

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	03/12/19
Planning Development Manager authorisation:	AN	3/12/19
Admin checks / despatch completed	CE	10.12.19
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	10/12/19

Application: 19/01538/OUT

Town / Parish: Ramsey & Parkeston Parish Council

Applicant: Arbora Homes

Address: Land to The East of Stagecoach Stud Wix Road Ramsey

Development: Outline application for development of site with four dwellings.

1. Town / Parish Council

Ramsey & Parkeston Parish Council

The Ramsey & Parkeston Parish Council have no objection to the application for 4 dwellings with no further development on the site, noting that the previous application in 2018 for 9 dwellings was refused.

2. Consultation Responses

Environment Agency

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. It appears a similar application was made back in 2017 (17/00399/OUT) as a result the proposal is off Wix Road which is subject to 30-mph speed limit and retains adequate room and provision for off street parking and turning, for the proposed application therefore:

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

1. Prior to occupation of the development, the road junction / access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the road junction / 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 road junction / access and those in the existing public highway in the interest of highway safety in accordance with policy DM1.

2. Prior to first occupation of the development the size 5 vehicular turning facility shown in principle in the Proposed Site Layout Plan, drawing no. AH/004/PA002 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. No unbound material shall be used in the surface treatment of the vehicular access or private access road throughout.

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

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

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

5. All single garages should have a minimum internal measurement of length 7 metre x 3 metres.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy DM8.

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

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

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

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

Informative 1: Should this proposal come forward as a FULL application the Highway Authority may request the provision of a 5-metre long; 2-metre wide footway be provided with tactile paving including the existing footway on north side of Wix Road; to the south-east of the proposed junction. Providing a segregated pedestrian crossing point to footway on the north side of Wix Road.

Informative 2: 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.

3. Planning History

17/00399/OUT	Outline application for development of site with nine dwellings.	Refused (Dismissed at appeal)	19.02.2018
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4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN6 Biodiversity

EN11A Protection of International Sites European Sites and RAMSAR Sites

HG1 Housing Provision

HG9 Private Amenity Space

HG14 Side Isolation

QL1 Spatial Strategy

QL3 Minimising and Managing Flood Risk

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)

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP3 Housing Density and Standards

LP4 Housing Layout

PPL1 Development and Flood Risk

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 (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. 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, which measures approximately 0.25 hectares, is land to the east of Stagecoach Stud, which is located on the southern side of Wix Road within the parish of Ramsey and Parkeston. The site is currently used for agricultural uses and grazing in association with Stagecoach Stud to the west of the site. The land is comprised of grassland and slopes down from the frontage to the rear of the site towards the A120.

The northern side of Wix Road consists primarily of a ribbon of semi-detached houses, while the former school has been granted planning permission for residential development. To the south of the site, beyond the A120, is a large area of grassed land.

The site falls outside of a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site also falls within Flood Zone 2.

Description of Proposal

This application seeks outline planning permission with all matters bar access reserved for the erection of four dwellings. The other matters, appearance, landscaping, layout and scale, are all reserved for any future reserved matters application.

Site History

Under planning reference 17/00399/OUT, an application for nine dwellings on this site was refused planning permission. The first reason for refusal centred on the Council being able to demonstrate a five year housing supply and the site not being socially sustainable. Additionally the Council did not consider that nine dwellings could be accommodated on the site in a manner that reflects the local character, and the resultant loss of hedgerow and the form of the new properties would have a significant urbanising effect on the character of the road and result in the unplanned advance of urbanisation into the countryside.

Under planning appeal reference APP/P1560/W/18/3204692 (dated 26 March 2019) this decision was dismissed, with the Inspector concluding "*The adverse impacts of the development . . . would significantly and demonstrably outweigh the benefits. The primary reasons for this are the harm to character and appearance and the conflict with the development plan.*"

Following this decision the application has sought to reduce the impacts to the character of the area with a reduction in the number of dwellings from nine to four, which also reduces the level of new road and paved driveways. It is also noted that the Council is currently unable to demonstrate a five year housing supply.

Assessment

1. 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 four dwellings would have a contribution 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:

The NPPF seeks to support a prosperous rural economy. It promotes sustainable transport and seeks a balance in favour of sustainable transport modes to give people a real choice about how they travel recognising that opportunities to maximise solutions will vary between urban and rural areas. With regard to the social dimension, this means supporting strong, vibrant and healthy communities by supplying the housing required to meet the needs of present and future generations and creating a high quality environment with accessible local services.

