

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	21/01/2022
Planning Development Manager authorisation:	TF	21/01/2022
Admin checks / despatch completed	DB	21.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	21/01/2022

Application: 20/01057/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr N Neal and S Geisha

Address: Land adjacent of Two Village School Mayes Lane Ramsey

Development: Provision of an additional car park for the Two Village Primary School.

1. Town / Parish Council

Ramsey and Parkeston Parish Council

The Parish Council have not commented on the proposal. However, objection was made in relation to application reference 20/00585/OUT on a nearby site. Appropriately, the objection was considered in the determination of that application.

2. Consultation Responses

ECC Highways
23.09.2020

Please note a site visit was not undertaken due to the current COVID-19 restrictions; however, I am familiar with this area in the District and the observations below are based on submitted material, google earth image dated September 2016.

In principle the Highway Authority does not object to the proposal but has some concerns in relation to the location, parking arrangements and access points from the car park to the school, they are:

As far as can be determined from the submitted plans there does not appear to be any details on the visibility splays for the new vehicle access for the car park.

The location of the car park is situated in an area with no footway links to the school and is adjacent to a vehicular access which discourages pedestrian access. The area opposite the car park access is fenced off from the main pedestrian route into the school and there is no segregated footway within the proposed car park.

The location of the proposed car park abuts an existing bridleway (Bridleway 35, Ramsey_177) running along the existing school boundary and could affect users of the bridleway.

The proposal is therefore contrary to policies DM1, DM7 and DM11 contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Note:

For the Highway Authority to determine this application it would be required to provide the following information:

i) The proposed vehicle access for the car park does not show on the information provided any visibility splay details. We would like to see the road junction / access provided at its centre line with a clear to ground visibility splay with dimensions of 2.4 metres by 25 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. To provide adequate inter-visibility between users of the access and the public highway in the interests of highway safety in accordance with policy DM1.

ii) The provision of a segregated 2 metre wide footway within the car park extending eastwards across the existing grass verge with associated tactile paving/ barriers to link with the footway running into the school together with a raised table; associated drainage across the access road leading into the existing school car park identical to the existing raised table located within the school access/ turning area.

iii) Alternatively, a more favourable response would be given if consideration is given to re-locate the car park to an area off the main link road to the development so the established pedestrian links into the school can be utilised for the proposed car park similar to previous application 19/00439/OUT.

The Highway Authority reserves making a recommendation until such time as the above information has been provided and assessed.

Essex County Council
Heritage
15.07.2021

The application is for provision of an additional car park for the Two Village Primary School.

The main heritage asset for consideration is the Grade I listed Church of St Michael and the contribution made by its setting to its significance. Previous consultation responses for proposals in this undeveloped green space have suggested that the maximum quantum had been reached and further development would cause harm to the setting of the church.

The Heritage Statement submitted with the application is inadequate and as such the application is not compliant with paragraph 189 of the NPPF. This should consider the prescribed process in the Historic England Setting of Heritage Asset Guidance.

Based on the very limited information submitted, there is potential for harm to the setting and significance of the Grade I listed church and this harm (whilst likely to be limited) should be considered with regard to paragraph 196 of the NPPF. The main issue with this current proposal is the non-compliance with paragraph 189 of the NPPF.

3. Planning History

15/00964/OUT

Erection of seventy-one dwellings
and associated garages.

Refused
(Dismissed)

07.01.2016

on appeal)

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
20/00585/OUT	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).	Refused	14.01.2022

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)
EN1	Landscape Character
EN2	Local Green Gaps
EN6	Biodiversity
EN6a	Protected Species
EN6b	Habitat Creation
EN13	Sustainable Drainage
EN23	Development within the Proximity of a Listed Building
COM21	Light Pollution
TR1a	Development Affecting Highways
TR3a	Provision for Walking
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
SP3	Spatial Strategy for North Essex
SP6	Infrastructure and Connectivity
SP7	Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
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
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network

Supplementary Planning Guidance

Essex County Council Development Management Policies 2011 (Highways SPD)

Essex County Council Parking Standards 2009 (Parking SPD)

Tendring Landscape Character Assessment 2001 (TLCA)

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.

5. Officer Appraisal

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 solely for the car parking for the Two Village School in an amended location. The residential element was applied for separately and refused planning permission under application reference 20/01057/FUL, in part, due to concern over the effect of the proposal on the character and appearance of the area and the local landscape.

