

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AP	26/04/2022
Planning Development Manager authorisation:	AN	27/04/22
Admin checks / despatch completed	ER	27/04/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	27.04.2022

Application: 21/00549/FUL **Town / Parish:** Ramsey & Parkeston Parish Council

Applicant: Mr and Mrs Charles Norgan

Address: Paddock adjacent to Bridge Cottage Main Road Ramsey

Development: Proposed change of use of vacant stable accommodation and tractor store into a bungalow.

1. Town / Parish Council

No comments received

2. Consultation Responses

Highways England
09.07.2021, 07.09.2021,
05.11.2021, 16.12.2021,
27.01.2022 and
31.03.2022

Referring to the consultation on a planning application dated 21 June 2021 referenced above, in the vicinity of the A120 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:

- a) ~~offer no objection (see reasons at Annex A);~~
- b) ~~recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);~~
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- d) ~~recommend that the application be refused (see reasons at Annex A)~~

Highways Act 1980 Section 175B is/is not relevant to this application.

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Signature: A.Lawman Date: 31/03/2022
Name: Alice Lawman Position: Assistant Spatial Planner

Annex A National Highway's assessment of the proposed development

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We are currently awaiting additional information initially requested in our response dated 7 July 2021. Our previous comments have been included below for reference. Due to the current lack of information, we recommend the application be not determined before 31 May 2022. If we are in a position to respond earlier than this, we will withdraw this recommendation accordingly.

The proposed dwelling will be accessed from the B1352 within close proximity to the roundabout on the A120, which forms part of the Strategic Road Network.

The proposed change of use to a three-bedroom dwelling is considered to result in an intensification in use of the access, and therefore could increase the risk to future occupiers and other road users in the area. To adequately assess the potential impacts, we require a GG104 to be completed.

In addition, we require a GG142 assessment to be completed, assessing the potential interaction of Pedestrians, Cyclists or Horse Riders from the site. If this is not considered applicable to this application, we will require a GG142 exemption form outlining the reason for exemption.

UU Open Spaces
13.05.2021

Response from Public Realm
Open Space & Play

Application Details

Application No: 21/00549/FUL

Site Address: Paddock adjacent to Bridge Cottage Main Road
Ramsey

Description of Development: Proposed change of use of vacant stable accommodation and tractor store into a bungalow
Current Position

There is currently a deficit of -2.70 hectares of equipped play in Ramsey and Parkeston and -0.93 hectares of formal open space.

Recommendation

No contribution is being requested on this occasion, however should there be further development at this site a contribution may be required.

Building Control and
Access Officer
23.04.2021

Fire service access does not appear to accord with the requirements of B5.

Environmental Protection

No comments received.

Tree & Landscape Officer
23.04.2021

No trees or other significant vegetation will be adversely affected by the development proposal.

Whilst the site is relatively secluded and does not feature prominently in the public realm it would be desirable to secure details of soft landscaping to soften screen and enhance the appearance of the proposed dwelling.

Environment Agency
13.05.2021

Thank you for your consultation we have reviewed the plans as proposed and we object to this application in principle because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. We therefore recommend that the application is refused planning permission on this basis.

Flood Risk

The Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. In this case, the application site lies within the fluvial Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event outline and within Tendring's 2008 Strategic Flood Risk Assessment.

The proposed development is classified as 'more vulnerable' in Table 2: Flood Risk Vulnerability Classification of the PPG. Table 3 of the PPG makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Land Raising

We note that section 4 of the current FRA states that "It is thought that the paddock was included in NFZ3 prior to the ground level being raised when Civil Engineering Contractors working on a project at either Parkeston Quay or Harwich Docks used it first as a compound for plant and materials and later as a dumping ground for site debris and excavated soil etc. This effectively raised the ground level by approx. 0.6m." and "The consequence of this is that whilst the river has in the past overflowed onto the land to the north of the river, it has never overflowed onto the land which is the subject of this application". These statements are of concern to the Environment Agency.

