

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	09/03/2020
Planning Development Manager authorisation:	TF	18/03/2020
Admin checks / despatch completed	CC	19/03/2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	<i>DL</i>	19/03/2020

Application: 18/00958/OUT **Town / Parish:** St Osyth Parish Council
Applicant: R & P Bond
Address: Land at Warren Farm The Bury St Osyth

Development: Outline application for development of 7 almshouse type one and two bed dwellings and 6 houses in conjunction with provision of car park for public use.

1. Town / Parish Council

St Osyth Parish Council Prior to a vote by Councillors, the following objections were recorded;

- that the proposed development is outside of the Settlement Development Boundary and is deemed as backland development.
- that there is no requirement for either the proposed housing or car park.
- that the site which is agricultural land, located within the Coastal Protection Belt, has seen previous applications refused.

The following comments in support of the application were recorded;

- that the 7 'almshouse' style properties would provide much needed 'affordable' accommodation for both younger residents, first time buyers and those over 55 years of age.
- the site of the proposed development is the only suitable location for a car park, the need for which has already been acknowledged by the District Council.
- that the residents cannot rely of the goodwill of two landowners for the continuing provision of off street parking.

Following a lengthy discussion the Council voted in favour of the application, by a margin of 7 in favour, 3 objecting and 2 abstaining.

2. Consultation Responses

ECC SuDS Consultee Lead Local Flood Authority position

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we wish to issue a holding objection to the granting of planning permission based on the following:

No information has been provided in regard to surface water drainage.

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE - European designated sites

It has been identified that this development site falls within the 'Zone of Influence' (Zoi) of one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).

As you will be aware, the Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Tendring District Council, working together to mitigate the recreational impacts that may occur on the interest features of the coastal European designated sites in Essex as a result of new residential development within reach of them; the European designated sites scoped into the RAMS are notified for features which are considered sensitive to increased levels of recreation (e.g. walking, dog walking, water sports etc.) which can negatively impact on their condition (e.g. through disturbance birds, trampling of vegetation, erosion of habitats from boat wash etc.). For further information on these sites, please see the Conservation Objectives and Information Sheets on Ramsar Wetlands which explain how each site should be restored and/or maintained.

In the context of your duty as competent authority under the provisions of the Habitats Regulations², it is therefore anticipated that, without mitigation, new residential development in this location is 'likely to have a significant effect' on one or more European designated sites, through increased recreational pressure, either when considered 'alone' or 'in combination' with other plans and projects.

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We understand that you have screened this proposed development and consider that it falls within scope of the Essex Coast RAMS, and that you have undertaken a Habitats Regulations Assessment (HRA) (Stage 2: Appropriate Assessment) in order to secure any necessary recreational disturbance mitigation, and note that you have recorded this decision within your planning documentation.

We consider that without appropriate mitigation the application would:
-have an adverse effect on the integrity of European designated sites within scope of the Essex Coast RAMS

We are satisfied that the mitigation described in your Appropriate Assessment is in line with our strategic-level advice (our ref: 244199, dated 16th August 2018 and summarised at Appendix 1). The mitigation should rule out an 'adverse effect on the integrity' (AEOI) of the European designated sites that are included within the Essex Coast RAMS from increased recreational disturbance.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these mitigation measures.

UU Open Spaces

Response from Public Realm Open Space & Play

Application Details

Application No: 18/00958/OUT

Site Address: Land at Warren Farm The Bury St Osyth Clacton On Sea

Description of Development: Outline application for Development of 7 almshouse type one and two bed dwellings and 5 houses in conjunction with provision of car park for public use.

Current Position

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear. This is broken down as follows:

Local Plan Requirement Local Provision

Play Areas 3.30 0.24

Formal Open Space 6.59 3.21

9.89 3.45

There are three play areas in St. Osyth and Point Clear. The nearest play area to the development site is located at Cowley Park on Mill Street This play area is classified as a Neighbourhood Equipped Area for Play but is limited in size.

Recommendation

Due to the significant lack of open space and play facilities in the area a contribution, is justified and relevant to the planning application and this money would be spent at the closest play area being:

Cowley Park.

Housing Services

Tree & Landscape Officer

The main body of the application site does not contain any trees or other significant vegetation.

It appears that the development proposal would necessitate the permanent diversion of a Public Right of Way (PROW) although the site layout maintains the continuity of the footpath network and provides a new link to the adjacent churchyard.

There are trees and other vegetation in the gardens and churchyard boundaries adjacent to the application site that creates a soft urban edge.

If planning permission is likely to be granted it will be necessary to secure the indicative soft landscaping shown on the site layout plan

Building Control and
Access Officer

ECC Highways Dept

that will recreate the soft urban edge.

Fire tender access will be required to within 45m of any point on the floor plans. Otherwise no further comments at this time.

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

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 the first use of the development, the proposed access road, at its bellmouth junction with The Bury shall be provided with 10.0m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footways 2m. in width returned around the radius kerbs which shall connect to the existing footways. The new road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

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 DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

2 No unbound materials shall be used in the surface treatment of the proposed vehicular access within 12m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3 All carriageways should be provided at 5.5m between kerbed footways.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

4 All footways should be provided at no less than 2.0m in width.
Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

5 No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive

right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the specifications of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy DM 1 and 11 of the Highway Authority's Development Management Policies February 2011.

6 Prior to the commencement of the proposed development, the applicant shall submit a scheme of off road parking and turning for motor cars in accord with current Parking Standards for the new car park which shall be approved in writing by the Local Planning Authority. The car parking area shall be retained in this form in perpetuity and shall not be used for any purpose other than the parking of vehicles related to the use of the development and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur and to enable cars to join the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

7 Prior to the proposed access for any access to the car park being brought into use, a 25m x 2.4m x 25m visibility splay shall be provided on both sides of that access onto the Public Right of Way including the new junction and shall be retained and maintained free from obstruction clear to ground thereafter. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining Public Right of Way, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

8 Prior to the first use of the proposed development the applicant shall provide a scheme of bollards around the land between Hill House and The Old Coach House the carriageway of The Bury which shall be approved in writing by the Local Planning Authority .

