

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	13/05/19
Planning Development Manager authorisation:	AN	14/05/2019
Admin checks / despatch completed	AP	15/5/19

*KAG*

**Application:** 19/00439/OUT **Town / Parish:** Ramsey & Parkeston Parish Council

**Applicant:** Mr N Neal and S Geisha

**Address:** Land rear of Some View and Roborough Church Hill Ramsey

**Development:** Hybrid application comprising of: Outline planning permission for five bespoke self-build/custom built dwellings; and Full planning permission for additional car park for the Two Village Primary School.

### **1. Town / Parish Council**

Ramsey & Parkeston  
Parish Council

The view of the Ramsey & Parkeston Parish Council is to object to the outline application

### **2. Consultation Responses**

ECC Highways Dept

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

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

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

2. Prior to the first occupation of the development, the proposed road junction at its bell mouth with Mayes Lane/ School access shall be constructed at right angles to the highway boundary and to the existing carriageway shall be provided with 6.0m. radius kerbs returned to an access road carriageway as shown in principle in the site layout plan, drawing no. 3027-1015 to a carriageway width of 5.5 metres straight for at least the first 6 metres with 2 metre width footways on both sides to connect to the existing footways on Mayes Lane/ School access on both sides of the junction.

Reason: To ensure that all vehicular traffic using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety and in accordance with Policy DM1 and DM6.

3. Prior to occupation of the development a vehicular turning facility for the car park area, of a design to be approved in writing by the

Local Planning Authority shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

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

4. Prior to first occupation the provision of the following will be required:

O A 2 metre wide segregated footway from the existing footway and the proposed school car park on the south western side with Mayes Lane/ School Access road.

O Contribution for the installation of double yellow lines in the form of junction protection markings on both sides of the proposed vehicle access at a maximum length of 20 metres on both sides of Mayes Lane/ School Access.

5. The developer to pay for the necessary Traffic Regulation Order together with provision of the associated signing and lining to prevent parking in the vicinity of the junction into the proposed site.

Reason: To prevent parking in the visibility slay at the junction of (new access road with Mayes Lane/ School Access) in the interests of highway safety and Policy DM 1

6. Prior to first occupation the vehicle parking area indicated on the site and location plan drawing no. 3027:015, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with Policy DM8.

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

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

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

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

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.

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

Tree & Landscape Officer

The section of the application site identified for new houses is set to grass and is currently being used for the keeping of horses. There are no trees or other significant vegetation within the main body of the application site that are likely to be affected by the development proposal.

In terms of the impact of the development proposal on the local landscape character it is important to note that the application site appears to sit on, or very close to the boundary of two Landscape Character Areas (LCA's) as defined in the Tendring District Council Landscape Character Assessment.

The application site is in the brow of Church Hill, Ramsey which is part of the Oakley Ridge LCA: adjacent to and overlooking the Ramsey Valley LCA.

The Oakley Ridge LCA has a prominent skyline which is visually sensitive with any development having the potential to be visually intrusive. Views of the proposed dwellings would be likely to diminish the existing qualities of the local landscape character by way of the intensification of the built environment that is not in accordance with the local development pattern.

In terms of the area identified for use as additional car parking the proposal would contribute to the gradual erosion of the countryside but would not be as visually prominent in the landscape and the residential element of the planning application.

Should planning permission be likely to be granted then a condition should be attached to secure details of soft landscaping to both soften and screen as well as to enhance the appearance of the development.

UU Open Spaces

Response from Public Realm  
Open Space & Play

Application Details

Application No: 19/00439/OUT

Site Address: Land rear of Some View and Roborough Church Hill  
Ramsey Essex

Description of Development: Hybrid application consisting of:  
Outline planning permission for five bespoke self-build/custom built dwellings and full planning permission for additional car park for the Two Village Primary School.

Current Position

There is currently a deficit of -2.70 hectares of equipped play in

Ramsey and Parkeston and -0.93 hectares of formal open space.

The nearest play areas to the development site are located at Clayton Road approximately 0.5 miles from the proposed development.

