

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AL	29/04/2021
Planning Development Manager authorisation:	JJ	30/04/2021
Admin checks / despatch completed	DB	30.04.2021
	CC	30.04.2021

**Application:** 20/00862/OUT **Town / Parish:** Ramsey & Parkeston  
**Applicant:** Adeshanu Ltd  
**Address:** Land at and r/o Bridgefoot House, Church Hill, Ramsey, Harwich, CO12 5EU  
**Development:** Demolition of existing house and erection of 7 dwellings.

### 1. Town / Parish Council

Ramsey & Parkeston Parish Council      No response received.

### 2. Consultation Responses

ECC Highways Dept  
05.10.2020

#### **LATEST COMMENTS**

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 occupation of the development, the road junction / access at its centre line shall be provided with a minimum clear to ground visibility splay with dimensions of 2.4 metres by 120 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 the first occupation of the development, the proposed vehicular access at its bell-mouth junction with Ramsey Hill shall be provided with:

- 10.0m. radius kerbs returned to an access road carriageway width of 6.0m. and flanking footways 2m. in width returned around both 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.

3. Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council).

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM1.

4. Prior to the occupation of the development the internal layout shall be provided in principal with drawing number:

- 20/4120/01 c Amended site plan and block plan.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

5. No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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.

6. Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the carriageway and to a width of 3.6m (4 low kerbs) and each shared vehicular access shall be constructed at right angles to the carriageway and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

7. The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

Reason: To ensure that vehicles using the access both enter and leave the highway in a controlled manner, in the interests of highway safety and in accordance with Policy DM1.

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

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure accordance with policy DM1.

9. The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent

indiscriminate access and parking on the highway, in the interests of highway safety and in accordance with Policy DM1.

10. Each tandem vehicular parking space shall have minimum dimensions of 2.9 metres x 11 metres to accommodate two vehicles while vehicular parking space which is bounded by walls or other construction shall have minimum dimensions of 3.4 metres x 5.5 metres.

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

11. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

12. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) 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.

13. The public's rights and ease of passage over Public Footpath No.20 (Ramsey\_177) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpath.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies DM1 and DM11

14. Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

15. Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage shall be extended to a minimum of 2.0m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate

connection in both directions to the existing footway to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accord with Policy DM 9.

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: The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no.20 (Ramsey\_177) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: 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](mailto:development.management@essexhighways.org) or by post to:

SMO1 - Development Management Team  
Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
CO7 7LT

4: 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.

18.08.2020

**ORIGINAL COMMENTS**

numbered 20/4120/01 REV A is not acceptable to serving 9no. dwellings, a new vehicular access will require relocating to the centre of the proposed development site and remodelled to current design standards which are indicated below.

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 occupation of the development, the proposed vehicular access at its bellmouth junction with Ramsey Hill shall be provided with 10.0m. radius kerbs returned to an access road carriageway width of 6.0m. and flanking footways 2m. in width returned around both 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 Prior to the proposed access being brought into use, minimum vehicular visibility splays of 120m by 2.4 by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction clear to ground.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining 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 Prior to the first use of the proposed access, details of the construction and future maintenance of the necessary bridging or piping of the drainage ditch/watercourse shall be submitted to and approved in writing by the Lead Local Flood Authority (Essex County Council)

Reason: To prevent or reduce the risk of flooding of the adjoining highway, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

4 No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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.

5 All carriageways should be provided at 5.5m between kerbs or 6.0m where vehicular access is taken but without kerbing.

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.

6 Prior to commencement of the proposed development, vehicular turning facilities 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.

7 Prior to first occupation of the proposed development, a communal recycling/bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at accesses.

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.

8 Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the carriageway and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the carriageway and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety and in accordance with Policy DM 1 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.

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 commencement of the proposed development, details of the provision for the storage of bicycles for each dwelling, 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

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 No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) 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.

13 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling, approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies February 2011.

14 The existing access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on 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.

15 Prior to occupation of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on 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 The gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for at least the first 6m. from the highway boundary and not steeper than 8% (1 in 12.5) thereafter.

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

17 Prior to the occupation of any of the proposed dwellings the footway across the entire sites frontage shall be extended to a minimum of 2.0m in width and being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the footway and carriageway channel and making an appropriate connection in both directions to the existing footway to the specifications of the Highway Authority.

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

Informative: The public's rights and ease of passage over Public Footpath No.20 (Ramsey) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpath.

Informative2: 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](mailto: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 County Council  
Archaeology  
11.08.2020

The above planning application has been identified as having the potential to harm non-designated heritage assets with archaeological interest.

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

The above development lies within the historic settlement at Ramsey, close to the site of the medieval manor and Church. Historic mapping depicts cottages existed within the site, possibly associated with a brick kiln, known as Whinny Grove cottages. The cottages and kiln predate the 1st edition OS map and so predate c.1870 and may be



earlier in origin. An association to the Hall is likely. The potential for below ground remains associated with the cottages is high and there may be above ground remains within the overgrown areas. This should be assessed in a site walkover and recorded and followed by a trial trench evaluation across the site.

