

16.09.2022

grass with established scrubby woodland adjacent to the eastern and part of the western boundaries. There are clear views of the open countryside to the south of the application site.

If the development were to be contained to the central section of the land then no important trees or other vegetation would be adversely affected by the proposed development.

In terms of the impact of the development on the character and appearance of the local environment it is considered the construction of a new dwelling in this location would, in a small way, have a negative impact on the local landscape character by way of the extension of built development into open countryside.

Should planning permission be likely to be granted then a condition should be attached, to any such permission, to secure details of soft landscaping to soften, screen and enhance the appearance of the development

UU Open Spaces
21.09.2022

Response from Public Realm Open Space & Play

Current Position:-

There is currently a deficit of 2.43 hectares of play and formal open space in Thorpe-le-Soken.

Recommendation

No contribution is requested on this occasion.

3. Planning History

18/00041/OUT	Proposed erection of a dwelling.	Refused	08.05.2018
22/01316/OUT	Outline application with all matters reserved for the erection of a single storey dwelling.	Current	

4. Relevant Policies / Government Guidance

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Statutory guidance -Technical housing standards: nationally described space standard Published 27 March 2015

Local:

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
- HP5 Open Space, Sports & Recreation Facilities
- LP1 Housing Supply
- LP2 Housing Choice
- LP4 Housing Layout
- PPL1 Development and Flood Risk
- PPL3 The Rural Landscape
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- CP1 Sustainable Transport and Accessibility
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Local Planning Guidance

Essex Design Guide

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 development site is a small paddock located at the western end of the cul-de-sac on its southern side of Edward Road. It is adjacent to the Thorpe Le Soken Station and Maltings Conservation Area to its northern and eastern boundaries and outside the development boundary for the settlement of Thorpe Le Soken and Maltings.

Edward Road is an unmade road that lies to the south of the Greater Anglian Branch railway line, on land that falls from the railway line to Holland Brook to the south. Edward Road passes between pairs of semi-detached houses that date back to the turn of the century at its junction with Harwich Road, but housing development is primarily sited on the northern side includes an approved scheme 19/01635/FUL for two new dwellings.

Relevant History

Application 18/00041/OUT was for the same development on the same site; this application was refused under Delegated Powers on 8th May 2018 and then dismissed at appeal on 14 August 2019. The Inspector considered the main issues with the appeal were:-

Issues	Inspector's Conclusion
whether the proposal is a suitable location for new residential development having regard to the spatial strategy of the development plan	Although the site is close to a rail station and services and facilities in Thorpe le Soken it would not be within easy walking distance, and any future occupants of a dwelling would generally have to rely on private transport for their day to day needs. The proposal would not be in a suitable location having regard to the spatial strategy in the development plan
the effect on the character and appearance of the area	The setting is distinctly rural. The proposed dwelling would be out of character with the pattern of development, being located to the south of Edward Road and not part of the existing cluster of dwellings
the effect on the setting of the Thorpe Le Soken Station and Maltings Conservation Area	Although the proposal would change the context by reducing the open character of the area, it would lead to less than substantial harm to the significance of the Conservation Area. 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. In this instance the public benefits of the proposal would be limited.
the effect on trees and biodiversity	<p>Much of the tree cover at the appeal site has been removed in the past. Whether there would be pressure to remove any boundary trees in future because of overshadowing would depend upon the final layout and siting of a dwelling. These are reserved matters because the application is in outline only.</p> <p>No survey has been undertaken to demonstrate that protected species are not present in any habitat that remains since clearance operations. This matter on its own would not warrant dismissal of the appeal, but it does add weight to the decision.</p>

Description

The application is outline in form with all matters reserved for later consideration. The application is accompanied simply by an Ordnance Survey extract identify the proposed location of the site.

Assessment

The main planning considerations are:

- Principle of Development;
- Layout, Scale and Appearance;
- Residential Amenities;
- Rural Landscape
- Conservation Area
- Flooding
- Highway Considerations;
- Water Conservation, Drainage and Sewerage
- Financial Contributions – RAMS
- Financial Contributions – POS
- Representations

Principle of Development

The Tendring District Local Plan 2013-2033 and Beyond (the Local Plan) 'North Essex Authorities' Shared Strategic Section 1' sets out the strategic level spatial strategy for North Essex. Local Plan Policy SP3 states [Emphasis added]:

“Existing settlements will be the principal focus for additional growth across the North Essex Authorities area within the Local Plan period. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area.