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

9 All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

10 Any garage provided with its vehicular door facing the highway or proposed highway, shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority's Development Management Policies February 2011.

11 Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

12 Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety and in accordance with Policy DM 1 and 6 of the Highway Authority's Development Management Policies February 2011.

13 No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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

Reason: To ensure that on-street parking of these vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

14 Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

15 Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided within 15m of the highway boundary or adjacent to the highway

boundary and additionally clear of all visibility splays at accesses and retained thereafter.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

16 Prior to the first occupation of any of the proposed dwellings the bus stop opposite the proposed development site and adjacent to the vehicular access to the new development and car park shall be improved by the provision of level entry kerbing, new posts and flags, timetables, passenger waiting areas (hard standings) any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development in accord with Policy DM 9 of the Highway Authority's Development Management Policies February 2011.

Design Informative:

1. There should be no vehicular access over any radius kerbs.
2. The new carriageways should be provided with a centreline bend radius of 13.6m together with adequate forward visibility.
3. The applicant should be requested to consider the provision and location of street lighting columns, particularly at road junctions, these should be within the adoptable areas.
4. The proposed carriageway to enable future expansion of the site should be shown at no less than 5.5m in width together with 2.0m wide footways.
5. Refuse freighters are unlikely to manoeuvre over Private Drives.

Informative1: The applicants should be requested to confirm the status of the land at the proposed junction and determine if the land is subject to Finally Registered Common Land or is within the highway or third party ownership.

Note: It is understood that the formation of a new means of access over Common Land maybe an offence under the Inclosure Act 1857 and the Commons Act 1876.

Informative2 : The public's rights and ease of passage over Public Footpath Nos.7 & 8 (St Osyth) shall be maintained free and unobstructed at all times.

Informative1: 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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Essex Wildlife Trust

No comments received

Anglian Water Services
Ltd

ASSETS

Section 1 - Assets Affected

1.1 There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. "Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

2.1 The foul drainage from this development is in the catchment of St Osyth Water Recycling Centre that will have available capacity for these flows.

Section 3 - Foul Sewerage Network

3.1 Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. We request a condition requiring the drainage strategy covering the issue(s) to be agreed.

Section 4 - Surface Water Disposal

4.1 The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H. This encompasses the trial pit logs from the infiltration tests and the investigations in to discharging to a watercourse. If these methods are deemed to be unfeasible for the site, we require confirmation of the intended manhole connection point and discharge rate proposed before a connection to the public surface water sewer is permitted. We would therefore recommend that the applicant needs to consult with Anglian Water and the Environment Agency.

We request that the agreed strategy is reflected in the planning approval

Section 5 - Trade Effluent

5.1 Not applicable

Section 6 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Foul Sewerage Network (Section 3)

CONDITION

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding. Surface Water Disposal (Section 4)

CONDITION

No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON

To prevent environmental and amenity problems arising from flooding.

Environmental Protection

Prior to the commencement of any site clearance, demolition or construction works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from the Pollution and Environmental Control. The method statement (Demolition/Construction Management Plan) should include the following;

- ' No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holidays
- ' The use of barriers to mitigate the impact of noisy operations will be used where possible.
- ' No materials produced as a result of the site development or clearance shall be burned on site.
- ' All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.
- ' The selection and use of machinery to operate on site, and working practices to be adopted will as a minimum requirement, be compliant with the standards laid out in British Standard 5228:2014.
- ' Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- ' Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Pollution and Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and

vibration to nearby residents.

' If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Pollution and Environmental Control prior to the commencement of works.

' All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

' No materials produced as a result of the site development or clearance shall be burned on site. All reasonable steps, including damping down site roads, shall be taken to minimise dust and litter emissions from the site whilst works of construction and demolition are in progress.

' All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

' The design range should be complied with under BS8233:2014.

Reason: To ensure that nearby noise sensitive premises do not suffer a loss of amenity.

Waste Management

The private drive needs to be constructed so that wheeled bins can be easily manoeuvred from the edge of the properties to the refuse vehicle. The maximum distance that a wheeled bin will be moved from the edge of a property to a refuse vehicle is 50 metres.

Essex County Council Archaeology

The Essex Historic Environment Record (HER) and Tendring Historic Environment Characterisation Project, demonstrate that the proposed development lies within an area of archaeological interest.

The proposed development lies within an area of recorded archaeological activity in the form of cropmarks. The features appear agricultural in origin and may be medieval or earlier in origin. The site lies directly south of the Conservation Area of St Osyth and south of the on the Scheduled Monument and listed buildings within St Osyth Priory.

The following recommendations are made in line with the Department for Communities and Local Government National Planning Policy Framework:

RECOMMENDATION: A Programme of Trial Trenching followed by Open Area Excavation

1. No development or preliminary ground-works can commence until a programme of archaeological trial trenching has been secured and undertaken in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority. Following the completion of this initial phase of archaeological work, a summary report will be prepared and a mitigation strategy detailing the approach to further archaeological excavation and/or preservation in situ through re-design of the development, shall be submitted to the local planning authority.

2. No development or preliminary groundwork can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

3. Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment

(within six months of the completion date, unless otherwise agreed in advance with the planning authority), which will result in the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason for recommendation

The Tendring Historic Environment Characterisation project and Essex HER show that the proposed development is located within an area with potential for below ground archaeological deposits. The development would result in harm to non-designated heritage assets with archaeological interest.

Further Recommendations: A professional team of archaeologists should undertake the archaeological work. The archaeological work will comprise initial trial trenching evaluation.

A brief outlining the level of archaeological investigation will be issued from this office on request. Tendring District Council should inform the applicant of the recommendation and its financial implications.

Building Control and
Access Officer

No comments at this time.

