

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	09/03/21
Planning Development Manager authorisation:	TF	10/03/2021
Admin checks / despatch completed	ER	10/03/2021
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**Application:** 20/01592/FUL **Town / Parish:** Clacton Non Parished

**Applicant:** Mr Kandiah - R Eleven Ltd

**Address:** Land adjacent Batemans Lane, Weeley Road, Little Clacton

**Development:** Proposed 4 no. dwellinghouses and associated works.

### 1. Town / Parish Council

Little Clacton Parish  
Council  
15.12.2020

This amended application for development remains a site located in severely close proximity to a very dangerous bend in the road. This site sits outside of the village envelope of the building boundary outlined in draft local plan, its development would not be in accordance with the development plan and emerging Local Plan. With the Local Plan Inspector confirming that Tendring's housing supply is sound there is no longer a presumption in favour of development.

This parcel of land is the last open stretch of green land on this side of the road (as the determined application 20/0016/detail swallows the other open land). This reason has already been given for a rejection of proposed erection of two properties within the village (17/00726/OUT). Infill building in Little Clacton has a very negative impact on the village, causing it to lose view across open fields which is to be expected in a rural village. Without gaps it becomes a continual developed area found in towns. This site is low lying and now the site has been completely bulldozed of all greenery is a flood risk zone, already fully water logged at present.

We question the design layout of all four dwellings. All have large open plan 'roof spaces' with permanent staircase access and multiple windows. Current design states '3 bedroom' properties which is what will be used to calculate S106 contributions, effect of the buildings on the local area i.e school places, doctors places etc.

Later adaptations to make additional bedrooms, another three bedrooms could be added at any time into the 'roof space', will result in all calculations being wrong and parking on site being completely inadequate.

### 2. Consultation Responses

The information that was submitted in association with the application has been fully considered by the Highway Authority. Due to the current COVID restrictions no site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated April 2019. It is noted that this application is a reduction in the number of dwellings proposed as part of withdrawn application 20/00749/FUL that was for eight houses; therefore:

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

1. Prior to occupation of the development and as indicated on drawing no. 927-10, each road junction/ private access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 60 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the private accesses are first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of each vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety in accordance with policy DM1.

3. Prior to occupation of the development a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

4. Prior to occupation of the development the existing footway across the entire site frontage shall be retained at an effective minimum width of 1.5 metres.

Reason: To make adequate provision within the highway for the continued safe passage of pedestrians in accordance with Policy DM1 as a result of the proposed development.

5. No unbound material shall be used in the surface treatment of the private vehicular accesses or access road.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1.

6. Prior to the occupation of any of the proposed dwellings, each private drive shall be constructed to a width of 5.5 metres for at least the first 6 metres from the back of the Highway Boundary and provided with an appropriate dropped kerb crossing of the footway.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in accordance with policy DM1.

7. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

8. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8

9. The proposed/any new boundary planting shall be planted a minimum of 1 metre back from the highway boundary and any visibility splay.

Reason: To ensure that the future outward growth of the planting does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety and in accordance with Policy DM1.

10. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

11. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

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

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety and Policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### 3. Planning History

20/00749/FUL	Proposed construction of 8 new dwellings and associated works.	Withdrawn	30.09.2020
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### 4. Relevant Policies / Government Guidance

#### National:

#### **National Planning Policy Framework (2019)**

#### **National Planning Practice Guidance**

#### Local

#### **Adopted Local Plan Policies (2007)**

QL1	Spatial Strategy
QL11	Environmental Impacts and Compatibility of Uses
COM6	Provision of Recreational Open Space for New Residential Development
COM31a	Sewerage and Sewage Disposal
EN1	Landscape Character
EN6	Biodiversity
EN6a	Protected Species
EN11a	Protection of International Sites: European Sites and Ramsar Sites
EN13	Sustainable Drainage Systems
HG1	Housing Provision
HG3	Residential Development within Defined Settlements
HG9	Private Amenity Space
HG14	Side Isolation
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

#### **Tendring District Local Plan: 2013-2033 and Beyond**

#### Section 1:

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)

SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles

## Section 2:

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP3	Green Infrastructure
LP1	Housing Supply
LP3	Housing Density and Standards
LP4	Housing Layout
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
CP1	Sustainable Transport and Accessibility

## **Supplementary Planning Guidance:**

- Parking Standards Design and Good Practice Guide (2009)
- Essex Design Guide (2005)
- Provision of Recreational Open Space for New Development (2008)
- Urban Place Supplement (2007)
- Crime Reduction through Environmental Design (2001)

