

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	OA	20.03.24
Team Leader authorisation / sign off:	JJJ	20/03/2024
Assistant Planner final checks and despatch:	ER	21/03/2024

Application: 24/00136/FUL **Town / Parish:** Great Oakley Parish Council

Applicant: Mr M Gunton - Oakley Carpentry Ltd

Address: Harewood Surgery Harwich Road Great Oakley

Development: Proposed erection of two detached dwellings with garages and associated vehicular access (resubmission of 23/00161/FUL).

1. Town / Parish Council

Great Oakley Parish Council No Comments.

2. Consultation Responses

UU Open Spaces
28.02.2024

Public Realm Assessment

Play Space - current deficit:

- Deficit of 0.76 hectares of equipped play in Great Oakley

Formal Play - current deficit:

- Adequate open space to cope with some development

Settlement provision:

- School Road Playground and open space 0.3 miles from the development

Officer Conclusions and Recommendations

Contribution necessary, related, and reasonable?
to comply with CIL Regs*

- No contribution is being requested on this occasion.

Identified project*:

(In consultation with Town / Parish Council on upcoming projects or needs for maintenance)

- N/a

ECC Highways Dept
13.02.2024

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material, google earth image.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following

mitigation and conditions:

1. Prior to occupation of the development, both accesses at the centre line shall be provided with a clear to ground visibility splay as shown on Drawing No. 831.21.01 Rev H, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

2. Prior to occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres, shall be retained at that width for 6 metres within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge

Reason: to ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

3. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

4. At no point shall gates be provided at the vehicular access. The access shall remain open and free for use in perpetuity.

Reason: To give vehicles using the access free and unhindered access to and from the highway in the interest of highway safety and in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

5. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

6. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

7. Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation

of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

2: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

3: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Protection
02.02.2024

With reference to the above application, please see below for comments from the EP Team:

Contaminated Land: Due to the sites proximity to a piece of registered, historical contaminated land, and the surrounding historical agricultural land, the EP Team are requesting that a Watching Brief be adhered to throughout the demolition and construction phases. We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.

2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.

3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The

investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.

4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.

5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.

6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.

7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.

8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.

9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.

10. A photographic record will be made of relevant observations.

11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.

12. A Verification Report will be produced for the work.

Asbestos: Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

REASON: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following below is conditioned;

- No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst

construction works and alterations are being carried out.

- No materials produced as a result of the site development or clearance shall be burned on site.
- No dust emissions should leave the boundary of the site

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Essex County Council
Heritage

The application is for proposed erection of two detached dwellings with garages and associated vehicular access. (resubmission of 23/00161/FUL).

The proposal site is within the Great Oakley Conservation Area and within the curtilage of Harewood Surgery. Grade II listed Mill House and Phone Box are also in close proximity, on the opposite side of Harwich Road. The Surgery is marked on the 1897 Ordnance Survey map as 'Bleak House', is a large two-storey, three-bay house of red brick with white brick dressings under a hipped slate roof with prominent original chimney stacks. It occupies an isolated position, set back from the roadway in a large plot at the gateway of the eastern edge of the Conservation Area, which sets it apart from its surroundings. While its appearance has been somewhat diminished by the insertion of uPVC windows, the building is still considered to be of significance to the Conservation Area owing to its scale and architectural interest and can be considered a non-designated heritage asset.

Harewood surgery draws its significance from its isolated position, which marked the end of the historic core of the village, and from the extension of its plot, which was historically the formal garden to Bleak House.

The site, with its mature hedgerows makes an important contribution to the rural and verdant character of the Conservation Area and the undeveloped gap allows for glimpsed views of the open fields to the north of the Conservation Area. The site has been subject to a number of planning application and pre-application advise. As previously advised, there are in principle concerns regarding the introduction of a built form within the historic formal garden of the identified heritage asset, which forms the immediate setting of Harewood Surgery and contributes to the character and appearance of the Conservation Area. The proposed residential development would fundamentally change the character of the immediate setting from open and verdant into residential.

The setting of Harewood Surgery has already been eroded by the construction of two dwellings to the east end of the site, however the special interest of the historic building within its large plot can still be appreciated. The proposed additional dwellings would further encroach upon the historic building and completely infill the historically undeveloped gap of the formal garden.

