
Appeal Decision

Hearing held on 6 September 2016

Site visit made on 6 September 2016

by Peter Rose BA MRTPI DMS MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2016

Appeal Ref: APP/P1560/W/16/3149457

Land north of Cockaynes Lane, Alresford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr E Fox against the decision of Tendring District Council.
 - The application Ref: 15/00120/OUT, dated 27 January 2015, was refused by notice dated 2 November 2015.
 - The development proposed is outline application for up to 60 dwellings on Land north of Cockaynes Lane, Alresford.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 60 dwellings at Land north of Cockaynes Lane, Alresford in accordance with the terms of the application Ref: 15/00120/OUT dated 27 January 2015, and subject to the conditions set out in the attached schedule.

Procedural Matters

Application subject to appeal

2. The application is in outline form with all matters reserved.

Drawings

3. The main parties agreed at the Hearing that the only drawing for which approval is being sought is Location Plan EG005-01. I also have regard to various illustrative, indicative and other technical documents which accompany the application, including an Illustrative Layout drawing which has been amended throughout the application process. It was agreed that the latest version of that drawing is Ref: EG005-OP4-01, and was publicised prior to the Hearing.

Section 106 agreement

4. An agreement made under section 106 of the Town and Country Planning Act 1990 was submitted and has been signed and executed as a deed dated 1 September 2016. This broadly relates to similar matters as set out in the Council's report of the application.

Local Plan update

5. The Council's decision notice refers to Policies SD2, SD3, SD4, SD9 and PLA5 of the Tendring District Local Plan Proposed Submission Draft November 2012
-

(the submission version). This version of the emerging Local Plan has since been superseded by the Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016 (the emerging plan).

6. I consider the appeal on the above basis.

Main Issues

7. The main issues are:

- (a) whether, in strategic terms, the proposed site would represent an appropriate location for development of up to 60 dwellings with regard to the development plan and national planning policy, and;
- (b) what effect the development may have upon the character and appearance of the appeal site and its surroundings.

Reasons

Location

- 8. The appeal site comprises an agricultural field of some 3.9 hectares on the western outskirts of the village of Alresford. The site lies behind existing housing in Station Road to the east, and behind further development fronting the B1027 to the north. To the west lies further open land. The southern boundary runs parallel to Cockaynes Lane (the Lane) and from which site access is provided.
- 9. The area north of the Lane west of Station Road contains relatively little built form. This contrasts with the area to the south which contains various dwellings and other buildings along the Lane's frontage. The area to the south also has a recent planning permission granted at appeal to Taylor Wimpey UK Ltd for up to 145 dwellings and associated works (Appeal decision Ref: APP/P1560/W/15/3124775 dated 1 June 2016) (the Taylor Wimpey scheme).
- 10. The appeal site lies outside, but adjacent to, the Settlement Development Boundaries as defined in both the Tendring District Local Plan 2007 Adopted December 2007 (the Local Plan), and in the emerging plan, and is not allocated for any form of development.
- 11. Policies SD2, SD3 and SD4 of the Proposed Submission Draft November 2012 have been incorporated into a single hierarchy policy SPL 1, entitled 'Managing Growth', within the emerging plan. This policy identifies a hierarchy of five rather than the previous three categories of settlement. Key Rural Service Centres have been re-named 'Rural Service Centres'. These comprise the fourth of five categories, and Alresford is identified as one of six such Centres.
- 12. The Council explained that the hierarchy reflects a sliding scale of sustainability characteristics, the presumption being to direct new development towards larger urban settlements (effectively the higher tiers). There is no longer any reference to a proportionate approach or to any 50-dwelling limit, but the supporting text in paragraph 2.50 explains that these settlements are intended to deliver a fair, achievable and sustainable level of growth that will make a meaningful contribution towards meeting local housing needs.