The Planning Practice Guidance states that the functional floodplain is the "zone comprises land where water has to flow or be stored in times of flood" and the statements made in the FRA would suggest

that this may no longer be the case. It is unlikely that either the Local Planning Authority or the Environment Agency would allow land raising within Flood Zone 3b, as such this may be a planning enforcement matter that needs to be investigated.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Informative - Environmental Permit for Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Ramsey, is designated a 'main river'.

Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

We trust you find this advice useful.

Appendix

If the Local Planning Authority determine that the site is not within Flood Zone 3b, please consider the comments below that would apply.

We have reviewed the submitted flood risk assessment (FRA), referenced EXISTING STABLE BLOCK, THE PADDOCK ADJACENT RAMSEY BRIDGE, MAIN ROAD, RAMSEY HARWICH ESSEX, CO12 5EY and which was uploaded to the planning portal on 23 March 2021, and consider it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change, Reference ID: 7-030-20140306. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

1. Demonstrate the location of the development in comparison to Flood Zones 2 and 3.
2. Used the Sequential Approach in the siting of the development.
3. No topographic survey has been submitted
4. Use the correct flood levels from us
5. Correctly calculate the expected flood depths on site and within the building
6. Provide Finished Floor Levels above the design level with climate change
7. Demonstrate adequate flood storage compensation for the proposed development.
8. Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
9. Assess breach risk for the proposed development

Overcoming our Objection

1. Provide an overlay map showing the proposed development against the Flood Zones.
2. Sequentially site the development in Flood Zone 1 if possible, then Flood Zone 2 then Flood Zone 3.

If the site contains a range of Flood Zones, the sequential approach should be applied within the site to direct development to the areas of lowest flood risk. If it isn't possible to locate all of the development in Flood Zone 1, then the most vulnerable elements of the development should be located in the lowest risk parts of the site. If the whole site is covered by Flood Zone 3, your FRA should assess the flood characteristics across the site and direct development towards those areas where the risk is lowest.

1. Submit a GPS verified topographic survey
 2. Our Customers and Engagement team can provide any relevant flooding information that we have available.
- Please be aware that there may be a charge for this information.
Please contact: Enquiries_EastAnglia@environment-agency.gov.uk.
For further information on our flood map products please visit our website at: www.environment-agency.gov.uk/research/planning/93498.aspx

This site is at fluvial flood risk and the applicants FRA should use the Environment Agency 2010 River Ramsey model to assess the flood risk. Fluvial climate change allowances have been updated since this model was completed, so the applicant will need to ensure they appropriately assess fluvial climate change.

This site is at tidal flood risk and the applicants FRA should use the Environment Agency 2018 Coastal Stour & Orwell model to assess the flood risk. Tidal climate change allowances were updated in December 2019, to take account of the upper end tidal climate change allowance that applies to more vulnerable development add 0.30 metres to the climate change flood levels within this coastal model.

1. The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths.
2. The development as proposed would be subject to floodwater entering properties in a fluvial 1% (1 in 100) and a tidal 0.5% (1 in 200) annual probability event with climate change. Finished floor levels for the proposed development must be set 300 millimetres above the fluvial 1% (1 in 100) and the tidal 0.5% (1 in 200) annual probability with climate change flood level. This is to protect the proposed development and its users from flooding. This is in line with the requirements of Paragraphs 059 and 060 of the Planning Practice Guidance, which advises that there should be no internal flooding in 'more vulnerable' developments from a design flood (fluvial 1% (1 in 100) and tidal 0.5% (1 in 200) annual probability inclusive of climate change).

Safe refuge should also be provided above the 0.1% undefended/breach flood level (including allowances for climate change).

1. It is unknown whether Flood Storage Compensation is required

based on the information provided. Please investigate this as part of updating the FRA. See information in the paragraph below on the requirements on compensatory storage if they are required.