It is noted that historic maps show a number of outbuildings within the eastern section of the garden, however these were likely ancillary buildings of modest scale and rural/industrial in character. Moreover, these were sufficiently set back from the main house, retaining the central location of the main building within its large undeveloped garden.

The proposal will result in indirect impact on the significance of Harewood Surgery by affecting those elements of the setting that make a positive contribution to the identified heritage asset and which better reveal its significance and would detract from the character and appearance of the Conservation Area, making Paragraph 208 of the NPPF relevant. As such, the local planning authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use.

In terms of scale and design, the proposed dwellings are similar in scale and character to the adjoining new constructions to the east of Harewood Surgery and would not resulting incongruous within the street scene providing that the proposed units are not higher than the existing. The construction of the proposed garages to the side of the proposed residential units would further infill the existing gap and prevent views of the agricultural fields from the Conservation Area and should therefore be avoided. Proposed materials are overall considered sympathetic to the Conservation Area, subject to the submission of specifications/samples of external materials and details of proposed windows and doors.

The proposed landscape shows extended areas of hardstanding which is not considered to be in keeping with the verdant character of the Conservation Area. Specifications and details of all hardstanding materials and boundary treatment would be required.

Tree & Landscape Officer
08.02.2024

The application site currently appears to form part of the curtilage of the Harewood Surgery and is set out as a garden area typical of a residential property of this size and scale.

The site is reasonably well treed with small fruit trees and established shrubs.

To show the potential impact of the proposed development on the trees on the land the applicant has submitted an Arboricultural Impact Assessment (AIA). This has been carried out in accordance with BS5837 2012 Trees in relation to design demolition and construction: Recommendations.

It is noted that the AIA cover trees to the west of the Drs Surgery that do not appear to be affected by the proposed development. This report relates only to trees and other vegetation affected by the proposed development.

The largest and most visually prominent tree on the application site is the Atlas Blue Cedar that is centrally situated. Although the tree makes a moderate contribution to the amenities of the locality the amenity value of the tree is not so great that it merits formal legal protection by means of a tree preservation order.

The tree is shown as removed and a replacement proposed in a

suitable position for the back garden.

As the remainder of the trees on the application site are relatively small and set back from the highway, they have low amenity value and consequently do not merit formal legal protection by means of a tree preservation order.

The information provided by the applicant adequately demonstrates that: although some trees will need to be felled to implement the development, no important trees will be removed.

At the present time the application site is well screened by the existing boundary hedge although it is noted that two sections will be removed to facilitate vehicular access to the new dwellings. The hedge does not fall within the scope of legislation under which it can be afforded formal protection. The retention of parts of the hedge will assist with the screening of the new dwellings.

In terms of soft landscaping, it appears that there is sufficient space for new tree planting the front of each proposed new dwelling.

Should planning permission be likely to be granted then details of soft landscaping should be secured by a planning condition. Soft landscaping should aim to soften, screen and enhance the appearance of the development.

Essex County Council
Ecology
20.02.2024

No objection subject to securing:

- a) a proportionate financial contribution towards Essex Coast RAMS
- b) biodiversity mitigation and enhancement measures

Summary

We have reviewed the submitted documents, including the Preliminary Ecological Appraisal and Impact Assessment (Eco-check, January 2023) relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures.

The site falls within the evidenced recreational Zone of Influence (ZOI) of Essex Coast RAMs. Given the residential element of this development is relevant, we note that the LPA has prepared a project level HRA Appropriate Assessment to secure a per dwelling tariff by a legal agreement for delivery of visitor management measures at the designated sites. This will mitigate for predicted recreational impacts in combination with other plans and projects and avoid Adverse Effect on Integrity of the designated Habitats sites.

