

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	JJ	09/11/2023
Planning Manager / Team Leader authorisation:	AN	09/11/23
Planning Technician final checks and despatch:	ER	09/11/2023

Application: 23/01277/OUT **Town / Parish:** Alresford Parish Council

Applicant: Mr N Sibbons

Address: Land at Tenpenny Farm North of St Osyth Road Alresford

Development: Outline Planning Application (Access/Layout/Design and Scale to be considered) for new commercial units (Use Class E, Part G).

1. Town / Parish Council

Arlesford Parish Council

Arlesford Parish Council (APC) - Object following full council meeting of October 4th. Councillors voted unanimously. A District & Parish Councillor absented themselves from the room during the debate. Cllrs were concerned over the safety of development on the north side of the B1027 a 40mph arterial main road bisecting the village. With empty units on the 2 existing industrial developments raises questions over the need for more business development, & were concerned for loss of amenity to residents of High Elms Road. The proposal seeks to develop an agricultural track & designated public footpath into a roadway, directly behind the homes of the residents of High Elms Road impacting their homes with overlooking, changing their outlook significantly. Council object under the following policies: Alresford Neighbourhood Plan. The ANP policy ALRES1 Spatial Strategy limits development to within the settlement boundary of the village. This proposal is outside that boundary & fails to meet identified need. TDC Local Plan: The development is outside the defined settlement boundary of Alresford as referenced in the Local Maps section. It does not meet the requirements of Policy PP13 the rural economy, which can allow for development outside the settlement boundary. This is because the proposals are not a re-use of rural buildings, equine related activity, agricultural worker dwellings or buildings to support agriculture or farm diversification. The development will create high levels of traffic requiring highway improvements which will harm the rural setting. TDC Local plan section 2, states: 3.3.1.3 Rural Service Centres: Alresford, a modest increase in housing stock. This does not include commercial development. Policy 3.3.3 Settlement Development Boundaries states: Development outside of defined Settlement Development Boundaries will be the subject of strict control to protect & enhance the character & openness of the countryside. The scale & mass are out of context with the residential setting.

Officer Comment: APC's objection is noted and the various issues raised will be covered in the main body of the report below.

2. Consultation Responses

Essex County Council
Heritage

The proposal site is in close proximity to Grade II Listed Tenpenny Farmhouse (List Entry Number: 1168965). Due to distance, limited height of the proposed units and intervening buildings, including the former stable block, now converted into commercial, the proposed development is not considered to affect the setting of Grade II Listed Tenpenny Farmhouse.

Tree & Landscape Officer
02.10.2023

The main body of the application site is set to grass. There is a small group of trees just to the north of the proposed access road of mixed species. These trees do not feature in the public realm and are not considered to be a significant constraint on the development potential of the land.

On land adjacent to the western boundary of the application site forming part of White House Farm Nurseries there is a row of mature Oaks that feature prominently in the landscape and make a positive contribution to the character and appearance of the local environs.

The trees are mature healthy specimens, some approaching veteran stage, that make a positive contribution to the character and appearance of the area. The trees are afforded formal legal protection by Tree Preservation Order TPO/16/05 White House Farm, St Osyth Rd, Alresford. Whilst the removal of the trees is not threatened by the development it has the potential to affect their viability by an incursion into their root zones.

To show the likely impact of the development proposal on these trees the applicant will need to submit a tree survey and report that has been completed in accordance with BS5837 2012: Trees in relation to design, demolition and construction: Recommendations. This information should be provided prior to the determination of the application.

The report should include a Tree Constraints Plan (TCP) showing the Root Protection Area (RPA) for each of the Oaks. The RPA is the area within which development should not take place.

As the trees are on the western boundary it will also be necessary for the developer to demonstrate that a satisfactory juxtaposition between the trees and the proposed development can be achieved.

In terms of the impact of the development on the local landscape character it should be noted that the application site is situated within the area defined in The Tendring District Landscape Character Assessment (LCA) as The Bromley Heaths (7a). The landscape area has a sparse and dispersed settlement pattern and is particularly sensitive to change. Any development needs to be carefully sited and the impact of the development proposal on the character and appearance of the area must be carefully considered along with proposals to minimise and mitigate any potential harm.

The Council's Landscape Management Strategy describes the condition of the Bromley Heaths LCA landscape as declining with a moderate character. It identifies need to conserve the rural character and historic elements of the landscape and to enhance woodland cover, hedgerows character and heathland.