Future growth will be planned to ensure existing settlements maintain their distinctive character and role, to avoid coalescence between them and to conserve their setting. Re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles, particularly to ensure that development locations are accessible by a choice of means of travel.

In Section 2 of its Local Plan each local planning authority will identify a hierarchy of settlements where new development will be accommodated according to the role of the settlement, sustainability, its physical capacity and local needs.

Beyond the main settlements the authorities will support diversification of the rural economy and conservation and enhancement of the natural environment.

As part of the sustainable strategy for growth, the Tendring / Colchester Borders Garden Community will be developed and delivered at the broad location shown on Key Diagram 10.2 and on the Colchester and Tendring Local Plans Policies Maps. This new community will provide a strategic location for homes and employment within the Plan period in North Essex. The expectation is that substantial additional housing and employment development will be delivered in the Garden Community beyond the current Local Plan period."

Section 2 of the Local Plan sets out the hierarchy of settlements for Tendring where new development will be accommodated [Emphasis added]:

"Growth needs to be carefully managed so as not to lead to unsustainable developments in remote and poorly accessible locations. The settlement hierarchy prioritises locations with access to the strategic road network, public transport and which have the potential to offer the widest range of services. All settlements which may experience growth have a development settlement boundary. Those without a settlement development boundary are considered to be part of the countryside." (Paragraph 3.3.1)

Policy SPL1 'Managing Growth' identifies Thorpe Station and Thorpe Maltings as a 'Smaller Rural Settlement'. The associated text states [Emphasis added]:

"Other smaller villages within Tendring District's rural heartland have much less in the way of job opportunities, local services, facilities and other infrastructure. Residents of these smaller villages are often reliant on neighbouring towns and villages for work, shopping and other services and frequently need to travel distances either by public transport (if it is available) or, more often than not, by private car.

Because of this, these smaller villages are considered to be the least sustainable locations for growth and there is a concern that encouraging too much development in these areas will only serve to increase the number of people having to rely on cars to go about their everyday lives. However, these villages are still under pressure to grow and some small-scale development which is sympathetic to the rural and often historic character of the settlement might help younger people to continue to live in the area, keep local shops and services viable and help bring balance to any ageing population. Particular attention must be given to school travel and any expansion of existing rural schools.

Each of these smaller rural settlements can achieve a small scale increase in housing stock over the plan period. To allow for this to happen, Settlement Development Boundaries have been drawn flexibly, where practical, to accommodate a range of sites both within and on the edge of the villages and thus enabling them to be considered for small-scale residential 'infill' developments, provided that it does not detrimentally impact the historic and natural environment.

Developments which exceed 10 dwellings in size will not be permitted unless there is local support from the Town or Parish Council, an approved Neighbourhood Plan that advocates additional growth or an identified local need for affordable housing that could be addressed through a 'rural exception site'." (Paragraphs 3.3.1.4.1 to 3.3.1.4.4)

The associated text to Policy SPL1 also states [Emphasis added]:

"To achieve a sustainable increase in housing stock for each of Tendring District's settlements up to 2033, a high level of new homes have gained planning permission or will have been completed on sites between 1 April 2013 to 31 March 2020. The remaining requirement will be delivered on sites that are specifically allocated for housing development, supplemented by other suitable sites within the Settlement Development Boundaries in this Local Plan. The allocated sites either lie within the established built-up area of the settlement or involve undeveloped land on the edge of the settlement.

Alongside the planned developments, it is likely that a number of currently unidentified 'windfall' sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period. (Paragraph 3.3.2.1)

Policy SPL2 'Settlement Development Boundaries' states [Emphasis added]:

"To encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 (with the exception of the Tendring Colchester Borders Garden Community) is defined within a 'Settlement Development Boundary' as shown on the relevant Policies Map and Local Map. Within the Settlement Development Boundaries, there will be a general presumption in favour of new development subject to detailed consideration against other relevant Local Plan policies and any approved Neighbourhood Plans.