Historic England

Historic England Advice

It is proposed to develop part of a large field at Warren Farm for housing, in relation to the proposed new village car park, subject to a separate consent. The proposed housing will be in the setting of a number of designated heritage assets, including the parish church and St Osyth's Priory, and adjoining the Conservation Area. Historic England objected to the earlier application for proposed housing as it would have had harmful impact on the historic environment. In revising the application our earlier concerns have been addressed, and we are happy to welcome the proposals.

St Osyth is a settlement of great historic value. Its significance has been studied and discussed at length, including in evidence considered at recent Public Inquiries. The setting of the important group of historic structures that constitute the heart of the settlement has been acknowledged to be of the greatest importance in their significance and understanding. The early settlement grew up around the Priory, which has Saxon origins. The Priory itself, and the wider settlement, are closely related to the topography of the site, being sited on a low hill close to the tidal creek, and close to the sea. The heritage assets are protected by a suite of designations, including the Grade I listing of the parish church, listings within the Priory group at Grade I and II*, the Scheduling of the Priory precinct and the designation of the conservation area.

By relocating the proposed housing to the eastern edge of the field the applicants have removed the danger of potential impact on key views towards the village and the priory from the south. The proposed location of the housing will be shielded from view by Warren Farm itself, or if seen, as from the south west, the new buildings will be seen against existing, modern housing.

National Policy as set out in NPPF highlights the key purpose of the planning system in achieving sustainable development (para 7). The key objectives of sustainable development should be achieved by the

preparation and implementation of plans (para 9). Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance (para 184). Local authorities should look for opportunities for new development...within the setting of heritage assets, to enhance or better reveal their significance (para 200).

Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 184 & 200.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account in determining the application. If there are any material changes to the proposals, or you would like further advice, please contact us. Please advise us of the decision in due course.

Housing Services

The site proposes 13 properties in total and therefore there is a requirement for affordable housing to be delivered as per the guidance issued by the NPPF in July 2018 and the council's emerging Local Plan. The emerging Local Plan requires 30% of properties on eligible sites to be delivered as affordable housing and on this site, this would equate to 3 properties in total.

There is a high demand for housing in St. Osyth . It is noted that the applicant wishes to develop 7 almshouse type properties on the site. We currently have 120 households over the age of 60 on the housing register seeking a 1 bedroom bungalow in the village and 20 households over the age of 60 seeking a 2 bedroom bungalow.

The council would like to see 3 properties delivered on site as affordable rented housing and would prefer 2 x 1 bed bungalows and 1 x 2 bed bungalow. The council would like to see the homes delivered as council housing.

Please let me know if you require any further information.

Waste Management

No comments

3. Planning History

00/00135/TELCO M	Erection of one 15 metre monopole complete with three cross polar antennas, two dish antennas, one radio equipment housing and development ancillary thereto	Determinati on	03.03.2000
00/00686/FUL	New building to house & expand	Approved	20.09.2000

	existing retail outlet for the sale of dried/silk flowers, craft products, plants and sundries as well as parking for customers		
95/00755/FUL	(Warren Farm, Warren Lane, St Osyth) To use part of New Warren Farmhouse for the retail of dried/silk flowers, craft products, plants and sundries	Approved	15.08.1995
98/00084/FUL	Agricultural building for storage of grain and machinery	Approved	25.03.1998
04/02332/FUL	Change of use from grain store to light engineering use	Refused	01.02.2005
06/01497/LUEX	Overnight storage of goods vehicles and storage of materials (currently four vehicles).		10.01.2007
07/00998/FUL	Change of use from flower shop to health and fitness club.	Refused	10.08.2007
18/00958/OUT	Outline application for development of 7 almshouse type one and two bed dwellings and 6 houses in conjunction with provision of car park for public use.	Current	
18/00959/FUL	Provision of car park for public use.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL2 Promoting Transport Choice

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

QL12 Planning Obligations

HG1 Housing Provision

HG3 Residential Development Within Defined Settlements

HG4 Affordable Housing in New Developments

HG6 Dwelling Size and Type

HG7 Residential Densities

HG9 Private Amenity Space

COM1 Access for All

COM6 Provision of Recreational Open Space for New Residential Development

EN1 Landscape Character

EN3 Coastal Protection Belt

EN6 Biodiversity

EN6A Protected Species

EN11A Protection of International Sites European Sites and RAMSAR Sites

EN11B Protection of National Sites SSSI's, National Nature Reserves, Nature Conservation Review Sites, Geological Conservation Review Sites

EN17 Conservation Areas

EN23 Development Within the Proximity of a Listed Building

EN30 Historic Towns

TR1A Development Affecting Highways

TR3A Provision for Walking

TR4 Safeguarding and Improving Public Rights of Way

TR7 Vehicle Parking at New Development

TR8 Public Car Parking

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

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

HP2 Community Facilities

HP5 Open Space, Sports & Recreation Facilities

LP1 Housing Supply

LP2 Housing Choice

LP3 Housing Density and Standards

LP4 Housing Layout

LP5 Affordable and Council Housing

PPL1 Development and Flood Risk

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL5 Water Conservation, Drainage and Sewerage

PPL7 Archaeology

PPL8 Conservation Areas

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network

Local Planning Guidance

Essex Design Guide

Essex County Council Car Parking Standards - Design and Good Practice

Tendring Landscape Character Assessment

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). 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, whilst housing delivery over the last three years has exceeded requirements, the supply of deliverable housing sites going forward that the Council can demonstrate still 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 (including Site Description and Proposal)

Site Context

The application site consists of approximately 0.8 hectares of land that is farmed as part of Warren Farm. The applicant describes the site as flat and open farmland and the application site forms part of a larger field. To the south of the site is the Warren Farm complex which includes the Grade II listed Warren Farmhouse as well two large buildings which were originally for agricultural purposes but are now used as a gym and the other an engineering workshop.

The track that leads down to Warren Farm from The Bury is also a footpath on the Public Right of Way network (PROW 178_7). The footpath continues to run south of the application site through to Wigboro Wick Lane.