The development proposal does not address the aspirations of the Landscape Management Strategy section of the Councils LCA and if approved would be likely to have a permanent adverse impact on the character and appearance of the local landscape character.

Should planning permission be likely to be granted then the soft landscaping, including tree planting as indicated on the Site Plan ref; 505-01-03 A should be secured as a reserved matter.

In addition to the proposed soft landscaping additional planting should be carried out on the northern boundary to screen distant views of the site.

Environmental Protection No response

Police Strategic Planning Consultation
02.10.2023 The Essex Police Designing Out Crime team thank you for the opportunity to comment on 23/01277/OUT.

There are no apparent concerns with the layout of this proposed development however we would welcome the opportunity to consult with the applicant to embed crime prevention through environmental design (CPTED) throughout the design; this will ensure that security is a by-product of well thought out, inconspicuous crime prevention, minimising the need for future situational crime prevention measures. From a CPTED perspective, Essex Police would recommend the applicant contemplates the below in its architectural design:

- That public realm spaces are designed where safety and security is subliminal to the user of that space. Essex Police would be keen to take the opportunity to liaise regarding the green space and appropriate landscaping plan.

- Footpaths, Cycle routes and public areas are designed to address issues of permeability and connectivity, promoting natural surveillance.

We would recommend that the commercial units achieve the 'Secured by Design - Commercial' Award. The award addresses the security concerns by reducing the risks for crimes against both the person and the property. This typically would include burglary, theft, arson, vehicle crime and assault. Provision has also been made within the award for the prevention of terrorism. This will promote a safe and sustainable environment for all that use the location, minimising the fear of crime and anti-social behaviour.

Effective physical security is best achieved by multilayering different measures, as any adversary will attempt to identify and exploit perceived weaknesses.

Essex Police provide a free, impartial advice service to applicants who require advice on CPTED and Secured by Design and we would welcome and encourage the opportunity to meet with the applicant to discuss any potential issues.

Please note that the best contact with the Essex Police Designing Out Crime team is via email at designingoutcrime@essex.police.uk

ECC Highways

It is noted that no new or altered means of vehicular access is proposed for this application and the proposal will utilise an existing, well established, access, onto the B1027 that is subject to a 40-mph speed limit. Although a site visit hasn't been undertaken it appears either side of the access there is a wide maintained verge which appears to provide a visibility splay in excess of 2.4m x 120m in both directions as measured from and along the nearside edge of the carriageway. The visibility splays appear to be within the limits of public highway and/or land in the control of the applicant.

It is not considered that this proposal, would give rise to a severe increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site.

Notes:

- To the south-east of the proposal site the bridge has been identified as a weak structure and has had a 7.5T weight restriction introduced with no exemptions.
- For the most recent 3-year period (1/09/20 to 31/08/23) there is no recorded collisions at the existing site access. There has been one serious collision at the junction with Coach Road (July 2021) and one slight collision north-west of Coach Road (Nov. 2022)

ECC Ecology

No response (late consultation carried out)

Officer comment: *The LPA discovered late in the determination period that due to an administrative error no consultation was sent out to ECC Ecology when the application was first submitted. A late consultation letter was sent out however at the time of writing the report no response was available. The application is however not accompanied by any ecology or biodiversity reports or information and officers will be assessing the application on the basis of the submission.*

3. Planning History

00/01175/FUL	Construction of menage	Approved	11.09.2000
01/00379/FUL	Retention of works involving clearing of existing lake and reforming banks to safer gradient	Approved	18.07.2001
01/01884/FUL	New access off private road with gates. New hard surfaced track, raised levels to corner of site to support existing banks.	Approved	17.01.2002
99/00738/FUL	Proposed stables together with associated hay store	Approved	30.07.1999
04/02191/FUL	Machine store	Approved	23.12.2004
05/01810/FUL	Barn and equipment store	Refused	27.02.2006
17/02149/FUL	Erection of new detached dwelling and garage.	Refused	09.02.2018
18/00114/FUL	Change of use of existing equestrian buildings to use class	Approved	17.08.2018

B1.

