

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	04/01/19
Planning Development Manager authorisation:	AN	8/1/19
Admin checks / despatch completed	AP	9/1/19

File

Application: 18/01904/FUL **Town / Parish:** St Osyth Parish Council

Applicant: R.A, T.R, D.R, A.I Sargeant

Address: Land South of Bypass Road and North of Colchester Road St Osyth Essex

Development: Proposed construction of 6 self-build and custom-built homes.

1. Town / Parish Council

St Osyth Parish Council Strong objections on the basis that this application would be an overdevelopment of a small site outside of the Settlement Development Boundary, and would be contrary to the District Councils draft Local Plan, in that the proposed development is on land listed as 'safeguarded local green space'.

It is noted that Essex Highways have yet to submit a comment, but the Parish Council would question the access to the site, which is a matter of metres from a change in speed limits. Furthermore, it is not uncommon for vehicles exiting the village via the Clacton Road junction to have to queue from the junction back to the entrance to the allotments and beyond. Were the development to be permitted this would potentially cause further congestion for vehicles entering the village, as residents of the proposed site would have to wait to turn across the flow of traffic.

2. Consultation Responses

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

All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

1. Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the west, and 2.4 metres by 60 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and

retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the 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 the vehicular parking and turning facilities, as shown on the submitted plan 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

3. Prior to the first occupation of the proposed dwelling, the proposed vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway to a width of 6m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass simultaneously clear of the limits of the highway, in the interests of highway safety and in accordance with Policy DM1.

4. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1

5. 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.

6. Prior to first occupation the vehicle parking area indicated on the approved plans, has been hard surfaced and sealed. The vehicle parking area shall be retained in this form at all times.

Reason: To ensure that appropriate parking is provided in accordance with Policy DM8.

7. Each vehicular parking space shall have minimum dimensions of 2.5 metres x 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.

8. No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 under body washing facilities

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1.

9. 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.

10. Prior to first occupation of the proposed development, 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.

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.

11. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

12. Any new boundary planting required on Clacton Road shall be planted a minimum of 2 metres 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

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

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Informative 2: Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

General

- i. Prior to any works taking place in public highway or areas to become public highway the developer shall enter into an appropriate agreement with the Highway Authority to regulate construction works. This will include the submission of detailed engineering drawings for approval and a safety audit.
- ii. The above to be provided at no cost to the Highway Authority
- iii. The above to be imposed on the planning permission (if granted) by planning obligation or condition, as necessary.

Natural England

It has been identified that this development falls within the 'Zone of Influence' (Zol) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS); see our recent advice to your authority on this issue (our ref: 244199, dated 16th August 2018) for further information.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions.

We therefore advise that you consider, in line with our recent advice, whether this proposal falls within scope of the RAMS as 'relevant development'. Where it does, this scale of development would fall below that at which Natural England would offer bespoke advice on this issue. However, in such cases we advise that you must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation; you should not grant permission until such time as the HRA has been undertaken and the conclusions confirmed.

Essex Wildlife Trust

No comments.

Tree & Landscape Officer

The main body of the application site is set to grass and does not contain any trees or other vegetation.

The site boundaries are demarcated by established hedgerows of mediocre quality but that perform a valuable screening function. It appears that these hedgerows and other vegetation on the site

boundaries are not on land owned or controlled by the applicant. There are four trees on land adjacent and to the east of the application site. These trees will not be affected by the development proposal.

In order to show how retained trees will be physically protected during the construction phase of any planning permission that may be granted the applicant has submitted a tree survey and report that includes a Tree Protection plan (TPP). This information is in accordance with BS5837 2012: Trees in relation to design demolition and construction ' Recommendations.

The report accurately describes the health and condition of the trees and hedgerows on the land and sets out the measures that will be put in place for the duration of the construction phase of any planning permission that may be granted

Although the site layout plan states that boundary vegetation will be retained it appears that the creation of the visibility splays will require the removal of much of the boundary hedgerows. If this is the case it will have an adverse impact on the appearance of the area and will necessitate replacement planting to replicate the existing screening benefit provided by the hedgerow. This can be secured by a planning condition.

In terms of the impact of the development on the local landscape character it should be noted that the application site sits within the St Osyth and Great Bentley Landscape Character Area (LCA) as defined in the Tendring District Council Landscape Character Assessment. Although the application site is not typical of the key characteristics of the LCA type the development as proposed would appear incongruous in its setting and would cause harm to the intrinsic value of the countryside.