The following recommendations are made in line with the National Planning Policy Framework:

RECOMMENDATION: A Programme of Archaeological evaluation

1. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant, and approved in writing by the local planning authority.

2. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above.

3. The applicant will submit to the local planning authority a post excavation assessment (to be submitted within six months of the completion of the fieldwork, unless otherwise agreed in advance with the Planning Authority). This 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.

Further Recommendations:

A professional team of archaeologists should undertake the archaeological work. 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.

Essex County Council  
Heritage  
23.10.2020

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

There appears to be no existing building on the site as suggested within the description. There would be no principle objection to the development of this land. Given the distance of the proposed site from the Grade I listed church and the site being largely screened by existing residential development, it would not adversely impact the setting, and thus the significance of the church.

I would not support any further development of this land, the open field to the west of the proposed site contributes to the rural setting of the church. Further development would encroach on the church and erode the agrarian landscape in the immediate environs of the church.

I recommend that a condition is imposed regarding types and colour of the materials to be used in the external finishes which should be submitted to and approved in writing by the local planning authority. Materials used should be high quality and appropriate to the context of the site. Additionally, details of all hard and soft -landscaping and boundary treatments must be approved in writing by the local planning authority prior to works commencing. I also recommend a condition imposed for the building types which should use high quality and traditional vernacular building materials.

Environmental Protection

The Environmental Protection Team are requesting that should this proposal be approved, the below information is submitted within any further or subsequent, detailed application –

1. Contaminated Land – Prior to the commencement of the development proposals, investigations shall be carried out to establish whether the site is contaminated in any way, by way of, at minimum, a Phase 1 Site Walkover and Risk Assessment. Such investigations shall be carried out in accordance with a scheme which shall first be agreed in writing with the Local Planning Authority. If the investigations reveal contamination of the site, a further scheme shall be agreed in writing by the Local Planning Authority, setting out measures to ensure that the entire area of the site, in relation to soil conditions resulting from such contamination, will not be harmful or detrimental to human health, animal health, normal plant health or growth, to buildings, building surfaces or amenities. Such agreed measures shall be implemented and completed to the satisfaction of the Local Planning Authority prior to the commencement of any development of the site.

Reason: to protect the health of site workers and end users

2. Construction Method Statement – So as to ensure minimal noise disturbance is experienced by nearby residential premises throughout the duration of the development, the EP Team are requesting the submission of a construction method statement, this should include, but not be limited to:

Noise Control:

- 1) The use of barriers to mitigate the impact of noisy operations will be used where possible.
- 2) 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 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 3) 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.
- 4) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 5) 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.
- 6) 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.

Emission Control:

- 1) 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.
- 2) 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.

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

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

Reason for request: to protect the amenity of the nearby residential properties.

Essex Police – Designing  
Out Crime Office  
20.07.2020

The published documents have been studied and, unfortunately, do not provide sufficient detail to allow an informed decision pursuant to the National Planning Policy Framework, sec 12, paragraph 127, (f) and the Tendring Local Plan policy PL4, which requires developments are safe, secure places to live. Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. From experience pre-planning consultation is always preferable in order that crime prevention through environmental design (CPTED) is incorporated into the proposed design to ensure that the security and lighting considerations are met for the benefit of the intended residents and those neighbouring the development, prior to a full planning application.

Essex Police, provide a no cost, impartial advice service to any applicant who request this service; we are able to support the applicant to achieve the requirements to gain the nationally acknowledged Secured by Design accreditation and would invite the them to contact Essex Police via [designingoutcrime@essex.police.uk](mailto:designingoutcrime@essex.police.uk)

### **3. Planning History**

16/01010/OUT	Proposed erection of 3 detached dwellings with associated access, garages, parking, landscaping and ancillary works.	Approved	24.01.2017
17/02106/DETAIL	Proposed erection of 3 detached dwellings with associated access, garages, parking, landscaping and ancillary works (pursuant to 16/01010/OUT).	Approved	20.02.2018

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

National Planning Policy Framework 2019

National Planning Practice Guidance

*Adopted Tendring District Local Plan (2007) (part superseded)*

QL11	Environmental Impacts and Compatibility of Uses (superseded in part)
QL12	Planning Obligations
HG7	Residential Densities
HG9	Private Amenity Space

HG13	Backland Development
HG14	Side Isolation
COM6	Provision of Recreational Open Space for New Residential Development
COM19	Contaminated Land
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6A	Protected Species
EN11A	Protection of International Sites European Sites and RAMSAR Sites
EN11C	Protection of Local Sites: Local Nature Reserves, County Wildlife Sites, Regionally Important Geological/Geomorphological Sites
EN23	Development within the proximity of a Listed Building
TR1A	Development Affecting Highways
TR7	Vehicle Parking at New Development

*Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26<sup>th</sup> January 2021)*

SP1	Presumption in Favour of Sustainable Development
SP2	Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
HP5	Open Space, Sports and Recreational Facilities
LP4	Housing Layout
LP8	Backland Residential Development
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL6	Strategic Green Gaps
PPL7	Archaeology

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex County Council Parking Standards 2009

### **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. In this latter regard, as of 26<sup>th</sup> January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10<sup>th</sup> December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26<sup>th</sup> January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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 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.