There are a number of listed buildings / structures near to the site, including the Grade I listed Church of St Peter and St Paul; the Grade II listed Telephone kiosk on the south side of The Bury, to the west of the access road; Warren Farmhouse to the south and on the northern side of The Bury is the St Osyth Priory complex. The proposed access road would be directly opposite the greensward and entrance to the St Osyth Priory gatehouse.

Proposal

Outline planning permission is sought for the erection of 13 dwellings, with approval for the reserved matters of access (covering accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site) and scale (the size of the development, including the height, width and length of each proposed building).

The applicant proposes the provision of no. 4 x 1-bed dwellings; no 3 x 2-bed dwellings and no. 6 x dwellings with four or more bedrooms. Whilst the appearance of the dwellings remains a Reserved Matter the submitted plans show that establish the scale of the proposed dwellings. The 1-bed dwellings will be single storey, whilst all the other proposed dwellings would be two storey. The plans that have been submitted also show the length and depth of the dwellings proposed to establish the scale of the development.

The applicant has provided details of how they propose to access the site off The Bury, via the existing farm access lane which the applicant proposes to widen to a 4.8m wide carriageway with one 2m wide footway / a 5.5m wide carriageway with a 2m wide footway on each side of the carriageway.

The appearance; landscaping and layout of the development are all reserved matters and would need approval by the Council through a subsequent reserved matters application in the event that outline planning permission is granted.

The applicant's description of development states that the development is in conjunction with provision of a car park that will be provided for public use. The applicant has submitted a separate planning application to the Council (application ref. 18/00956/FUL), on land to the north of this site for the development of a car park. The Council will determine the application for the development of a car park application on its own merits.

The application was originally submitted in June 2018. The proposal then for was a development of 12 dwellings on farmland to the rear of a crescent of two storey semidetached houses that front on to The Bury - no's 1-6, between the access lane to Warren Farm and the Recreation Ground.

In March 2019 revised plans were submitted. The proposed development is now on 0.7998 hectares of farmland that is to the south of St Peter and St Pauls Church and to the west of Kings Close and Old School Close. In addition to there being a new location plan the applicant has also submitted a Sketch Layout Plan showing a development of 13 dwellings and additional house type drawings.

Principle of Development

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

The 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 February 2020 Housing Delivery Test results indicate that delivery of housing in the last three financial years in Tendring has exceeded the corresponding three-year requirement. As such, with 102% delivery, this authority is no longer required to incorporate a 20% buffer within its five-year housing supply (as per 2019 NPPF para. 73 c)) and is now only required to incorporate the standard 5% buffer (as per 2019 NPPF para. 73 a)) aimed at ensuring choice and competition in the market for land.

Tendring District Council's five-year housing supply position had previously been that agreed by the Council's Planning Policy and Local Plan Committee on 16th July 2019. That is 4.0 years supply when measured against the 'local housing need' calculated using the government's 'Standard Method' and 5.4 years supply when measured against the 'objectively assessed housing need' (OAN) set out in the Council's emerging Local Plan - with both calculations applying a 20% buffer. The implication of moving from a 20% to a 5% buffer is that the Council's housing supply

position can now be adjusted to 4.6 years using against the Standard Method and 6.2 using the OAN.

Because the Council's OAN is part of the emerging Local Plan which is currently the subject of examination and yet to be adopted, Footnote 37 requires the Council to use the local housing need derived from the Standard Method as the basis upon which to calculate whether or not it can demonstrate a five-year housing supply for decision making purposes. Therefore, the Council's adjusted housing supply position, using the Standard Method and a 5% buffer is 4.6 years (0.4 years short of five) and therefore the 'tilted balance' in the application of the presumption in favour of sustainable development (2019 NPPF para. 11 d)) is still engaged.

Whilst it is recognised that there would be conflict with Saved Policy QL1 (as recognised by the Inspector) 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.

- Assessment of Sustainable Development

Development should be plan led unless material considerations indicate otherwise. However, in line with Paragraph 8 of the National Planning Policy Framework (2019), achieving sustainable development means meeting an economic objective, a social objective and an environmental objective. For completeness, these are assessed below.

- Economic

It is considered that the proposal would contribute economically to the area, for example by providing employment during the construction of the development and from future occupants utilising local services, and so meets the economic arm of sustainable development.

- Social

Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 8 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Emerging Policy SPL2 defines settlement boundaries and states that development outside of those boundaries will be considered in relation to the settlement hierarchy and any other relevant policies within the plan. Given the size of the proposed housing development in relation to the scale of housing anticipated in St Osyth, it is considered that this element of the proposal conflicts with Policy SPL2.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the District's towns and villages and providing a framework for directing development toward the most sustainable locations. St Osyth is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the District's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'Strategic Urban Settlements' (Clacton-on-Sea; Harwich and Dovercourt; and the proposed Tendring Colchester Borders Garden Settlement) and 'Smaller Urban Settlements' (Frinton; Walton and Kirby Cross; Manningtree; Lawford and Mistley; and Brightlingsea). Therefore, a level of housing development for St Osyth could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.

However concerns have been raised in respect of the total number of new dwellings that have already gained planning permission on sites around St Osyth over recent years and which have either been built out or remain extant, and the cumulative impact that any additional homes and population over and above this could have on local services, traffic, other infrastructure and the

character of the village. Whilst St Osyth is categorised in the emerging Local Plan as a rural service centre where sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in the emerging Local Plan, as set out in paragraph 3.2.1.3, is meant to be 'fair, achievable and sustainable'.

Accordingly, it is considered that given that the emerging Local Plan is progressing well, the core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth is therefore awarded significant weight. With this in mind, it is considered appropriate to seek to protect villages from unfair, disproportionate and potentially unlimited levels of new housing growth.

The 13 dwellings proposed here is a purely residential scheme, and whilst it is acknowledged that the housing is to be provided in conjunction with a new village car parking area, no evidence has been provided to demonstrate that this level of housing is needed to fund the car parking area. Furthermore, no method of linking the provision of the car park with the funds secured by the housing has been completed. Consequently it is considered that this residential development offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead the Council to consider the proposal in exceptional light.