Compensatory Storage

It will need to be shown that any increase in built footprint within the 1% (1 in 100) annual probability flood extent, including allowances for climate change, can be directly compensated for on a volume-for-volume and level-for-level basis to prevent a loss of floodplain storage. If there are no available areas for compensation above the design flood level and compensation will not be possible then a calculation of the offsite flood risk impacts will need to be undertaken. If this shows significant offsite impacts then no increases in built footprint will be allowed. Further guidance on the provision of compensatory flood storage is provided in section A3.3.10 of the CIRIA document C624.

1. The applicant should include a Flood Emergency Plan detailing the actions to take before, during and after a flood.

Safe Access

During a flood, the journey to safe, dry areas completely outside the fluvial 1% (1 in 100) and tidal 0.5% (1 in 200) annual probability event with climate change floodplain would involve crossing areas of potentially fast flowing water. Those venturing out on foot in areas where flooding exceeds 100 millimetres or so would be at risk from a wide range of hazards, including for example unmarked drops, or access chambers where the cover has been swept away.

Safe access and egress routes should be assessed in accordance with the guidance document Defra/EA Technical Report FD2320: Flood Risk Assessment Guidance for New Development..

Where safe access cannot be achieved an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with yourselves.

Emergency Flood Plan

Where safe access cannot be achieved, or if the development would be at residual risk of flooding in a breach, an emergency flood plan that deals with matters of evacuation and refuge should demonstrate that people will not be exposed to flood hazards. The emergency flood plan should be submitted as part of the FRA and will need to be agreed with the Local Council.

1. The applicant should refer to Tendring's Strategic Flood Risk Assessment (SFRA) for the relevant breach information. Where an SFRA does not contain the relevant breach information, the FRA can use our undefended flood levels to represent a worst case scenario for breach risk.

The applicant can overcome our objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will be safe will not increase risk elsewhere. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal

of an objection. We ask to be re-consulted with the results of the FRA.

We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

We have included a factsheet with our response, which sets out the minimum requirements and further guidance on completing an FRA is available on our website.

If you are minded to approve the application contrary to this advice, we request that you contact us to allow further discussion and/or representations from us in line with the Town and Country Planning (Consultation) (England) Direction 2009.

Other Sources of Flooding

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Informative - Environmental Permit for Flood Risk Activities

The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The River Ramsey, is designated a 'main river'.

Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required, is breaking the law.

Advice for Applicant - Flood Risk

Flood Resilient/Resistant Construction

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. To minimise the disruption and cost implications of a flood event we encourage development to incorporate flood resilience/resistance measures up to the extreme 1 in 1000 year climate change flood level. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings' and 'Prepare your property for flooding' (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings> and <http://www.environment-agency.gov.uk/homeandleisure/floods/31644.aspx>).

Safety of Building

The development has been designed to provide refuge above the predicted flood levels. Given that refuge is identified as a fall back

mitigation measure it is important that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic pressures) associated with flood water. We advise that supporting information and calculations are submitted to you to provide certainty that the buildings will be constructed to withstand these water pressures.

Strategic Flood Risk Assessments

Strategic Flood Risk Assessments (SFRA) are undertaken by local planning authorities as part of the planning process. The SFRA may contain information to assist in preparing site-specific FRAs. Applicants should consult the SFRA while preparing planning applications. Please contact your local authority for further information.

ECC Highways Dept
28.06.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image dated March 2021. It is noted that the proposal is utilising an existing vehicular access off the B1352 Main Road near the A120, however:

From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

1. The access is situated in an unacceptable arrangement close to the A120 & B1352 junction such that vehicle manoeuvres on and off the hardened area are unexpected in relation to other road users in particular, vehicle(s) exiting the A120 roundabout and entering the B1352 (Main Road), the vehicle(s) could either enter the proposed development site as well as continuing forward along Main Road, as a result a back-shunt type collision could occur resulting in an unacceptable degree conflict, risk, and hazard to all highway users to the detriment of highway safety.
2. This proposal would introduce additional slowing and turning movements where they are currently not expected, likely leading to increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety.
3. The proposal would intensify the use of an existing access onto Main Road (main distributor) very close to the Strategic Road Network (SRN) junction (A120/B1352) where visibility, from the proposed site access and forward visibility along Main Road towards the A120, is not in accordance with current safety standards. The main function of this highway is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The proposal is therefore contrary policies DM1 and DM2 contained

within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Note:

1: Similar to vehicular collision risk, there would be non-vehicular safety issues as this proposed development is for residential development. As such the local Highway Authority like Highways England would want to see the Design Manual for Roads and Bridges (DMRB) GG104 and GG142 safety risk assessments.