19/00076/DISCON	Discharge of Condition 3 and 4 (Landscaping), Condition 5 (Lighting), Condition 12 (Cycle Parking), Condition 14 (Speed Limit Signs), Condition 15 (Turning Space) and Condition 16 (Building Adaption) of application 18/00114/FUL.	Approved	14.03.2019
20/00237/FUL	Variation Of Approved Plans (Condition 2) for application 18/00114/FUL- Revision To Approved Scheme Involving Provision Of First Floor Office Area Over Approved Ground floor Office Area for application 18/00114/FUL.	Approved	18.05.2020
23/01277/OUT	Outline Planning Application (Access/Layout/Design and Scale to be considered) for new commercial units (Use Class E, Part G).	Current	

4. Relevant Policies / Government Guidance

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

National:

National Planning Policy Framework Sept 2023 (NPPF)
National Planning Practice Guidance (NPPG)

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
SP3 Spatial Strategy for North Essex
SP5 Employment
SP6 Infrastructure and Connectivity
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
HP1 Improving Health and Wellbeing
HP5 Open Space, Sports & Recreation Facilities
PP5 Town Centre Uses
PP7 Employment Allocations
PP13 The Rural Economy
PPL1 Development and Flood Risk
PPL3 The Rural Landscape
PPL4 Biodiversity and Geodiversity
PPL5 Water Conservation, Drainage and Sewerage
PPL9 Listed Buildings
PPL10 Renewable Energy Generation
CP1 Sustainable Transport and Accessibility

CP2 Improving the Transport Network
DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex Design Guide

Tendring Climate Emergency Action Plan 2020 - 2023

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Neighbourhood Plan

Alresford Neighbourhood Plan 2018-2033

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>. In summary, without prejudice, the weight that should be applied to Neighbourhood Plans can be understood as follows:

- Stage 1: Designated neighbourhood area (Limited Weight)
- Stage 2: Preparing a draft neighbourhood plan (Limited Weight)
- Stage 3: Pre-submission publicity and consultation (Limited Weight)
- Stage 4: Submission of a neighbourhood plan (Limited Weight)
- Stage 5: Independent Examination (Limited/Significant Weight)
- Stage 6: Referendum (Significant Weight)
- Stage 7: Adoption by LPA (Full Weight)

The site is located in the parish of Alresford which has an adopted Neighbourhood Plan (full weight afforded). The relevant Alresford NP policies are:

POLICY ALRES1: ALRESFORD SPATIAL STRATEGY
POLICY ALRES3: ENHANCING WALKING AND CYCLING IN AND AROUND ALRESFORD
POLICY ALRES7: PROVISION FOR WILDLIFE IN NEW DEVELOPMENT
POLICY ALRES10: SURFACE WATER MANAGEMENT

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), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the north side of St Osyth Road behind a row of recently constructed dwellings. Access to the site is also off St Osyth Road but further to the east, sharing an access with the established commercial building (formerly equestrian) to the north east of the application site. The site is located outside the settlement development boundary for Arlesford, it is not within a conservation area however it is in close proximity to Grade II Listed Tenpenny Farmhouse further to the east.

Proposal

The application seeks outline consent for two new buildings to accommodate 9 new commercial units (Use Class E, Part G).

Two buildings will provide a combined total of 741 square metres of newly constructed single-storey space, alongside a wide new road with car parking provision arranged in a linear format to the north and south of the new access road. A larger refuse store is proposed along the southern boundary of the site. A similarly wide road extending north south is also proposed, indicated to be a 'turning head'. This road abruptly terminates just behind the proposed rear elevation of the buildings where it is indicated to provide 'a gated field access'. The total of 741 square meters of space is subdivided into nine units, employing two recurring floor plans of 54 and 105 square metres.

Principle of Development and Proposed Town Centre Use (Offices) Impact Assessment

Policy SP3 sets out the Spatial Strategy for North Essex. Existing settlements will be the principle focus for additional growth. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role with each district. This policy states that beyond the main settlements, authorities will support diversification of the rural economy and conservation and enhancement of the natural environment. Clacton and Harwich with Dovercourt are classified as strategic urban settlements, whereas Frinton with Walton and Kirby Cross, Manningtree with Lawford and Mistley, Brightlingsea and Weeley are Smaller Urban Settlements (Section 2 Policy SPL1).

Below these, Alresford is classified as a Rural Service Centre. Policy SPL1, Paragraph 3.3.1.3.1 states that for Rural Service Centres the Local Plan identifies opportunities for smaller-scale growth. This policy states that to encourage sustainable patterns of growth and carefully control urban sprawl, each settlement listed in Policy SPL1 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. Paragraph 3.3.3.1 makes clear that, 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. The same paragraph also states that here 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.

ANP policy ALRES1 states new development in Alresford parish shall be focused within the settlement development boundary of Alresford village.