Within the Councils 'Establishing a Settlement Hierarchy' (2016) Ramsey performs poorly, with no GP Surgery, defined village centre, defined employment area or railway station. However it does have a primary school and a good bus route. Further, the site itself connects to the main Ramsey settlement via good footpath and street lighting links.

Under previous planning application 17/00399/OUT, the Case Officer considered that the site was not socially sustainable. However within appeal decision APP/P1560/W/18/3204692 the Inspector stated *"The nearest settlement of Ramsey does not benefit from a full range of services. While there are bus routes which offer links to nearby towns and villages, these would not remove entirely the reliance on private vehicles for daily requirements"* and *"the proposed development would harm the character and appearance of the area and would not be a suitable and accessible site for new housing."*

That notwithstanding, within the 'Planning Balance' section of the appeal decision the Inspector then said *"I acknowledge that future occupants of the proposed development may provide a limited social benefit to the settlement of Ramsey through contribution to local community services."*

Therefore taking all of the above into consideration it is considered that the site, on balance, meets the social strand of sustainability.

Environmental:

The environmental role is about contributing to protecting and enhancing the natural built and historic environment.

Within appeal decision APP/P1560/W/18/3204692 the Inspector stated *"While the site is not within a designated landscape area and is used for equine purposes and it screened to a large extent by hedges and trees, given its open, undeveloped nature it reads as part of the wider pleasant countryside, which provides an attractive setting for the village. The proposal for nine dwellings would not only involve the erection of houses, but also would include significant areas of new road, paved driveways and domestic gardens that would substantially alter the landscape character of the area and extend the built-up area of Ramsey into the countryside. The proposal would lead to the loss of countryside and urbanise the gap between the existing village and the A120. Consequently, the proposed development would harm the character and appearance of the area."*

In response to this, the application has now been significantly amended to reduce the number of dwellings from nine to four. The application itself has also been significantly reduced, with the dwellings to be sited in the position of the existing stables, horseboxes and containers.

However that notwithstanding, there is distinctly a more urbanised character to the northern section of Wix Road, with the southern section being more open and rural in character, with only limited existing development. It is acknowledged that the proposed scheme reduces the impacts previously highlighted by the Case Officer and Inspector; however it would still result in an urbanisation of the existing gap between the village and A120. Further, should this application be granted it would set an unwanted precedent for future similar forms of development adjacent to the east and west of the site, which would further result in the erosion of the existing countryside to the visual detriment of the area.

2. Flooding Issues

Paragraph 155 of the National Planning Policy Framework (2019) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Paragraph 158 of the NPPF (2019) further states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and a sequential approach should be used in areas known to be at risk from any form of flooding.

Saved Policy QL3 of the Adopted Tendring District Local Plan 2007 also supports this approach by stating that the Council will ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, whilst for all proposed sites within Flood Zones 2 and 3, the sequential test must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area.

These sentiments are echoed in emerging policy PPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development.

The site lies within Flood Zone 2, which is defined as having a medium probability of flooding, and the application is classified as a more vulnerable development and the sequential test therefore must be passed.

Within recent appeal decision APP/P1560/W/18/3215282 (24 Mill Lane, Walton-on-the-Naze, dated 1 October 2019), the Inspector in weighing up how far the Sequential Test needs to be applied stated the following: *"The Inspector in the Holland-on-Sea case noted the LP directs housing to a number of urban areas throughout the district, so it would be logical to include these areas in the STA in the absence of local circumstances that suggest otherwise. I concur similarly in this case."* To summarise, the Inspector concluded there was no reason to restrict the scope of the Sequential Test and that it should be District wide. It is noted this appeal decision relates to a single dwelling, however the development subject of this application is also a minor development of four dwellings, and there are no mitigating factors that mean the Sequential Test should be restricted.

In this instance, the Council acknowledges further sites with extant planning permission for similar housing development, for example Land east of Bradfield Road, Wix (19/01048/OUT - 4 dwellings), Land adjacent 44 Elm Road, Little Clacton (19/00440/OUT - 5 dwellings), Land to the rear of 56 - 66 Frinton Road (19/01162/FUL - 6 dwellings), J E Fuller Ltd, Station Road, Kirby Cross (19/00777/FUL - 6 dwellings), Land North of Samsons Road, Brightlingsea (19/00731/FUL - 5 dwellings), and Land adjacent Fernview, Turnpike Close, Ardleigh (19/00467/FUL - 5 dwellings).