13. I also note that Policy QL1 of the Local Plan similarly seeks to concentrate most new development at the larger urban areas. It acknowledges possibilities for limited development within the settlement boundaries of smaller towns and villages consistent with local community needs, and Alresford is identified as one such village.
14. The Council asserted at the Hearing that the emerging plan is more robust than the previous submission version and addresses both the authority's consideration of its full objectively assessed housing needs, and various previous objections received. Nonetheless, the document has yet to be formally examined and both main parties agree the latest version should only be given limited weight. In light of the tests set out in paragraph 216 of the Framework, I agree.
15. Reflecting the Taylor Wimpey scheme, and other authorised developments, the Council has identified in excess of 200 dwellings committed but yet to be built at Alresford. The Council considers this amounts to an increase upon existing dwellings in Alresford of some 26%, compared to a planned District-wide increase of some 16%, of which some 333 further dwellings, excluding the developments already committed to Alresford, are targeted for the six Rural Service Centres. I heard the view that Alresford has already made its fair contribution to the District's housing supply, and that alternative locations should instead now be considered elsewhere.
16. I can appreciate the sentiment of that argument, but the emerging plan does not define a specific ceiling for growth in Alresford, nor offers a quantified distribution of growth between the various identified centres. Whilst referring to the possibility of a 'modest' increase in housing stock, relative allocations are not expressly defined. Although further development in a fourth tier authority such as Alresford may be at the expense of its alternative location in a higher tier settlement better placed to accommodate sustainable development, I have little firm evidence to indicate in this instance that a further 60 dwellings as proposed would, indeed, be alternatively accommodated in that manner.
17. I also heard how, notwithstanding the accessibility credentials of Alresford, the village railway station only offers a limited service and that car use inevitably dominates residents' movements, and will continue to do so. It was also asserted that, although Alresford may be sustainable in terms of accessibility, it is less so on a more qualitative basis taking into account the wider range of services for which residents still have to travel.
18. I have noted comparisons made to the circumstances of Weeley and Brightlingsea and, in particular, to the alternative circumstances for growth at Weeley, where a more planned and proactive approach is being pursued in conjunction with wider infrastructure investment, and to the contrasting existing composition of Brightlingsea and the range of services it offers.
19. Even so, the evidence base of the Council's Local Plan Settlement Hierarchy report dated April 2016 formally highlights the credentials of Alresford in contributing towards future patterns of sustainable development. It is agreed common ground that Alresford is identified as the highest scoring rural settlement in the District for accessibility to jobs, shops, services and facilities and that the village's high accessibility scores in part reflect the presence of a railway station, small employment areas and a village centre with good accessibility to neighbouring Colchester.

20. Notwithstanding the distinction made between the accessibility credentials of Alresford, and the more limited range of services it provides, I find no clear or convincing reason why, in principle, Alresford cannot contribute further to a level and pattern of sustainable development in the District. No quantitative limit is identified for Alresford's future development and the scheme would represent an immediate westward continuation of the existing settlement. Whilst the site lies just outside, but adjacent to, the defined development limits of the village, the Council also indicated how this boundary has, in practice, been interpreted and applied in a flexible manner. Nonetheless, the policy is there to be applied as stated.
21. Even though the village may be served by only limited railway services, the station still provides an important opportunity to promote sustainable movement, and bus services are also available nearby. The appellant also indicated at the Hearing an interest in extending a cycle lane proposed through the Taylor Wimpey scheme which would link through towards the station.
22. Objective 6 of the emerging plan states that the Local Plan's strategic objective for sustainability is to locate development where it will provide the opportunity for people to satisfy their day-to-day needs for services locally or in locations which minimise the need to travel and where there are modes of transport available in addition to the use of car.
23. I find Objective 6 to be broadly consistent with a core planning principle of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and to focus significant development in locations which are or can be made sustainable. The Framework does not seek to influence the distribution or allocation of sustainable development within or between particular areas. Whatever the history of planning decisions in Alresford, each scheme remains to be considered and assessed as sustainable development on its individual merits. Further, paragraph 2.50 of the emerging plan explains how new housing in Rural Service Centres is expected not just to make a meaningful contribution towards addressing local accommodation needs but also in supporting the village economy.
24. I therefore find that, in strategic terms, the proposed site would represent an appropriate location for development of up to 60 dwellings with regard to the development plan and national planning policy. Whilst technically contrary to aspects of the development plan in relation to Settlement Development Boundaries, the scheme would not give rise to significant strategic harm by reason of its location and would accord in this regard with the expectations of the Framework. This is a consideration to which I attach significant weight.