The site is not allocated for employment related uses, and as set out above, is outside the SDB for Alresford. The second last paragraph of policy PP7 is nevertheless relevant because the proposal is for employment land and this policy states that proposals for new employment-related development (on land outside of the allocations set out in policy PP7) will be considered having regard to their potential to support economic growth in the district and the requirements of other policies in this Local Plan.

The application proposes up to 741 sqm of new commercial units under Use Class E, Part G (of the use classes order). Part G includes three types of uses as follows:

- (i) office use to carry out any operational or administrative functions,
- (ii) the research and development of products or processes, or
- (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit

The application is in outline and the applicant has not specified how the 741 sqm of new commercial floorspace will be allocated in respect of (i), (ii) and (iii) above, however as per the submission, matters such as access and layout are being considered as part of this outline application (see sections below). Only landscaping is reserved for future consideration. There is however clear intent to provide office floorspace as part of this application as set out in the supporting statement under the 'Proposed development' – 'elevations' section and due to the reference to local impact threshold requirements in the 'policy' section in the applicant's supporting statement. It is unclear how much of the 741 sqm of new commercial floorspace will be office floorspace. In the absence of any clarification in respect of the allocation (of the proposed floorspace) and for the purposes of assessing the proposal against the relevant provisions of the NPPF and local plan policies relating to town centre uses in out of centre locations, it is reasonable to assume that there is at least a desire from the applicant for some of the 741 sqm of new commercial floorspace to go towards office floorspace.

The site is located outside of any defined centre and proposes (in part) a 'main town centre' use. Paragraph 87 of the NPPF states main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Where a proposal fails the sequential test planning permission should be refused (Paragraph 91).

Turning to other relevant policies, Local Plan policy PP4 (Local Impact Threshold) states 'applications for retail, leisure and office development outside of a centre as defined on the Policies Map, which are not in accordance with the Local Plan, will require an impact assessment if the development is over the following floorspace thresholds in the nearest defined Town Centre' (the nearest defined town centre is Brightlingsea as such point (e) is relevant which sets a floorspace threshold of 250 sqm gross floorspace). The remainder of the policy then concludes 'in determining planning applications, the Council will consider quantitative and qualitative impacts of the development on town centre vitality and viability, measures aimed at mitigating and minimising impacts and opportunities to claw back trade lost to other town centres both within and outside of the district.'

Insofar as the impact assessment of the proposal on nearby town centre(s) is concerned, the applicant has only assessed the application against paragraph 6.3.2 of the Local Plan (Chapter 6). This paragraph states that for the purposes of policy (PP4), an 'edge-of-centre' location means for office development, a site within 500 metres of a railway station. The Applicant argues that the subject site is 403 metres from Alresford Railway station, acknowledging that it is a measurement taken 'as the crow flies'. Officers disagree – measured in the straight line from the point where the proposed 'pedestrian link' is proposed on High Elms, the site is some 433 metres from Alresford Railway station. However it is impossible to walk or cycle to Alresford Railway station in a straight line. Having regard to the intent behind this section of paragraph 6.3.2 (which is clearly to link the meaning of 'edge of centre' to a quantifiable measure insofar as a sustainability criteria is concerned – in this instance a railway station), officers position is that the measurement should be taken along public roads and/or footpaths having regard to pedestrian/cycle desirability lines (i.e. the 'fastest route to and from the station'). With the above in mind the shortest walking/cycling

distance to the station is 535 metres – therefore over the 500-metre limit as set out in paragraph 6.3.2. Bizarrely the applicant concludes that *‘the proposal qualifies as an out of centre location (emphasis added), noting there are no site opportunities to locate such as use within the Village Centre and sites that are located within the settlement boundary carry greater value for residential development and are therefore unlikely to come forward for commercial use.’* For completeness, paragraph 6.3.3 states ‘An ‘out of centre’ location means a site that is not within a defined town, district, village or neighbourhood centre and not an edge-of-centre location, but that does fall within the Settlement Development Boundary of the settlement in question. The application site does not meet any of these criteria as such it is officers view that the applicant’s impact assessment of the proposal is fundamentally flawed.

In conclusion, the proposal would be contrary to Policies SP3, SPL1 and SPL2 and Alresford Neighbourhood Plan policy ALRES1. Furthermore, in the absence of an impact assessment, and because the proposal is not small in scale, located more than 500m from the nearest railway station and outside the settlement development boundary, the proposal is also contrary to Policy PP4.