Environmental Protection

Due to the location of the proposed site adjacent to a busy junction, Environmental Protection will require an acoustic assessment at the site to be undertaken by a suitably qualified person. The results of which shall enable an acoustic design statement to be produced in relation to the site and proposed residential premises. An acoustic consultant shall be employed to give an opinion on the results which needs to be submitted to the LPA. Once this has been produced Further consultation with Environmental Protection will be required prior to any planning permission being granted.

UU Open Spaces

Response from Public Realm
Open Space & Play

Application Details

Application No: 18/01904/FUL

Site Address: Land South of Bypass Road & North of Colchester Road St Osyth Essex

Description of Development: Proposed construction of 6 self-build and custom built homes
Current Position

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

Recommendation

Due to the limited provision in the village it is felt a contribution towards play and formal open space is justified and relevant to this planning application.

Any contribution received as a result of this development would be spend to provide additional play facilities at:

Cowley Park

Building Control and
Access Officer

In plot 2 one of the first floor bedrooms would appear to require a suitable escape window.

The rear elevation to plots 2, 3 and the cart lodge would appear to require a non- combustible fire resisting cladding due to its proximity to the boundary.

3. Planning History

17/01601/OUT	Outline application for up to 7 dwellings with all matters reserved other than vehicular access point onto the public highway.	Refused	17.11.2017
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space

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

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

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

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

deliver over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line the plan-led approach.

5. Officer Appraisal

Site Description

The site extends to 0.24 hectares (0.6 acres) to the North of Clacton Road and the South of Bypass Road, St Osyth. The site is located immediately to the east of St Osyth. The site is currently vacant and is characterised by semi-improved grassland. It is well enclosed on both sides by established hedgerows that screen the site from the surrounding area. To the north is Bypass Road and the south Clacton Road. Directly to the west of the site are allotments, and further to the west is the St Osyth settlement, dominated by largely residential properties.

The site is located outside of any defined development boundary in both the saved and emerging local plans and is designated as a Safeguarded Local Greenspace in the emerging local plan. The verge to the south of the site affected by the proposed access and visibility splay 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.

Proposal

This is a full planning application for six self-build and custom-built dwellings. Four of the dwellings are to be two storey and two single storey. Plots 1 and 6 are detached properties, with plots 4 and 4 semi-detached and plots 2 and 3 connected via a large car port area. The vehicular access is shown onto Clacton Road to the south and each property would be served by a private amenity space over the required 100sqm.

History

Under planning reference 17/01601/OUT, outline planning permission was refused for up to 7 dwellings on this site. The site was considered to be detached from the main focus of the built form within St Osyth and designated as a Safeguarded Local Greenspace, with the site boundaries demarcated by established hedgerows. Given this, it was considered a visually important location and there would be significant harm to erect an incongruous development detached from the rest of the built form in St Osyth. This, and the resultant access and visibility splays was considered to contribute to the erosion of the rural undeveloped character at the entrance into the village of St Osyth.

Appraisal

1. Principle of Development

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

The 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 a 5% or 20% buffer to ensure choice and competition in the market for land). If this is not possible, housing policies are to be considered out of date and the presumption in favour of sustainable development is engaged with applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not.

The Council can demonstrate, with robust evidence, a five-year supply of deliverable housing sites and this has been confirmed in recent appeal decisions. This is based on a housing requirement of 550 dwellings per annum which has been confirmed as sound by the Inspector for the Local Plan examination on 27 June 2018 (Examination of the Strategic Section 1 Plan - Meeting the Need for New Homes (Plan chapter 4)). Therefore policies for the supply of housing are not out of date and applications for housing development are to be determined in accordance with the Local Plan.

Therefore, having regard to the latest housing land supply figures and with the emerging Local Plan progressing well, officers consider that greater weight can be given to Section 3 (Plan-Making) of the NPPF. Under this section, paragraphs 15, 17 and 20 state that the planning system should be genuinely plan-led, must include strategic policies to address local planning authority's priorities for the development and use of land, and should set out an overall strategy for the pattern, scale and quality of housing development.