## **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

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 10<sup>th</sup> 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 has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **5. Officer Appraisal**

### Site Description

The site is bounded on two sides by Batemans Lane and the B1441 Weeley Road. It is undeveloped and generally flat. Dwellings in the locality vary in terms of their architectural style materials and finishes. Although varied in design many dwellings feature prominent front gables facing onto Weeley Road. Opposite and to one side lies the existing residential built form of the village. Otherwise, surrounding land is largely undeveloped. This creates a varied and interesting streetscape that is punctuated by the countryside and gives the area its character and a strong sense of place. The site is not located within a Conservation Area, nor is it within the setting of any Listed Building.

### Description of Proposal

The application is in full and proposes 4 detached, 3 bedroom dwellings with further accommodation within the first floor roof space. The houses are designed in mirrored pairs with subtle variations in external materials and finishes. Dwellings would be served by two shared accesses from Weeley Road towards which their front elevations would face. Each would benefit from either detached or integral garages/storage space. Dwellings on Plots 1 and 2 would have slightly lower main ridge heights than those on Plots 3 and 4. The resultant roofscape would be varied; it would step up from the Batemans Lane site boundary to meet the existing built form of the streetscene. The hedgerow to Weeley Road would be replanted and a post and rail fence and hedgerow provided to Batemans Lane and the rear boundary.

The main issues are:

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highway Safety
- Open Space
- Ecology
- Drainage
- Representations

### Principle of Development

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the 1990 Town and Country Planning Act and section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, in part, 'Saved' policies of the adopted Tendring District Local Plan 2007 (the Local Plan). Paragraph 213 of the National Planning Policy Framework 2019 (the Framework) allows local planning authorities to give due weight to adopted albeit outdated policies, according to their degree of consistency with the policies in the Framework.

Saved Local Plan Policy QL1 and Section 1 Policy SP3 of the Emerging Local Plan set out that development should be focused towards the larger urban areas and to within the identified settlement development boundaries. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development on locations which are or can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes.

While Saved Local Plan Policy HG3 permits residential development within the defined settlement development boundaries (SDB) of towns and villages, subject to a number of criteria, the site is located outside the SDB for Little Clacton. It is not proposed under the emerging Local Plan that the SDB should include the application site. Accounting for the current housing land supply situation there is no requirement to consider housing growth outside of these boundaries as the planned growth for the District to meet housing need has been established.

The proposal is not for affordable housing, nor are any special circumstances advanced to justify departing from the development plan. From the above, due to its location, the proposal would therefore be contrary to the development plan and the Council's strategic approach to housing delivery. It is therefore unacceptable in principle.

### Visual Amenity

Saved Local Plan Policy EN1 and Adopted Section 1 Policy SP7 of the Emerging Local Plan seek high standards of urban and architectural design and to protect the district's landscape and distinctive local character. Section 2 Emerging Local Plan Policies SPL3 and LP4 also require, amongst other things, that all new development should make a positive contribution to the local environment and protect or enhance local character. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The application site together with the adjoining nib of land between Batemans Lane and Homing Road give welcome relief from the otherwise surrounding built form of the village on this side of the street. This positive characteristic is accentuated in views up and down Weeley Road by virtue of its proximity to a bend in the highway.

The proposal is reduced in density and scale from proposals submitted under cover of application reference 20/00749/FUL which was withdrawn. In architectural terms, dwellings under this revised scheme would be well articulated and would be reflective of their surroundings. The proposed density is consistent with local character and the flow of the resultant roofscape would follow the pattern of development in the area. The scheme would provide good surveillance of the street and these are all positive aspects of the proposal.

Nevertheless, the development would extend the built form of the village on this side of the highway. The front gables of dwellings would be visible following thinning of the roadside hedge. While proposed replacement planting could screen the base of the dwellings in some views from the street, access visibility splays would need to be maintained and the massing of the dwellings would be apparent in views towards the surrounding countryside and vice versa. This would upset the positive contribution the balance between open and built spaces makes to local character. Bringing all these considerations together, the proposal would be harmful to the character and appearance of the area.

From the above, due to their location and layout, the proposed dwellings would therefore fail to maintain a strong sense of place. Accordingly, they would conflict with adopted Policy EN1 of the Local Plan and Policies SP7, SPL3 and LP4 of the Emerging Local Plan. The proposal would be contrary to Paragraph 127 of the framework and significant weight is attached to this harm.