Loss of Agricultural Land

Former saved Policy EN4 of 2007 Local Plan sought to prevent the unavoidable loss of agricultural land, and loss of the best and most versatile agricultural land unless special justification could be shown. This policy was superseded with the adoption of the Section 2 Local Plan and there is no direct replacement policy.

Nevertheless, Paragraph 7.3.1 of the Section 2 Local Plan 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 Glossary to the Framework defines best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Paragraph 174 a) of the Framework states that planning policies and decisions should contribute to, and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Paragraph: 001 Reference ID: 8-001-20190721 of the NPPG states, amongst other things, that planning decisions should take account of the economic and other benefits of the best and most versatile agricultural land. Paragraph: 002 Reference ID: 8-002-20190721 states that soil is an essential natural capital asset that provides important ecosystem services – for instance, as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution.

The application site is indicated in the ALC map as Grade 2 (very good). Natural England’s guide to assessing development proposals on agricultural land states that Grade 2 – very good quality agricultural is:

“Land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. On some land in the grade there may be reduced flexibility due to difficulties with the production of the more demanding crops, such as winter harvested vegetables and arable root crops. The level of yield is generally high but may be lower or more variable than grade 1. “

The proposal, if approved, will clearly result in the loss of very good agricultural land and there is therefore conflict with Paragraphs 174 a) and b) of the Framework – this area of conflict weighs against the proposal. This loss will be weighed against other benefits (if any) of the scheme as part of the ultimate planning balance.

Layout, Design, Scale and impact on landscape character

The first bullet of relevant Policy SP7 states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Policy SPL3 Part B criterion c) states that development must respect or enhance local landscape character, views, skylines, landmarks, existing street patterns, open spaces and other locally important features. Amongst other things, criterion d) of Part B requires that the design and layout of development maintains or enhances important existing site features of landscape value.

Paragraph 7.3.3 of the Section 2 Local Plan states that as a largely rural area, Tendring District's countryside is one of its main assets and maintaining an attractive rural environment is important to the quality of life experienced by both residents and visitors. It can also be an important consideration for the location of some businesses and help to expand the tourist economy and related services.

Policy PPL3 is criteria based, and states that 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:

- a) *estuaries, rivers and undeveloped coast;*
- b) *skylines and prominent views including ridge-tops and plateau edges;*
- c) *traditional buildings and settlement settings;*
- d) *native hedgerows, trees and woodlands;*
- e) *protected lanes, other rural lanes, bridleways and footpaths; and*
- f) *designated and non-designated heritage assets and historic landscapes including registered parks and gardens.*

In addition, new development within the rural landscape should minimise the impact of light pollution on the site and its surroundings, in order to protect rural amenity and biodiversity.

Paragraph 130 b) of the Framework states that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 c) states that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. Amongst other things, Paragraph 174 a) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The proposal is to extend build form into open countryside to the north. The prevailing character on the east/northeast side of St Osyth Road and along this stretch is frontage development. The B1 commercial building to the north east is one exception however this was formerly in equestrian use. The proposal will introduce a wide and straight road relatively close to the southern boundary, with a further northward extension (to the road) terminating at what appears to be a gated access leading to the fields beyond, leaving a very wide and highly visible T-junction in the centre of the site. Either side of the wide road provision is made for almost continuous car parking along the south of this road, and car parking interspersed by small areas of green pockets on the north side. A bin store is proposed very close to the southern boundary barely a couple of metres away from the rear garden fences of properties to the south. A 5.5-6.0m wide 'landscaped zone' is proposed between the southern boundary of the site and the new access road. A covered cycle store is proposed at the far western end of the new access road. The new commercial buildings will be located to the north of the new road in the form of two wide and continuous buildings, and the parking spaces on the north side of the road.

The proposed development, characterized by the wide access road, extensive parking areas, and the addition of new build form in depth behind the residential dwellings to the south and the prevailing frontage development on St Osyth Road further to the north-west would result in a discordant and incongruous form of development, impacting negatively on the established character of the area. The narrow 'landscaped zone' will not overcome these elements of harm because very significant landscaping is required to screen this development in this location, and the type of landscaping required takes a very significant time to establish. The proposal is

therefore contrary to Local Plan policies SP7, PPL3, SPL3 and paragraphs 126 and 130 of the NPPF.

Impact on Trees

Along the western boundary of the application site (forming part of White House Farm Nurseries) there is a row of mature Oaks that feature prominently in the landscape and make a positive contribution to the character and appearance of the local environs.