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraphs 15, 17 and 20 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

There would be conflict with Saved Policy QL1 and Emerging Policy SPI1 in terms of the site's location beyond the settlement development boundary. However, while the NPPF advocates a plan-led approach, it is important to consider whether any circumstances outweigh the conflict. Development should be plan led unless material considerations indicate otherwise and it is accepted that the site is not in a preferred location for growth.

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

Economic:

It is considered that the proposal for six dwellings would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants using the nearby facilities, and so meets the economic arm of sustainable development.

Social:

In respect of the social dimension, the application site would be located at the eastern end of the village of St Osyth which is classed as a Rural Service Centre in the emerging local plan's settlement hierarchy that is outlined in Policy SPL1. This policy confirms that Rural Service Centres can accommodate small scale growth. Along the northern boundary of the site runs a pedestrian footpath that will, via a footpath link into the development, provide direct access into the village of St Osyth, which accommodates a primary school, doctor's surgery, a range of shops and a frequent bus service into the larger nearby settlement of Clacton. It is therefore considered that the application site performs well in regard to the social element of the NPPF's definition of sustainable development and future residents would not be solely reliant on private motor car to access their everyday needs.

Environmental:

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 Greenspace under emerging Policy HP4 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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 main body of the application site is set to grass and does not contain any trees or other vegetation. 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. This view is reflected by the designation of the site as a Safeguarded Local Greenspace in the emerging local plan.

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 submitted 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 boundary.

An ecological assessment has been provided which states, in respect of the Local Wildlife Designation, the following;

Although the visibility spay will remove woody vegetation not included within the Local Wildlife Site boundary it is likely that this will result in substantial disturbance to the designated verge along the South Hedgerow.

The impacts are therefore:

- Direct loss of 0.27ha of semi-improved neutral grassland.
- Creation of an access estimated as 10m wide, crossing the south verge of the Pump Hill Verges LWS and the including the location of a singleton wild clary plant.
- Removal of an estimated 30m of woody vegetation from the South Hedgerow.
- Incidental disturbance of the grassland verge of the South Hedgerow for the creation of the visibility splay.

The assessment then goes on to state that, 'it is not thought that the proposals will substantially affect the Local Wildlife Site: the verge adjacent to the hedgerow to be cleared for the visibility splay does not currently support vegetation likely to be appropriate for the species for which the LWS is designated. The direct loss of plants for which the LWS is designated is thought to comprise two individuals, representing minor proportions of the local populations. It is likely that the clearance of woody vegetation for the visibility splay will also result in incidental disturbance of the designated south verge'.

It is however the Council's view that the creation of an access directly through the designated site and the clearance of the verge for visibility purposes would be likely to have an adverse effect on the Local Wildlife Site contrary to the provisions of saved policy EN11c and emerging policy PPL4.

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.

2. Self Build/Custom Build Dwellings

Reference is made within the application to the development comprising custom built/self-build dwelling. Policy LP7 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) therefore becomes a material consideration. However, this is a new policy with no equivalent saved policy within the adopted Local Plan. The NPPF is silent on policies relating directly to self-build or custom-built dwellings.

Whilst the emerging Local Plan is progressing well, Draft Policy LP7 has not yet been scrutinised by the Planning Inspectorate by an appeal or through the Local Plan process. It can therefore only be given very limited weight. Other policies such as Draft Policy SPL1 have been endorsed by the Planning Inspector as being in line with the the NPPF.

The National Planning Policy Guidance tells us that The Self-build and Custom Housebuilding Act 2015 requires each relevant authority to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in the authority's area in order to build houses for those individuals to occupy as homes (referred to in the guidance as self-build and custom housebuilding registers). The guidance accompanies the Self-build and Custom Housebuilding (Register) Regulations 2016 made under the Act.

Section 2(1) of the Self-build and Custom Housebuilding Act 2015 places a duty on relevant bodies to have regard to each self-build and custom housebuilding register that relates to their area when carrying out their plan-making and decision-taking functions. The registers that relate to their area may be a material consideration in decision-taking. Plan-making functions should use their evidence on demand for this form of housing from the registers that relate to their area in developing their Local Plan and associated documents.

Regardless of the merits of the application in relation to this policy, the status of Draft Policy LP7 means that a refusal based on this policy is not required at this time.