As the housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF, it is considered that this is an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the disproportionate level of housing growth either built or subject to extant permissions in St Osyth over recent years.

As such therefore it is considered that further development in this location would be contrary to Saved Policy QL1 and Draft Policy SPL2.

- Environmental

The environmental role is about contributing to protecting and enhancing the natural and built environment which is considered below under the heading Layout, Scale and Impact.

Landscape & Visual Impact

The supporting text to emerging policies SPL1 and SPL2 of the Draft Local Plan advises that outside the Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. Amongst other things saved policy QL9 of the Local Plan and emerging policy SPL3 of the Draft Local Plan state that new development should make a positive contribution to the quality of the local environment and enhance local character. Saved Policy EN1 of the Local Plan and emerging policy PPL3 of the Draft Local Plan state that the quality of the district's landscape and its rural character will be protected, and where possible enhanced. Development which would significantly harm landscape character or quality will not be approved. Saved Policy EN3 and emerging policy PPL2 concern land designated as Coastal Protection Belts, which this land is. These policies state that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted to protect the open character of the undeveloped coastline not only in terms of visual amenity but in terms of access to the natural environment.

Consistent with this paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.

The site is considered as part of the St Osyth Coastal Slopes Landscape Character (Tendring Landscape Character Assessment). While it is relatively featureless, the flat and exposed nature of the site allows views of the village in its countryside setting, particularly from the surrounding footpaths that run along the eastern side of the site and to the south adjacent to Warren Farm. The site, as a characteristic part of the St Osyth Coastal Slopes, makes an important contribution to the

discreet and rural setting of the village. Its openness means that it cannot accommodate development without undue harm to the landscape, making the site fairly susceptible to development. The construction of 13 dwellings in this location would result in the loss of an attractive area of open countryside, adversely affecting the character and setting of the village and diminishing users' enjoyment of the surrounding footpath network. This would undermine the distinctive identity of the settlement, would not conserve or enhance the rural character of the landscape and would be in direct conflict with the aims and aspirations of the Coastal Protection Belt to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development that would harm visual amenity and access to the natural environment.

The Tendring Landscape Character Assessment also states that a key characteristic of the St Osyth Coastal Slopes designation is the character and pattern of existing rural lanes and informal tracks which, run up and down the slopes. The assessment goes on to state that these informal lanes should be conserved and that the upgrading of rural lanes and the introduction of urbanising elements such as those proposed as part of this application, including concrete kerbs and lighting will not be appropriate. It is evident therefore that the proposed development would result in a change to the current informal track to a more heavily engineered carriageway including raised kerbs, road markings, signage and potentially lighting. This would have an additional urbanising effect which would be detrimental to the appearance of the surrounding area and contrary to the guidance contained in the landscape character assessment and the aforementioned planning policies.

Overall the development would result in the urbanisation of the site, including the informal track, and would therefore result in significant harm to the countryside setting of the village, the Coastal Protection Belt designation and for users' enjoyment of the adjacent footpath network.

Ecology and Nature Conservation

Paragraph 175 of the NPPF requires Councils, when determining planning applications, to protect and enhance biodiversity and geodiversity. Where significant harm to biodiversity cannot be avoided, mitigated or, as a last resort, compensated for, Councils should refuse planning permission. Policy EN6 of the adopted Local Plan and Policy PPL4 of the emerging Local Plan give special protection to designated sites of international, national or local importance to nature conservation but for non-designated sites still require impacts on biodiversity to be considered and thereafter minimised, mitigated or compensated for.

Protected Habitats/RAMS: Under Regulations 61 and 62 of the Habitats Regulations, local planning authorities as the 'competent authority' must have regard for any potential impact that a plan or project might have on European designated sites. The application site is not, itself, designated as site of international, national or local importance to nature conservation. However, the site lies within the Zone of Influence (Zoi) of the Colne Estuary Special Protection Area (SPA) and Ramsar as defined in 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 recreational purposes. In order to avoid a likely significant effect in terms of increased recreational disturbance to Coastal European designated sites (Habitats sites) in particular Colne Valley SPA and Ramsar site and Essex Estuaries SAC, mitigation measures will need to be in place prior to occupation. These would be in the form (for schemes of under 100 net additional dwellings) of an off-site financial contribution of £122.30 per dwelling.

Whilst the applicant has confirmed their agreement to payment of this contribution, in the absence of a completed Section 106 Agreement such obligations cannot be secured against any permission and this will therefore form part of a reason for refusal.

Listed Buildings & Conservation Area

The principle heritage assets for consideration are:

- The St Osyth Conservation Area;
- Grade I Listed Church of St Peter and St Paul (List Entry ID: 1111513); and
- Grade II Listed Warren Farm House (List Entry ID: 1337161).

The proposed development will cause harm to all three of these heritage assets.

The proposal will have a fundamental change in the immediate setting of the church and result in an adverse change to this aspect of agrarian setting which has been fundamentally unchanged, in terms of land use, for hundreds of years and likely since the church was constructed. Considering this adverse change, and other considerations such as environmental and diurnal changes in the setting, the impact is considerable to this Grade I listed building.

The impact to the Conservation Area is also considered in the same light as outlined above for the church, although with the addition of a direct impact which may arise from the new access road which has potential to have a direct impact on the character and appearance of the conservation area.

The proposed development will also result in considerable change the historic approach to Grade II listed Warren Farm House. Historic maps show that this track is the historic route to the farmhouse. The proposed development will detract from this route, in terms of the change of land use. This will adversely affect how the farmhouse is appreciated and experienced in its agrarian setting. The farm is historically an isolated farmstead outside of the settlement, this proposal will detract from the experience and understanding of this relationship.

The proposal will cause 'less than substantial harm' to the setting and significance of three designated heritage asset (one of which is Grade I listed).