The Councils' Trees and Landscape officer explained that the trees are mature healthy specimens, some approaching veteran stage, and they make a positive contribution to the character and appearance of the area. The trees are afforded formal legal protection by Tree Preservation Order TPO/16/05 White House Farm, St Osyth Rd, Alresford. Whilst the removal of the trees is not threatened by the development it has the potential to affect their viability by an incursion into their root zones.

There is no information with the submission to show the likely impact of the development proposal on these trees, especially information to demonstrate that a satisfactory juxtaposition between the trees and the proposed development can be achieved. The proposal is therefore contrary to Local Plan policies SP7, SPL3 (a) and (d) and PPL3 (d), and Alresford Neighbourhood Plan policy ALRES7.

Heritage

Section 16 (paragraphs 189 – 208) of the NPPF (Conserving and enhancing the historic environment) outlines policies relating to the historic environment and the key role it plays in the Government's definition of sustainable development, the principle which underpins the document.

The NPPF requires that local planning authorities 'should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment', recognising that 'heritage assets are an irreplaceable resource' and should be conserved 'in a manner appropriate to their significance'.

The NPPF requires that planning applicants should 'describe the significance of any heritage assets affected' by their application, 'including any contribution made by their setting'. Specifically, the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local Plan Policy PPL9 (Listed Buildings) stipulates that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric. Where a proposal will cause harm to a listed building, the relevant paragraphs of the NPPF should be applied dependent on the level of harm caused.

The proposed development will be located a sufficient distance away from the Graden II Listed Tenpenny Farmhouse to ensure that the proposal will not affect the setting of this listed building.

Effect on the Living Conditions of Neighbours

The final bullet of Policy SP7 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.

Policy SPL3, Part B criterion e), requires that buildings and structures are designed and orientated to ensure adequate daylight, outlook and privacy for future and existing residents. Part B, criterion f), necessitates provision is made for adequate private amenity space. Part C, criterion a), requires that development will not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Amongst other things, Framework Paragraph 119 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 174 provides that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

Paragraph 130 f) includes that planning decisions should ensure that developments 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.

The nearest residential properties to the application site are located immediately to the south along High Elms which is a secondary access road off St Osyth Road. The proposed new access road will be separated from the rear boundary fence of these property by a landscaped zone including trees, however the trees will take time to establish in order provide effective screening for the occupiers of these properties. In any event, the proposed wide access road with parking areas either side, coupled with the location of the refuse bins and the inevitable requirement for external lighting to illuminate the extensive hardstanding, parking areas and access roads will have a significant harmful impact on the residential amenity of occupiers immediately to the south by reason of increased noise and disturbance and light pollution during the hours of darkness in the winter months. The proposal is therefore contrary to Local Plan policies SP7 (bullet point 12), SPL3 (Part B criteria e) and paragraphs 130 (f) of the NPPF 2023.

Highway Safety/Parking

The ninth bullet of Policy SP7 requires all new development to include parking facilities that are well integrated as part of the overall design. Policy CP1 states that proposals for new development must be sustainable in terms of transport and accessibility, and therefore should include and encourage opportunities for access to sustainable modes of transport, including walking, cycling and public transport. Part B of Policy SPL3, criterion a), requires that 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 a severe traffic impact. Amongst other things, criterion f) requires adequate vehicle and cycle parking.

Paragraph 104 of the Framework states that transport issues should be considered from the earliest stages of development proposals, amongst other things, so that:

- a) *the potential impacts of development on transport networks can be addressed;*
- b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*
- c) *opportunities to promote walking, cycling and public transport use are identified and pursued;*
- d) *the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) *patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.*

Paragraph 105 states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of

transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

Paragraph 111 of the Framework makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe.

An existing access on St Osyth Road (serving the existing B1 commercial enterprise to the north east of the site) will be utilised. The access point is sufficient in geometry and in respect of providing the necessary visibility in both directions (120m) to serve the development. Moreover the level of car parking provision for the class E(g) proposal is also considered acceptable and broadly in accordance with the relevant policy and guidance – no policy conflict in these respects can be identified. ECC Highways have also raise no objection to the proposal from a highways safety and parking provision perspective subject to conditions to secure matters such as the parking provision on site etc.

Renewable Energy

Paragraph 7.9.3 of the Section 2 Local Plan highlights that in 2019 the Council declared a climate emergency, committing it to the preparation of an action plan with the aim of making its own activities carbon neutral by 2030, and acting as a community leader to encourage communities and developers to reduce carbon emissions and tackling climate change.