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

Representations

Five third-party letters of objection have been received. Material objection raised therein may be summarised as follows:

- The car park would impinge on views from the Essex Way towards the Grade I listed Church which was a reason for refusal/dismissal of earlier proposals.
- The proposal would be harmful to the character and appearance of the area and the landscape.
- The proposal would create more traffic and be harmful to highway and pedestrian safety.
- The School has sufficient parking and the proposal would run contrary to efforts to encourage walking/cycling.
- The site is located within a Strategic Green Gap and the proposal would harm the open character of the countryside.

Ward Councillor Zoe Fairley objects to the application due to concern over the effect of the development on the local landscape and setting of the Grade I listed church, and the resultant development plan conflict. These objections are considered below.

The Site

The site is located within the corner of an agricultural field adjacent to the northwest boundary of the Two Village Primary School to the southwest of a teardrop-shaped drop-off area. The site is outside of the 'Settlement Development Boundary' for Harwich and Dovercourt on land designated in both the 2007 and 2013-33 Local Plans as a Local/Strategic Green Gap. The site is within the wider setting of the Grade I listed St Michael's Church.

The Proposal

The application is for full planning permission for a 22 space car park. Access and egress would be from the existing road serving the school. The access point would be adjacent to a Public Footpath. Indicative landscaping is shown on two sides of the site within the adjacent field (bus outside of the red-line site area). Drainage is stated as being to a soakaway. No external lighting is proposed.

Highways

Among other things, saved Policy TR3a states that where practicable all development will be required to link with existing footpaths. Where appropriate, development should also improve links to and between pedestrian routes and support pedestrian priority measures. The fifth bullet of adopted Policy SP7 requires that all new development should create well-connected places that prioritise the needs of pedestrians, cyclists and public transport services above use of the private car.

Paragraph 92 of the Framework states that planning decisions should aim to achieve safe places. Paragraph 112 of the Framework states inter-alia that applications for development should give priority first to pedestrian and cycle movements, both within the scheme and neighbouring areas, and minimise the scope for conflicts between pedestrians, cyclists and vehicles. Furthermore, applications for development should address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

While not objecting to the principle of the development the Local Highway Authority (LHA) has expressed a number of concerns in the absence of the following:

- Details of visibility splays for the new access to the car park.
- Footway links from the car park to the school; the area opposite the car park access is fenced off from the footpath and there is no segregated footpath from the proposed car park.
- The car park abuts Bridleway 35, Ramsey_177 and the proposal could affect users of it.

As a result, the LHA conclude that the proposal is therefore contrary to policies DM1, DM7 and DM11 contained within the Highways SPD. Advice is given in relation to potential for relocation. However, alternative siting along the lines suggested has already been refused planning permission for other reasons as set out above. The comments of the LHA have been publicly available for a considerable amount of time. However, no further information has been received in response.

In considering these concerns, and given the likely traffic speeds entering and leaving the school past the proposed access, visibility splays would be limited in size (2.4 x 25m in both directions). These would appear to be achievable and therefore the use of a planning condition would be capable of securing them.

However, the absence of a segregated footway from the car park to the school is more problematic; a concrete post and wire fence prevents access to the existing footpath to the school and so the proposal would not provide for safe pedestrian access. While it is true to say that the adjacent public footpath joins the road to the school and also lacks safe pedestrian links, the LHA are concerned that the proposal could affect users of it. In any case, existing site circumstances do not justify a proposal that could not be said to provide for pedestrian safety. Moreover, it is unclear how the needs for disabled people and those with reduced mobility would be provided for.

In view of the above, the impact on highway safety is considered to be unacceptable. As such, the proposal would conflict with saved Policy TR3a and adopted Policy SP7, and the Highways SPD. The proposal would not sit well with the policies in the Framework in this regard.

Heritage Considerations

Saved Policy EN23 states that proposals that would adversely affect the setting of listed buildings will not be permitted. Emerging Policy PPL9 a) states that proposals will be treated favourably where they are explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

Heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance (Framework Paragraph 189). Among other things, Paragraph 194 of the Framework states that in determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

The Ward Councillor and objectors are concerned that the proposal would be harmful to the setting of the Grade I listed St Michael's Church. 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 (the same as for 20/00585/OUT) which has been assessed by Essex County Council Heritage (ECC Heritage), who note the main heritage asset for consideration is the Grade I listed Church of St Michael and the contribution made by its setting to its significance. In not objecting to application reference 20/00585/OUT (for five dwellings), ECC Heritage suggested that the maximum quantum of development within the field had been reached; further development would be likely to cause harm to the setting of the church. While the heritage statement addresses inter-visibility between the church and dwellings proposed under 20/00585/OUT, it does not fully consider the proposed car park.