Having assessed the information submitted, officers have identified other sites in the surrounding district which could contain the development in a lower flood risk zone. The Council therefore does not agree that the sequential test requirement has been satisfied. The allocations in the emerging Local Plan, intelligence gathered in updating the SHLAA and knowledge of extant planning permissions indicates that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding that are therefore considered sequentially preferable to the application site.

It is therefore considered that the proposal has failed the Sequential Test and the benefits of the development do not therefore outweigh the risks of flooding. The proposed residential development is therefore considered to be unacceptable and contrary to the advice contained in the NPPF, policy PPL1 of the emerging Local Plan, and Saved Policy QL3 of the 2007 Adopted Local Plan.

3. Design, Layout 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 with all matters reserved bar access, and therefore detailed plans do not form part of the determination of this application. As such no elevational drawings have been submitted. However an indicative layout plan has been provided, which shows the access point to be located to the north of the site off Wix Road; there are no objections to the siting of this, and due to other similar examples nearby there will be no visual harm as a result.

The indicative layout shows the four dwellings to be sited in a uniform manner to the northern section of the site. Notwithstanding the earlier harm identified with regards to any development to this southern section of Wix Road, this layout is considered to be of an acceptable nature, but would be fully assessed within any future reserved matters application.

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 of two bedrooms should be a minimum of 75 square metres and for a dwelling of three bedrooms or more should be a minimum of 100 square metres. The information that has been supplied does not indicate the

number of bedrooms; although there is sufficient space within the site to ensure there will be enough private amenity space for the 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).

Whilst the application is in outline form with all matters 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.

5. Highway Considerations

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, vehicular turning facilities, the use of no unbound materials, the width of the private drive, and the submission of a Construction Method Statement.

Furthermore, the Council's Adopted Parking Standards require that for dwellings with 2 or more bedrooms that a minimum of 2 parking spaces is 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 indicative layout shows each plot to have a garage and space in front which meets the above standards.

6. Tree Impacts

The main body of the application site is currently set to grass with strong boundary trees and hedgerows with a few specimen trees in the main body of the land; most notably three Lombardy Poplar.

In order to show the impact of the development proposal on the trees the applicant has provided a tree survey and report. The information provided has been completed in accordance with BS5837 2012 Trees in relation to design, demolition and construction.

The report contains an Arboricultural Impact Assessment (AIA) and shows the extent of the constraint that the trees are on the development potential of the land. The report identifies those trees that would need to be felled in order for development to take place and shows how retained trees would be physically protected during the construction phase of any development that may be granted planning permission.

In terms of their age and stature the most important trees are two Lombardy Poplars, T3 and T4 of the tree report. However, whilst these trees are good specimens their positions and the degree to which they can be seen and enjoyed by the public are such that their amenity value is relatively low.

The tree report shows the retention of the hybrid Poplars on the boundary with the bypass as well as T9 and T10 ' Hybrid Poplar and Leyland Cypress - and the strengthening of planting on this boundary to improve screening. It also shows the retention of one or two trees on the western boundary T5 ' Hornbeam, T6 ' Lombardy Poplar and T8 ' Paper Birch. Otherwise it shows the removal of all other vegetation including the hedgerow adjacent to Wix Road.

It is important to note that the site layout plan forming part of the tree report is that associated with a previous planning application refused by this Council (reference 17/00399/OUT) and subsequently dismissed at Appeal. In this respect the AIA should be updated so that the impact of the current development proposal on the trees on the land can be accurately assessed. However the application is in outline form, and these detailed matters would be assessed at any future

reserved matters stage. Given this, and that there would appear to be sufficient space to accommodate the dwellings without harm to the trees, it would not be reasonable to object on these grounds.

With regard to the direct impact of the development proposal on the trees on the application site it is considered that although the development would have a detrimental impact on the quality and appearance of the local landscape character none of the trees are of such importance that they merit protection by means of a Tree Preservation Order.

7. Open Space

Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

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

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space. There are two play areas in Ramsey; a Local Area for Play located at Ramsey War Memorial and a Local Equipped Area for Play at Clayton Road.