3. Layout, Design and Appearance

The adopted Tendring District Local Plan (2007) "Saved" Policies QL9, QL10 and QL11 seek to ensure that all new development makes a positive contribution to the quality of the local environment and character, by ensuring that proposals are well designed, relate satisfactorily to their setting and are of a suitable scale, mass and form. These sentiments are carried forward in Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The proposed layout will see the dwellings located towards the western end of the site, resulting in the eastern section retaining some of its existing soft character, which will assist in the overall impact of the development from views facing west into the St Osyth village. Further, the existing mature vegetation along the northern boundary abutting Bypass Road is to be maintained, again assisting in screening and softening the developments appearance. However, as previously stated, the proposed access and subsequent visibility splays 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

In terms of the design of the dwellings, there are a mixture of types with examples of detached and semi-detached, as well as single storey and two storeys. The design is of a more traditional appearance, with the dwellings incorporating numerous features to help break up their overall bulk; these include brick plinths, bay windows, chimneys, canopy's, front gables and a good range of materials. This diversity gives each dwelling its own individuality and helps the development to assimilate within its surroundings. There is therefore no objection to the design or appearance of the dwellings.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more there should be a minimum of 100 square metres. The information that has been supplied demonstrates that this is achieved for all proposed dwellings.

4. Residential Amenities

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).

The plot is detached by approximately 50 metres from the main bulk of residential development within the St Osyth settlement to the west, thereby ensuring the six proposed dwellings will have a neutral impact to the existing amenities of these dwellings.

With regards to impacts to the amenities of future occupiers of the proposed dwellings, the majority of the plots maintain sufficient separation distances or do not include first floor windows that can directly overlook. However, with regards to Plot 2, it is noted there are six first floor windows located to the eastern elevation, 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. This harm could not be overcome by conditions due to the number of windows and close proximity.

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

It is further acknowledged that the Council's Environmental Protection team have requested an acoustic assessment on the grounds that the dwellings will be located adjacent to a busy junction. However, this did not form part of the reasons for refusal on planning application 17/01601/OUT, meaning it would be unreasonable to introduce a new reason for refusal. Further, whilst it is accepted the site is located close to a busy junction, there are numerous dwellings located within the vicinity and therefore the harm is not considered to be significantly greater for these proposed dwellings.

5. Highways Considerations

Essex County Council Highways do not object to the development providing;

- Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 120 metres to the west, and 2.4 metres by 60 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

- No unbound materials shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

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

- Prior to first occupation the vehicle parking area indicated on the approved plans, has been hard surfaced and sealed. The vehicle parking area shall be retained in this form at all times.

- No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) 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 under body washing facilities

- 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.

- Prior to first occupation of the proposed development, 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.
- Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway/carriageway.
- Any new boundary planting required on Clacton Road shall be planted a minimum of 2 metres back from the highway boundary and any visibility splay.

6. Protected Species

The submitted ecology report confirms the following;

Protected animal species including great crested newts, roosting bats and reptiles are scoped out of the assessment. The site is unlikely to be used by animal species of conservation concern other than for occasional foraging by widespread species, such as bats, or in low numbers by invertebrates. All these species are likely to be present locally as larger populations. The value of the site for these is likely to be low and the project is not thought likely to have an impact at the population level.

Natural England has expressed concerns that the site falls within the 'Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). Natural England recommends that an off-site contribution is obtained to provide mitigation against any perceived impacts. However, for an off-site contribution to be considered reasonable it needs to meet the relevant tests in the NPPF, i.e. it needs to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. At the present time it is clear that Natural England are not at a stage where specific projects and amounts can be identified. Therefore it is considered that the request for a financial contribution does not meet the required tests and therefore it would be against national policy to request such a contribution at this time.

7. Legal Obligations

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 meet 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 such contribution has been included within this application and therefore this scheme does not comply with Policy COM6.

Other Considerations

St Osyth Parish Council provide strong objections on the basis that this application would be an overdevelopment of a small site outside of the Settlement Development Boundary, and would be contrary to the District Councils draft Local Plan, in that the proposed development is on land listed as 'safeguarded local green space'. Further, they question the access to the site, which is a matter of metres from a change in speed limits, and feel the development could result in further congestion for vehicles entering the village.

There has been one letter of objection received, stating the proposal is over-developed and would be inappropriate at the entrance of the village.

6. Recommendation

Refusal.

7. Reasons for Refusal

- 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 Greenspaces 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 Greenspace 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 meet 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.

8. Informatives

Positive and Proactive Statement

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