3. Planning History

21/00549/FUL	Proposed change of use of vacant stable accommodation and tractor store into a bungalow.	Current	
16/00773/FUL	Proposed extension to provide tractor/trailer store.	Approved	09.08.2016

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2021
National Planning Practice Guidance

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 Plan (adopted 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

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth
SPL2 Settlement Development Boundaries
SPL3 Sustainable Design
LP1 Housing Supply
LP4 Housing Layout
HP5 Open Space, Sports & Recreation Facilities
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL8 Conservation Areas
PPL10 Renewable Energy Generation and Energy Efficiency Measures
CP1 Sustainable Transport and Accessibility

Supplementary Planning Documents

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy SPD 2020 (RAMS)

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

Planning law requires that decisions on 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 (the

Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

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 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, Paragraph 11 d) of the Framework requires granting 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 (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

5. Officer Appraisal

Site Description

The application site is a paddock lying to the north of the A120 trunk road and south of the village of Ramsey. Along its northern edge and the west is the River Ramsey, classified as a main river and to the east, Main Road, Ramsey. The paddock is well kept with a stable and store building in the northern western corner. A blocked up access is visible on the eastern edge onto Main Road. To the south the paddock is largely enclosed with vegetation which offers an element of protection from the A120. There is a small foot bridge over the water to the curtilage and dwelling of Bridge Cottage on the north eastern side of the site.

The application site lies outside of any settlement development boundary, within flood zones 2 and 3, and part of the site lies adjacent to the Ramsey Conservation Area.

Description of Proposal

The application seeks planning permission to change the use of the stable block and tractor store into a bungalow.

Assessment

The main considerations in this instance are;

- Principle of Development
- Scale, Layout, Appearance, Landscaping and Heritage
- Residential Amenities
- Access, Parking and Highway Safety
- Flood Risk
- Financial Contribution – Recreational Disturbance
- Other considerations

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 (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, the Tendring District Local

Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

The adoption of the Local Plan 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. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries as in this case.

Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that 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.

The application site is located outside of the settlement development boundary for Ramsey in the Adopted Local Plan. Ramsey is categorised as a Smaller Rural Settlement as defined in Adopted Policy SPL1. It is considered that these smaller rural settlements are the least sustainable and the proposed development would extend beyond the area planned to provide growth for this settlement.

Due to the location of the application site, outside of the settlement development boundary in the Adopted Local Plan, and having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan Policy SP3 and Policy SP7 this would not be an appropriate site for the proposed dwelling.

The proposal fails to comply with the statutory plan-led approach to the location of future housing and conflicts with the Council's strategic approach to housing delivery.

Scale, Layout, Appearance and Landscaping

Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Adopted Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Adopted Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials and should respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features.

Adopted Policies SPL3 and PPL3 seek to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Ramsey Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 202 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Adopted Policy PPL8 seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of

preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

It is acknowledged that the footprint, size, scale and external finish of the proposed dwelling would not fundamentally change from the existing stable block and tractor store. The insertion of windows and doors and the like could make it habitable, however, the existing stable block and paddock, visible from the A120 trunk road is a common feature along this road towards Harwich where the openness on either side of the road is retained albeit for natural boundary treatments such as hedging and trees. When entering Main Road from the A120, the first dwellings are just past the brick bridge where the brick bridge creates an entrance to the village. The stable block is outside of the settlement boundary and visibly outside of the village confines. A dwelling in this location would bring with it residential paraphernalia as well as hardstanding for a driveway to and parking for the proposed dwelling which is approximately 110 metres from Main Road. The Ramsey Conservation Area lies predominantly west of the application site, with views from the A120, Main Road and within the village itself given the sloping topography.