With the adoption of the modified Section 1 of the emerging Local Plan, the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found 'sound' and there is no

housing shortfall. The Council is able to report a significant surplus of housing land supply over the 5 year requirement, in the order of 6.5 years.

## **5. Officer Appraisal (including Site Description and Proposal)**

### Site Description

The application site comprises approximately 0.49 of land located to the south side of Church Hill, Ramsey. It is irregularly shaped, with the red line encompassing the property currently known as Bridgefoot House and extending back approximately 50m from Church Hill before opening out into a broadly rectangular area of land. This land extends back as far as the woodland block to the south and Whinny Grove to the west – a woodland that is designated as a Local Wildlife Site (LWS). The Planning Statement refers to the land being '*used as amenity land associated with the recent development of three dwellings fronting Church Hill*'. It is unclear what such 'amenity' use constitutes, but it lies to the south of the three permitted dwellings, and is beyond the land that has planning permission for use as their domestic gardens.

Along the western boundary of the application site there is a Public Right of Way. The plan submitted shows that this is outside, but immediately adjacent the application site.

The application is outside any defined settlement development boundary in either the adopted Local Plan or emerging Local Plan and is located between the designated Settlement Development Boundaries of Ramsey and Dovercourt (approximately 300m west and 350m east respectively), within a designated 'Green Gap'.

There is a mature Oak immediately to the east of the existing access which is formally protected by Tree Preservation Order (TPO) reference 06/08/TPO - Ashridge, Church Hill, Ramsey (now situated within the curtilage of Great Oaks, Church Hill, Ramsey). In addition to this Whinny Grove is formally protected by Tree Preservation Order (TPO) reference 77/08/TPO.

Church Hill can be characterised as largely consisting of broken ribbon development with many of dwellings being bungalows. There is one notable exception to the pattern of ribbon development, being a development of 9no bungalows which extends back in depth from Church Hill, near the roundabout on the A120.

Approximately 250m to the east of the site, occupying higher ground on the northern side of Church Hill is the Grade I listed St Michael's Church.

### Plan Discrepancy

There is a discrepancy in the plans submitted. The block plan indicates that a 6m wide carriageway would be provided with 2m wide footways to either side. This 10m (total) wide access is shown to be centred between the two bungalows known as Mill House and Foulton Lodge; and would occupy almost the entire gap between them. The plan was revised to provide an access that the Highway Authority were content with, but the location plan on the same drawing does not appear to have been updated, and shows a narrower access to the eastern side of the space between the two bungalows.

### Proposed Development

The application seeks Outline Planning Permission for the demolition of a bungalow (Bridgefoot House) and the erection of 7 no dwellings. All matters are reserved, with the exception of access for which approval of the details are sought as part of this application.

Vehicular and pedestrian access would be formed from Church Hill and as described above, the block plan shows a 6m wide carriageway with 2m wide footways to either side which runs circa 50m back between the two neighbouring bungalows before reaching the main body of the site.

Whilst Appearance, Landscaping, Layout and Scale are all reserved matters, the applicant has submitted an indicative site layout plan to demonstrate the potential housing layout and form of properties involved.

### Appraisal

The main planning considerations for this application are:

- Principle of Development;
- Visual and Landscape Impact (including Backland Development);
- Impact on Heritage Assets
- Impact on Biodiversity;
- Impact on Trees;
- Residential Amenities;
- Access, Highway Safety and Parking;
- Public Right of Way;
- Financial Contribution – Open Space and Play Space;
- Financial Contribution – Recreational Disturbance;
- Other Matters; and
- Representations.

### Principle of Development

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise as set out in (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to adopted albeit outdated policies, according to their degree of consistency with the policies within it.

Section 1 of 2013-2033 Local Plan was adopted on the 26<sup>th</sup> January 2021 and therefore also forms part of the 'development plan'. The adoption confirms that the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found to be 'sound' and there is no housing land supply shortfall; the Council is currently able to report a surplus of housing land supply well in excess of the 5 year requirement. Although the Framework requires that Councils significantly boost the supply of housing, this substantially tempers the amount of weight that can reasonably be attributed to the benefit of further new housing. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries.

Policy SP3 (Spatial Strategy for North Essex) of the 2013-2033 Local Plan states, amongst other things, that development will be accommodated within or adjoining settlements, according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. New housing development should be focused towards the larger urban areas and to within settlement development boundaries. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development to locations which are or can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes.