We are satisfied that there is sufficient ecological information available for determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal and Impact Assessment (Eco-check, January 2023) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed biodiversity enhancements, which have been recommended by the Preliminary Ecological Appraisal and Impact Assessment (Eco-check, January 2023) to secure net gains for biodiversity, as outlined under Paragraph 180d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

In addition, the Preliminary Ecological Appraisal and Impact Assessment (Eco-check, January 2023) highlights that it is likely bats could be foraging/commuting within and around the site. Therefore, if any external lighting is to be proposed, it is advised that a sensitive lighting scheme is developed to minimise any impacts. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

"All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Impact Assessment (Eco-check, January 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY

ENHANCEMENT STRATEGY

"A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations, and heights of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2023 and s40 of the NERC Act 2006 (Priority habitats & species).

And if any external lighting is proposed;

3. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

"A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. Planning History

92/01192/FUL	(Harewood, High Street, Great Oakley) Alteration and extension to Surgery	Approved	05.03.1993
93/01367/FUL	(Harewood, High Street, Great Oakley) Alterations and extensions to Surgery	Approved	23.02.1994
97/00866/FUL	Single storey side conservatory for	Approved	09.12.1997

	residential use		
17/01262/OUT	Proposed erection of 2 no. dwellings.	Approved	22.09.2017
23/00158/FUL	Proposed erection of 1 no. detached dwelling.	Withdrawn	20.03.2023
23/00161/FUL	Proposed erection of 2no. detached dwellings and associated vehicle access.	Withdrawn	20.03.2023
24/00136/FUL	Proposed erection of two detached dwellings with garages and associated vehicular access. (resubmission of 23/00161/FUL)	Current	

4. **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 Local Plan 2013-33 and Beyond (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 made and the Minerals and Waste Local Plans adopted by Essex County Council.

In relation to housing supply:

The Framework requires Councils to significantly boost the supply of homes to meet the District's housing need. However, the revised Framework, published in December 2023, sets out in Paragraph 76 that (for applications made on or after the date of publication of this version of the Framework) local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

1. their adopted plan is less than five years old; and
2. that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

The adopted Local Plan meets these criteria.

Notwithstanding this updated provision, the Council will continue to demonstrate an updated supply of specific deliverable sites within its Strategic Housing Land Availability Assessment (SHLAA), which is published annually. The most recent SHLAA was published by the Council in November 2023, and demonstrates a 6.44-year supply of deliverable housing sites against the annual requirement of 550 dwellings per annum set out within the adopted Local Plan, plus a 5% buffer to ensure choice and competition in the market. (The SHLAA can be viewed on the Council's website: <https://www.tendringdc.gov.uk/content/monitoring-and-shlaa>.)

On 19th December 2023 the Government published the Housing Delivery Test (HDT) 2022 measurement. Against a requirement for 1,420 homes for 2019-2022, the total number of homes delivered was 2,207. The Council's HDT 2022 measurement was therefore 155%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development.

5. 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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework December 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
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP7 Place Shaping Principles

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

- SPL1 Managing Growth
- SPL2 Settlement Development Boundaries
- SPL3 Sustainable Design
- LP1 Housing Supply
- LP2 Housing Choice
- LP3 Housing Density and Standards
- LP4 Housing Layout
- HP5 Open Space, Sports & Recreation Facilities
- PPL4 Biodiversity and Geodiversity
- PPL5 Water Conservation, Drainage and Sewerage
- PPL8 Conservation Areas
- PPL 9 Listed Buildings
- PPL10 Renewable Energy Generation
- PPL15 Safeguarding of hazardous substance site, south east of Great Oakley/south west of Harwich
- CP1 Sustainable Transport and Accessibility
- CP2 Improving the Transport Network
- DI1 Infrastructure Delivery and Impact Mitigation

Supplementary Planning Documents

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

Tendring Provision of Recreational Open Space for New Development SPD 2008 (under review)

Essex Design Guide

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

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

7. Officer Appraisal

Site Description

The application relates to a rectangular parcel of land to the north of Harwich Road, Great Oakley. It measures 0.15ha and is situated to the north-east of Harewood Surgery and to the south-west of two residential dwellings.

The south eastern part of the site lies within the Great Oakley Conservation Area. The whole site also lies within the Bramble Island Safeguarded Area and the Mineral Safeguarding Area (for sand and gravel).

Proposal

The proposal seeks full planning permission for the erection of two detached dwellings with garages and associated vehicular access. The proposals (resubmission of 23/00161/FUL).