Outside of Settlement Development Boundaries, the Council will consider any planning application in relation to the pattern and scales of growth promoted through the Settlement Hierarchy in Policy SPL1 and any other relevant policies in this plan.

An exemption to this policy is provided through the Rural Exception Site Policy LP6. [An exemption is also provided through Policy LP7 'Self-Build and Custom-Built Homes'].

The Tendring Colchester Borders Garden Community will be the subject a separate Development Plan Document (DPD) containing its own policies designed to guide the location of development in the broad location identified on Diagram 10.2 in Section 1 of the Local Plan and Map B.7."

The associated text to Policy SPL2 states [Emphasis added]:

"To achieve a sustainable increase in housing stock, a significant number of new homes will come forward on sites which at April 2020 already had extant planning permission for new housing. The remaining requirement will be delivered on sites that are specifically allocated for housing or mixed-use development, supplemented by other suitable sites within the Settlement Development Boundaries in this Local Plan. Alongside the planned developments, it is likely that a number of currently unidentified 'windfall' sites will obtain planning permission for housing in accordance with the policies in this Local Plan during the plan period. In general terms, development outside of defined Settlement Development Boundaries will be the subject of strict control to protect and enhance the character and openness of the countryside. However, there are certain forms of development that can and sometimes need to take place in these areas, some of which can bring about positive outcomes for the rural economy." (Paragraph 3.3.3.1)

In this case, the proposal is for one dwelling and site is located outside but immediately adjacent (north and east) to the Settlement Boundary for Thorpe Station and Thorpe Maltings and surrounded to the south and west by open farmland which is highly visible from the elevated aspects of Harwich Road.

Whilst Policy SLP2 does not impose a complete prohibition on housing outside settlements, neither does it give any support to such development. When that policy is read in the context of Policies SP3 and SPL1 and the accompanying text, it is clear that the intention is to channel most housing and other development to sustainable locations.

Policy SPL2 of the Adopted Local Plan provides an exemption to its requirements through the Council's Rural Exceptions Site Policy (Policy LP6). There is no evidence that the proposed development would be for an affordable housing scheme or for accommodation for a rural worker. As a result, the proposal would not meet the requirements of Policy SPL2 to justify an exception in this case.

Self-Build:-

The criteria for which a property outside a settlement boundary would be an acceptable form of development would be one where aspirational or self-build homes could be built providing that the site is within a reasonable proximity of the District's more sustainable urban settlements and rural service centres.

The governments explanation of what a self-build entails ("Self-build and custom housebuilding covers a wide spectrum, from projects where individuals are involved in building or managing the construction of their home from beginning to end, to projects where individuals commission their home, making key design and layout decisions, but the home is built ready for occupation ('turnkey')").

As stated, the site is located outside of the Thorpe Station and Thorpe Maltings Settlement Boundary; the application makes no mention that the proposal is for a self-build dwelling. Notwithstanding this, an assessment against Policy LP7 is still a material consideration.

Whilst an application for self-build proposals can be considered on sites which are outside the Settlement Boundary; one of the requirements of Policy LP7 is that the location of the development be safely accessible on foot within (a) 600 metres of the edge of the settlement development boundary of one of the District's 'strategic urban settlements' or 'smaller urban settlements' (b) be safely accessible on foot within 400 metres of the edge of the settlement development boundary of one of the District's 'rural service centres or (c) involve the redevelopment of vacant or redundant previously developed land.

Thorpe Station and Thorpe Maltings is defined as a Smaller Rural Settlement; as such the location is not supported by Policy LP7.

Material Considerations:-

The approval of application 19/01635/FUL is a material consideration in the determination of this planning application. Below is an assessment of the weight attributable to this permission.

Position in April 2020	Position in November 2022	
At the time the decision was made the Council were not able to satisfactorily demonstrate that they were able to identify five years' worth of deliverable housing land	On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrated in excess of a six-and-a-half-year supply of deliverable housing land.	Little weight can be attributed to this consideration
The siting of the development was on the north side of Edward Road	The siting of the development is on the south side of Edward Road	Little weight can be attributed to this consideration as the location of the development differs
The site had been subject of a previously approved outline application with all matters reserved for one detached dwelling under planning application reference 14/00343/OUT	No previous permission(s) exist	Little weight can be attributed to this consideration

As decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise; for the reasons given little or no weight can be attributed to the approval of application 19/01635/FUL and no other material considerations exist which would lead to a determination otherwise than in accordance with the Development Plan.