While Saved Policy HG3 of the Local Plan permits residential development within defined development boundaries of towns and villages (subject to a number of criteria), the site is located outside the settlement development boundaries for the area, in both the 2007 and 2013-2033 Local Plans. Accounting for the current housing land supply situation, there is no requirement to consider housing growth outside of these boundaries as the planned growth for the District to meet housing need has been established.

No essential need has been identified such as, for example, to house rural workers, and the proposal is not for an exception site to deliver affordable housing. Due to its location, the proposal would therefore be contrary to the housing policies of the development plan and the Council's strategic approach to housing delivery. A proposal for 7 new dwellings in this location would therefore be unacceptable in principle.

#### Visual and Landscape Impact (including Backland Development)

Adopted Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context, and to protect the district's landscape and the quality of existing places and their environs. Emerging Policies SPL3 and LP4 of Section 2 of the 2013-33 Local Plan also require, amongst other things, that developments deliver new dwellings that are designed to high standards and which, together with a well-considered site layout, create a unique sense of place – avoiding the use of ubiquitous standard house types. Paragraph 127 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The applicant's Planning Statement states that *'the development cannot be described as a backland form of development'*, but the adopted Local Plan Policy HG13 and emerging Local Plan Policy LP8 defines backland development as being:

*'the proposed erection of one or more dwelling houses on a parcel of land:*

- a) which lies generally behind the line of existing frontage development;*
- b) has little or no frontage to a public highway; and*
- c) which would constitute piecemeal development in that it does not form part of a large area allocated for development'.*

When considered against these criteria, that the proposed development would clearly constitute backland development, contrary to the applicant's view.

Policy HG13 of the adopted Local Plan states that development of backland sites will only be permitted where a set of specific criteria are complied with. These sentiments are carried forward within emerging Local Plan Policy LP8. In this case, it is considered the proposal fails to meet all the required criteria and would therefore not be acceptable, especially with regard to the following specific policy criterion:

- i. the site lies within a defined settlement development boundary and does not comprise land allocated or safeguarded for purposes other than a residential use;

**The site lies beyond defined settlement boundaries and is not allocated for development.**

- vi. the site is not on the edge of defined settlements and likely to produce a hard urban edge or other form of development out of character in its particular setting;

**The site extends behind the ribbon of development along Church Hill and would be out of character with the prevailing pattern of development. The development would result in a hard urban edge as the outer boundaries of the development would need to be provided with a means of enclosure to provide security and privacy to the rear gardens of the proposed properties. A wall or fence along the boundary would provide an abrupt and harsh edge visible across the open countryside and the adjoining woodland.**

- vii. the proposal would not be out of character with the area or set a harmful precedent for other similar forms of development;

**One of the main characteristics of Church Hill is that of ribbon development, with the pattern of development being very linear. It is acknowledged that there is one exception to this - a development of 9 bungalows erected on the former Tyes Garden Supplies site. That development is in depth, but that site was previously in commercial use with existing**



**buildings, a number of which had fallen in to disrepair prior to redevelopment. It was reasoned that as the site had previously been developed (a brownfield site) and now contained hardstanding, structures and dilapidated buildings, the redevelopment of the site for housing would not materially extend the amount or spread of built development on the site and would improve its appearance. The site proposed for development by this application extends further back from Church Hill and is currently open countryside. These factors mean that the application is not directly comparable to that appeal site and the particular circumstances that led to that site being redeveloped do not set a precedent which justifies this proposal now before the Council.**

Paragraph 170 of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside. Policy EN1 states that the quality of the district's landscape and its distinctive local character will be protected and, where possible, enhanced. Any development which would significantly harm landscape character or quality will not be permitted.

Furthermore, the site is designated as a Local Green Gap under Policy EN2 of the 2007 Local Plan and carried forward as a Strategic Green Gap in Emerging 2013-33 Local Plan Policy PPL6. The policy states that these designated areas will be kept open, and essentially free of development to prevent the coalescence of settlements, and to protect their rural settings. Whilst overgrown, the current openness and undeveloped nature of the site positively contribute to maintaining an open countryside buffer between Ramsey and Dovercourt. The development of 7no new dwellings cannot be considered minor in nature and would result in harm to the open character of the area. Development that has been approved on Church Hill in the past has either utilised previously developed land with existing structures on it, or has been smaller in scale and has been in keeping with the linear pattern of development and not harmed the openness of the area.

The proposed development would fail to maintain or enhance local character and distinctiveness; would not relate to its surroundings; and fails to respect or enhance views, existing street patterns, or other locally important features. As a result, the proposed development is considered to result in significant environmental harm contrary to the aims of the above-mentioned national and local plan policies.

#### Impact on Heritage Assets

To the east of the site, further up Church Hill, is the Grade I listed Church of St Michael. The Council's Historic Buildings Advisor has been consulted on the proposals and they raise no principle objection to the development of this land in respect of the listed building, given the distance of the proposal from the church and the site being largely screened by existing residential development. Officers agree that the development would not adversely impact the setting, and thus the significance of the church.