Highways, Transport & Access

Paragraph 108 of the NPPF (2019) relates to transport and requires Councils, when making decisions, to ensure that:

- Appropriate opportunities to promote sustainable transport modes can be made - or have been - taken up, given the type of development and its location;
- safe a suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy TRA1a in the adopted Local Plan requires that development affecting highways be considered in relation to reducing and preventing hazards and inconvenience to traffic including the capacity of the road network. Policy CP2 in the emerging Local Plan states that proposals which would have any adverse transport impacts will not be granted planning permission unless these are able to be resolved and the development made acceptable by specific mitigation measures which are guaranteed to be implemented.

In this case, the Highway Authority have been consulted and do not have any objections subject to the following;

- the road junction at its bell-mouth with The Bury being constructed at right angles to the highway boundary and the carriageway width being 5.5m for at least 6m back from the highway with 2m wide flanking footways;
- 2.4m x 43m visibility splays being afforded to the access;
- no unbound materials being used in the first 12m of the access;
- vehicular parking and turning facilities being provided prior first occupation;
- diversion of the existing right of way being secured via an Order; and
- the adoption of part of the Footpath no.7 on the eastern side with a 2m footway from its junction with The Bury to a point 5m south of the proposed junction for the new dwellings.

These requirements would be secured via condition or demonstrated at the reserved matters stage.

Drainage

Paragraph 165 of the National Planning Policy Framework (2019) states;

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

In this instance no drainage information has been provided. The proposed development therefore fails to demonstrate that surface water flooding will not be caused elsewhere as a result of the development and is therefore contrary to the NPPF and saved policy QL3 of the saved Tendring District Local Plan (2007).

Residential Amenity

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

With regard to privacy, the Essex Design Guide (EDG) states that "with rear-facing habitable rooms, the rear faces of opposite houses approximately parallel, and an intervening fence or other visual barrier which is above eye level from the potential vantage point, a minimum of 25 metres between the backs of houses may be acceptable". It goes on to state that "where new development backs on to the rear of existing housings, existing residents are entitled to a greater degree of privacy to their rear garden boundary, and therefore where the rear faces of the new houses may not encroach any closer than 15 metres to an existing rear boundary, even though with a closer encroachment 25 metres between the backs of houses would still be achieved".

Having regard to the above the indicative layout plan provided shows that a scheme incorporating 6 dwellings and 7 single storey almshouses can be accommodated on this site without harming local resident's amenity in respect of loss of privacy/outlook. Sufficient distance can be retained between the new properties and those sited to the north-east in Old School Close and Kings Close to avoid any potential harm.

In terms of vehicular movements along the lane the additional housing would not give rise to undue noise and disturbance to local resident's enjoyment of their rear gardens. This is due to the relatively low number of properties proposed and the presence of fencing/mature vegetation on the perimeter of the gardens in question.

Planning Obligations

Affordable Housing

Para. 62 of the NPPF requires, inter alia, LPAs where they have identified that affordable housing is needed, to set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Adopted Policy HG4 seeks up to 40% of dwellings on large housing sites to be secured as affordable housing for people who are unable to afford to buy or rent market housing, whereas draft Policy LP5 requires up to 30% of new homes on large development sites to be made available to the Council or a nominated partner, at a discounted price, for use as Affordable Housing or Council Housing, subject to viability testing.

If minded to approve this application, up to 3 of the proposed properties would need to be secured for affordable housing purposes through a Section 106 legal agreement. However, as the application is to be refused, the lack of a Section 106 Agreement to secure the necessary level of affordable housing will be included as a reason for refusal, to ensure that this matter is properly addressed if the applicant decides to appeal.

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". These sentiments are carried forward within emerging Policy HP5.

In line with the requirements of saved Policy COM6 and emerging Policy HP5 the Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space.

There is currently a deficit of 6.44 hectares of equipped play and formal open space in St Osyth and Point Clear. There are three play areas in St. Osyth and Point Clear. The nearest play area to the development site is located at Cowley Park on Mill Street This play area is classified as a Neighbourhood Equipped Area for Play but is limited in size. A contribution is justified and relevant to the planning application and this money would be spent increasing the size at the closest play area being Cowley Park.

This application is not accompanied by a completed unilateral undertaking for a contribution towards play and formal open space facilities and therefore this scheme does not comply with Policy COM6.

Other Considerations

St Osyth Parish Council support the application but note the following objections and support comments;

Objections

- that the provision of a car park would not resolve the issue of parking within the centre of St Osyth
- that there would appear to be a footpath leading from the car park to Church Square, via the closed Churchyard.
- that access to the car park would cross part of the Village Green.
- that some 350 homes are already planned for St Osyth.
- that the phrase 'almshouse type' would imply that the properties are intended for the needy.

The following comments in support of the application were recorded;

- the amended site of the proposed development is preferable to that of the original, as does not impact on the views of St Osyth Priory.
- that the car park will provide much needed parking spaces, especially as the current arrangement of parking on The Bury, by the goodwill of the landowner, is to be reduced to 17 parking spaces as indicated by Planning Application 17/01593/DISCON.
- that concerns as to the construction of a new footpath are unfounded, as Footpath 8 has been in existence for over 50 years.
- that Footpath 8 will be widened, similar to the permissive footpath on the opposite side of the site, so as to form more of a buffer between the proposed development and those houses already in Old School Close.
- that the provision of CCTV and a height restrictive barrier, will help to reduce antisocial behavior.