The Council's Tree and Landscape Officer has been consulted on the planning application and he notes that there are no trees or other significant vegetation that will be adversely affected by the development proposal and on any grant of planning permission a scheme of soft landscaping should be secured to soften, screen and enhance the appearance of the proposed dwelling.

The proposal would erode the open and rural character of the application site and harm the views into the Ramsey Conservation Area thereby failing to respond to the prevailing character of the area in conflict with the development plan policies. It is considered that the proposal would result in less than substantial harm to the significance of the conservation area according to Paragraph 202 of the National Planning Policy Framework. The conversion to a single dwelling, at a time when the Council can demonstrate significantly in excess of the five year housing land supply, does not represent public benefit that outweighs the harm in this case.

Moreover, the presence of some existing landscaping on the southern boundary would not sufficiently shield the development from external views and any new landscaping would take some time to mature and cannot be relied upon to become permanent.

Residential Amenities

There are no neighbouring dwellings and due to the siting and single storey nature of the proposed dwelling there will be no significant impact to neighbouring amenity.

The application site is of a size that can accommodate private amenity space and sufficient parking and turning for vehicles.

Access, Parking and Highway Safety

Paragraph 110b of the National Planning Policy Framework seeks that applications for development ensure safe and suitable access to the site can be achieved for all users. Paragraph 112c of the NPPF states that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles...and respond to local character and design standards.

Adopted Policy SPL3 Part B states that new development (including changes of use) must meet practical requirements and access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

The area of the site is of a size that can easily accommodate parking and turning facilities for vehicles within it that meet the current car parking standards.

There is an existing agricultural access to the site which is secured with a metal gate and is currently not in use with a large concrete block preventing access.

Essex County Council Highways have been consulted on the planning application and they confirm that the impact of the proposal is not acceptable as the access is situated in an unacceptable arrangement close to the A120 & B1352 junction such that vehicle manoeuvres on and off the hardened area are unexpected in relation to other road users in particular, vehicle(s) exiting the

A120 roundabout and entering the B1352 (Main Road), the vehicle(s) could either enter the proposed development site as well as continuing forward along Main Road, as a result a back-shunt type collision could occur resulting in an unacceptable degree of conflict, risk, and hazard to all highway users to the detriment of highway safety.

The proposal would introduce additional slowing and turning movements where they are currently not expected, likely leading to increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety.

The proposal would intensify the use of an existing access onto Main Road (main distributor) very close to the Strategic Road Network (SRN) junction (A120/B1352) where visibility, from the proposed site access and forward visibility along Main Road towards the A120, is not in accordance with current safety standards. The main function of this highway is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety. Similar to vehicular collision risk, there would be non-vehicular safety issues as this proposed development is for residential development.

As the access is very close to the Strategic Road Network, Highways England have been consulted on the planning application. Highways England confirm that the proposed change of use to a three-bedroom dwelling is considered to result in an intensification in use of the access, and therefore could increase the risk to future occupiers and other road users in the area. In order to assess this risk Highways England have confirmed that a GG104, a safety risk assessment will be necessary along with a GG142, assessing the potential interaction of Pedestrians, Cyclists or Horse Riders from the site. No such information has been provided with this application and therefore the impact on highway safety cannot be fully considered.

The applicant has not provided the GG104 and GG142 assessments and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on highway safety and would therefore be contrary to Adopted Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

Flood Risk

Paragraph 159 of the National Planning Policy Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

Adopted Policy PPL1 states that development proposals must be accompanied by a Flood Risk Assessment. Where development is classified as “more vulnerable” the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a “design event flood”. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level.

The application site lies within the fluvial Flood Zone 3b, the functional floodplain, as delineated by the 1 in 20 annual probability event outline and within Tendring’s 2008 Strategic Flood Risk Assessment.