Character and appearance

25. The eastern end of Cockaynes Lane comprises a relatively narrow, single lane highway devoid of formal footpaths and enclosed by substantial hedges either side. Land to the west of the appeal site is open in character and is separated by further hedging. Whilst some built form fronts the Lane to the south, further open land currently lies beyond. The general impression of Cockaynes Lane in this vicinity is of a very quiet, highly green country thoroughfare attracting occasional pedestrian and vehicle movements and forming part of a wider area semi-rural in character.

26. The appeal decision for the Taylor Wimpey scheme notes that the eastern end of Cockaynes Lane is on the village fringe, and whilst rural in character, is nonetheless seen in the context of the built development of Alresford. It further suggests that this eastern end is less sensitive to new development, as compared with the circumstances further westwards as the Lane progresses away from the built-up frontage of Station Road and development becomes more sparse. I agree. A further recent appeal decision Ref: APP/P1560/W/15/3140170 dated 6 April 2016 and relating to one detached house at Land adjacent to Cockaynes House, Cockaynes Lane similarly refers to the attractive rural character of the Lane.
27. The appellant's Landscape Overview Statement identifies the site to be part of the Tendring Plain (Ref E3) Character Area of the Essex County Council Landscape Character Assessment, 2003. This is defined to be an extensive flat to slightly undulating plateau characterised by various features, including medium to large regular and semi-regular fields, and by widely dispersed small woods/copses. I find this description broadly characteristic of the appeal site and its wider surroundings, additional to the presence of nearby built form.
28. The appeal scheme would involve a built form of up to 60 dwellings and the accompanying loss of a pleasant rural field. The Council confirmed at the Hearing it had no issue regarding the physical capacity of the site to accommodate this scale of development.
29. Whilst public views into the field are currently limited, particularly when boundary foliage is in full bloom, the scheme would be clearly visible from the Lane and in adjacent private views, and it would lead to significant comings and goings associated with the future occupation. The appellant also indicated at the Inquiry a need to remove some 45.5 metres of existing hedgerow fronting the Lane in order to accommodate site access and related works. Notwithstanding proposed planting, views of the site would materially change to be more urban in appearance, occasional use would intensify, and its particularly quiet rural ambience would thereby be undermined. Even though the appeal site itself has no formal designation in relation to landscape quality, and few specific landscape features, I have no doubt the scheme would be harmful to the existing intrinsic rural character of the Lane.
30. I acknowledge use of the Lane as an amenity for local residents, and observed on two separate visits to the site the presence of pedestrians and of vehicle movements in both directions. I also note the representations of Alresford Parish Council and of other interested local residents regarding the importance of the Lane as one of only two ancient lanes to be found in the village, although not formally designated as such, and the access it provides to the adjacent Cockaynes Wood Nature Reserve.
31. That said, the impact of the scheme would be tempered by proposed further boundary planting and landscape buffers around the boundaries, all of which would remain for possible full and detailed consideration as reserved matters. The appellant also indicated that 36.5 metres of the removed hedge would be replaced and has suggested this could be designed to screen some highway works, particularly the footpath adjacent to the access.
32. I also accept that the appeal site is fairly contained with respect to its boundaries, and that the development would be relatively well related to adjacent built development, enclosed by existing development to the north and

east. Development to south will be intensified by the Taylor Wimpey scheme, so providing housing on three sides. The western elevation, however, would remain relatively open in character. I also have regard to the likely effectiveness of the screening provided by existing boundary planting with seasonal variations in its foliage.