In view of the housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing and is therefore not acceptable in principle. For these reasons, the introduction of the proposed development into the application site would fail to adhere to the relevant policies relating to housing in rural areas. It would conflict with SP1 and SP3 of the adopted Local Plan which seeks to direct development to the most appropriate locations. The development would also conflict with policies SPL1 and SPL2 of the Local Plan which sets out the settlement strategy for Tendring.

Layout, Scale and Appearance

Section 1 Policy SP7 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context. Section 2 Policy SPL3 of the 2013-33 Local Plan also requires, amongst other things, that the development respects or enhances local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Section 2 Policy LP4 requires that the design and layout of new residential and mixed-use developments in the Tendring District will be expected to deliver new dwellings that are designed to high standards of architecture, which respect local character and which together with a well-considered site layout, create a unique sense of place. Paragraph 130 of the Framework requires that developments are visually attractive as a result of good architecture, are sympathetic to local character, and establish or maintain a strong sense of place.

The application site is located on the south side of Edward Road where there are no houses or an established pattern of development. The site falls away farther south towards Holland Brook. This section of Edward Road has no building line or notable development; the area is wooded and semi-natural in appearance. The application is outline in form with all matters reserved, as such no details are available at this stage in regards to the siting of the dwelling, its scale, design or appearance. Notwithstanding this, the proposed development would demonstrably be out of character within its surroundings as it sits outside the prevailing pattern of development and having no visual or functional relationship with dwellings on the north side of the Edward Road. For these reasons the proposal would not respect local landscape character, existing street patterns or open spaces nor is it sympathetic to local character.

Neighbouring Amenities

The NPPF, at paragraph 130 states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Section 1 Policy SP7 of the Tendring District Local Plan 2013-2033 requires that all new development protects the amenity of existing and future residents and users with regard to noise, vibration, smell, loss of light, overbearing and overlooking. Section 2 Policy LP4 requires that new residential developments will be expected to provide for private amenity space of a size and configuration that meets the needs and expectations of residents and which is commensurate to the size of dwelling and the character of the area.

The application is outline in form with all matters reserved, as such no details are available at this stage in regards to the internal room sizes/numbers, the position of the dwelling in relation to the neighbouring property or the size/configuration of the garden.

Space Standards:-

In March 2015, the government launched a new approach to housing standards and published a new set of streamlined national technical standards. This included publication of Technical housing standards – nationally described space standard. The following table sets out the minimum requirement for internal space on the basis of the number of bedrooms, number of bed-spaces and the number of storeys. Any proposed dwelling would need to comply with these standards:-

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

There are no dwellings on this southern side of Edward Road; the plot is of sufficient size that a dwelling could be sited to have minimal detrimental impact on the amenity and privacy of occupiers opposite the application site and garden sizes in the locale vary in regards to configuration and size. For these reasons it is likely that overall the proposal is considered likely to be able to secure a good standard of amenity for future occupants of the proposed dwelling.

Landscape Impact & Visual Impact

Section 2 Policy PPL3 of the Tendring District Local Plan 2013-2033 states that, in order to promote sustainable development, in considering where to select sites for new development in this Local Plan, the Council has taken particular care to assess the value of the landscape and, where practical, allocate sites with the lowest sensitivity, thereby helping to protect valued landscapes and the best and most versatile agricultural land. The Landscape Character Assessment (2001) identified 30 areas with different landscape characteristics and highlighted key sensitivities which need to be considered when assessing development proposals in the rural area. Proposals within the rural landscape should have regard to the Landscape Character Assessment (and any subsequent updates) and protect and re-inforce historic landscape features and important characteristics identified within it.

The Council will protect the rural landscape and refuse planning permission for any proposed development which would cause overriding harm to its character or appearance, including to estuaries, rivers and undeveloped coast.