To ensure the above play area is able to cope with the additional usage from this development it would be necessary to upgrade and increase the play provision available.

#### Recommendation

Due to the lack of play facilities in Ramsey it is felt that a contribution towards play and formal open space is justified and relevant to the planning application. The contribution will be used to upgrade the play facilities in Clayton Road, Ramsey

#### ECC Heritage

The application is a hybrid application comprising of: Outline planning permission for five bespoke self-build/custom built dwellings; and Full planning permission for additional car park for the Two Village Primary School.

The main heritage asset for consideration is Grade I listed Church of St Michael (List entry ID: 1112103).

I do not support this application. The applicant has not provided a Heritage Statement which fully assesses the contribution to setting/significance that the site makes to this important heritage asset, this typically would consider Historic England Guidance The Setting of Heritage Assets. As such I do not consider this application compliant with paragraph 189 of the NPPF.

Based on my review of the information available, the application site forms part of church's setting and the undeveloped nature of the existing site contributes to the heritage asset's setting and significance. The development of this site would erode the agrarian landscape in the immediate environs of the church, a setting which has been a situation likely since the church's construction 800 years ago and a rural setting which had a functional relationship with the heritage asset. As such I consider the development of this site to cause harm to the setting and significance of a Grade I listed building (designated heritage asset) and therefore paragraph 196 of the NPPF is relevant.

#### Historic England

Thank you for your letter of 4 April 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### 3. Planning History

15/00964/OUT

Erection of seventy-one dwellings and associated garages.

Refused

07.01.2016

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

EN1 Landscape Character

EN2 Local Green Gaps

EN6 Biodiversity

EN6A Protected Species

EN11a Protection of International Sites: European Sites and RAMSAR Sites

EN23 Development Within the Proximity of a Listed Building

COM6 Provision of Recreational Open Space for New Residential Development

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

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

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL6 Strategic Green Gaps

PPL9 Listed Buildings

SP1 Presumption in Favour of Sustainable Development

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 supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

## 5. Officer Appraisal

### Site Description

The application site is land adjacent to the south of a number of residential properties including 'Some View' and 'Roborough' along Church Hill within the parish of Ramsey. The site is in three parts; the residential element extends to approximately 0.45 hectares and is located to the north-west corner of the field. The second element is a serpentine shaped road which connects the residential development to the access point to the south-east. Thirdly, there is a rectangular shaped parcel of land adjoining the school access which is to be laid out as an extension to the car park for the school.

The site in its existing form is open and generally laid to grass. The surrounding area is characterised as semi-rural, with residential development to the east and north. A school is located to the south-east and a Grade I Listed Building (St Michael's Church) to the north-east. To the west and south-west the land is open grassed land. The site is outside of a recognised Settlement Development Boundary within both the Saved Tendring District Local Plan (2007) and the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

### Description of Proposal

The proposal is a hybrid application which comprises of two elements as detailed below:

- Outline planning permission for five self-build residential dwellings. All matters bar access are to be reserved for a future application; and
- Full planning permission for an additional car park to serve Two Village Primary School, which will provide 22 spaces.

### Site History

Under planning reference 15/00964/OUT, permission was refused for the erection of 71 dwellings on this site and the land adjacent. The application was refused for numerous reasons, including it would be seriously harmful to the appearance and essential open character of the countryside and Local Green Gap, the harm to the setting of the Grade I Listed Building (St Michaels Church) and the lack of a completed Section 106 obligation.

This decision was dismissed at appeal (reference APP/P1560/W/16/3146802) where the Inspector stated the proposal would not contravene the fundamental aim of the Local Green Gap, but would harm the setting of St Michael's Parish Church, which would diminish the significance of the Grade I Listed Building. The development would significantly detract from the Church's setting and thereby degrade the distinctive local landscape character of the area contrary to saved policy EN1.

However under planning references 17/01556/OUT, 18/00871/DETAIL and 18/01541/DETAIL planning permission has been granted for the erection of three dwellings to the north-east of the application site, with the Case Officer concluding the significantly reduced nature of the development ensured the rural setting of the church would be maintained as the dwellings would not sit any closer to the church than those existing properties situated on the northern side of Church Hill.