The application has attracted 39 objections and 4 letters of support. The main issues raised in the representations received are summarised below;

Objections

- The site is located within the Coastal Protection Belt and is outside the Settlement Development Boundary
- Inappropriate backland development
- Highway safety concerns
- The new access road which will be built very close to existing entrances to properties and across the old village well
- The Access Road runs across land registered as Village Green and protected as a Protected Green Space in the new Local Plan
- There is a large old chestnut tree near the junction with The Bury that will affect the ability to modify the junction
- Will create a precedent for further housing development in the village
- Light pollution of an unlit area
- Limited employment opportunities in the village and existing village services will be unable to cope with more housing
- Changing the alignment of the current access track to the farm will break a historic visual link between the Priory and the Estuary. New housing will detract from views out from the Priory and from distant views of the Priory.
- Development will be harmful to setting of Grade I listed buildings - The Priory and Church - and Grade II listed Warren Farm and telephone kiosk and the Conservation Area
- The change to the location of the housing development may reduce the impact on The Priory but it moves the development closer to other Grade I & II listed buildings
- Harm to the landscape and loss of views
- St Osyth already has more than enough new housing with over 275 houses approved. More housing is not required as the District can demonstrate more than 5-years housing land supply
- Loss of valuable agricultural land and valuable green space
- Approval of this application will lead to applications for more housing on surrounding land
- The proposed car park, on the adjoining site, is not necessary and is not close enough to shops to be of use to local residents. It is only wanted by the Church and will attract anti-social behaviour
- Understand that the landowner will get the car park land back after 30 years
- The field provides an attractive and well used route, via public rights of way, to the lake
- Concerns about surface water drainage problems arising from the enlarged area of hardstanding at the site
- These are not Almshouses - they are Almshouse "type" houses. Not being provided as a philanthropic gesture
- The site is used by wildlife, including rare birds

Support

- Proposal will be beneficial to economy of the village
- If the housing was approved then a properly constructed car park will be provided that will be available year-round and this will be useful for village visitors and local people and better off-street car parking will reduce dangerous and illegal parking on double yellow lines.

6. Recommendation

Refusal

7. Reasons for Refusal

- 1 Emerging Policy SPL1 of the Publication Draft of the Local Plan 2017 includes a 'settlement hierarchy' aimed at categorising the district's towns and villages and providing a framework for directing development toward the most sustainable locations therefore being in line with the aims of the aforementioned paragraph 8 of the NPPF. This is the emerging policy equivalent to Saved Policy QL1 of the adopted Tendring District Local Plan 2007 which states that development should be focussed towards the larger urban areas and to within development boundaries as defined within the Local Plan.

Emerging Policy SPL2 defines settlement boundaries and states that development outside of those boundaries will be considered in relation to the settlement hierarchy and any other relevant policies within the plan. Given the size of the proposed housing development in

relation to the scale of housing anticipated in St Osyth, it is considered that this element of the proposal conflicts with Policy SPL2.

With this in mind, the emerging Local Plan includes a 'settlement hierarchy' aimed at categorising the District's towns and villages and providing a framework for directing development toward the most sustainable locations. St Osyth is categorised in emerging Policy SPL1, along with six other villages, as a 'Rural Service Centre' in recognition of its size and reasonable range of services and facilities, particularly when compared against many of the District's smaller rural villages. Rural Service Centres are the next most sustainable category of settlement following 'Strategic Urban Settlements' (Clacton-on-Sea; Harwich and Dovercourt; and the proposed Tendring Colchester Borders Garden Settlement) and 'Smaller Urban Settlements' (Frinton; Walton and Kirby Cross; Manningtree; Lawford and Mistley; and Brightlingsea). Therefore, a level of housing development for St Osyth could have the potential to be considered sustainable so long as detailed matters such as infrastructure provision and environmental impacts are considered and addressed.

However concerns have been raised in respect of the total number of new dwellings that have already gained planning permission on sites around St Osyth over recent years and which have either been built out or remain extant, and the cumulative impact that any additional homes and population over and above this could have on local services, traffic, other infrastructure and the character of the village. Whilst St Osyth is categorised in the emerging Local Plan as a rural service centre where sustainable growth could be supported, this is not a license to allow an unlimited or disproportionate level of growth in the village. The level of growth intended for rural service centres through the policies in the emerging Local Plan, as set out in paragraph 3.2.1.3, is meant to be 'fair, achievable and sustainable'.

Accordingly, it is considered that given that the emerging Local Plan is progressing well, the core planning principles under paragraph 15 of the National Planning Policy Framework (NPPF) that development should be genuinely plan-led apply and the Council should actively manage patterns of growth is therefore awarded significant weight. With this in mind, it is considered appropriate to seek to protect villages from unfair, disproportionate and potentially unlimited levels of new housing growth.

The 13 dwellings proposed here is a purely residential scheme, and whilst it is acknowledged that the housing is to be provided in conjunction with a new village car parking area, no evidence has been provided to demonstrate that this level of housing is needed to fund the car parking area. Furthermore, no method of linking the provision of the car park with the funds secured by the housing has been completed. Consequently it is considered that this residential development offers no exceptional economic, social or environmental benefits over and above any of the other schemes with planning permission that might lead the Council to consider the proposal in exceptional light.

As the housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF, it is considered that this is an unnecessary and unwanted development that is contrary to the development plan and would exacerbate the disproportionate level of housing growth either built or subject to extant permissions in St Osyth over recent years.

As such therefore it is considered that further development in this location would be contrary to Saved Policy QL1 and Draft Policy SPL2.

- 2 The supporting text to emerging policies SPL1 and SPL2 of the Draft Local Plan advises that outside the Settlement Development Boundaries, new development will be subject to strict control to protect and enhance the character and openness of the countryside. Amongst other things saved policy QL9 of the Local Plan and emerging policy SPL3 of the Draft Local Plan state that new development should make a positive contribution to the quality of the local environment and enhance local character. Saved Policy EN1 of the Local Plan and emerging policy PPL3 of the Draft Local Plan state that the quality of the district's

landscape and its rural character will be protected, and where possible enhanced. Development which would significantly harm landscape character or quality will not be approved. Saved Policy EN3 and emerging policy PPL2 concern land designated as Coastal Protection Belts, which this land is. These policies state that new development which does not have a compelling functional need to be located in the Coastal Protection Belt will not be permitted to protect the open character of the undeveloped coastline not only in terms of visual amenity but in terms of access to the natural environment.