Planning History

The site was subject to a previous planning application (23/00161/FUL) for the same proposal, this application was withdrawn on the basis of heritage objections. In the main the heritage objections in respect of application 23/00161/FUL can be summarised as follows:

- Loss of eastern landscaped garden to Harewood Surgery
- Impact on identified non-designated heritage asset
- Impact on Conservation Area
- Design and scale not subservient
- Less than substantial harm and no public benefits.

The following is a summary of the proposed amendments as part of this scheme:

- Reduction in scale and design of proposed dwellings
- Further setback from Highway

Main considerations:

- Principle of Development
- Relevant History
- Scale, Layout, Appearance and Heritage
- Trees and Landscaping
- Ecology
- Residential Amenity
- Access, Parking and Highway Safety
- Flood Risk and Drainage
- Financial Contribution – Recreational Disturbance
- Financial Contribution – Open Space
- Other considerations

Principle of Development

The site is partially located within the Settlement Development Boundary (SDB), as defined in the Adopted Tendring District Local Plan 2013-2033 and Beyond Section 2. The proposed dwellings are almost entirely within the SDB with the gardens lying outside of it. In addition, in accordance with the Status of the Local Plan above, the Council is currently able to demonstrate a Five-Year Housing Land Supply, As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to decisions relating to new housing development. Therefore, the principle of development is acceptable subject to the detailed considerations outlined below.

It is noted there are no neighbourhood plans to consider.

Design and Appearance

Paragraph 131 of the National Planning Policy (NPPF) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Local Plan Policy SP7 states that all new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs. Furthermore, Policy SPL3 seeks to provide new development which is well designed and maintains or enhances local character and distinctiveness. The development should relate well to its site and surroundings and should respect or enhance local landscape character and other locally important features.

The applicant states within their submitted Planning Statement at Paragraph 5.11 that the scale of the dwellings has been significantly reduced, and the design brought into a traditional format that does not seek to replicate the Georgian Style previously submitted. It is however noted that the applicant has not fully considered the pre-application advice given with regards to the reduction in dwelling numbers.

The design of the new two storey dwellings has been enhanced from that submitted until application reference 23/00161/FUL by their reduction in scale and more traditional form and is broadly considered acceptable in keeping with the vernacular of the village. It is also accepted that the quality of materials proposed could provide a good finish, subject to the submission of specifications/samples of external materials and details of proposed windows and doors. Purely from a design and appearance perspective (in terms of the proposed dwellings) no policy conflict can be identified.

Impact on Heritage Assets (including Scale, Layout considerations)

Local Plan Policy PPL9 refers to Listed Buildings and states 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. In addition, Policy PPL8 states that with regards to Conservation Areas, New development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard to the desirability of preserving or enhancing the special character and appearance of the area. Proposals should be explained and justified through an informed assessment and understanding of the significance of the heritage asset (including any contribution made to that significance by its setting).

It is also outlined that the scale of the dwellings has been reduced and in view of this it is considered that the dwellings do not intrude into the elements of the Conservation Area that contribute to its significance

It is acknowledged that on the southern side of Harwich Road immediately opposite the site is predominantly characterised by houses built in the 1960's and 1970's which offer little to no characteristic connections to the adjacent conservation area, and while the more recently built dwellings of The Old Orchard and The Form to the north lie partially within the conservation area, they too are not considered to be examples by which to model new development in the area, especially new development within the conservation area. In addition, the proposed infill development would serve to continue the linear pattern of development on the northern side of Harwich Road, however the close proximity of the southern plot to Harewood would be visible from the road and it is considered that the proposed development as a whole would starkly contrast with the established built form of Harewood within the conservation area.

The above aside, this current iteration will continue to introduce significant further built form within the historic landscaped garden associated with Harewood, which has already been eroded by the

recent construction of two modern dwellings. Harewood surgery draws its significance from its isolated position, which marked the end of the historic core of the village, and from the extension of its plot, which was historically the formal garden to Bleak House. Some of this historic significance remain because the historic landscaped garden associated with Harewood is clearly now proposed to be the development site.