### Assessment

The proposal being determined is a hybrid application, and therefore the two elements will be individually assessed.

#### 1. Five dwellings

### Principle of Development

The application site lies outside of a Settlement Development Boundary as defined within the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft 2017.

Saved Tendring District Local Plan (2007) Policy QL1 sets out that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan. These sentiments are carried forward in emerging Policy SPL1 of the Publication Draft.

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

At the time of this report, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination in Public of the Local plan. Therefore, the justification for reducing the weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

Whilst it is recognised that there would be conflict with Saved Policy QL1 and Emerging Policy SPL1 in terms of the site being sited outside the settlement development boundary, as stated above, in the context of the 5 year housing land supply paragraph 11 d) of the NPPF requires applications for housing development to be assessed on their merits, whether sites are allocated for development in the Local Plan or not and it is important to consider whether any circumstances outweigh this conflict.

Therefore, at this present time, it is correct to assess the housing development on its merits against the sustainable development objectives set out within Paragraph 8 of the NPPF. The economic objective, a social objective and an environmental objective are therefore assessed below.

#### Economic:

It is considered that the proposal for five 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, because this part of Ramsey is considered to form part of the wider Harwich and Dovercourt urban area, the site offers a sustainable location for development. To the north of the site is a public footpath that leads into Dovercourt and Harwich to the east providing pedestrians with access to nearby shops/services in those urban areas. Furthermore, to the north of the site is a bus stop and to the south in Mayes Lane is a school within walking distance. 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 environmental role is about contributing to protecting and enhancing the natural built and historic environment and is assessed below.

#### Impact to Surrounding Area:

The site lies within the Local Green Gap in both the saved and emerging local plans. Saved policy EN2 states that land within Local Green Gaps, as defined on the proposals map, will be kept open and essentially free of development in order to prevent the coalescence of settlements and to protect their rural settings. The role of this particular local green gap in terms of this site, is to preserve the attractive and extensive views across Church Hill, to safeguard the separate identity, character and rural setting of Ramsey village and to prevent further ribbon development on Church Hill. Emerging policy PPL6 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) states that permission may be granted where the application can demonstrate that there is a functional need for the development to be in that specific location and that it cannot be delivered on an alternative piece of land out of the green gap.

One of the reasons for refusal for the previous outline application related to the consolidation of ribbon development and the erosion of the green gap. However, the planning inspector within their appeal decision for the development of the application site and surrounding land for 71 dwellings concluded that;

"The site itself is relatively self-contained. Its Church Hill frontage is shielded between the existing four houses on the southern side of the road and Mayes Lane, including by dense planting surrounding the gardens of these houses, from Ramsey village and the valley bottom. The wider part of the site to the south and south west is shielded from Ramsey and the valley by the surrounding topography and by the landscape barrier of Whinny Grove woods to the west, which would remain. As such I consider that its development as proposed would not contravene the fundamental aim of this local green gap which is essentially to prevent the edge of Dovercourt merging with Ramsey village on the other side of the main A120, to keep the valley and its principal slopes to the south open and to preserve a rural edge to Dovercourt. It would therefore comply with the aims of saved policy EN2".

The application proposal for 5 dwellings onto a small section of the Church Hill frontage would therefore have a less intrusive impact upon the green gap than 71 dwellings would. However that notwithstanding, the existing residential development adjacent to the north is in a linear pattern with a relatively strong building line. The proposed dwellings, which are to be sited to the rear of this development via a long and narrow drive, will appear incongruous and contrived in relation to the local surrounds.

Further, the site is in the brow of Church Hill, Ramsey which is part of the Oakley Ridge Landscape Character Area (LCA), adjacent to and overlooking the Ramsey Valley LCA. Views of the proposed dwellings would likely diminish the existing qualities of this local landscape character by way of intensification of the built environment. This, and the unwanted precedent it would set for future development adjacent to the east, south and west, would contribute to the gradual erosion of the countryside that would be to the significant detriment of visual amenity.