Policy SPL3 states that all new development should incorporate climate change adaptation measures and technology from the outset including reduction of emissions, renewable and low carbon energy production, passive design, and through green infrastructure techniques, where appropriate. Under Policy PPL10, there is a requirement for all development proposals to demonstrate how renewable energy solutions, appropriate to the building(s) site, and location have been included in the scheme and for new buildings, be designed to facilitate the retro-fitting of renewable energy installations.

Paragraph 112 e) of the Framework states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 152 states:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Paragraph 157 states:

“In determining planning applications, local planning authorities should expect new development to:

A - comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

B -take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

Following an assessment of the application the submission contains no information whatsoever in respect of the above requirements, as such the application has failed to demonstrate how the proposal can incorporate climate change adaptation measures and technology from the outset and

how renewable energy solutions appropriate to the buildings, site, and location have been included in the scheme. The LPA has explored the possibility of using planning conditions to render the problematic aspect of the proposal acceptable from a planning perspective. Given the site's close proximity to residential properties, as well as the existing concerns regarding landscape, layout, design, and residential amenity impacts (as outlined above), officers feel that it is necessary to provide details from the outset to clearly demonstrate how the proposal can integrate climate change adaptation measures and technology in this context, for example if the intention from the developer is to make use of solar panels these will be located on the south facing roof slopes of the buildings which has the potential to future erode the edge of settlement location and cause further harm to landscape character. However officers accept that other options in respect of renewable energy solutions may be available here as such, and on balance, it is considered that these elements could be conditioned in the event that planning permission is forthcoming.

Protected Areas, Species and Biodiversity

Local Plan Policy PPL4 requires that sites designated for their international, European and national importance to nature conservation will be protected from development likely to have an adverse effect on their integrity. The policy states that as a minimum there should be no significant impacts upon any protected species. The preamble to Policy PPL4 states that where a development might harm biodiversity, an ecological appraisal will be required to be undertaken, and the potential for harm should be considered and addressed in any application.

Policy SPL3, Part A criterion d), requires that the design and layout of development maintains or enhances site features, including ecological value.

Alresford NP policy ALRES7 states all development proposals are expected to deliver net biodiversity gains in addition to protecting existing habitats and species. Development proposals (particularly residential developments) which seek to address this requirement (in part or in full) by incorporating design features that encourage local wildlife to thrive, will be strongly supported.

Paragraph 174 d) of the Framework requires that planning decision should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. Paragraph 180 d) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design.

Paragraph 180 states that when determining applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*

As set out elsewhere in this report the LPA discovered late in the determination period that due to an administrative error no consultation was sent out to ECC Ecology when the application was first

submitted. A late consultation letter was sent out however at the time of writing the report, and due to the lateness of the consultation letter being sent out, no response from ECC ecology is available. The application is however not accompanied by any ecology or biodiversity reports or information and officers have nevertheless considered the application on the basis of the submission (in other words on the basis that no information on the impact of the proposal on ecology and biodiversity is in fact available). As such the application has clearly failed to demonstrate that the development will have no significant impacts upon any protected species on or near the site. Moreover, and as set out above, the submission is also not supported by an appropriate ecological assessment and the application has failed to demonstrate that the development proposal will minimise impacts on and/or result in no net loss in biodiversity. The proposal is therefore in conflict with Local Plan policy PPL4, Alresford Neighbourhood Plan policy ALRES7, and paragraph 180 of the NPPF 2023.

Public Consultation

Following the publication of the application, a substantial number of objections were received through various channels, including site notices, individual letters to nearby property owners, and a press advertisement. The key grounds for objection include:

- Inadequate infrastructure to support this additional development.
- Deterioration of open countryside.
- Adverse impact on the landscape.
- Detriment to the setting of a nearby heritage asset(s).
- Incompatibility with the area's character.
- Increased traffic congestion.
- Lack of consideration for environmental concerns.
- A reliance on private cars for users, exacerbating the strain on busy parking lots.
- Existing strain on local road and rail networks, with diminishing bus services; the proposed scheme is likely to push more people towards using cars.
- The value of this green field site as a visual asset to the town, contributing to a vital green buffer zone.
- The unique and undeveloped nature of this land, which forms a distinct green buffer.
- Potential loss of privacy and increased noise for nearby residents.

The above issues have all been covered in the main body of the report.