The site is within one of the thirty such areas defined in The Landscape Character Assessment, being Clay Plateaux; these areas are typically the large scale, gently undulating agricultural clay landscapes that make up the eastern part of the Tendring Plateau. Woodland clearance in the Iron Age resulted in the emergence of a mixed pastoral and tilled landscape and The Sokens (Walton, Kirby and Thorpe) emerged during the Saxon period.

The Clacton and the Sokens Clay Plateau is one of the most densely developed rural landscapes in Tendring and has also suffered decline of landscape features. The strategy for this plateau landscape should be to strengthen and enhance the character of the individual villages and the rural wooded character of the landscape.

The application site is situated on a narrow section of land within the Holland Valley System Landscape Character Area (LCA) where the higher land to the north forms part of the Clacton and the Sokens Clay Plateau LCA and the lower land to the south falls within the Holland Brook River Floodplain LCA. The site, when viewed from the south west along the B1414, forms an integral part of the rural landscape and helps to screen the existing buildings on Edward Road.

It is considered that the proposed development would be harmful to the local landscape character which is one that is wooded and semi natural, and that provides the visual amenity and outlook for residents on the north side of Edward Road. The proposed development would erode the quality of the character of the landscape and have an urbanising effect along the riverside location that contributes the wider context, contrary to Section 2 Policy PPL3.

Conservation Area

Heritage assets range from sites and buildings of local historic value to those of the highest significance. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The character of an area is made up not only by individual buildings but also their relationship to each other and the sense of place that they create. The setting of a building is therefore a material consideration when assessing the suitability of development proposals in Conservation Areas.

Paragraph 197 of the NPPF requires the Local Planning Authority, when determining applications for development, to take account of the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Policy PPL8 of the adopted Plan (Development within a Conservation Area) requires that development must preserve or enhance the character or appearance of the Conservation Area. Development will be refused where it would harm the character or appearance of the Conservation Area, including historic plan form, relationship between buildings, the arrangement of open areas and their enclosure, grain, or significant natural or heritage features.

Thorpe-Le-Soken Station and Maltings Conservation Area contains a distinctive collection of buildings, most notably a listed Maltings, relating to the commercial and social changes consequent on the opening of the railway over 130 years ago. The Area also contains a small group of workers' cottages south of the railway line (Edward Road). Whilst it is recommended that these are removed from the Area because they are much altered and visually isolated from the rest of the Area, this has not yet taken place.

The history of this Area really begins, appropriately enough, with the railways. This part of Essex was a rural backwater until the middle of the 19th century. Colchester was reached by railway from London in 1843, and a branch line was completed to Walton in 1867 with a station 1km (0.6 miles) south of Thorpe-Le-Soken. The improved connections revitalised rural businesses and made otherwise marginal activities more viable.

Occasionally the building of a railway station led directly to the provision of a tavern to take advantage of the commercial potential of the movements of people and goods generated by this new mode of transport. In this case, the public house was not constructed until 1901, and was named the King Edward VII to commemorate his coronation year. The naming of Edward Road may also be a reference to this event which would also date these cottages.

Edward Road

This short cul-de-sac is separated from the rest of the Area by the railway embankment, and is surrounded by maturing shrubs and trees associated with the embankment to the north and with waste ground in the valley bottom to the south. Three pairs of houses line its northern side backing onto the embankment, while two further pairs of cottages face the main road and frame the entrance. Though the houses share many family resemblances, there are intriguing differences, most notably in the projecting brick communal verges of the frontage cottages. This is a fire

precaution mandatory in London buildings of the period and such a fundamental construction feature that it suggests a different date or provenance for these buildings.

The frontage cottages are originally of red brick under slate roofs, with square chimney stacks with decorative tops emerging below the ridge line. Sash windows pierce the eaves line and are capped with pedimented dormers in render with half-timbered details over stone lintols. These cottages have relatively short frontages with side entrances under modern lean-to porches: full height rear outshots increase the available accommodation. The two inner houses have been rendered, while only the southernmost retains its sash windows.

A short tarmac apron leads between these cottages and their fenced back gardens to the main, unmade stretch of Edward Road. The remaining houses line the north side, while to the south is a roughly grassed area with some open parking and car ports at the eastern end and more parking set among shrubbery at the far end.