#### Impact upon setting of Listed Church:

Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

One of the primary reasons the appeal for 71 dwellings was dismissed was the impact of the housing scheme on the setting of St Michaels Church. The Inspector raised concerns of the impact upon the views of the church from Essex Way, the views from the south west corner of the site, the views from the access road to Two Villages School and the change in rural character to the setting of the church.

This scheme for five dwellings, aside from the fact it is of a considerably smaller scale than the appeal decision, has been considered in view of the inspector's concerns.

As part of the applicant's supporting statement a plan has been submitted showing the three main areas of concerns illustrated on a block plan. The plan shows that due to the siting of the development views of the church would not be obstructed from the area in front of the school to the south or from the Essex Way footpath. The third area is the extent of view that has since been lost through the development of three houses approved under planning permissions 17/01556/OUT, 18/00871/DETAIL and 18/01541/DETAIL. Further the Inspector previously identified that the views from the south-west would be shielded by the landscape barrier of Whinny Grove Woods.

That notwithstanding the application site forms part of the Grade I Listed Church's setting and the undeveloped nature of the existing site contributes to the heritage asset's setting and significance. The development of this site, and the precedent it would set for similar forms of development adjacent, would erode the agrarian landscape in the immediate environs of the church, a setting which has been a situation likely since the church's construction 800 years ago and a rural setting which has a functional relationship with the heritage asset. As such the development of this site will cause harm to the setting and significance of a Grade I listed building, a designated heritage asset, while there are no significant public benefits as a result of five dwellings that can outweigh this identified harm.

Furthermore, a Heritage Statement which fully assesses the contribution that the site makes to the setting and significance of the Grade I Listed Building, in line with Historic England Guidance The Setting of Heritage Assets, has not been provided.

The proposed development therefore fails to adhere to the wishes of the above national and local policies.

#### Self-Build

Reference is made within the appellant's statement regarding Policy LP7 of the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017). 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 core planning principles under paragraph 17 of 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 failing to meet the policy, the status of Draft Policy LP7 means that a refusal based on this policy is not required at this time.

### 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 application is in outline form only, with all matters bar access reserved for a future application. The proposed access to the site is to the south-east edge via an existing access point. There is no principle objection to this existing access point being utilised, and will result in a neutral impact to the character of the surrounding area.

Notwithstanding the harm identified previously with the principle of residential development in this location, the principle of detached dwellings is acceptable in this location. The plans do not indicate the scale of the dwellings; however it is noted there are examples of single storey and two storey properties in the nearby area so there is no set character to necessarily adhere to.

Policy HG9 of the Saved Tendring Local Plan 2007 states that private amenity space for a dwelling of one bedroom should be a minimum of 50 square metres, for a dwelling with two bedrooms there 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. While the plans do not indicate the number of bedrooms for each dwelling, the indicative layout shows the above measurements can comfortably be adhered to.

### Impact upon Neighbouring 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).

Whilst the application is in outline form with all matters bar access reserved, Officers consider that sufficient space is available on site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would not detract from the amenities of nearby properties or the future occupiers of the proposed dwellings.

### Highways

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to visibility splays, radius kerbs of 6m at the proposed road junction at its bell mouth with Mayes Lane/School, a vehicular turning facility, a 2m wide segregated footway and contribution for the installation of double yellow lines, the payment of the necessary Traffic Regulation Order and the vehicle parking area being hard surfaced, sealed and marked out in parking bays. It is noted the funding source for the works would be separately secured by 278 agreement with the Highway Authority and should not form part of any planning condition. However, the works required are reasonable and necessary in highway safety terms so would need to be secured by condition on any planning permission.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces are required. Parking spaces should measure 5.5 metres by 2.9 metres and garages, if being relied on to provide a parking space, should measure 7 metres by 3 metres internally. The submitted plans clearly demonstrate there is sufficient space to account for the necessary parking for all new dwellings.

### Legal Obligations

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".

