



TENDRING DISTRICT COUNCIL

Planning Services

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

AGENT: Ms Rachel Beale - City &
Country
Bentfield Place
Bentfield Road
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CM24 8HL

APPLICANT: R.A, T.R, D.R, A.I Sargeant
The Prioory
St Osyth
Clacton On Sea
CO16 8NZ

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO: 18/01904/FUL

DATE REGISTERED: 14th November 2018

Proposed Development and Location of Land:

**Proposed construction of 6 self-build and custom-built homes.
Land South of Bypass Road and North of Colchester Road St Osyth Essex
CO16 8HD**

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

- 1 The Government attaches 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 124 is to always seek to secure high quality design.

Saved Policies QL9, QL10 and QL11 of the adopted Tendring District Local Plan (2007) seek to ensure that new development relates well to its site and surroundings and the size, scale, design and appearance of new development are in keeping. Emerging Policy SPL3 of Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that new development should be well designed and maintain or enhance local character and distinctiveness and should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials.

Saved Policies EN1 and EN11c and emerging Policies PPL3, PPL4 and HP4 state, amongst other things, that the district's landscape and its distinctive character will be protected, that development management will seek to conserve important hedgerows and trees, that sites designated for their local importance to nature conservation (including Local Wildlife Sites) will be protected from development likely to have an adverse impact on such sites or features and development of a site that would result in the loss of the whole or part of areas designated as Safeguarded Local Green spaces will not be permitted unless the development of the site would not result in the loss of an area important to visual amenity.

The application site is located in a semi-rural area at the eastern entrance into the village of St Osyth. The site is located outside of any defined settlement boundary and is designated as a Safeguarded Local Green space in the emerging local plan. The verge

directly to the south of the site lies within the Pump Hill Verges Local Wildlife Site (LWS). The verges running alongside the boundary hedgerow to the north and alongside scrub to the east of the site are also within the designated boundary. The site is detached from the main focus of built form within St Osyth by an area of allotments located directly to the west of the site. The site boundaries are demarcated by established hedgerows that screen the site from public view and, along with the undeveloped nature of the site, assist in creating a valuable soft transition at the entrance of the village into the established built form to the west. The undeveloped and vegetated nature of the site is therefore considered to be important to visual amenity at the entrance to the village.

Moreover, the detached nature of the development from the rest of the built form in St Osyth would result in an incongruous appearing development that would be out of character with the prevailing pattern of the settlement. Furthermore, the plans show the site access cutting through the established hedge on the southern boundary of the site and partly through an area designated as a Local Wildlife Site. The resultant access and the required visibility splays of 2.4m x 120m to the west would result in the loss of a significant amount of vegetation and hedgerow along with substantial disturbance to the designated southern verge of the Pump Hill Verges Local Wildlife Site boundary.

As a result the development of the site would represent an erosion of the rural undeveloped character at the entrance into the village of St Osyth that would be to the significant detriment of visual amenity. The proposal due to its detached siting from the rest of the village is not considered to make a positive contribution to local character and does not reinforce local distinctiveness. The development would also cause harm to the designated Local Wildlife Site through the construction of a vehicular access and the associated visibility splays within the protected grass verge. Consequently, the development would be contrary to the aims and aspirations of the aforementioned local and national planning policies.

- 2 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).

With regards to impacts to the amenities of future occupiers of Plot 1, it is noted there are six first floor windows located to the eastern elevation of Plot 2, all serving a master bedroom. This is a room likely to be regularly occupied. These windows will directly overlook the private amenity area for Plot 1, with only 1 metre separating the windows to the eastern boundary separating the two plots, resulting in a significant loss of privacy and thereby unacceptable harm to the amenities of the properties future occupiers.

The proposal is therefore contrary to the aims and aspirations of the afore-mentioned policies and guidance.

- 3 Paragraph 54 of the National Planning Policy Framework (2018) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Policy COM6 of the adopted Tendring District Local Plan 2007 states "For residential development below 1.5 hectares in size, developers shall contribute financially to meet the open space requirements of the development in proportion to the number and size of dwellings built".

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear.

Due to the limited provision in the village a contribution towards play and formal open space is justified and relevant, and any contribution would be spent to provide additional play facilities at Cowley Park.

No unilateral undertaking to provide such contribution has been included within this application and therefore this scheme does not comply with Policy COM6 or the NPPF.

DATED: 9th January 2019

SIGNED:



Catherine Bicknell
Head of Planning

IMPORTANT INFORMATION :-

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

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN6 Biodiversity

EN6A Protected Species

EN11C Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites

QL1 Spatial Strategy

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

COM6 Provision of Recreational Open Space for New Residential Development

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

CP1 Sustainable Transport and Accessibility

HP4 Safeguarded Local Greenspace

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

SPL1 Managing Growth

SPL3 Sustainable Design

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Positive and Proactive Statement

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

The attached notes explain the rights of appeal.

NOTES FOR GUIDANCE

WHEN PLANNING PERMISSION IS REFUSED OR GRANTED SUBJECT TO CONDITIONS

APPEALS TO THE SECRETARY OF STATE

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

ENFORCEMENT

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