroom house - a minimum of 75 square metres; one bedroom house - a minimum of 50 square metres. In accordance with the policy requiring the area to not be overlooked by adjacent or opposite living rooms or outdoor sitting areas, the proposed dwellings are likely to have sufficient private amenity space available if they were a three-bedroom property.

As this is an outline application with all matters reserved, no details are available in regards to the exact siting of the two dwelling in relation to the site boundaries. Notwithstanding this, Mayfield to the south-west is approximately 18.5m from the boundary and Timberlea Mere to the north-east is approximately 50m from the boundary. For these reasons it is considered that sufficient space is available on site to provide a 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.

Overall the proposal is considered to secure a good standard of amenity for existing and future occupants of land and buildings.

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.

The proposal would take access directly from the existing access as indicated on the proposed block plan, however the applicant has failed to demonstrate adequate visibility splays from the proposed access in accordance with the speed of the road, to the satisfaction of the Highway Authority. The lack of such visibility would result in an unacceptable degree of hazard to all highway user to the detriment of highway safety.

The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility which is not in accordance with current safety standards. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would be to the detriment of highway safety.

It has not therefore been adequately demonstrated that access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

5. Landscaping

The boundary of the application site with Timberlea Mere is not planted however, whilst the boundary hedges adjacent the road provide a high level of screening the Tree Officer comments that they are not attractive features in their setting as they are an incongruous species in a rural location.

Within the conifer hedgerow on the northern boundary, adjacent to the highway, there are 4 mature Oaks. At the present time these are somewhat hidden by the conifers.

The continued and potentially increased use if the existing access to the land may require the removal of some of the boundary conifers however their removal and replacement with a new hedgerow comprising of indigenous species would improve the character and appearance of the public realm.

6. 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 two new dwellings on a site that lies within the Zone of Influence (Zoi) being approximately 7,177m from Hamford Water SPA and Ramsar. Since the development is for 2 dwellings only, the number of additional recreational visitors would be limited and the likely effects on Hamford Water 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 Hamford Water; 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.

7. Representations

Eight letters of objection have been received; of the eight – seven object to highway safety, lack of pavements and the lack of streetlights; three object to the harm on the character of the streetscene; one objects to the development being outside the settlement boundary; three object to the effect of the development on nature/wildlife; two consider the proposal to be overdevelopment and one objects on the grounds of previously refused similar applications. All of the concerns raised have been addressed in the preceding paragraphs.

Three letters of support cover matters such as; more housing is required, this is an infill development, supports local economy, road isn't dangerous, too many houses being built in estates, luxury houses would be in-keeping with the area and the development is well-placed. These matters are addressed below.

Great Bentley Parish Council object to this application for the following reasons:

1. The land is outside the village envelope.
2. The land is outside the emerging Local Plan.
3. Building additional properties in this location will have a negative effect upon the current rural aspect and building 2 houses will be out of context with other nearby properties.
4. This does not meet sustainable development objectives where there is no footpath or safe pedestrian access therefore vehicular use to amenities will be required.

The Parish Council also noted that there are misleading and perceived inaccuracies:-

- within the out-line planning statement for example the bus stop - there is no bus service to Great Bentley.
- There are no plans to show positioning of the 2 houses on the proposed site.

In response to points 1-4; these matters are addressed in the main report.

In response to the comment regarding the bus stop; this inaccuracy is agreed with – the bus stop at the north-east junction with the A133 does not serve Great Bentley.

In response to the comments regarding the lack of plans; this is an outline application with all matters reserved and a site location plan indicating the access is all that is required to be submitted.

Planning Balance

The Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

The housing land supply shortfall is relatively modest when applying the standard method prescribed by the NPPF and significant weight can now be given, in the interim, to the sound policies in the modified Section 1 Plan (including the housing requirement of 550 dwellings per annum), the reality is that there is no housing shortfall and, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. Therefore, in weighing the benefits of residential development against the harm, the Inspector's confirmation of 550 dwellings per annum as the actual objectively assessed housing need for Tendring is a significant material consideration which substantially tempers the amount of weight that can reasonably be attributed to the benefit of additional new housing – particularly in the consideration of proposals that fall outside of the settlement development boundaries in either the adopted or the emerging Section 2 Local Plan.

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the properties and from future occupants utilising local services, and so meets the economic arm of sustainable development. Notwithstanding this, such benefits would be the same were the development in a location that accorded with development plan policy; no weight can reasonably be attributed to the benefit of additional new housing in this regard.