Consistent with this paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services.

The site is considered as part of the St Osyth Coastal Slopes Landscape Character (Tendring Landscape Character Assessment). While it is relatively featureless, the flat and exposed nature of the site allows views of the village in its countryside setting, particularly from the surrounding footpaths that run along the eastern side of the site and to the south adjacent to Warren Farm. The site, as a characteristic part of the St Osyth Coastal Slopes, makes an important contribution to the discreet and rural setting of the village. Its openness means that it cannot accommodate development without undue harm to the landscape, making the site fairly susceptible to development. The construction of 13 dwellings in this location would result in the loss of an attractive area of open countryside, adversely affecting the character and setting of the village and diminishing users' enjoyment of the surrounding footpath network. This would undermine the distinctive identity of the settlement, would not conserve or enhance the rural character of the landscape and would be in direct conflict with the aims and aspirations of the Coastal Protection Belt to protect the unique and irreplaceable character of the Essex coastline from inappropriate forms of development that would harm visual amenity and access to the natural environment.

The Tendring Landscape Character Assessment also states that a key characteristic of the St Osyth Coastal Slopes designation is the character and pattern of existing rural lanes and informal tracks which, run up and down the slopes. The assessment goes on to state that these informal lanes should be conserved and that the upgrading of rural lanes and the introduction of urbanising elements such as those proposed as part of this application, including concrete kerbs and lighting will not be appropriate. It is evident therefore that the proposed development would result in a change to the current informal track to a more heavily engineered carriageway including raised kerbs, road markings, signage and potentially lighting. This would have an additional urbanising effect which would be detrimental to the appearance of the surrounding area and contrary to the guidance contained in the landscape character assessment and the aforementioned planning policies.

Overall the development would result in the urbanisation of the site, including the informal track, and would therefore result in significant harm to the countryside setting of the village, the Coastal Protection Belt designation and for users' enjoyment of the adjacent footpath network.

- 3 Paragraph 127 of the National Planning Policy Framework 2019 (NPPF) requires that development should respond to local character and history, and reflect the identity of local surroundings. It goes on to say that local distinctiveness should be promoted and reinforced. Saved Policy QL9 and EN1 of the Tendring District Local Plan (2007) and Policy SPL3 and PPL3 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape.

Furthermore, Paragraphs 184 of the NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Specifically Paragraph 196 of the NPPF 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.

Additionally, Saved Policy EN23 of the Tendring District Local Plan (2007) and Policy PPL9 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) state that proposals for development that would adversely affect the setting of a listed building will not be permitted.

Policy EN17 of the Adopted Local Plan states that development within a Conservation Area must preserve or enhance the character or appearance of the Conservation Area. The sentiments of this policy are carried forward within Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

The principle heritage assets for consideration are:

- The St Osyth Conservation Area;
- Grade I Listed Church of St Peter and St Paul (List Entry ID: 1111513); and
- Grade II Listed Warren Farm House (List Entry ID: 1337161).

The proposed development will cause harm to all three of these heritage assets.

The proposal will have a fundamental change in the immediate setting of the church and result in an adverse change to this aspect of agrarian setting which has been fundamentally unchanged, in terms of land use, for hundreds of years and likely since the church was constructed. Considering this adverse change, and other considerations such as environmental and diurnal changes in the setting, the impact is considerable to this Grade I listed building.

The impact to the Conservation Area is also considered in the same light as outlined above for the church, although with the addition of a direct impact which may arise from the new access road which has potential to have a direct impact on the character and appearance of the conservation area.

The proposed development will also result in considerable change the historic approach to Grade II listed Warren Farm House. Historic maps show that this track is the historic route to the farmhouse. The proposed development will detract from this route, in terms of the change of land use. This will adversely affect how the farmhouse is appreciated and experienced in its agrarian setting. The farm is historically an isolated farmstead outside of the settlement, this proposal will detract from the experience and understanding of this relationship.

The proposal will cause 'less than substantial harm' to the setting and significance of the three designated heritage assets (one of which is Grade I listed), the benefits of which are considered to be outweighed by the harm identified.

- 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 Colne Valley SPA and Ramsar site and Essex Estuaries SAC, 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.

- 5 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. Planning obligations should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Saved Policy HG4 of the Tendring District Local Plan (2007) requires up to 40% of new dwellings on residential schemes of 5 or more units to be provided in the form of affordable housing to meet the needs of people that are unable to access property on the open market. Emerging Policy LP5 of the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017), which is based on more up-to-date evidence of housing need and viability, requires for developments of 10 or more dwellings, the Council expect 30% of new dwellings to be made available to Tendring District Council or an alternative provider to acquire at a discounted value for use as affordable housing, or as an alternative, the Council will accept a minimum of 10% if new dwellings are to be made available alongside a financial contribution toward the construction or acquisition of property for use as affordable housing (either on the site or elsewhere in the district) equivalent to delivering the remainder of the 30% requirement. A completed Section 106 has not been provided prior to the application determination date and the application is therefore contrary to the above policy.

Saved Policy COM6 and emerging Policy HP5 state that for residential development on a site of 1.5ha and above, where existing public open space and/or play equipment are inadequate shall provide appropriate provision on-site or by way of a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of future occupiers of the development. In this case there is likely to be sufficient on-site open space provision to meet the Council's requirements. However, there will also be a need to provide on-site play provision and if the open space and play provision is to be maintained by the Council then provisions will need to be secured through a Section 106 obligation. Without such provisions being secured the proposals are contrary to the above policies.

A completed Section 106 obligation to secure the relevant contributions towards open space/play space and affordable housing has not been provided and is therefore contrary to the above policies.

- 6 Paragraph 165 of the National Planning Policy Framework (2019) states;

Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

In this instance no drainage information has been provided. The proposed development therefore fails to demonstrate that surface water flooding will not be caused elsewhere as a result of the development and is therefore contrary to the NPPF and saved policy QL3 of the saved Tendring District Local Plan (2007).

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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO