

DELEGATED DECISION OFFICER REPORT

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Application: 20/00585/OUT **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr N Neal and S Geisha

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

Development: Erection of five bespoke self-build/custom built dwellings (concurrent application with a proposal for an additional car park for the Two Village Primary School) (considering access).

1. Town / Parish Council

Ramsey and Parkeston Parish Council
20.09.2020

The view of the Ramsey & Parkeston Parish Council (RPPC) is to strongly object to this application as it is not sensitive to the defining characteristics of the area.

We further contend that this is a blatant attempt to overcome previous failed applications to develop the site and is potentially the first piece of a 'jigsaw' of planning applications which will in due time cover the meadow, thus directly and visibly encroaching on the heritage asset of the church and its centuries old rural location.

It is clear that the access road to the dwellings is positioned to allow further access roads to link it as the site would be developed.

As mentioned below, the proposed development is in the vicinity of a Grade 1 listed church and also an ancient woodland of Winney Grove Woods; whilst there has already been comment by the TDC Tree Warden co-ordinator that it does not in itself effect trees or vegetation, it begins to outweigh the rural nature of the area - encroaching on the last significant meadowland within the setting of the church and does not sit well in its proposed setting.

The linear development of Dovercourt approaching Ramsey along the B1352 has increased over past years and indeed as a council RPPC have been pragmatic about this and other developments in the area, not least the development on land east of Pond Hall Farm Ramsey; however, this is a significant attempt to close the last open section of meadowland which in turn diminishes the setting of the church and Ramsey's remaining rural character.

Planning application 20/00862/OUT already proposes building 7 dwellings behind Bridgefoot House - adding further density to the residential area - part of an insidious process to develop and adversely impact this important rural footprint.

The size and scale of the proposed development does not in our view fit in well with the size and character of existing homes. As a parish council, we draw the line here.

The application states 'It is considered that there no likely harm can be identified in this case which would 'significantly or demonstrably' outweigh the benefits to the provision of further housing in this parish, thereby adding to the vitality and vibrancy of the community'; RPPC contends that, whilst TDC has no current up to date plan, this statement does not align with NPPF section 5, paras 60 and 61 and these dwellings are not considered as affordable housing, they will add little to the existing community and they will not add a positive contribution to local character and distinctiveness.

Furthermore, RPPC urges TDC to consider carefully NPPF Section 16, para 193 - impact - it is crucial even where harm may be stated by the applicants as less than substantial.

The Ramsey Creek valley is a unique and key countryside asset and there is little left of the meadows to balance it on the south side of Church Hill (B1352). RPCC will consider very carefully any future applications which may erode and detract from this rural setting.

The offer of a car park for the school is clearly intended to influence the decision for the development as a whole. Previous applications have been rightly opposed, this is clearly a determined and precocious attempt to overcome those past objections.

In reinforcing our current objection, we again bring attention to points from the refusal notice of permission for the five dwellings under application no: 19/00439/OUT, as issued by Tendring District Council 20th March 2019 and request all points are considered against the revised outline application no: 20/00585/OUT:

Policy EN23 of the Adopted Plan states that development within the proximity of a Listed Building that would adversely affect the setting of a Listed Building, including group value and long-distance views, will not be permitted.

The application site form part of the Grade I Listed St Michael's Church's setting and the undeveloped nature of the existing site contributes to the heritage asset's setting and significance.

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

Ramsey and Parkeston
Parish Council
20.09.2020 (continued)

Furthermore, a Heritage Statement which full assesses the contribution that the site makes to the setting and significance of the Grade I Listed Building, in line with Historic England Guidance The Setting of Heritage Assets, has not been provided. The proposed development therefore fails to adhere to the wishes of the above national and local policies.

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

A proportional 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.

This application has not come with a correctly completed unilateral undertaking for a contribution towards play and formal open space facilities. No such contribution has been included within this application nor has any justification for the lack of a contribution and therefore this scheme does not comply with Policy COM6.

2. Consultation Responses

ECC Highways Dept
24.09.2020

The Highway Authority observes that the application mentioned for a proposed additional car park under planning application reference 20/01057/FUL is dealt with separately from this application which deals solely with the proposed 5 no. dwellings with ancillary and associated matters.

INDICATIVE DRAWING NUMBERED 3027:015 REV B REFERS.

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 proposed dwellings, the proposed vehicular access shall be constructed to a width of 5.5m straight for at least the first 6m within the site tapering one-sided over the next 6m. to no less than 3.7m 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 all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits 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.

2. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m 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. 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.

4. Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m. from the highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety and in accordance with Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. 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 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.

6. 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 that 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.

7. 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.

UU Open Spaces
24.09.2020

Response from Public Realm
Open Space & Play

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space, and there is currently a deficit of -1.08 hectares of equipped play/open space in Little Oakley.

Since we were originally consulted back in 2019, Little Oakley Parish Council have in place plans to provide an additional play facility on land off of Lodge Road behind Two Village Primary School. 0.3 miles via public right of ways.

Based on the above information a contribution is both justified and relevant to this planning application, and the recommendation would be to create additional play facilities at the scrub land off of Lodge Road.

Tree & Landscape Officer
09.09.2020

Both elements of the application site are set to grass and appear to be being used for the keeping of horses.

There are no trees or other significant vegetation on the application site and except for the possible removal of short sections of hedgerow to facilitate access then no important vegetation will be affected by the development proposal.

In terms of the impact of the development on the local landscape character it is accepted that the application site does not feature prominently in the public realm however the position of the application site and the proposed layout of the dwellings thereon does not accord with the local, primarily linear, settlement pattern. In this respect the development does not 'sit well' in its setting.

Should planning permission be likely to be granted then details of soft landscaping should be secured in order to soften, screen and enhance the appearance of the development.

Historic England	Not received.
Essex County Council Heritage 29.09.2020	<p>The proposed site for five new dwelling is located within the setting of Grade I listed Church of St Michael (list entry: 1112103).</p> <p>There would be no objection to this proposal as it will not adversely impact the setting of the listed church. However, given the sensitivity of the site this proposal will result in the maximum development within this space.</p> <p>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.</p>

3. Planning History

15/00964/OUT	Erection of seventy-one dwellings and associated garages.	Refused (appeal dismissed)	07.01.2016
19/00439/OUT	Hybrid application comprising of: Outline planning permission for five bespoke self-build/custom built dwellings; and Full planning permission for additional car park for the Two Village Primary School.	Refused	15.05.2019
20/01057/FUL	Provision of an additional car park for the Two Village Primary School.	Current	

4. Relevant Policies / Government Guidance

The following Local and National Planning Policies are relevant to this planning application:

National Planning Policy Framework July 2021 (the Framework)
National Planning Practice Guidance (the NPPG)

Adopted Tendring District Local Plan 2007 (part superseded)

OL2	Promoting Transport Choice
QL3	Minimising and Managing Flood Risk
QL11	Environmental Impacts and Compatibility of Uses (part superseded)
HG7	Residential Densities
HG9	Private Amenity Space
HG14	Side Isolation
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6a	Protected Species
EN6b	Habitat Creation
EN11a	Protection of International Sites: European Sites and Ramsar Sites
EN13	Sustainable Drainage
EN23	Development within the Proximity of a Listed Building
COM6	Provision of Recreational Open Space for New Residential Development

COM21 Light Pollution
COM31a Sewerage and Sewage Disposal
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 26th January 2021)

Relevant Section 1 Policies (adopted)

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
SP6 Infrastructure and Connectivity
SP7 Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
HP5 Open Space, Sports and Recreation Facilities
LP1 Housing Supply
LP2 Housing Choice
LP3 Housing Density and Standards
LP4 Housing Layout
LP7 Self-Build and Custom-Built Homes
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL6 Strategic Green Gaps
PPL9 Listed Buildings
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility
CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)
Essex County Council Development Management Policies 2011 (Highways SPD)
Essex County Council Parking Standards 2009 (Parking SPD)
Tendring Provision of Recreational Open Space for New Development SPD 2008 (Open Space and Play SPD)
Tendring Landscape Character Assessment 2001

Status of the Local Plan

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 (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26 January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now

also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24 November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report was considered by the Planning Policy and Local Plan Committee on 11 January 2022, which recommend adoption of the Section 2 Local Plan to Full Council on 25 January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, under certain circumstances the level of weight to be afforded to the policies in the 2007 Plan may be reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

In relation to housing supply:

The Framework requires Councils 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, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, the 'tilted balance' at paragraph 11 d) ii) of the Framework is engaged. This requires applications for housing development be granted permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Following the adoption of Section 1 of the 2013-33 Local Plan and the Council's 'Objectively Assessed housing Need' of 550 dwellings per annum there is no housing shortfall. The Council is able to report a comfortable surplus of housing land supply over the 5 year requirement. The 'tilted balance' at paragraph 11 d) ii) of the Framework does not therefore apply to applications for housing.