The proposed residential development is classified as ‘more vulnerable’ in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance. Table 3 of the Planning Practice Guidance makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

The sequential and exceptions tests are not required for change of use applications.

The Environment Agency has been consulted on the planning application and they object to the application in principle because the proposed development falls into a flood risk vulnerability

category that is inappropriate to the flood zone in which the site is located. In addition, although a FRA has been submitted it does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

The Environment Agency also note that the FRA refers to the land subject of this application being historically raised and it is unlikely that either the Local Planning Authority or the Environment Agency would allow land raising within Flood Zone 3b, as such the Council's Enforcement Team have been notified to enable an investigation of the matter.

The proposed development is therefore contrary to Adopted Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond, the National Planning Policy Framework and Planning policy Guidance.

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 constitutes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 1300 metres from Stour and Orwell Estuaries SPA and RAMSAR. New housing development within the Zol would be likely to increase the number of recreational visitors to 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 proportionate financial contribution has not been secured in accordance with the adopted 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 Adopted Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Other considerations

Policy PPL10 of the Tendring District Local Plan 2013-2033 and Beyond states that proposals for new development should consider the potential for renewable energy generation, appropriate to the site and its location, and should include renewable energy installations, or be designed to facilitate the retro-fitting of renewable energy installations. A condition is therefore necessary on a grant of planning permission to secure electric car charging provision.

The Council's Building Control team have been consulted on the application and they note that the fire service access does not accord with the appropriate regulation.

The Council's Open Space team have also been consulted on the application and although there is a minor deficiency in equipped play and open space in the area no contribution is being requested on this occasion.

No other representations have been received.

6. Recommendation

Refusal - Full

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 (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, the Tendring District Local Plan 2013-2033 and Beyond Section 1 adopted in January 2021 and the Tendring District Local Plan 2013-2033 and Beyond Section 2 adopted in January 2022.

The adoption of the Local Plan 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. This is particularly relevant in the consideration of proposals for additional dwellings that fall outside of identified settlement development boundaries as in this case.

Policy SP3 (Spatial Strategy for North Essex) of adopted Section 1 of the Tendring District Local Plan 2013-2033 and Beyond states, amongst other things, that 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.

The application site is located outside of the settlement development boundary for Ramsey in the Tendring District Local Plan 2013-2033 and Beyond Section 2. Ramsey is categorised as a Smaller Rural Settlement as defined in Policy SPL1 of the Tendring District Local Plan 2013-2033 and Beyond Section 2. It is considered that these smaller rural settlements are the least sustainable and the proposed development would extend beyond the area planned to provide growth for this settlement.

Due to the location of the application site, outside of the settlement development boundary in the Tendring District Local Plan 2013-2033 and Beyond Section 2, and having regard to the spatial strategy and place shaping principles set out in the adopted Local Plan 2013-2033 Section 1 Policy SP3 and Policy SP7 this would not be an appropriate site for residential development.

The proposal fails to comply with the statutory plan-led approach to the location of future housing and conflicts with the Council's strategic approach to housing delivery.

2. Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 and Beyond states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Section 2 Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings particularly in relation to its siting, and should respect or enhance local landscape character, views, open spaces and other locally important features.

Section 2 Policy SPL3 and Policy PPL3 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that development is appropriate in its locality and does not harm the appearance of the landscape. Outside development boundaries, the Local Plan seeks to conserve and enhance the countryside for its own sake.

The Local Planning Authority has a statutory duty to preserve or enhance the character and appearance of Frinton and Walton Conservation Area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 202 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Section 2 Policy PPL8 of the Tendring District Local Plan 2013-2033 and Beyond seeks to ensure that any new development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area, especially in terms of: any important views into, out of, or within the Conservation Area.