These cottages are double-fronted, and originally faced in brick with slate roofs, and sash windows under stone heads. Chimney stacks rise from the roof ridge. Dormers are slightly more substantial than those of the frontage buildings, with more steeply pitched roofs and brick cheeks. The central front doors originally had gabled porches with slate roofs and decorative clay ridges to match the principal roofs.

Only no 3 retains these features in its facade. Nos 5 and 6 have modern windows and roofs of profiled concrete tiles. The other houses have been rendered, no 4 most plainly though no 1 has pargetted panels and a finish in pink. Most altered is no 2, with fake half-timbering applied to its principal facades. Otherwise, nos 1 and 2 retain their slate roofs with decorative ridges, and no 1 still has its original porch.

Whilst the Conservation Area Appraisal recommends that Edward Road is removed from the Area, this has not yet taken place.

The application is in outline form with all matters reserved and therefore detailed plans do not form part of the determination of this application, and as such no elevational drawings have been submitted. However, given that Policy PPL8 requires development to enhance, or at least preserve the character and appearance of the conservation area, since the application would introduce development on land adjacent along the river frontage which forms part of the wider context to the conservation area, and would be sited contrary to the historical pattern of development along Edward Road specifically described in the Conservation Area Appraisal.

Flooding

Paragraph 159 of the National Planning Policy Framework (2021) states that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of high risk". Paragraph 161 of the Framework requires that the sequential test be passed in areas of high flood risk. A similar approach is taken in Policy PPL1 of the Adopted Tendring District Local Plan (2022).

Paragraph 159 of the NPPF (2021) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required, or likely to be required, for current and future flood management;

- using opportunities offered by new development to reduce the causes and impacts of flooding; and

- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 162 of the NPPF further states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

These sentiments are echoed in Adopted Policy PPL1, which states that all development proposals will be considered against the National Planning Policy Framework's 'Sequential Test' to direct development toward sites at the lowest risk of flooding unless they involve development on land specifically allocated for development in the plan.

A nominal 15sqm of the southernmost corner of the site is within Floodzone 3, adjacent to this a further area in the region of 38sqm is within Floodzone 2; the remaining 891sqm of the site is not in the flood zone. Due to the very narrow band of floodzone adjacent the rearmost boundary of the site it is likely that the entire development would be sited outside of the floodzone.

Highway Considerations

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. Paragraph 112 states that applications for development should (a) give priority first to pedestrian and cycle movements and (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter. Paragraph 130 of the NPPF seeks to ensure that safe and suitable access to a development site can be achieved for all users. These objectives are supported adopted Policy SP7 of the Tendring District Local Plan 2013-2033.

The site fronts onto Edward Road which leads directly to Harwich Road where there is safe and convenient access for vehicles and pedestrians to the wider local highway network, public footpaths and national rail network. The Highway Authority has no comments to make on the proposal.

Water Conservation, Drainage and Sewerage

Paragraph 170 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by preventing new development from contributing to unacceptable levels of water pollution. Furthermore, Paragraph 180 of the Framework states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment.

Adopted Policy PPL5 of Section 2 of the Adopted Local Plan states that all new development must make adequate provision for drainage and sewerage. Private sewage treatment facilities will not be permitted if there is an accessible public foul sewer. Where private sewage treatment facilities are the only practical option for sewage disposal, they will only be permitted where there would be no harm to the environment, having regard to preventing pollution of groundwater and any watercourses and odour.

The application is in outline form with all matters reserved, as such no provision has been made for drainage and sewerage at this stage.

Recreational Disturbance Avoidance and Mitigation Strategy (RAMS):

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 contribution is secured by unilateral undertaking.

The application scheme proposes a new dwelling on a site that lies within the Zone of Influence (Zol) being approximately 3,775 metres from Hamford Water SAC, SPA and Ramsar. However, new housing development within the Zol would be likely to increase the number of recreational visitors to Hamford Water; 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 unilateral undertaking has been prepared to secure this legal obligation. This will ensure that the development would not adversely affect the integrity of European Designated Sites in accordance with Section 1 Policy SP2 and Section 2 Policy PPL4 of the Tendring District Local Plan 2013-2033 and Regulation 63 of the Conservation of Habitat and Species Regulations 2017.