The Council's Public Open Space and Play Team have stated there is currently a deficit of -2.70 hectares of equipped play and -0.93 hectares of formal open space in Ramsey and Parkeston, with the nearest play areas to the development being Clayton Road approximately 0.5 miles away. Due to the lack of play facilities in Ramsey it is felt a contribution towards play and formal open space is justified and relevant to the application, with the contribution to be used to upgrade the play facilities in Clayton Road, Ramsey.

This application has not come with a correctly completed unilateral undertaking for a contribution towards play and formal open space facilities.

No such contribution has been included within this application nor has any justification for the lack of a contribution and therefore this scheme does not comply with Policy COM6.

### Habitats Regulation Assessment

Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Hamford Water SPA and Ramsar site, mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

## 2. Car Park

### Impact to Listed Building

Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site forms part of the Grade I Listed Church's setting and the undeveloped nature of the existing site contributes to the heritage asset's setting and significance. The development of this site would erode the agrarian landscape in the immediate environs of the church, a setting which has been a situation likely since the church's construction 800 years ago and a rural setting which has a functional relationship with the heritage asset. As such the development of this site will cause harm to the setting and significance of a Grade I listed building, a designated heritage asset. The submitted information highlights that the nearby school (Two Villages Primary School) are experiencing difficulties with car parking provision, and that this proposal for 22 spaces will remedy this. However, no evidence has been supplied to demonstrate that the current parking provisions are not sufficient for the school in their existing form, or that there are no alternative sites available, and therefore this small public benefit does not outweigh the identified visual harm to the setting of the Grade I listed Church.

### Visual Impact

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The site in its current form is a large area of open undeveloped land, and is also in the brow of Church Hill, Ramsey which is part of the Oakley Ridge Landscape Character Area (LCA), adjacent to and overlooking the Ramsey Valley LCA. Given the sensitive and soft nature of the site, the proposed car park to accommodate 22 vehicles will appear prominent and will not be in-keeping with the areas existing open landscape, to the serious visual detriment of the areas existing character.

Due the proposal being so prominent and out of character with the agrarian landscape, it is not considered that future soft landscaping could satisfactorily mitigate against this harm.

### Highways

Essex County Council as the Highway Authority has been consulted on the application and has stated that they have no objections subject to conditions relating to visibility splays, radius kerbs of 6m at the proposed road junction at its bell mouth with Mayes Lane/School, a vehicular turning facility, a 2m wide segregated footway and contribution for the installation of double yellow lines, the payment of the necessary Traffic Regulation Order and the vehicle parking area being hard surfaced, sealed and marked out in parking bays. It is noted the funding source for the works would be separately secured by 278 agreement with the Highway Authority and should not form part of any planning condition. However, the works required are reasonable and necessary in highway safety terms so would need to be secured by condition on any planning permission.

### Other Considerations

Ramsey and Parkeston Parish Council have objected to the application, but have provided no reasons as to why.

There has also been nine letter of objection received, which are summarised below:

1. Will set an unwanted precedent;
2. Harm to Grade I Listed Building;
3. Development will alter the character of the landscape;
4. Overlooking concerns;
5. Mayes Lane does not have the capacity to withstand increased traffic volume;
6. Additional pressure to existing local services; and

7. Site is not within a settlement boundary;

In answer to this, points 1, 2, 3, 4 and 7 have been addressed within the main body of the report above. In respect of point 5, Essex Highways Authority has not objected to the proposal, while in answer to point 6 it is not considered that five new dwellings will result in a significant impact to local infrastructure to the extent it would justify a reason for refusal.

## **6. Recommendation**

Refusal.

## **7. Reasons for Refusal**

Refusal outline planning permission for 5 dwellings:

- 1 Paragraph 189 of the National Planning Policy Framework (2019) states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site forms part of the Grade I Listed St Michael's Church's setting and the undeveloped nature of the existing site contributes to the heritage asset's setting and significance. The development of this site, and the precedent it would set for similar forms of development adjacent, would erode the agrarian landscape in the immediate environs of the church, a setting which has been a situation likely since the church's construction 800 years ago and a rural setting which has a functional relationship with the heritage asset. As such the development of this site will cause harm to the setting and significance of a Grade I listed building, a designated heritage asset, while there are no significant public benefits as a result of five dwellings that can outweigh this identified harm.