#### Impact on Biodiversity

Paragraph 170 of the NPPF states that in taking planning decisions authorities should contribute to and enhance the natural and local environment in a number of ways including protecting and enhancing valued landscapes, and sites of biodiversity value. Clearly this would include Local Wildlife Sites. The NPPF also requires planning decisions are taken which recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of trees and woodland; minimising impacts on and providing net gains for biodiversity.

Policy EN6 of the Adopted Local Plan states that development proposals will not be granted planning permission unless the existing local biodiversity and geodiversity is protected and enhanced and EN6a requires appropriate consideration of protected species that might be affected by new development.

Immediately beyond the 2m wide Public Right of Way that runs along the western site boundary lies Whinny Grove – designated as a LWS. The woodland continues to the east extending to and encompassing the southern boundary of the application site.

In this case, the applicant has provided no information or assessment concerning the ecology of the application site and its immediate surroundings, including the designated LWS. Without this information it is not possible to assess what ecological impacts the development may have and the mitigation that would be may be required. The Council needs to be satisfied that the development would not give rise to unacceptable impacts on protected species, habitats or the site's ecology value, as well as how the development could enhance the biodiversity of the site.

It is therefore considered that the Council has been provided with insufficient information to assess the potential impacts of the development on ecology and that this is a further reason for the application to be refused.

### Impact on trees

Policy EN1 states that the quality of the district's landscape and its distinctive local character will be protected. Any development which would significantly harm landscape character or quality will not be permitted. Particular attention will be paid to conserve natural and manmade features which contribute significantly to local distinctiveness, including the settings and character of settlements; ancient woodlands, and other important woodland, hedgerows and trees.

The application site comprises the residential curtilage of the donor property, the existing driveway and an area of land to the north of the existing dwelling. There are no significant trees on the application site and the land to the north is overgrown with rank and ruderal vegetation.

As stated above, the mature Oak immediately to the east of the existing access is formally protected by Tendring District Council Tree Preservation Order (TPO) reference 06/08/TPO - Ashridge, Church Hill, Ramsey (now situated within the curtilage of Great Oaks, Church Hill, Ramsey). In addition to this the woodland immediately adjacent to the eastern boundary of the main body of the application site is formally protected by Tendring District Council Tree Preservation Order (TPO) reference 77/08/TPO -Whinney Grove.

It appears that the continued and potentially increased usage of the existing drive would be unlikely to affect the Oak within the curtilage of Great Oaks however, it has not been demonstrated that a satisfactory juxtaposition can be achieved between the existing protected woodland (Whinney Grove) and the proposed new dwellings.

Therefore, in order to assess the degree to which the adjacent woodland is a constraint on the development potential of the application site, the applicant is required to provide an Arboricultural Impact Assessment (AIA) as part of a detailed tree survey and report. The report needs to address the below ground constraint caused by the roots of the protected trees and address the shading issue caused by the canopies of the trees and should be in accordance with BS5837: 2012 Trees in relation to design, demolition and construction ' Recommendations.

No such assessment has been provided with the application. Without the AIA the Council cannot be certain as to the extent that the trees would be a constraint on the proposed development. These issues are matter of principle and the application fails to demonstrate that the site can accommodate the proposed development without resulting in harm to the trees and woodland. Consequently, the development is contrary to the aforementioned policy.

### Residential Amenities

Adopted Policy SP7 of the 2013-33 Local Plan, amongst other things, requires that the amenity of existing and future residents is protected. Saved 2007 Local Plan Policy QL11 requires that all new developments should be compatible with adjoining land uses. Paragraph 127 f) of the Framework requires that planning decisions should create places with a high standard of amenity for existing and future users.

Officers consider that sufficient space is available on site to provide a single storey development that could achieve an internal layout and separation distances that would not detract from the amenities of any nearby dwellings or the future occupiers of the proposed dwellings and would

provide private amenity areas in accordance with the standards set out within Saved Policy HG9 of the adopted Local Plan.

### Access, Highway Safety and Parking

Access is the only detailed matter for which approval is sought by this application. It was initially proposed that the existing vehicular access was to be used to provide access to the 7no new dwellings as well as Mill House and Foulton Lodge. The Highway Authority objected as whilst the existing access was adequate to serve three dwellings it did not meet the standard required for a development of 9no dwellings.

The applicant has submitted a revised site plan showing an amended position for the access, within the centre of the site. Having assessed the revised plan the Highway Authority confirm that from a highway and transportation perspective the impact of the proposal is acceptable to them, subject to conditions, as set out above.

The Highway Authority recommended conditions regarding visibility splays along Church Hill from the new access and also a requirement to widen the footway across the front of the site. The required visibility splay is 2.4 metres by 120 metres in both directions. The splay required is the same as the requirement of the 2016 Outline planning application for three dwellings, but no plan has been provided to demonstrate that the condition can be complied with from the new access location.