To cope with additional development in Ramsey, the War Memorial Trust have plans in place to increase the size of the War Memorial play area. Due to the lack of facilities in Ramsey it is felt that a contribution towards off-site play facilities is justified and relevant to the planning application, which can go toward the provision of improvements and new equipment to the War Memorial Play Area Ramsey.

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.

8. 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 Stour and Orwell Ramsar and SPA 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.

Other Considerations

Ramsey & Parkeston Parish Council have no objection to the application for 4 dwellings as long as there is no further development on the site.

There have been two letters of objection received, with the following concerns:

1. Additional traffic issues;
2. There are more than enough dwellings in the area;
3. The loss of countryside; and
4. Precedent being set for future similar development.

In answer to this, all of these points have been addressed within the main body of the report above.

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, in indivisible from good planning, and should contribute positively to making places better for people. Paragraph 127 of The National Planning Policy Framework (2019) states that planning policies and decisions should ensure developments will add to the overall quality of the area, are visually attractive and are sympathetic to local character and history.

Policy QL9 and EN1 of the Tendring District Local Plan 2007 (Saved Plan) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

There is distinctly a more urbanised character to the northern section of Wix Road, with the southern section being more open and rural in character, with only limited existing development. It is acknowledged that the proposed scheme reduces the impacts previously highlighted by the Case Officer and Inspector; however it would still result in an urbanisation of the existing gap between the village and A120. Further, should this application be granted it would set an unwanted precedent for future similar forms of development adjacent to the east and west of the site, which would further result in the erosion of the existing countryside to the visual detriment of the area.

The proposal therefore fails to accord with the above local and national policies.

- 2 Paragraph 155 of the National Planning Policy Framework (2019) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 158 of the NPPF (2019) further states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and a sequential approach should be used in areas known to be at risk from any form of flooding.

Saved Policy QL3 of the Adopted Tendring District Local Plan 2007 also supports this approach by stating that the Council will ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, whilst for all proposed sites within Flood Zones 2 and 3, the sequential test must be applied to demonstrate that there are no reasonably available sites in a lower flood risk area.

These sentiments are echoed in emerging policy PPL1 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft, which states that all development proposals will be considered against the National Planning Policy Framework's flood risk 'sequential test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development.

The site lies within Flood Zone 2, which is defined as having a medium probability of flooding, and the application is classified as a more vulnerable development and the sequential test therefore must be passed.

In this instance, the Council acknowledges further sites with extant planning permission for similar housing development, for example Land east of Bradfield Road, Wix (19/01048/OUT - 4 dwellings), Land adjacent 44 Elm Road, Little Clacton (19/00440/OUT - 5 dwellings), Land to The rear of 56 - 66 Frinton Road (19/01162/FUL - 6 dwellings), J E Fuller Ltd, Station Road, Kirby Cross (19/00777/FUL - 6 dwellings), Land North of Samsons Road, Brightlingsea (19/00731/FUL - 5 dwellings), and Land adjacent Fernview, Turnpike Close, Arleigh (19/00467/FUL - 5 dwellings).

Having assessed the information submitted, officers have identified other sites in the surrounding district which could contain the development in a lower flood risk zone. The Council therefore does not agree that the sequential test requirement has been satisfied. The allocations in the emerging Local Plan, intelligence gathered in updating the SHLAA and knowledge of extant planning permissions indicates that there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding that are therefore considered sequentially preferable to the application site.

It is therefore considered that the proposal has failed the Sequential Test and the benefits of the development do not therefore outweigh the risks of flooding. The proposed residential development is therefore considered to be unacceptable and contrary to the advice contained in the NPPF, policy PPL1 of the emerging Local Plan, and Saved Policy QL3 of the 2007 Adopted Local Plan.

- 3 Paragraph 54 of the National Planning Policy Framework (2019) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 56 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

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

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space. There are two play areas in Ramsey; a Local Area for Play located at Ramsey War Memorial and a Local Equipped Area for Play at Clayton Road.

To cope with additional development in Ramsey, the War Memorial Trust have plans in place to increase the size of the War Memorial play area. Due to the lack of facilities in Ramsey it is felt that a contribution towards off-site play facilities is justified and relevant to the planning application, which can go toward the provision of improvements and new equipment to the War Memorial Play Area Ramsey.

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.

- 4 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 Stour and Orwell Ramsar and SPA 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.

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.