The site, with its mature hedgerows makes an important contribution to the rural and verdant character of the Conservation Area and the undeveloped gap allows for glimpsed views of the open fields to the north of the Conservation Area. As previously advised, there continue to be concerns regarding the introduction of built form in the manner proposed, and within the historic formal garden of Harewood Surgery, which contributes to the character and appearance of the Conservation Area. The proposed residential development, by reason of the extent of development, effectively spreading build form over most of the frontage part of the site from close to the south west side boundary, to almost up to the north east side boundary, with just a small gap between the two dwellings, would fundamentally change the character of the immediate setting from open and verdant into residential with extensive hardstanding and two new vehicular access points in relative close proximity to one another. The setting of Harewood Surgery has already been eroded by the construction of two dwellings to the east end of the site, however the special interest of the wider Conservation Area can still be appreciated. The proposed additional dwellings would further encroach upon the historic building and completely infill the historically undeveloped gap of the formal garden.

In summary, the scale and extent of the built form proposed and their height will contribute to the significant erosion of this part of the Conservation Area coupled with the introduction of two new access points which will erode the current landscaping identified above. It is not considered that a new landscaping scheme would overcome these concerns and create an ineffective screen which cannot replace the current clearly defined character.

The comments received from Essex County Council Place Services are noted with regards to the consideration that Harewood Surgery could be considered a non-designated heritage asset. However, the Council does not currently have Local List and there is no adopted Neighbourhood Plan in Great Oakley which confirms this claim. Therefore, it is considered that the principle heritage objection to the proposal is the detrimental character and impact on Great Oakley Conservation Area.

Overall, the proposal is not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposal would result in less than substantial harm to the significance of the conservation area according to Paragraph 202 of the National Planning Policy Framework. The proposal is for two private dwellings, the harm would be permanent and there is considered to be insufficient public benefit (stemming from the provision of two market dwellings) to outweigh the identified heritage harm in this case.

Furthermore, the proposal fails to make a positive contribution to local character and distinctiveness, as set out in Paragraph 197c of the NPPF.

Trees & Landscaping

Paragraph 136 of the NPPF sets out the importance of trees and the contribution they make to the character and quality of urban environments. It states that planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

Policy LP4 relates to housing layout and states; to ensure a positive contribution towards the District's 'sense of place', the design and layout of new residential developments will be expected to incorporate and maximise the use of green infrastructure, verges, trees and other vegetation.

The Council's Tree & Landscaping Officer has commented on the application and notes that the AIA covers some trees not part of the application site. The largest and most visually prominent tree on the application site is the Atlas Blue Cedar that is centrally situated. Although the tree makes a

moderate contribution to the amenities of the locality the amenity value of the tree is not so great that it merits formal legal protection by means of a tree preservation order.

The application site is well screened by the existing boundary hedge although it is noted that two sections will be removed to facilitate vehicular access to the new dwellings. The hedge does not fall within the scope of legislation under which it can be afforded formal protection. The retention of parts of the hedge will assist with the screening of the new dwellings.

It is also noted that should planning permission be granted then details of soft landscaping should be secured by planning condition. On this basis the proposals are considered acceptable and in line with Paragraph 136 of the NPPF and Policy LP4 of the Local Plan.

Ecology

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. The following features underscore how the proposal positively impacts biodiversity, offsetting requirements necessary for the development to take place.

Residential Amenity

Policy SPL 3 of the Local Plan States that new development (including changes of use) should be compatible with surrounding uses and minimise any adverse environmental impacts. The development should not have a materially damaging impact on the privacy, daylight or other amenities of occupiers of nearby properties.

Policy LP3 requires compliance with the nationally described space standards. This standard deals with internal space within new dwellings and is suitable for applications across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. For example, a four bedroom, eight-person two storey dwelling requires a minimum of 124 square metres of gross internal floor space which includes built in storage of 3 square metres.

The proposed dwellings are positioned back from the frontage of Harwich Road and considered to follow the pattern of building line on this side of the road. Their positioning will not create any undue residential amenity concerns by way of privacy, daylight or other amenities of occupiers of nearby properties and this is considered in line with the above policy.