5. Officer Appraisal (including Site Description and Proposal)

Background

The proposal follows the refusal of planning permission for a hybrid application; outline planning permission for five bespoke self-build/custom built dwellings and full planning permission for additional car parking for the Two Village School (application reference 19/00439/OUT). Planning permission was refused for reasons which can be summarised as follows:

1. Harm to the setting of the Grade I listed St Michael's Church.
2. Harm to the character and appearance of the area.
3. Failure to meet the requirements of the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
4. Failure to make provision for open space and recreation.

5. Harm to landscape character.

The current proposal is a resubmission of solely the housing element. While the benefits of the car park referred to in the description and supporting planning statement have been taken into account, the merits of that proposal are considered separately under application reference 20/01057/FUL.

Earlier proposals for a residential development of 71 dwellings on a larger site (which included the application site) was refused under application reference 15/00964/OUT, and subsequently dismissed under appeal reference APP/P1560/W/16/3146802.

Representations

The application was publicised by way of site notice and neighbours of the site were notified in writing. In response six letters of objection were received raising concerns which can be summarised as follows:

- Harm to the character and appearance of the area
- Erosion of the gap between Ramsey and Dovercourt
- Harm to the setting of the Grade I listed St Michael's Church
- Harm to highway and pedestrian safety in close proximity to a school
- Lack of demonstrable need for additional housing in this location
- There is a history of refusal of planning permission
- An appeal has been dismissed on land which includes the site
- The proposal would reduce the size of the field which is used for horse grazing and recreation by young people
- Local education and medical services are already oversubscribed

Ward Councillor Zoe Fairley has requested the application be referred to the Council's Planning Committee, in the event that approval were to be recommended, for reasons which can be summarised as follows:

- The proposal is contrary to the development plan
- Harm to the character and appearance of the area and the landscape
- Harm to the setting of the Grade I listed St Michael's Church
- The layout of the access would be likely to lead to further development, which would erode the Local Green Gap and have a negative impact on traffic volumes

Ramsey and Parkeston Parish Council object. The reasons for their objection are set out in full above. These representations are considered below.

The Site

The site is located in an agricultural field to the northwest of Two Village Primary School, outside of the Settlement Development Boundary (SDB) for Harwich and Dovercourt and covered by a Local Green Gap designation. To the northeast is the Grade I listed St Michael's Church. The site is adjacent to the rear gardens of dwellings which front the B1352. Access would from the nearby school drop-off area, via an access road created through the field.

The Proposal

Outline planning permission is sought for five self-build dwellings and means of access. Appearance, landscaping, layout and scale are requested to be reserved matters. An indicative layout has been submitted and the Council has considered the layout as such. The application is supported by a heritage and planning statement.

Principle of Development

The site is located beyond the identified Settlement Development Boundary (SDB) for Harwich and Dovercourt as identified in both the adopted 2007 and emerging Section 2 Local Plans, and the

proposal is not for an exception to deliver affordable housing. Having regard to adopted and emerging spatial strategies, the site would not be a suitable location for new open market housing.

However, in line with Paragraph 62 and Footnote 28 of the Framework emerging Section 2 Policy LP7 seeks to encourage the provision of opportunities for self-build and custom-built homes and that is what the proposal is for. This policy is permissive of small developments outside of but within a reasonable proximity to SDBs, where they are brought forward by individuals or associates of individuals who will occupy the dwellings. While no Individuals have been identified for future occupation of the development, the proposal would nevertheless bring forward self-build and custom-built opportunities to the market, and some weight is given to this benefit.

In assessing the proposal against Policy LP7, the provision of a footway along the proposed access road would allow safe access on foot, and it would be located well within the required 600 metres of the edge of the SDB for Harwich and Dovercourt which is a 'strategic urban settlement. The proposal would therefore meet the requirements of Policy LP7 a). However, the policy also requires, among other things, that proposals do not have a significant material adverse impact on the landscape or the form and character of nearby settlements. As will be set out below, the proposal is considered to result in harm to the character and appearance of the area and the landscape character. The proposal would not follow the form and character of the nearby settlement. As such, the proposal would conflict with Policy LP7 and it is therefore unacceptable in principle.

Character and Appearance, and Landscape

Saved Policy EN1 states that the District's distinctive local landscape character should be protected and where possible enhanced, including in terms of the setting and character of settlements. Policy PPL 3 states that the Council will protect the rural landscape and refuse planning permission for any development which would cause harm to its character or appearance.