The existing stable block and paddock, visible from the A120 trunk road is a common feature along this road towards Harwich where the openness on either sides of the road is retained albeit for natural boundary treatments such as hedging and trees. When entering Main Road from the A120, the first dwellings are just past the brick bridge where the brick bridge creates an entrance to the village. The stable block is outside of the settlement boundary and visibly outside of the village confines. A dwelling in this location would bring with it residential paraphernalia as well as hardstanding for a driveway to, and parking for, the proposed dwelling which is approximately 110 metres from Main Road. The Ramsey Conservation Area lies predominantly west abutting the application site, with views from the A120, Main Road and within the village itself given the sloping topography.

The presence of some existing landscaping on the southern boundary would not sufficiently shield the development from external views and any new landscaping would take some time to mature and cannot be relied upon to become permanent.

The proposal would erode the open and rural character of the application site and harm the views into the Ramsey Conservation Area thereby failing to respond to the prevailing character of the area in conflict with the development plan policies.

3. Paragraph 110b of the National Planning Policy Framework seeks that applications for development ensure safe and suitable access to the site can be achieved for all users. Paragraph 112c of the NPPF states that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles...and respond to local character and design standards.

Section 2 Policy SPL3 Part B of the Tendring District Local Plan 2013-2033 and Beyond states that new development (including changes of use) must meet practical requirements and access to the site is practicable and the highway network will, following any required mitigation, be able to safely accommodate the additional traffic the proposal will generate and not lead to severe traffic impact.

The proposal would intensify the use of an existing access onto Main Road (main distributor) very close to the Strategic Road Network junction (A120/B1352) where visibility, from the proposed site access and forward visibility along Main Road towards the A120, is not in accordance with current safety standards. The access is situated in an unacceptable arrangement close to the A120/B1352 junction such that vehicle manoeuvres on and off the hardened area are unexpected in relation to other road users. In particular, vehicles exiting the A120 roundabout and entering the B1352 (Main Road), the vehicles could either enter the proposed development site as well as continuing forward along Main Road, as a result a back-shunt type collision could occur resulting in an unacceptable degree of conflict, risk, and hazard to all highway users to the detriment of highway safety.

The proposal would introduce additional slowing and turning movements where they are currently not expected, likely leading to increased conflict with the passage of through vehicles and risk of collisions for both emerging and approaching vehicles and increased hazard to other highway users to the detriment of highway safety.

The main function of this highway is that of carrying traffic freely and safely between centres of population. The intensification of conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The necessary safety risk assessments have not been provided and therefore the Local Planning Authority is unable to say with confidence that the proposal will not have an adverse impact on highway safety and would therefore be contrary to Section 2 Policy SPL3 of the Tendring District Local Plan 2013-2033 and Beyond and the National Planning Policy Framework.

- Paragraph 167 of the NPPF states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; d) any residual risk can be safely managed; and e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Section 2 Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond states that development proposals must be accompanied by a Flood Risk Assessment. Where development is classified as “more vulnerable” as in this case the Flood Risk Assessment (FRA) should demonstrate that there will be no internal flooding in the event of a “design event flood”. The FRA should demonstrate that in the event of a breach or failure of flood defence infrastructure, refuge will be available above flood levels and that a means of escape is possible from first floor level.

The application site lies within the fluvial Flood Zone 3b, the functional floodplain. The proposed residential development is classified as ‘more vulnerable’. Table 3 of the Planning Practice Guidance makes clear that this type of development is not compatible with Flood Zone 3b and should not therefore be permitted.

The proposed development therefore falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the site is located. The submitted FRA also fails to provide information in relation to paragraph 167 c), d) and e) of the NPPF.

The proposed development is therefore contrary to Section 2 Policy PPL1 of the Tendring District Local Plan 2013-2033 and Beyond, the National Planning Policy Framework and Planning Practice Guidance.

- 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 constitutes a new dwelling on a site that lies within the Zone of Influence (Zoi) being approximately 1300 metres from Stour and Orwell Estuaries SPA and RAMSAR. New housing development within the Zoi 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 proportionate financial contribution has not been secured in accordance with the adopted 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 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

8. **Informatives**

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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