33. Nonetheless, notwithstanding all the above, the future context for this development is not the current character and appearance of the Lane as I observed, but the environment which will be created following development of up to 145 dwellings immediately south of the appeal site. Significant highway works are proposed as part of that scheme, including a new access. There would be a net loss of some 12 metres of hedgerow and widening and re-alignment of the carriageway would occur for a distance of around 70-80 metres at the eastern end of the Lane, including footways and associated features. The appearance of the eastern end of the Lane with new access to the south and associated highway works will be more developed and less rural, and the wider character of the Lane consequent to the comings and goings generated by up to 145 further dwellings will also be materially different.
34. Works to the highway arising from this subject appeal would only extend a relatively short distance beyond those authorised in connection with the development to the south. Beyond those works the physical form of the Lane itself would be maintained, although its character would still be impacted by greater comings and goings and its immediate visual backdrop would include views of dwellings extending further west at the expense of otherwise open countryside. Appreciation of the existing rural character of the Lane would undoubtedly be harmed by its proximity to an extensive mass of housing.
35. The application subject to appeal has all matters reserved and full details of landscaping, including an undoubted need for suitable boundary planting and other treatment, and all aspects of layout, remain to be considered. Nevertheless, the indicative layout includes a substantial attenuation pond in the south-west corner of the site. This would preclude built development along that part of the Lane and serve to safeguard the rural character of that part of the site. The appellant also advised at the Hearing that the drainage constraints of the site are such as to offer little alternative to that location for such a facility. The pond would also lie adjacent to six large trees (five Oaks and one Ash) which are subject to Tree Preservation Orders. These front the Lane extending east and would remain, and the boundary hedging be supplemented and additional planting, appropriately managed, would become more established over time.
36. Whilst there would be some removal of Hawthorn due to its poor condition and some minor pruning of trees, the appellant stated at the Hearing that existing trees and hedgerows would be retained, except for the section fronting the Lane where vehicular access would be required.
37. In summary, although I find that the adverse urbanising impact of the scheme would be offset to some degree by the future development context and by the mitigation proposed, the net impact upon the Lane would still be harmful.
38. A core principle of the Framework is to recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. I am also

mindful of the Minister of State for Housing and Planning's affirmation by letter dated 27 March 2015 of the importance of the impact of development upon landscapes outside designated areas. In this regard, I acknowledge from the representations made that the Lane is undoubtedly valued by local residents, and I accept that 'valued' does not necessarily just equate to designated landscapes, and that most open land adjacent to residential areas may have a value to local residents. Nevertheless, I struggle to accept on the evidence that the appeal site itself has intrinsic features or quality that would place it in the category of contributing to a valued local landscape in a sense intended by the Framework.

39. Policy EN1 seeks to protect and, where possible, enhance the quality of the District's landscape and its distinctive local character. Policy QL11 seeks to ensure, amongst other matters, that all new development should be compatible with surrounding land uses and minimise any adverse environmental impacts. Development will only be permitted where, amongst other matters, the scale and nature of the development is appropriate to the locality.
40. Policy SPL 3 of the emerging plan carries forward considerations of design, layout and compatibility similarly set out in Policy SD9 of the submission version. Policy PPL 3 of the emerging plan carries forward landscape considerations similarly set out in Policy PLA5 of the submission version.
41. Taking all the above factors together, I therefore find that the proposed development would be significantly harmful to the character and appearance of the appeal site and its surroundings, but with particular regard to the urbanising effect upon the rural character of Cockaynes Lane itself as an intrinsic local feature. Accordingly, the development would be contrary to Policies EN1 and QL11 of the Local Plan, and to Policies SPL 3 and PPL 3 of the emerging plan, and contrary to the expectations of the Framework. The degree of harm has to be assessed relative to the future character and appearance of the Lane as arising from the Taylor Wimpey scheme already approved and in the further context of the specific mitigation proposed by this appeal scheme. Nevertheless, there would still remain a marked net adverse impact which I shall need to weigh as part of an overall planning balance and to which I also attach significant weight.