The extensive distance to local shops, community facilities and schools et al, in conjunction with pedestrian accessibility from the site being impaired by a lack of lighting or suitable footpaths, making it an undesirable and potentially unsafe route with a lack of suitable segregation between vehicles and those walking along Shair Lane, compounded by inadequate visibility during the hours of darkness means it is likely that residents would be heavily reliant on the use of the private car, which is the least sustainable travel option. The site is not considered to perform well under the socially sustainable strand and this factor weighs heavily against allowing the proposed development.

To accommodate the dwellings proposed, whatever the final form of the development, it would involve permanent encroachment into an area of countryside, diminishing the contribution the site makes to its verdant surroundings, thus undermining its intrinsic character. This factor weighs heavily against allowing the proposed development.

The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility which is not in accordance with current safety standards. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would be to the detriment of highway safety. This factor weighs heavily against allowing the proposed development.

Over recent years the Council have indicated that it could not demonstrate a deliverable five year supply of housing, this is no longer the case as, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. As such, providing an additional two houses can no longer be deemed as a benefit to outweigh the harm.

Taking all of the above into account, the harm identified significantly and demonstrably outweighs what would have historically been a very small the minor benefits when assessed against the policies in the Framework when taken as a whole.

6. Recommendation

Refusal - Outline

7. Reasons for Refusal

- 1 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 National Planning Policy Framework 2019 requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake by not allowing new housing unless it is consistent with countryside policies.

The application site is located in a semi-rural area with equidistant ranges of 1.5 miles from the village of Great Bentley and a convenience shop in Weeley. The site is located outside of any defined settlement boundary in both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). The site is significantly detached from the main focus of built form within Great Bentley, along a road which is neither lit nor paved which contains a total of seven buildings (six dwellings and a farmstead). The main body of the application site has been left to nature in the main, with a pathway cut around the perimeter.

Properties along Shair Lane typically benefit from expansive plots; the application site is a typical size of plot - notwithstanding this it is proposed to site two dwellings on the plot which would result in an incongruous-appearing development that would be out of character with the prevailing semi-rural pattern of development in the area.

There is a strong conifer hedgerow to the western boundary however removal/breaking through this would be required to facilitate adequate vehicular access. Along with the undeveloped and 'garden-like' appearance of the site, two new dwellings would introduce a harsh and alien form of development which would demonstrably harm the character of the area.

Accordingly, the development of the site would represent an erosion of the rural relatively undeveloped aspect of Shair Lane which would be to the significant detriment of visual amenity. The proposal by reason of introducing two dwellings on a plot the size of which typically contains one dwelling, is not considered to make a positive contribution to local character and does not reinforce local distinctiveness.

In applying the NPPF's presumption in favour of sustainable development, the adverse impacts of the proposal on; the Council's ability to manage growth through the plan-led approach, the adverse impact upon the character and appearance of the area and the absence of any pedestrian infrastructure; are not outweighed by the modest benefit of two additional dwellings when the Council are able to report a significant surplus of housing land supply over the 5 year requirement.

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

- 2 The site lies outside of any Settlement Development Boundary as defined within both the adopted Tendring District Local Plan (2007) and the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017). Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

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

Historically the Council had indicated that it could not demonstrate a deliverable five year supply of housing, this is no longer the case as, on adoption of the Section 1 Plan, the Council will be able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years. As such, providing an additional two houses can no longer be deemed as a benefit to outweigh the harm.

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 in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

In respect of the social dimension, Policy SPL1 identifies Great Bentley as a Rural Service Centre, the third lowest of four categories in sustainability terms. The supporting text states that Rural Service centres, the Local Plan identifies opportunities for smaller-scale growth. Some of these villages will accommodate a modest increase in housing stock, where appropriate, within the plan period. It is also necessary to consider the proximity of the site to destinations such as convenience shopping, education, healthcare, community halls and jobs. Given that the development would be sited where there are no footpaths or streetlights, the nearest bust-stop is 767m away and the nearest convenience shops, school(s) and GP-Services are in excess of one and a half miles away; given the absence of any local services within walking distance it is considered that the future occupiers of the proposed properties would be heavily reliant upon the need to travel by private vehicle for services and facilities and for access to employment. As such occupiers of the development would be reliant on private motor car and the proposed development would not accord with one of the core aims of paragraph 17 of the Framework, which states that planning and decision taking should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

- 3 The National Planning Policy Framework 2019 (NPPF) at paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area. Furthermore, 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 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.

The applicant has failed to demonstrate adequate visibility splays from the proposed access in accordance with the speed of the road which are to the satisfaction of the Highway Authority. The lack of such visibility would result in an unacceptable degree of hazard to all highway user to the detriment of highway safety. The proposal would intensify the use of an existing access which has deficiencies in geometric layout and visibility which is not in accordance with current safety standards. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would be to the detriment of highway safety. It has not therefore been adequately demonstrated that access to the site is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate.

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.

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