### Residential Amenity

#### *Existing occupiers*

The proposed dwellings would be set well back from the highway as are dwellings opposite. Across this distance the proposal would not unduly harm the living conditions of these neighbours having regard to natural light, daylight, outlook and privacy. The gable of the adjacent dwelling is blank towards which the side elevation of Plot 4 would face. The ground floor windows of Plot 4 on the side elevation facing this dwelling would serve an en-suite and a bathroom and could therefore be obscure glazed by condition, as could the low level rooflight at first floor. The roof of the proposed dwelling on Plot 4 would slope away from the boundary and would have relatively low eaves. On this basis the proposal would not harm living conditions of occupants of the neighbouring dwelling having regard to privacy, daylight and outlook. A requirement by condition for a construction management plan would be capable of addressing the potential adverse impacts arising from construction. The proposal would be policy compliant in these regards.

#### *Proposed occupiers*

Emerging Local Plan Policy LP3 requires that new residential development achieves an appropriate housing density and has regard, amongst other things, to the national minimum internal floor space standards. While this policy is still subject to examination the proposed accommodation provides a good level of internal floor space to all main habitable rooms, including for storage and circulation. All habitable rooms would enjoy good levels of natural light, ventilation, and a satisfactory outlook. Furthermore, subject to the prior approval of a suitable means of boundary treatment between plots, the proposal would not be harmful to the privacy of future occupants.

In relation to outdoor amenity space, and space between dwellings and their boundaries, the proposed garden sizes and indicative layout exceeds the requirements of Local Plan Policy HG9 (minimum 100 sq.m garden for a 3 or more bedroom dwelling), and HG14, respectively. In these regards the proposal would also comply with policy.

### Highway Safety

Saved Local Plan Policy TR1a states that proposals for development affecting highways will be considered in relation to the road hierarchy, in order to reduce and prevent hazards and inconvenience to traffic. Furthermore, that the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated will be considered. Policy TR7 sets out that parking standards will be applied to new development.

Emerging Local Plan Policy SP7 states that all new development should include parking facilities that are well integrated as part of the overall design. Policy SPL 3, amongst other things, requires that access to sites is practicable and the highway network will be able to safely accommodate the additional traffic the proposal will generate, and not lead to an unacceptable increase in congestion. Also, that the design and layout of the development maintains and/or provides safe and convenient access for disabled persons.

Essex County Council have considered the submitted information and conclude that the reduced number of dwellings now proposed is acceptable in highway safety terms. Conditions are recommended including: the provision of vehicular and pedestrian visibility splays prior to first occupation; the formation of appropriate vehicle turning facilities within the site; retention of the existing footway; requirement for a Construction Method Statement, and; the prescription of driveway, parking space, cycle parking, and surfacing standards. Subject to such conditions the proposal does not raise any specific highway safety concerns. Sufficient parking would be provided to serve the needs of future occupants in accordance with current parking standards.



Paragraph 108 of the NPPF seeks safe and suitable access for all. Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposal is for 4 dwellings. The level of traffic generated is not considered to give rise to any unacceptable impact on highway safety, nor would it result in any residual cumulative impacts that would be severe.

### Open Space

Saved Local Plan Policy COM6 states that for residential development below 1.5 hectares in size, where existing open space facilities are inadequate to meet the projected needs of future occupiers, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs. The Council's Open Space Team identify that there is currently a deficit of 2.22 hectares of equipped play in Little Clacton. In accordance with the Council's Provision of Recreational Open Space for New Development Supplementary Planning Document (2008), a financial contribution is therefore required. A signed unilateral undertaking to pay the required Public Open Space Contribution has been completed. This is considered to comply with the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL), and the proposal is therefore policy compliant in this regard.

### Ecology

The Essex coast Recreational disturbance Avoidance and Mitigation Strategy (the "Essex coast RAMS") aims to deliver the mitigation necessary to avoid significant adverse effects from 'in-combination' impacts of residential development that is anticipated across Essex; thus protecting the Habitats (European) sites on the Essex coast from adverse effect on site integrity. All new residential developments within the evidenced Zone of Influence where there is a net increase in dwelling numbers are included in the Essex coast RAMS.

The development lies within the RAMS Zone of Influence although it is not within or directly adjacent to a European designated site. The site is approximately 5000 metres from the Essex Estuaries Special Area of Conservation and the Colne Estuary Special Area of Conservation. In accordance with Natural England's advice there is no requirement to consult them due to the specified RAMS mitigation measures.