Planning Balance and Conclusion

The proposed development will result in conflict with the development plan for the reasons outlined in this report. There are minor benefits to the scheme which include potential to support economic growth in this part of the district and the provision of a number of jobs during construction and once the new commercial development is operational. However the weight attributed to these benefits are significantly tapered because of the landscape harm and the poor layout and design, but also because of the site's location outside the settlement development boundary (and therefore not benefitting from the presumption in favour of sustainable development), as well as the absence of an impact assessment and the sites' location more than 500m from the nearest railway station.

Weighing against the scheme is the landscape harm and the poor design layout and placemaking elements, these elements alone are sufficient to outweigh the economic benefits (as outlined above) that will stem from the proposal. This notwithstanding, there are also significant other areas of conflict including the harmful impacts on residential amenity and a number of other areas of policy conflict as outlined. The proposal also results in the loss of very good agricultural land, and although not a specific reason for refusal due to the comparatively small area of agricultural land that will be lost (in the context of the assessment of this specific material consideration) this element nevertheless weighs further against the proposal.

Ultimately the proposal will result in clear and significant conflict with the relevant policies of the development plan and there are no other considerations, including the Framework, that outweigh

this conflict. The proposal therefore does not constitute sustainable development and is recommended for refusal for the following reasons:

6. Reasons for Refusal

1. The proposal is for a main town centre use outside of any centre identified within the Local Plan. Further, the site is not within the Settlement Development Boundary of Alresford. Further still, the proposal is for development above the locally set threshold whereby an Impact Assessment should be carried out and the application is not supported by one. The proposal would therefore be contrary to the scales and patterns of growth promoted under Local Plan Policies SP3, SPL1 and SPL2, and Alresford Neighbourhood Plan policy ALRES1. In the absence of an Impact Assessment the proposal is also contrary to Local Plan Policy PP4.
2. The proposed development, characterized by the wide access road, extensive parking areas, and the addition of new build form in depth behind the residential dwellings to the south, and the prevailing frontage development on St Osyth Road further to the north-west would result in a discordant and incongruous form of development, impacting negatively on the established character of the area. The narrow 'landscaped zone' will not overcome these elements of harm because very significant landscaping is required to effectively screen the harmful elements of the development, in this location. The type of landscaping required will also take a very significant time to establish. Moreover, the screening of the development through landscaping will not address the fundamental harmful elements as outlined above. The proposal is therefore contrary to Local Plan policies SP7, PPL3, SPL3 and paragraphs 126 and 130 of the National Planning Policy Framework (NPPF) 2023.
3. The application has failed to demonstrate the likely impact of the development proposal on a row of protected Oak trees located along the western boundary of the site (Tree Preservation Order TPO/16/05 White House Farm). In particular, no information has been submitted to demonstrate that a satisfactory juxtaposition between the protected trees and the proposed development can be achieved, ensuring the long-term survival of these protected trees. The proposal is therefore contrary to Local Plan policies SP7, SPL3 (a) and (d) and PPL3 (d,) and Alresford Neighbourhood Plan policy ALRES7.
4. The proposed wide access road with parking areas either side, coupled with the location of the refuse bins and the inevitable requirement for external lighting to illuminate the extensive hardstanding, parking areas and access roads will have a significant harmful impact on the residential amenity of occupiers immediately to the south by reason of increased noise and disturbance and light pollution during the hours of darkness in the winter months. The proposal is therefore contrary to Local Plan policies SP7 (bullet point 12), SPL3 (Part B criteria e) and paragraphs 130 (f) of the NPPF 2023.
5. The application has failed to demonstrate that the development will have no significant impacts upon any protected species on or near the site. Moreover, the submission is also not supported by an appropriate ecological assessment and the application has failed to demonstrate that the development proposal will minimise impacts on biodiversity, and/or result in no net loss in biodiversity. The proposal is therefore in conflict with Local Plan policy PPL4, Alresford Neighbourhood Plan policy ALRES7, and paragraph 180 of the NPPF 2023.

7. Informatives

1. Application Refused Following Discussion - Where there is no Way Forward

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 reasons for the refusal, approval has not been possible.

2. Plans and Supporting Documents

The Local Planning Authority has resolved to refuse the application for the reason(s) set out above. For clarity, the refusal is based upon the consideration of the plans and supporting documents accompanying the application as follows, (accounting for any updated or amended documents):

505-01-00 – Colour Elevations – Units 1-4

505-01-02 A – Location Plan

505-01-03 A – Site Plan

505-01-04 A – Floor Plans – Units 1-9

505-01-05 – Elevations – Units 1-4

505-01-06 – Elevations – Units 5-9

505-01-07 – Roof Plans – Units 1-9

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:	YES	NO