A number of local residents objecting to the application refer to the gradient of the access and have concerns regarding highway safety. The Highway Authority recommend a condition which specifies that the gradient of the proposed vehicular access shall be not steeper than 4% (1 in 25) for at least the first 6m from the highway boundary and not steeper than 8% (1 in 12.5) thereafter. Although the Highway Authority are content to rely on a planning condition given that the Local Planning Authority are being asked to approve the access arrangements it would be appropriate for the applicant to submit a more detailed access drawing for approval and include details showing that the maximum permissible gradients can be achieved. Without details it is unclear what the Council are being asked to approve – the extent of groundworks that may be required to construct the access, and whether retaining structures or significant levels changes would be required.

It is considered that the failure to provide the Council with sufficient information to demonstrate that the access arrangements and footway works required by the Highway Authority can be achieved in an acceptable manner is a further reason for the application to be refused.

### Public Right of Way

Public Rights of Way are a valuable part of the district's transportation network. They are important for their role in recreation and tourism and for providing opportunities for people to benefit from regular exercise and access to the wider countryside. This is recognised in planning policy.

Policy TR4 of the Adopted Local Plan is concerned with safeguarding and improving Public Rights of Way (PRoW). It states that planning permission will be refused unless the development can accommodate the definitive alignment of the path. The Planning Statement accompanying the application makes it clear that the existing PRoW would be maintained, running immediately adjacent to the western boundary of the site.

Paragraph 98 of the NPPF also requires that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. The adopted Local Plan has similar aspirations within designated Local Green Gaps. Here the Council will encourage the enhancement and improvement of PRoW and existing leisure and recreational facilities.

Whilst the development would not obstruct or require the PRoW to be moved, the erection of 7no dwellings on the site would most certainly change the experience that its users would enjoy. Whilst views west towards Whinny Grove would be maintained, based on the illustrative layout, PRoW users would be faced with the rear garden boundaries of dwellings to the east. These private amenity spaces would need to be screened by above eye level means of enclosure (fences or walls) to protect their privacy and to try and provide a secure boundary. Whilst the plan submitted is illustrative, and all matters are reserved except access, it is not clear that an alternative layout could be utilised to prevent this issue with rear garden boundaries.

The arrangement of PRoW and private amenity space would not enhance or improve the experience of PRoW users, who would find the path enclosed, and it would not provide a very secure rear boundary to the gardens of the proposed dwellings. As a result, the proposed development is considered to result in environmental and social harm in respect of views from the PROW.

#### Financial Contribution – Open Space and Play Space

Saved Local Plan Policy COM6 states that for residential development below 1.5 hectares in size where existing open space facilities are inadequate to meet the projected needs of future occupiers, a financial contribution shall be made to the provision of new or improved off-site facilities in scale and kind to meet these needs.

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space. The War Memorial Trust have developed plans to increase the size of the War Memorial play area to meet increased demand arising from new developments in the area. A financial contribution towards improvements to off-site play facilities at the War Memorial Play Area in Ramsey is sought.

The applicant has submitted to the Council a completed Unilateral Undertaking which provides an obligation that the required financial contribution would be provided.

#### Financial Contribution – Recreational Disturbance

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.

The application scheme proposes a residential on a site that lies within the Zone of Influence (Zol) being approximately 1500 metres from the Stour and Orwell Estuaries SPA and Ramsar. New housing development within the Zol would be likely to increase the number of recreational visitors to the Stour and Orwell Estuaries and in combination with other developments it is likely that the proposal would have significant effects on the designated site. Mitigation measures must therefore be secured prior to occupation.

A completed unilateral undertaking has been provided to secure this legal obligation and to ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with policies EN6 and EN11a of the Saved Tendring District Local Plan 2007, policies SP2 and 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.

#### Representations

Seven letters objecting to the application, from four different households, have been received by the Council. A summary of the main issues raised by objectors is listed below which have all been addressed in the report above and other matters included below:

- Development would be completely out of keeping within the local area and will damage the rural and historic character of the village;

- There is no need for further housing locally – there are other properties for sale nearby and the three new dwellings at the front of the site have never been sold;
- If this development is approved it will set a precedent for further development;
- To facilitate the development, it will be necessary to demolish a house that was only built in the last few years;
- Other applications nearby for housing development have been rejected;
- Access to the site is very poor. Emergency service vehicles would be unlikely to be able to access the site and the Council's refuse collection crews will have further problems collecting rubbish & recycling;
- Church Hill is already a busy road where cars travel too quickly and residents struggle to get out of their driveways. The new dwellings will add to traffic and this would be dangerous to drivers and pedestrians;
- The site contains a rare area of natural woodland which will be destroyed should this plan be permitted. Development will affect habitat for hedgehogs, insects, birds;
- Further development will continue disturbance, disruption and mess that local residents have endured;
- It is difficult to see how those who even attempt to drive up the slope will pass each other, particularly in bad weather;
- Modern housing designs vary considerably to the well-established properties;
- Developments edging ever closer to the Grade I listed Church and;
- It would also mount even more pressure on the existing public services.