ECC Heritage comment that the submitted heritage statement is inadequate and as such the application is not compliant with the Framework. They conclude that there is potential for harm to the setting and significance of the Grade I listed church, and that this harm (whilst likely to be limited) should be considered with regard to Paragraph 202 of the Framework.

Taking this expert advice into account, the Council cannot be certain that the proposal would not result in harm, albeit limited, to the setting of the Grade I listed Church, and the proposal would fail to meet the requirements of Paragraph 194 of the Framework. Furthermore, where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits (Paragraph 202). Having regard to these considerations the proposal would be contrary to saved Policy EN23 and emerging Policy PPL9.

Character and Appearance

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 PPL3 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. Policy SP7 requires that development responds positively to local character and context to preserve and enhance the quality of existing places and their environs.

Although better sited than a previous proposals in terms of its effect, the car park would nevertheless project awkwardly beyond the settlement into the adjacent countryside. It would be clearly visible in views from the adjacent right of way along the boundary of the field, especially during winter months. In these views the car park would be in the foreground of the historic landscape surrounding the Church. Although the existing drop-off area projects into the field, this is well landscaped around its edges. The creation of required access visibility splays would be likely to result in the loss of some of this mature screening.

Indicative landscaping is shown to two sides of the proposal. However, this is beyond the red-line site area. Therefore, it is not clear how this landscaping could be secured. Without such measures the car park would create a hard edge to the settlement and adversely affect its setting. Furthermore, given its intended purpose it is likely that external lighting would be required in the interests of public safety. While the potential for light pollution might be capable of being addressed under a planning condition, this would inevitably accentuate the presence of the development and would not address the identified harm.

Taking all these factors into account it is considered that the proposal would have an adverse effect on the character and appearance of the area and the local landscape. While it would be limited, substantial weight is attached to the harm. As a result, it would conflict with saved Policy EN1, adopted Policy SP7 and emerging Policies PPL3. It would be at odds with Section 12 of the National Planning Policy Framework.

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 Ward Councillor and some local objectors, it would be unreasonable to find otherwise. It is not therefore considered the proposal would conflict with the aims of saved Policy EN2 or emerging Policy PPL6.

Other Matters

The application form states that drainage would be via a soakaway. While no details are provided this is a matter that would be capable of being addressed by planning condition.

The applicant requested that officers visit the site during term time, in order to assess the need for the car park. Due to Covid restrictions, it is likely that at the time of the Council's site visits the existing parking and drop-off facilities would not have been used to their full capacity. In support of the application photographs of parents dropping off pupils have been sent. However, there is no evidence from the school. In the absence of compelling evidence of the need for additional car parking this reduces the weight that can be given to the benefit of additional car parking facilities.

Planning Balance and Conclusion

Albeit limited, the proposal would have a harmful effect on the character and appearance of the area and significant weight is attached to this harm. Furthermore, the Council cannot be certain that the proposal would not have a harmful effect on the setting of the Grade I listed St Michael's Church, and the proposal would be at odds with Paragraph 194 of the Framework. The proposal does not make provision for safe accessibility and this further weights against the grant of planning permission. In its favour the proposal would deliver additional car parking for the local school. However, the weight that is attached to this benefit is limited. The potential harm to the significance of the Church would not therefore be outweighed by public benefits.

On balance, the limited weight given to the benefits would not outweigh the cumulative significant weight given to the identified harms. The proposal is contrary to the development plan and refusal of planning permission is therefore recommended.

6. Recommendation

Refusal - Full

7. Reasons for Refusal

1. The proposal would be harmful to the character and appearance of the area and local landscape and the countryside setting of the settlement. As a result, the proposal would be contrary to saved Policy EN1, adopted Policy SP7 and emerging Policy PPL3. It would be at odds with Section 12 of the National Planning Policy Framework.
2. In the absence of a satisfactory heritage statement the Council cannot be certain that the proposal would not harm the significance of the Grade I listed St Michael's Church. As such, the proposal is contrary to Paragraph 194 of the National Planning Policy Framework. Nevertheless, it is likely that less than substantial harm would result to its significance and setting, and the weight given to the public benefits would not outweigh this harm. Consequently, the proposal would be contrary to saved Policy EN23 and emerging Policy PPL9.
3. The proposal fails to provide safe accessibility for pedestrians and those with disability and reduced mobility. As such, the proposal is contrary to saved Policy TR3a and adopted

Policy SP7, and the Highways SPD. For the same reasons, the proposal would also be at odd with Section 9 of the 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.

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