As the Council's Landscape Officer opines, the position of the application site and the indicative layout of dwellings would not accord with the local settlement pattern, which is linear, and it would not 'sit well' in its setting. In seeking to avoid inter-visibility with the Church, the siting of the scheme would be contrived. The site would lack a road frontage and would be at odds with the established pattern of development in the area, and appear awkward and incongruous. This would be apparent in public views from surrounding roads and footpaths. Landscaping could not overcome these shortcomings. The proposal would result in significant harm to the character and appearance of the area and the local landscape because it would not follow the existing settlement form and character. As a result, it would therefore conflict with adopted Policy SP7, and emerging Policies LP4 and LP7. It would also conflict with saved Policies EN1, PPL3.

Local Green Gap

While earlier proposals for the development of 71 dwellings on land which included the application site were dismissed, under appeal reference APP/P1560/W/16/3146802, the Inspector did not find that the proposal would contravene the fundamental aim of the Local Green Gap, which is essentially to prevent the edge of Dovercourt merging with Ramsey. This appeal finding is an important material consideration.

The proposal is for a significantly smaller amount of development in a corner of the field. As such, and notwithstanding the concerns of the Parish Council, Ward Councillor, and some local objectors, it would be unreasonable to find otherwise. As such, the proposal would not conflict with the aims of saved Policy EN2 and emerging Policy PPL6.

Highways

In refusing planning permission under application reference 19/00439/OUT no highway safety reason for refusal was given; the access arrangements were held to be acceptable and policy compliant. Other than relocation of the proposed school parking provision under a separate application, access to the housing remains the same, and Essex County Council as local highway authority has raised no objections subject to the use of conditions, which would satisfactorily

address policy requirements. Notwithstanding the concern of some local residents, it is not considered that the proposal would result in an unacceptable impact on highway safety, or residual cumulative impacts on the road network that would be severe. In accordance with Paragraph 111 of the Framework, the proposal should not therefore be refused on highways grounds.

Heritage Considerations

The proposal is located on agricultural land opposite the Grade I listed St Michael's church, and the Parish Council, Ward Councillor and objectors are concerned that the proposal would be harmful to its setting. Application reference 19/00439/OUT was refused, in part, on this basis. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features or architectural or historic interest it possesses.

The applicant has prepared a Heritage Statement which has been assessed by Essex County Council Heritage, who confirm that the proposal would not be harmful to the setting of the church. This is however caveated that this is the maximum amount of development within the field before it would begin to have a harmful effect. Historic England confirm that they issued a non-intervention letter in relation to 19/00439/OUT and that they would be likely to do the same.

RAMS / Open Space and Recreation

The proposal lies within the Zone of Influence of Hamford Water SPA and Ramsar designations. The applicant has therefore been offered the opportunity to complete the requisite Unilateral Undertaking in order to secure an obligation to mitigate the effect of the proposal on these designated sites in accordance with saved Policy QL12, adopted Policy SP2, and the RAMS SPD.

The Council has identified that there is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space, and there is currently a deficit of -1.08 hectares of equipped play/open space in Little Oakley. Furthermore, that Little Oakley Parish Council have in place plans to provide an additional play facility on land off of Lodge Road behind Two Village Primary School accessed via public right of ways. Accordingly, a contribution towards an additional play facility on land behind the Two Village School is considered to be necessary. The applicant has been offered the opportunity to enter into a Unilateral Undertaking in this regard.

Both these contributions would be in line with Paragraphs 55-57 of the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010; they would be necessary to make the development acceptable in planning terms and are directly related to the development, and would be fairly related in scale and kind.

While the applicant states in their supporting statement that they would be willing to enter into a unilateral undertaking in these regards, no such undertaking has been submitted. In the absence of the necessary obligation the Council cannot be certain the proposal would not harm designated sites and it would not address the identified public open space and recreation infrastructure requirements. The proposal would therefore conflict with saved Policies EN11a, QL12, SP2, DI1 and COM6, guidance contained within the Open Space and Play and RAMS SPDs, and the Framework.

Living Conditions of Neighbours

Under application reference 19/00439/OUT the local planning authority reasoned that no harm would arise to the living conditions of neighbours; an acceptable internal layout could be achieved at reserved matters stage. The housing component was the same as is currently applied for, and there is no evidence that would lead the Council to alter that finding. While third-party objection is made on the grounds that the proposal would result in loss of views across the landscape, this is not a material planning consideration. It is a well-established planning principle that there is no right to a view. In relation to the effect of the proposal on the living conditions of future occupants, sufficient space would be available to ensure acceptable internal separation distances and policy compliant outdoor amenity space.

Affordable Housing

Because the proposal is not for a major housing development the proposal falls outside of policy requirements for affordable housing provision/contributions.