Public Open Space

Paragraph 56 of the National Planning Policy Framework (2021) states Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 of the NPPF states planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to the development.

Policy DI1 states that all new development should be supported by, and have good access to, all necessary infrastructure. Permission will only be granted if it can be demonstrated that there is sufficient appropriate infrastructure capacity to support the development or that such capacity will be delivered by the proposal. It must further be demonstrated that such capacity, as is required, will prove sustainable over time both in physical and financial terms. Where a development proposal requires additional infrastructure capacity to be deemed acceptable, mitigation measures must be agreed with the Local Planning Authority and the appropriate infrastructure provider. Such measures may include financial contributions towards Open Space.

The Council's Open Space Team have been consulted on the application to determine if the proposal would generate the requirement for a financial contribution toward public open or play space. The outcome of the consultation is that no contribution is being requested from Open Spaces on this occasion.

Representations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'. The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters. . Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

Four letters have been received in response to the publicity of this application; the contents are summarised as:-

Construction noise, construction traffic	Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts) is not a material consideration in the determination of this planning application.
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Conservation Area and Flooding	See sections entitled Conservation Area and Flooding above
Wildlife and nature	See section entitled Landscape Impact & Visual Impact above
This planning application has been submitted against The Woodlands, Edward Road which is totally incorrect. In my opinion this is a false application that has been submitted, and for those reasons I am opposing this planning application.	Noted.

The Parish Council object to the development as the application site is outside of the defined settlement boundary and in a conservation area. The site borders the Holland Brook flood plain, the area of Station road/Edward road/Rice Bridge is known to flood in heavy rain. Building on or near to a flood plain may increase the flood risk of the area. We note that a similar application was made for a dwelling on the site in 2018, this application was also refused and dismissed on appeal.

The development's failure to comply with the corresponding policies pertaining to these matters are addressed in detail above.

6. Recommendation

Refusal - Outline

7. Reasons for Refusal

- 1 Section 1 Policy SP3 of the 2013-2033 Local Plan sets out the spatial strategy for North Essex and directs growth towards existing settlements. The application site lies outside of any defined settlement boundary in the 2013-2033 Local Plan. The proposed development would therefore extend beyond the area planned to provide growth.

In view of the housing land supply position, the Council does not need to look beyond identified settlements to meet its housing requirement. The proposal therefore gives rise to harm through failing to comply with a statutory plan-led approach to the location of future housing. In view of this, the proposal's conflict with policy gives rise to a significant degree of harm. The spatial strategy of Policy SP3 and place shaping principles of Policy SP7 reflect the National Planning Policy Framework (2021) sustainable development objectives and the proposal's conflict with both is given full weight. The principle of development is therefore not acceptable in this location.

- 2 By reason of the siting of the proposed dwelling being on the south, undeveloped side of Edward Road, the proposed development would demonstrably be out of character within its surroundings as it sits outside the prevailing pattern of development and having no visual or functional relationship with dwellings on the north side of the Edward Road. The proposal is contrary to Paragraph 130 of the Framework and Section 1 Policy SP7, Section 2 Policy SPL3 and Section 2 Policy LP4 of the 2013-33 Local Plan seeks high standards of urban and architectural design which responds positively to local character and context.
- 3 The siting of proposed development would be harmful to the local landscape character which is one that is wooded and semi natural, and that provides the visual amenity and outlook for residents on the north side of Edward Road. The proposed development would erode the quality of the character of the landscape and have an urbanising effect along the riverside location that contributes the wider context, contrary to Section 2 Policy PPL3 of the Tendring District Local Plan 2013-2033
- 4 Development in a Conservation Area is required to enhance or at least preserve the character and appearance of that conservation area. By introducing development on land to the south side of Edward Road where currently there is none this would conflict with the

historical pattern of development along Edward Road as specifically described in the Conservation Area Appraisal; as such the development would neither enhance nor preserve the character and appearance of the conservation area. The proposal is therefore contrary to Paragraph 197 of the National Planning Policy Framework 2021 and adopted Section 1 Policy SP7 and Section 2 Policy PPL8 of the 2013-33 Local Plan.

8. **Informatives**

Application Refused Following Discussion:-

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?		NO
Are there any third parties to be informed of the decision?		NO