Access, Parking & Highway Safety

Local Plan Policy LP 4 refers to housing layout and states the new residential development will be expected to accommodate residential parking provision for residents on-plot, either at the front or side of dwellings with sufficient provision of on-street parking for use by visitors and delivery vehicles. Essex County Council Highways have been consulted as part of the application and consider that from a highway and transportation perspective the impact of the proposal is acceptable subject to the conditions outlined above.

The Essex County Council Parking Standards 2009 states that for dwellings of two or more bedrooms, two off-street parking spaces should be provided.

The application site is of a size that allows for at least two parking spaces that meet the current parking standards where one space measures 2.9 metres x 5.5 metres.

Flood Risk, Drainage and Foul Sewage Disposal

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. Connection to the mains is the preferred option having regard to the drainage hierarchy and building regulations requirements.

The application form states that foul sewage will be disposed by way of mains sewer but no information has been provided with regards to the connectivity to the existing drainage system.

Financial Contribution – Recreational Disturbance Financial Contribution

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 residents of new housing are therefore considered likely to regularly visit relevant designated sites for recreation.

The site is not within or directly adjacent to one of the European designated sites but lies within the Zone of Influence being approximately 1.5km from Hamford Water SPA and RAMSAR. In accordance with Natural England's advice there is no requirement to consult them due to the specified mitigation secured by Unilateral Undertaking.

The applicant has provided a completed Unilateral Undertaking to secure the required financial contribution in accordance with the adopted Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) and the application is therefore compliant with Local Plan Policies SP2 and PPL4 and Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Other Considerations

The Council's Environmental Protection team have confirmed that due to the site's proximity to a piece of registered, historical contaminated land, and surrounding historical agricultural land, a Watching Brief is requested and should be adhered to throughout the demolition and construction phases. The watching brief could be conditioned.

Conclusions

Overall, the proposal is not considered to preserve or enhance the character or appearance of the Conservation Area, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposal would result in less than substantial harm to the significance of the conservation area according to Paragraph 205 of the National Planning Policy Framework. The proposal is for private dwellings, the harm identified will be permanent and there is insufficient public benefit that outweighs the harm in this case.

Furthermore, the proposal fails to make a positive contribution to local character and distinctiveness, as set out in Paragraph 203c of the NPPF.

8. Recommendation

Full - Refusal

9. Reasons for Refusal

- 1 Paragraph 205 of the National Planning Policy Framework December 2023 (NPPF) states that 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. Paragraph 208 of the NPPF states that when less than substantial harm to a designated heritage asset is identified, the harm must be weighed against the public benefits of the proposed development.

Policy PPL8 (Conservation Areas) of the adopted Local Plan are considered to be consistent with the NPPF in these respects. Policy PPL8 states that development within a designated Conservation Area, or which affects its setting, will only be permitted where it has regard for the desirability of preserving or enhancing the special character and appearance of the Conservation Area, especially in terms of a. scale and design, particularly in relation to neighbouring buildings and spaces; b. materials and finishes, including boundary treatments appropriate to the context; c. hard and soft landscaping; d. the importance of spaces and trees to the character and appearance; e. any important views into, out of, or within the Conservation Area.

The proposed dwellings, by reason of their scale, extent, height and form would result in an unacceptable erosion of the Conservation Area. The identified harm would amount to 'less than substantial harm' to this designated heritage asset. Given that the Council currently have a comfortable five-year housing land supply, there would not be any public benefits that would outweigh this level of less than substantial harm identified.

Therefore, the proposals are considered to be which is contrary to the aims of the above national and local plan policies.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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):

- Drawing No. 831.21.03 – Existing Block Plan and Sections
- Drawing No. 831.21.02A – Site Plan and Proposed Sections Elevations and Floor Plans
- Drawing No. 821.21.01H – Block Plan Elevations and Floor Plans
- Design and Access Statement – Received 29.01.24
- Planning Statement – Received 12.02.24
- Arboricultural Assessment and Method Statement – Received 29.01.24
- Enviroscreen Report – Received 29.01.24
- Ecological Appraisal and Impact Assessment – Received 29.01.24
- Tree Constraints Plan – Received 29.01.24

11. Equality Impact Assessment

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic* and those who do not, including tackling prejudice and promoting understanding.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact (As known with application)
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral

12. Notification of Decision

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