One further representation was received which was 'neutral' on the application, but the author made a number of comments. The main issues referred to are summarised below:

- Dwellings should be single storey to prevent overlooking the back of all the other houses currently on Church Hill;
- The dwellings will be sited at the crest of the slope so the roofs will be clearly visible down the hill. The roof slope should be kept down to a 20-degree angle to minimise the visual impact;
- The plans indicate trees will be retained and this should be covered by planning condition; and
- Accessibility – other properties on Church Hill have been restricted to a maximum gradient for vehicular access of 12%, when the current access to the existing three dwellings must be closer to 25%. Such a steep gradient would mean that some cars have difficulty entering/ leaving the site; vehicles need to unload from Church Hill and carry items up the slope obstructing the carriageway; how would the fire services be able to access the site in an emergency; vehicles could lose control in snow or icy conditions.

### Other Matters

- *Archaeology*

Initially the Council's Historic Environment consultant advised that further information was required before the application was determined about historic cottages that had stood on the site which would be considered non-designated heritage assets.

The applicant's planning agent and the Council's Landscape Officer were subsequently able to provide further information about the buildings and the fact that there are no significant above ground remains of the cottages on the site. The Council's Historic Environment adviser subsequently withdrew their holding objection, with a recommendation that an agreed programme of archaeological investigation be undertaken prior to commencement of development.

- *Emergency Service Access*

One of the representations from local residents objecting to the application expresses a concern that the gradient of the vehicular access would not allow access by a Fire Appliance. Officers have sought advice from Building Control Officers, as Fire Service access is a matter covered by Building Regulations. In summary Building Control Officers advise that if a car can get access to the site a Fire Appliance would be able to. Even if the Fire Service considered the gradient too

steep Building Control Officers went on to say that an alternative solution would be to install a sprinkler system.

- *Demolition of Existing Dwelling*

Objectors to the application note that to facilitate the development it would be necessary to demolish a dwelling that has been constructed only in the last couple of years. When assessing the environmental dimension of sustainable development, the fact that a virtually new dwelling would need to be demolished, with the resultant loss of materials and natural resources that were used to construct it, also weighs against the development. Simply put, it would amount to a waste of finite resources.

### Conclusion

The proposed development is considered significantly harmful and contrary to national and local plan policy for the reasons set out above relating to the unsuitable location of residential development in this out of settlement location; the landscape harm and harm to the character of the area; poor access arrangements and failure to provide the required biodiversity and tree reports. For these reasons, the application is recommended for refusal.

## **6. Recommendation**

Outline - Refusal

## **7. Reasons for Refusal**

- 1 Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise as set out in (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). The 'development plan' for Tendring comprises, in part, the 'Saved' policies of the 2007 Local Plan. Paragraph 213 of the Framework allows local planning authorities to give due weight to adopted albeit outdated policies, according to their degree of consistency with the policies within it.

Section 1 of 2013-2033 Local Plan was adopted on the 26th January 2021 and therefore also forms part of the 'development plan'. The adoption confirms that the Councils 'objectively assessed housing need' of 550 dwellings per annum has been found to be 'sound' and there is no housing land supply shortfall; the Council is currently able to report a surplus of housing land supply well in excess of the 5 year requirement. Although the Framework requires that Councils significantly boost the supply of housing, this substantially tempers the amount of weight that can reasonably be attributed to the benefit of further new housing. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries.

Policy SP3 (Spatial Strategy for North Essex) of the 2013-2033 Local Plan states, amongst other things, that development will be accommodated within or adjoining settlements, according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. New housing development should be focused towards the larger urban areas and to within settlement development boundaries. This is consistent with the Framework's objectives for achieving sustainable development through a plan-led approach that focuses development to locations which are or can be made sustainable, limiting the need to travel and offering a genuine choice of transport modes.

While Saved Policy HG3 of the Local Plan permits residential development within defined development boundaries of towns and villages (subject to a number of criteria), the site is located outside the settlement development boundaries for the area, in both the 2007 and 2013-2033 Local Plans. Accounting for the current housing land supply situation, there is no

requirement to consider housing growth outside of these boundaries as the planned growth for the District to meet housing need has been established.

No essential need has been identified such as, for example, to house rural workers, and the proposal is not for an exception site to deliver affordable housing. Due to its location, the proposal would therefore be contrary to the housing policies of the development plan as outlined above, and the Council's strategic approach to housing delivery.