Other Matters

Five-year housing land supply

42. The Framework requires the local planning authority to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing relative to its full objectively assessed needs for market and affordable housing.
43. The Council accepts it is unable to demonstrate a five-year supply of housing land. As of June 2016, the Council considers it is able to demonstrate a supply of 3.8 years, which I regard to be a significant deficiency relative to the expectations of the Framework.
44. In the absence of a five-year supply of deliverable housing land, it follows, by virtue of paragraphs 47 and 49 of the Framework, that relevant policies in the development plan for the supply of housing are to be considered out-of-date. Further, by virtue of being out-of-date, relevant provisions of the presumption

in favour of sustainable development under paragraph 14 of the Framework would also be engaged.

45. In accordance with the judgment of the Court of Appeal in *Suffolk Coastal District Council and Hopkins Homes Limited and the Secretary of State for Communities and Local Government, and Richborough Estates Partnership LLP and Cheshire East Borough Council 2016* (EWCA Civ 168), I find that Policies EN1, QL1 and QL11 of the Local Plan, and Policies SPL 1, SPL 3 and PPL 3 of the emerging plan all, to varying degrees, create or constrain housing supply. Accordingly, they are not to be considered up-to-date, and this is generally acknowledged by the Council. This finding would also apply to accompanying Settlement Development Boundaries whose definitions flow from such policies.
46. The Statement of Common Ground also acknowledges a need to release other greenfield sites in order to meet current housing deficiencies and future needs, and I return to this as part of my wider planning balance.

Access

47. Whilst access remains a reserved matter, the appellant explained his concern to ensure that this scheme would not be prejudiced by access arrangements as recently approved for the development of up to 145 dwellings to the south. In particular, no objection was raised by the Council or the highway authority at the time of refusal to this appeal scheme, but the appeal decision for land to the south has been issued subsequently. The appellant has therefore sought to clarify the status of possible access proposals in that light.
48. To that end, a further Statement of Common Ground has been prepared between the appellant and the highway authority signed and dated 26 and 31 August 2016. This identifies a range of technical solutions for possible access to the appeal scheme and includes the highway authority's confirmation that, in principle, various discussed arrangements would be acceptable.
49. I consider this Statement as having been made without prejudice to the formal consideration and publicity of reserved matters in due course, but the appellant and the Council both agreed at the Hearing there was no technical objection to be considered in relation to access. Rather, the Council's concern in relation to this particular application is an alleged general effect of any further access upon local character and appearance as discussed.

Neighbourhood Plan

50. I heard there is no adopted or emerging Neighbourhood Plan for Alresford. Preparation is now underway, but no formally published document is yet available.

Section 106 agreement

51. The agreement makes commitments to various matters to mitigate the impact of the development, including contributions in relation to education, open space and health care facilities. A commitment is also made for not less than 25% of the scheme to be provided as affordable dwellings in accordance with the expectations of the previous submission version.

52. The Council has provided evidence of compliance with the relevant provisions set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and this is not disputed. I have also had regard to the Framework, and to the relevant advice of both of the government's Planning Practice Guidance (the Guidance), and of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published 5 August 2016.
53. I find the agreement to be generally fit-for-purpose.
54. Accordingly, I take into account the commitments and accompanying terms as outlined above as considerations of my decision.

Other considerations

55. I have carefully considered all other matters raised, both at the Hearing and in written submissions, including matters relating to traffic conditions, the living environment for existing neighbouring residents, loss of agricultural land, flooding and ecology. These have not been raised as reasons for refusal by the Council and I have little reason to conclude that such matters represent grounds to preclude development. Issues of traffic and highway safety would be further considered in connection with access as a reserved matter should the appeal be allowed. Further consideration would be given to more detailed matters of drainage and ecology through conditions attached to a permission if this appeal were to be successful. I have also had regard to references to various case studies of development elsewhere.
56. Reference was made at the Hearing to any future permission possibly creating a precedent leading to pressures for further development of the open land to the west. Notwithstanding the importance of consistency in decision-making, the planning circumstances of any individual site and of any proposed scheme will be different from others, and each proposal and site must be considered with reference to its own particular merits. My decision in relation to this appeal reflects the specific circumstances which apply to this case as identified, and I would expect any other, future applications to be considered similarly on their particular merits.