Furthermore, a Heritage Statement which fully assesses the contribution that the site makes to the setting and significance of the Grade I Listed Building, in line with Historic England Guidance The Setting of Heritage Assets, has not been provided.

The proposed development therefore fails to adhere to the wishes of the above national and local policies.

- 2 Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The existing residential development adjacent to the north is in a linear pattern with a relatively strong building line. The proposed dwellings, which are to be sited to the rear of this development via a long and narrow drive, will appear incongruous and contrived in relation to the local surrounds.

Further, the site is in the brow of Church Hill, Ramsey which is part of the Oakley Ridge Landscape Character Area (LCA), adjacent to and overlooking the Ramsey Valley LCA. Views of the proposed dwellings would diminish the existing qualities of this local landscape character by way of intensification of the built environment. This, and the unwanted precedent it would set for future development adjacent to the east, south and west, would contribute to the gradual erosion of the countryside that would be to the significant detriment of visual amenity.

- 3 Under the Habitats Regulations, a development which is likely to have a significant effect or an adverse effect (alone or in combination) on a European designated site must provide mitigation or otherwise must satisfy the tests of demonstrating 'no alternatives' and 'reasons of overriding public interest'. There is no precedent for a residential development meeting those tests, which means that all residential development must provide mitigation. This residential development lies within the Zone of Influence of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation. In order to avoid a likely significant effect in terms of increased recreational disturbance to coastal European designated sites (Habitats sites) in particular the Hamford Water RAMSAR and SPA, mitigation measures will need to be in place prior to occupation.

A proportionate financial contribution has not been secured in accordance with the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) requirements. As submitted, there is no certainty that the development would not adversely affect the integrity of Habitats sites.

The proposal is therefore considered to be contrary to Policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, Policy PPL4 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

- 4 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 -2.70 hectares of equipped play and -0.93 hectares of formal open space in Ramsey and Parkeston, with the nearest play areas to the development being Clayton Road approximately 0.5 miles away. Due to the lack of play facilities in Ramsey a contribution towards play and formal open space is justified and relevant to the application, with the contribution to be used to upgrade the play facilities in Clayton Road, Ramsey.

This application has not come with a correctly completed unilateral undertaking for a contribution towards play and formal open space facilities.

No such contribution has been included within this application nor has any justification for the lack of a contribution and therefore this scheme does not comply with Policy COM6.

Refusal full planning permission for car park:

- 5 Paragraph 196 of the National Planning Policy Framework (2019) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long distance views, will not be permitted. The sentiments of this policy are carried forward within policy PPL9 of the Emerging Plan.

The application site forms part of the Grade I Listed St Michael's Church's setting and the undeveloped nature of the existing site contributes to the heritage asset's setting and significance. The development of this site would erode the agrarian landscape in the immediate environs of the church, a setting which has been a situation likely since the church's construction 800 years ago and a rural setting which has a functional relationship with the heritage asset. As such the development of this site will cause harm to the setting and significance of a Grade I listed building, a designated heritage asset. The submitted information highlights that the nearby school (Two Villages Primary School) are experiencing difficulties with car parking provision, and that this proposal for 22 spaces will remedy this. However, no evidence has been supplied to demonstrate that the current parking provisions are not sufficient for the school in their existing form, and therefore this small public benefit does not outweigh the identified visual harm.

- 6 Paragraph 170 of the National Planning Policy Framework (2019) states planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and should protect and enhance valued landscapes.

Policy EN1 of the Saved Local Plan states the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted. The sentiments of this policy are carried forward within Emerging Local Plan Policy PPL3.

The site in its current form is a large area of open undeveloped land, and is also in the brow of Church Hill, Ramsey which is part of the Oakley Ridge Landscape Character Area (LCA), adjacent to and overlooking the Ramsey Valley LCA. Given the sensitive and soft nature of the site, the proposed car park to accommodate 22 vehicles will appear prominent and out of character with the areas existing open agrarian landscape, to the serious visual detriment of the areas existing character.

## **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.