- 2 Paragraph 170 of the National Planning Policy Framework (2019) states that planning decisions should recognise the intrinsic character and beauty of the countryside. Paragraph 127 of the NPPF states that new development should add to the overall quality of the area; create places that are safe; are visually attractive and sympathetic to the local character and history, including the surrounding built environment and landscape setting. Policy EN1 of the adopted Tendring District Local Plan (2007) seeks to ensure that new development does not harm the appearance of the landscape. Adopted policy EN2 states that Local Green Gaps will be kept open and essentially free from development, to prevent the coalescence of settlements and to maintain the rural settings that they currently enjoy - in this case Ramsey and Dovercourt. Furthermore, adopted policy HG13 states that backland development will only be permitted where, amongst other things, the proposal would not be out of character with the area or set a precedent for other similar forms of development. Adopted Policy QL11 and Emerging Policy SPL3 requires that all new development should make a positive contribution to the quality of the local environment, protect or enhance its character and minimise any adverse environmental impacts.

The proposed development would fail to maintain or enhance local character and distinctiveness, it would not relate to its surroundings and would fail to respect or enhance views, existing street patterns, and other locally important features for the following reasons: The application site is located in a part of Ramsey where the existing pattern of development is predominantly linear with small groups of houses fronting onto Church Hill, and with fields and woodland behind, thereby maintaining a rural setting. Whilst overgrown, the current undeveloped nature of the site positively contributes to maintaining an open countryside buffer between Ramsey and Dovercourt. The development of 7 no. new dwellings in this backland location would fail to maintain local character or distinctiveness, and would result in harm to the rural appearance of the area, as well as diminishing the designated Local Green Gap. The development would have a significant urbanising effect on the character of the area which would be highly visible from the Public Right of Way immediately adjacent to the site.

Furthermore, the Council considers that the development would also detract from the experience that users of the adjacent Public Right of Way enjoy; walkers would lose views across the field and instead would likely end up walking down a narrow corridor between Whinny Grove and high boundary treatments, along the rear gardens of properties. Such an arrangement is considered poor design with exposed rear garden boundaries appearing as stark and alien features, contrasting to the existing green appearance of the site. The Council also note that the development would necessitate the demolition of a dwelling that has only relatively recently been constructed, which would inevitably lead to a waste of natural resources.

When these factors are all taken into account it is considered that the proposed development fails the environmental strand of sustainable development, and as such it is contrary to the NPPF, as well as policies EN1, EN2, HG13, QL11 of the adopted Tendring Local Plan (2007), policy SP7 of the adopted section 1 of the Tendring District Local Plan 2013 – 2033, and policies LP8, SPL3, PPL3, and PPL6 of the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017).

- 3 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment; and that this will include protecting and enhancing sites of biodiversity value and moving from a net loss of biodiversity to achieving net gains for nature.

Policy EN6 and EN6a of the adopted Tendring District Local Plan (2007) state that development proposals will not be granted planning permission unless existing local biodiversity and geodiversity is protected and enhanced, as well as protected species. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

In this case, the applicant has provided no information or assessment concerning the ecology of the application site and its immediate surroundings, including the designated Local Wildlife Site at Whinny Grove. Without this information it is not possible to assess the ecological baseline of the site, or what the potential ecological impact of the development would be and what mitigation would be required in order to minimise its impacts upon local ecology. It has not been demonstrated to the Local Planning Authority that the development would not give rise to unacceptable impacts on wildlife habitats or ecology, contrary to the policies and legislation listed above.

- 4 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment and that this will include recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of trees and woodland.

Policy EN1 of the adopted Tendring District Local Plan (2007) states that the quality of the district's landscape and its distinctive local character will be protected, and reference is made to the particular need to protect woodland and trees that contribute significantly to local distinctiveness, including the setting and character of settlements. Development which would significantly harm landscape character or quality will not be permitted. The woodland at Whinny Grove is also protected by a Tree Preservation Order (TPO). The effect of a proposed development on trees and other landscape features is therefore an important consideration in the determination of this application.

In this case, the applicant has provided no information concerning the woodland and trees immediately adjacent to the site or an assessment as to how the development might impact upon them. Without this information it is not possible to assess what impact the development could have on the trees and woodland or be certain that the development would not have an unacceptable impact on them and their ecological and landscape value, contrary to the policies and TPO listed above.

- 5 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SPL3 of the Emerging Tendring District Local Plan states that planning permission will only be granted where, amongst other things, access to the site is practicable, the highway network will be able to safely accommodate the additional traffic the proposal will generate and that all new development should meet functional requirements, including providing practicable access to the site and the highway network will be able to safely accommodate a proposal.

Approval is sought for the access arrangements in this case, and it is considered that the applicant has not provided sufficient information for the Local Planning Authority to fully assess the proposed access arrangements, including visibility splays, and footway works on Church Hill, in order to demonstrate that the requirements of the Highway Authority can be met and that the proposal is acceptable both in terms of highway safety and appearance. The proposal is therefore contrary to the above policies.

## **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 Agent. 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 reasons for the refusal, approval has not been possible.