Sustainable development

57. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
58. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole, and matters of location as set out in Main Issue (a) are but one integral aspect. At the heart of the Framework in paragraph 14 is a presumption in favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.
59. The scheme would undoubtedly provide considerable housing benefits, in terms of both affordable and market provision, and such benefits would be consistent with the social dimension of sustainable development. The Council has identified an objectively assessed need for some 500-600 dwellings per annum and the authority's report of this appeal scheme refers to some 173 households on the local housing register seeking accommodation in Alresford. The scheme would make a very real and tangible contribution towards addressing such

- needs. The appellant also indicated at the Hearing that a relatively early occupation of the site in 2018 was realistic if the development were to proceed.
60. Other social benefits would be confined to the matters of mitigation set out in the section 106 agreement and would be commensurate with the development proposed.
61. The investment represented by the development would also be consistent with the economic dimension. Whilst not quantified, the economic benefits would inevitably include investment in construction and related employment for its duration, and a likely increase in local household spending and demand for services arising from subsequent occupation.
62. The overall economic and social benefits of the scheme would be considerable and I attach weight accordingly.
63. In environmental terms, the scheme would incur loss of an open field and harm to the rural character of Cockaynes Lane outside the designated Settlement Development Boundaries as described.
64. The overall degree of harm would also be moderated by the reduced weighting to be afforded to relevant policies for the supply of housing which are to be considered out-of-date as described. The status of the emerging plan would also only attract limited weight for relevant policies.
65. More broadly, the Council acknowledges a need to develop other greenfield sites elsewhere, and this raises a valid question of opportunity cost. The absence of any formal designation recognising the landscape quality of the appeal site may mean this particular site is relatively unconstrained compared to others. In particular, it may be that the environmental limitations and accompanying environmental cost likely to be confronted at alternative, more restricted and more environmentally sensitive locations elsewhere in the District may be greater, but I attach only limited weight as this remains an open question in the absence of further evidence.

Overall Planning Balance

66. Paragraph 12 of the Framework reminds us of the statutory status of the development plan as the starting point for decision-making. It explains that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.
67. The presumption in favour of sustainable development set out in paragraph 14 of the Framework states that, where the development plan is absent, silent or relevant policies are out-of-date, planning 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, and unless specific policies in the Framework indicate development should be restricted.
68. I find the adverse impacts of the scheme, with particular regard to its environmental consequences, do not significantly and demonstrably outweigh the benefits of the scheme, with particular regard to economic and social implications.

69. Should it transpire for any reason that development of up to 145 dwellings does not proceed to the south, I find that the impact of the appeal scheme upon local character and appearance in that undeveloped context would be more evident. Nevertheless, this would still not be to an extent whereby that more noticeable degree of harm would alter the overall planning balance such that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits.
70. I therefore conclude that the proposed scheme would constitute sustainable development, and that the weighted planning balance required by paragraph 14, as clarified by the rebuttal presumption set out in *Cheshire East Borough Council and the Secretary of State for Communities and Local Government and Renew Land Developments Ltd* [2016] EWHC 571 (Admin), is such that planning permission should be granted.
71. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. I find that, with regard to the development plan as a whole and with regard to the Framework and all other material considerations as identified, the scheme would be sustainable development for which planning permission should be granted.

Conditions

72. I have considered the list of conditions put forward by the Council and discussed at the Hearing. In assessing such matters, I have regard to the advice set out in both the Guidance and in the Framework in terms of both the tests for individual conditions and of appropriate wording.
73. Commencement conditions are necessary to reflect the relevant legislation and the requirement to discharge outstanding submissions in relation to all reserved matters.
74. For the avoidance of doubt and in the interests of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawing, and a further condition limits the scale of development to no more than 60 dwellings in accordance with the terms of the application.
75. To ensure a satisfactory living environment for future occupiers, and of neighbouring occupiers, a scheme of surface water drainage, including relevant matters of flooding, remains to be approved. The development is also required to be undertaken in accordance with the terms of the submitted Flood Risk Assessment.
76. To protect the living conditions of neighbouring occupiers during construction, a condition requires the works to be undertaken in accordance with a Construction Method Statement, and this shall include delivery arrangements and details of public liaison as discussed at the Hearing.
77. To safeguard the contribution which existing trees and hedges make to local character and appearance, and as a context for future landscaping, an Arboricultural Method Statement is required, and including measures to protect existing tree and hedge planting during the course of the works.
78. To safeguard the ecological value of the site, a detailed mitigation scheme and management plan is required to be prepared.

79. To promote use of sustainable modes of transport by future occupiers, a Residential Travel Information Pack is required to be prepared, the detailed content and terms of which remain to be agreed.
80. To secure local economic benefits, the development is required to be implemented in accordance with the terms of a Local Recruitment Strategy reflecting Policy PP 12 of the emerging plan.
81. The Framework makes commitments to supporting high quality communications infrastructure and this is also reflected in Policy CP 3 of the emerging plan. The Framework identifies the vital role high speed broadband technology has in enhancing the provision of local community facilities and services, and a condition is imposed requiring appropriate measures to serve the development.
82. In the case of each of the pre-commencement conditions, I consider that resolution of the matters specified to be of sufficient significance to the achievement of an acceptable development and in safeguarding the subsequent form of development such that it would be inappropriate to proceed further without the prior clarification and certainty that would arise from their approval.
83. The Council has also suggested a number of other conditions, including in relation to landscape buffers and other landscaping matters, a Landscape and Public Open Space Management Plan, lighting, and details of access and of associated works. I am not satisfied that such matters properly form part of this current application. Further, their possible incorporation within the terms of an approval may potentially prejudice their assessment by local interested parties who may reasonably not interpret such matters to be subject to the current submission in accordance with the stated terms of the application as publicised. Rather, as important as these matters may well be to any eventual development of the site, I consider they variously relate to reserved matters, all of which are not the subject of this current application and all of which remain to be fully and formally considered following appropriate publicity prior to the commencement of any development. The same would also apply to layout in regard to a suggestion that the reserved matters should be in general conformity with illustrative details.
84. I am also concerned that some highway works suggested for inclusion in a planning condition extend beyond the application site as defined by the approved Location Plan. Provision of bus stops would also relate to land outside the application site and is not a matter within the appellant's control. Hence I find requiring provision by way of a planning condition in this instance to be unreasonable.

Conclusion

85. For the above reasons, the appeal is allowed on the terms specified.

Peter Rose
INSPECTOR

SCHEDULE OF CONDITIONS

General

1. Details of access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the approved drawing Ref: Location Plan EG005-01.
5. The number of dwellings to be accommodated in the development shall not exceed 60 (sixty).

Pre-commencement conditions additional to reserved matters

6. No development shall take place until full details of surface water drainage works have been submitted to and been approved in writing by the local planning authority. The submitted details shall:
 - i) include infiltration testing;
 - ii) include attenuation storage which caters for the 1 in 100 critical storm plus climate change, and details of appropriate surface water discharge rates;
 - iii) include permeable areas to be landscaped to ensure they do not run off into attenuation features;
 - iv) include necessary treatment stages to improve water quality and exceedance and conveyancing routes;
 - v) include measures to minimise the risk of flooding during the construction works;
 - vi) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - vii) include a timetable for its implementation; and,
 - viii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements necessary to secure the operation of the scheme throughout its lifetime.

No building shall be occupied until the works have been implemented in accordance with the approved details.

7. Prior to the commencement of any development, an Ecological Mitigation Scheme and Management Plan shall be submitted to and be approved in writing by the Local Planning Authority. The document shall include:
 - i) a precautionary survey to clarify the possible presence or otherwise of any protected species on the application site. If protected species are found to be present, the survey shall be accompanied by a scheme of full and appropriate mitigation measures (including precise details of the timing and method/s of protection). No development shall take place except in full accordance with such detailed measures as may be approved, and in accordance with an agreed timescale, and;
 - ii) a management plan to demonstrate how biodiversity within the site will be encouraged by the development and which shall be implemented in accordance with details and a programme to be approved.
8. No development shall take place until a Construction Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The Statement shall include details of:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) the loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel and under-body washing facilities;
 - v) hours of construction and a general programme for timings of deliveries, and;
 - vi) details of public liaison arrangements with local residents and other occupiers, but particularly information dissemination, both prior to and during construction works.

The development shall be carried out in accordance with the Statement so approved.

9. No development shall take place until an Arboricultural Method Statement reflecting and developing the principles set out in the appellant's Arboricultural Impact Assessment dated 10 June 2015 has been submitted to and been approved in writing by the Local Planning Authority. The submission shall include a full survey of all existing trees and hedges, details of all trees and hedges to be retained and the proposed measures for their protection during the course of the works, and details of any further works to existing trees and hedges that would be necessary to implement the proposal.
10. Prior to the commencement of development, or at a later date if agreed in writing by the Local Planning Authority, the applicant shall submit to the Local Planning Authority, in writing, a Local Recruitment Strategy to include details of how the applicant/developer shall use their reasonable endeavours

to promote and encourage the recruitment of employees and other staff in the locality of the application site during construction of the development. The Strategy shall be implemented in accordance with the details as approved and in accordance with an agreed programme.

Pre-occupation

11. Each dwelling hereby approved shall not be first occupied unless and until a Residential Travel Information Pack for sustainable transport has been provided to the first owner of each dwelling in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
12. The development hereby approved shall not be first occupied unless and until a fibre optic broadband connection installed on an open access basis and directly accessed from the nearest exchange, and incorporating the use of resistant tubing, has been installed at the site, in accordance with details previously submitted to and approved in writing by the Local Planning Authority. If the applicant is unable to achieve this standard of connection, and can demonstrate through evidence that this would not be reasonably possible, practical or economically viable, an alternative superfast (i.e. providing speeds greater than 24mbps) wireless service shall be provided in accordance with full details previously submitted to and approved in writing by the Local Planning Authority.
13. The development shall be undertaken in accordance with the terms of the applicant's Flood Risk Assessment dated January 2015.

APPEARANCES

For the appellant:

Edward Gittins
Chris Glegg
Kirsten Bowden

Edward Gittins and Associates
Intermodal Transportation Ltd
Landscape Architect

For the local planning authority:

Gary Guiver

Planning Manager

By other interested parties:

Councillor Ernie Osborne
David Crewe

Alresford Parish Council
Local resident, and on behalf of Cockaynes
Action Group

DOCUMENTS SUBMITTED AT THE HEARING

By the appellant:

1. Illustrative Layout drawing Ref: EG005-OP4-01
2. Indicative drawing Ref: IT1199/SK/03 relating to junction and road improvements to facilitate access to development site
3. Photographs of Cockaynes Lane

By the Council:

4. Hearing notification letter dated 1 August 2016
5. Copy of appeal decision, and accompanying drawings, in regard to decision Ref: APP/P1560/W/15/3124775 dated 1 June 2016 and relating to an outline application for up to 145 dwellings and associated works at Land South of Cockaynes Lane, Alresford, Essex
6. Tendring District Local Plan 2013-2033 and Beyond Preferred Options Consultation Document July 2016, and accompanying Tendring Location Map, Policies Map 2 South East Tendring, and Map Key

Documents submitted post-Hearing:

7. As agreed at the Hearing, the Council submitted by email dated 7 September 2016 a factual statement relating to transposition of 2012/14 draft policies to the 2016 draft policies, and a statement of s106 policy justification for planning obligations