School Car Parking

A separate application proposes a car park for the nearby school as a benefit. The applicant requested that officers visit the site during term time, in order to assess the need for it. Due to Covid restrictions it is likely that at the time of the Council site visits the existing parking facilities would not have been used to their full capacity. In support of the application photographs of parents dropping off pupils have been sent. Nevertheless, neither provide the Council with compelling evidence of the need for additional car parking. This reduces the weight that can be given to this benefit. Furthermore, while the applicant has stated that they would have no objection to entering into a unilateral undertaking, there is no legally binding mechanism before the Council that would ensure it was delivered if planning permission were granted. In any case each application must be considered on its own merits, and for the reasons set out above the proposal is unacceptable.

Other Matters

The site is located within Flood Zone 1 with the least probability of flooding and the site area is below that which would require a Flood Risk Assessment. Policy requirements for a Sustainable urban Drainage System (SuDS) could be secured by planning condition, in order to ensure that the development did not increase the risk of flooding elsewhere, and the proposal would be served by a mains sewer connection.

Emerging Policy PPL10 requires development proposals demonstrate how appropriate renewable energy solutions have been included in the scheme and new buildings designed to facilitate the retro-fitting of renewable energy installations. For residential development proposals involving the creation of one or more dwellings, the Council will expect detailed planning applications to be accompanied by a 'Renewable Energy Generation Plan' (REGP) setting out the measures that will be incorporated into the design, layout and construction aimed at maximising energy efficiency and the use of renewable energy. A condition to require a REGP as part of any reserved matters application(s) could address this.

The proposal was applied for at a time when the Council could not demonstrate a five year supply of housing land. However, for the reasons set out under 'Status of the Local Plan' that does not apply now. As a result, the tilted balance is not engaged in this case. In any case, it would be disengaged by the identified conflict with policies of the Framework aimed at protecting designated habitats sites.

It is considered unlikely that five dwellings would overburden local school or healthcare provision. Because refusal is recommended, it is not considered necessary to consider the partial loss of the field from equine or recreational use further.

The applicant refers to three dwellings approved fronting Church Hill. However their layout and siting were different and so are not directly relevant, save for the fact that they prevent inter-visibility between the Church and the proposed development, which has been considered above. While the Parish Council refer to application reference 20/00862/OUT in their objection, this was refused planning permission on 30 April 2021.

Planning Balance and Conclusion

The development would result in significant harm to the character and appearance of the area and the local landscape, and very substantial weight is attached to this harm. Furthermore, in the absence of a unilateral undertaking the Council cannot be certain that the proposal would not harm habitat sites of ecological interest, or that the open space and recreation infrastructure needs of the development would be met.

The proposal would not harm the setting of the Grade I listed Church, highway safety, or the living conditions of neighbours. The renewable energy generation/efficiency and SuDS requirements of the development plan could be addressed through the use of planning conditions. These are all neutral factors in the planning balance.

In its favour the proposal would provide five opportunities for self-build/custom built dwellings and deliver some economic benefits during construction, and through the subsequent spend of future occupants. Some weight is attached to the former. However, because the economic benefits would be limited in view of the scheme’s small scale, only limited weight is attached to them.

In the absence of evidence of an overriding need for additional car parking to serve the school, or any legally binding mechanism to ensure that it would be delivered should planning permission be granted, only very limited weight is attached to this consideration.

The combined weight attached to the benefits are not considered to outweigh the very substantial weight attached to the harm to the character and appearance of the area and the landscape. The proposal would conflict with the development plan, and because material considerations do not indicate otherwise planning permission should therefore be refused.

6. Recommendation

Refusal – Outline.

7. Reasons for Refusal

1. The proposal would be harmful to the character and appearance of the area and the local landscape, and result in significant harm. As a result, the proposal would be contrary to saved Policy EN1, adopted Policy SP7, emerging Policies PPL3 and LP7, and Section 12 of the National Planning Policy Framework.
2. In the absence of a unilateral undertaking in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD, the Council cannot be certain that the proposal would not harm habitat sites of ecological interest. The proposal is therefore contrary to saved Policy COM6, adopted Policy SP2, emerging Policy DI1, and Section 15 of the National Planning Policy Framework.
3. In the absence of a unilateral undertaking in accordance with the Provision of Recreational Open Space for New Development SPD, the public open space and recreation infrastructure requirements of the development would not be met. The proposal would thereby be in conflict with saved Policy COM6 and emerging Policy LP5, and Section 8 of the National Planning Policy Framework.

8. Informatives

1. The Local Planning Authority has sought to act positively and proactively in determining this application by seeking to discuss matters of concern 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 reasons for the refusal, approval has not been possible.

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>		<p>NO</p>

Are there any third parties to be informed of the decision? If so, please specify:		NO
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