In accordance with Emerging Local Plan Policy SP2 a contribution would be required from the development towards these measures. The contribution required would be £125.58 per dwelling. The submitted unilateral undertaking covenants to pay the required sum prior to the commencement of development. The Council has carried out and duly recorded the required Habitat Regulation Assessment and conclude that, with this mitigation, the project would not have an Adverse Effect on the Integrity of the European sites included within the Essex Coast RAMS.

The site is not the subject of any Tree Preservation Order. The requirement for net gains in biodiversity under the policies of the development plan and the NPPF, and acceptable soft landscaping measures, would all be capable of being secured by condition.

### Drainage

The site is not at risk of flooding and there is no evidence to suggest that the site cannot be adequately drained. Development plan policies EN13, SP7 and Paragraph 168 of the NPPF require that developments do not increase the risk of flooding elsewhere. To this end, sustainable drainage systems should be considered in order to be policy compliant. These are matters that would also be capable of being addressed by planning conditions.

### Representations

The Council acknowledges the concerns of Little Clacton Parish Council in relation to visual amenity. These have been considered above. Concerns over the precise number of bedrooms

proposed are noted. Nevertheless, the required legally binding undertaking has been completed that would require payment in accordance with the actual number of bedrooms prior to occupation. In any event, the recommendation is one of refusal.

Third party comment recognises that the scheme is less intensive than withdrawn proposals. However, concern has been expressed over the highway safety aspects of the proposal. As has been examined above the proposal would not give rise to any unacceptable impact on highway safety, or create severe residual cumulative impacts on the highway network. The County Council as Highway Authority has no objection on road safety grounds subject to conditions. Taking these considerations into account it would not be reasonable or proportionate to pursue alternative means of access or off-site highway mitigation works in the event that approval were recommended. Speeding on the highway is a matter that can be addressed outside of this planning application.

## **Conclusions**

The proposal would be contrary to the housing policies of the development plan and there are no exceptional circumstances which would justify a departure. Although there are positive aspects of the proposed design that weigh in favour of the proposal when taken as a whole it would harm the character and appearance of the area and significant weight is attached to this harm.

The scheme would not harm highway safety or have an unacceptable impact on the highway network. It would afford acceptable living conditions for existing and future occupants. The ecological impacts of the development on European sites can be mitigated and the proposal is capable of being adequately drained. The requisite CIL compliant undertaking in relation to Open Space and RAMS has been completed. These are neutral factors in the planning balance.

While there would be some social and economic benefits through the provision of 4 additional dwellings these benefits would be limited by the small scale of the proposal. In any case, these benefits would attract little weight in view of the current housing land supply position.

The proposal therefore conflicts with the development plan. Because material considerations do not indicate otherwise, planning permission should therefore be refused.

## **6. Recommendation**

Refusal – outline.

## **7. Reasons for Refusal**

1. Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that plans should positively seek opportunities to meet the development needs of their area. Strategic policies should, as a minimum, provide for objectively assessed needs for housing. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay. Paragraph 12 of the NPPF states that presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

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, 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 has now formally adopted Section 1 part of the development plan which carries 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.

For the purposes of the determination of this application the Council can currently demonstrate that a 5 year housing land supply exists. Engaging the presumption in favour of sustainable development under paragraph 11 d) of the NPPF does not apply in this instance. The policies for the delivery of housing are considered up-to-date and the application must therefore be determined in accordance with Paragraph 11 c) of the NPPF, thus in accordance with the development plan.

Accounting for the housing land supply situation, regardless of the proximity of the site in relation to services and amenities, there is no longer a requirement to consider such sites due to their location outside of the defined settlement development boundaries as the planned growth for the District to meet housing need has been established. The development is located beyond the identified settlement boundary and there are no public benefits that might warrant the proposal being considered in an exceptional light. The proposal is therefore contrary to Saved Local Plan Policy QL1 and Emerging Local Plan Policy SP1.

2. Due to their location and layout the proposed dwellings would be harmful to visual amenity and the distinctive local character. Accordingly, the development conflict with Saved Policy EN1 of the Local Plan and Policies SP7, SPL3 and LP4 of the Emerging Local Plan. The proposal would also be contrary to Paragraph 127 of the framework.

**8. Informatives**

Positive and Proactive Statement

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

<p><b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b></p>	<p>YES</p>	<p>NO</p>
<p><b>Are there any third parties to be informed of the decision? If so, please specify:</b></p>	<p>YES</p>	<p>NO</p>